



Strasbourg, 11 October 2006

RL/GT (2006)1 Addendum

**European Network for the exchange of information between persons  
and entities responsible for the training of judges and public prosecutors  
(Lisbon Network)**

**Report on the contribution of judicial training bodies  
to the concrete implementation of Opinion CCJE (2003)4  
of the Consultative Council of European Judges (CCJE)  
on appropriate initial and in-service training for judges  
at national and European levels**

1. At the 7<sup>th</sup> plenary meeting of the Lisbon Network, participants, in the framework of the examination of the future role of the Bureau of the Network, agreed to entrust the Bureau with the task of examining, in liaison with other concerned bodies of the Council of Europe, the ways and means of implementing certain texts of the Council of Europe, particularly Opinion No4 (2003) of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers of the Council of Europe on appropriate initial and in-service training for judges at national and European levels.
2. The Bureau, meeting in Strasbourg on 15 June 2006, decided to constitute itself as an *ad hoc* working group to examine the contribution of training bodies to the concrete implementation of Opinion No. 4 of the Consultative Council of European Judges (CCJE) on appropriate initial and in-service training for judges at national and European levels. The draft report containing concrete recommendations will be submitted to the Network's 8th plenary meeting.
3. Being aware of the great differences among European countries with respect to the training of judges, the authors of this report have tried to make a list of the possible application measures which, having in mind the specific features of all judicial systems, could serve at putting into practice the recommendations of the Opinion no. 4 of the CCJE

	Principles and recommendations	Implementation measures
<p><b>I. Introduction<sup>1</sup></b></p>	<p>Regardless of how diverse legal systems may be in Europe's countries, <b>judicial training is essential so that justice as a public service can work properly.</b> The training of judges is:</p> <ul style="list-style-type: none"> <li>- a guarantee for their independence and impartiality;</li> <li>- an ethical obligation;</li> <li>- a condition for the confidence of people in the judicial system.</li> </ul>	<p><b>Recognition of those principles in the fundamental documents of the judicial system</b></p> <ul style="list-style-type: none"> <li>- the law on the organisation of the judiciary, the status of judges, strategic documents, the status of the training institution etc.</li> </ul> <p>Such recognition would favour the following elements, <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>- obtaining/allocating the training resources,</li> <li>- creating or strengthening a specialised institution which is responsible for the judicial training and which should enjoy an independent status, as it will be further detailed,</li> <li>- strengthening a certain training culture inside the system.</li> </ul> <p>Including those principles in the legislation flows from and as much as it can strengthens <b>the rule of law.</b></p> <p>The detailed presentation of the right to training and of the conditions in which this right can be enjoyed could make the object of <b>secondary legislation.</b> An equivalent solution would be to assign the task of defining the actual details of how the training right should be exercised to a <b>specific body.</b></p>
<p><b>II. The right to training and at what level this right should be guaranteed</b></p>	<p>The <b>constitutional principles</b> should guarantee the independence and impartiality of judges</p> <p>Judges should have the <b>ethical obligation</b> to see to it that professional competence is maintained at a high level.</p> <p>This task should be assigned to a <b>specific body</b> that will be responsible for developing the training programme, implementing</p>	<p>The right and obligation (where such an obligation exists) of judges to be trained should be formalised in their Status.</p> <p>The details of the conditions to exercise this right (as well as the importance attached to it in the context of judicial training) – secondary legislation or specific body.</p> <p><b>The right to training</b></p> <p>Anyway, the fact that judges should be trained <i>free of charge</i> should be formalised in the relevant documents as well as ensured in practice. This goes hand in hand with the fact that the relevant public authorities should provide <i>the necessary means.</i></p> <p>The right to have continuous access to training could be carried into effect for example by the following elements<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>- number of paid days off that judges are allowed to take to participate in the training</li> </ul>

<sup>1</sup> This draft report follows the structure of Opinion Nr. 4 of the CCJE; ; it tries to identify for each of the principles within the opinion (a synthesis of these principles makes up the second column) concrete application measures (the list of which makes up the third column); sometimes the implementation measures proposed are repeated, because there are unavoidable links between chapters (right and obligation to be trained, initial training, in-service training, assessment of the training, training in European matters;

<sup>2</sup> See, among others, the Analysis of the responses to the three questionnaires that the Bureau has sent to the Network members, Raffaele SABATO, Judge, Naples Tribunal)

	<p>the programme or supervising the way the programme is implemented. The obligation of the State to provide the judiciary with the necessary <b>means</b>.</p>	<p>sessions,</p> <ul style="list-style-type: none"> <li>- scholarships that are funded by the judiciary,</li> <li>- possibility to choose the topics of training sessions and, at a more general level, the possibility to influence decisions regarding judicial training,</li> <li>- inclusion among the criteria for professional evaluation of the participation to training,</li> <li>- obligation for the amangement of courts to allow judges to take part in training.</li> </ul> <p><b>The obligation/responsibility for training</b>  Taking into account the importance of public justice as well as the great responsibility which flows from it for judges and prosecutors and without contradicting the principle according to which the right to training is the general rule, the obligation to training could be stated in the documents that govern the judicial organisation or in the codes of ethics, in specific instances such as:.</p> <ul style="list-style-type: none"> <li>- before occupying a position in a specialised court</li> <li>- before taking up a managerial position in court,</li> <li>- in case of fundamental changes in the legislation etc.</li> </ul> <p>To all these one should add initial training which, regardless of the way recruitment was done, should be mandatory at the beginning of the career.</p>
<p><b>III. The authority in charge of training</b></p>	<p>The authority in charge of training should:</p> <ul style="list-style-type: none"> <li>- be <b>independent</b> from the executive and legislative powers of the state,</li> <li>- be placed under the <b>control</b> of the judiciary (Higher Council of Magistrates, or of the judicial system, or an association of judges, etc.),</li> <li>- enjoy <b>autonomy, own budget</b>, as well the possibility to define</li> </ul>	<p>The implementation measures that regard the authority in charge of training courses can be grouped as follows: measures regarding the status of the authority, its scope of activity and measures regarding the trainers.</p> <p><b>Status and scope of activity of the authority in charge of training:</b>  Implementing the principles and recommendations that concern the status of the authority requires, from our perspective, both legislative or institutional measures and practical measures.</p> <p><b>Legislative or institutional measures</b></p> <ul style="list-style-type: none"> <li>- Legislative acknowledgement of the status of the authority in charge of training (the law on the organisation of the judiciary, the regulation governing the organisation and operation of the authority etc.) so that the principles presented in the Opinion can be integrated properly;</li> </ul>

	<ul style="list-style-type: none"> <li>- the training programmes, be <b>made up of</b> magistrates, for at least half of its part;</li> <li>- be sufficiently <b>separated</b> from the authority that assigns, promotes and ensures the discipline of this profession, be the one to select the <b>trainers</b> from among people who are the best professionals in their line of work;</li> <li>- watch to maintaining <b>quality</b> of the training programmes and to improve the performance of the trainers.</li> </ul>	<ul style="list-style-type: none"> <li>- The independence could be provided by placing the training institution under the authority of the high council of justice or under its coordination; also, avoiding ties too close to either the Ministry of Justice (appointment of the leading persons, the trainers, budget allocation, approval of the organisational chart etc.), the Ministry of Education (accreditation, recognition of diplomas etc.), or, more generally, with any other agency belonging to the executive power;</li> <li>- Autonomy could be obtained through the agency of a managing board made up in majority of judges (who should be appointed, for instance, by the high council of justice, by the higher jurisdictions or by the association of judges) and that should take charge of the following: assign the managerial team, select the trainers, define the training programmes, approve the strategic plans etc.</li> <li>- The ties with the high council of justice could cover the following: approval or clearance of the strategic plans and training programmes, the assessment of the quality of training; in any event of the case, too tight ties with the authority in charge of assigning, promoting or ensuring the discipline in the judiciary should be avoided.</li> </ul> <p><b>Practical measures</b></p> <p>The legislative provisions and the institutional arrangements could be useless if there are no practical measures aimed at ensuring the efficiency of the said provisions: A proper budget, a sufficient number of positions in the organisational chart (both for the administrative positions and for the full-time trainers), or any practical arrangements aiming at ensuring training at a regional level (such as, regional centres that have enough accommodation capacity) etc.</p> <p><b>Selection and training of trainers</b></p> <p>As far as trainers are concerned, the target is to recruit the best specialists - most of whom should be judges or prosecutors - and to have and use a group of stable and professional trainers. For that purpose, we need to consider a number of issues that are relevant for the selection, training and assessment of trainers:</p> <ul style="list-style-type: none"> <li>- The <b>selection procedure</b> should be public and fair and should rely on predetermined criteria and no influence from the executive power should be permitted;</li> <li>- Trainers should enjoy an attractive status (including an alleviation of the work load in the case of part-time trainers),</li> <li>- The recruitment system should be correlated with the assessment of the training needs</li> </ul>
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		<p>(as far as the number of trainers is concerned, but also to cover the new training areas that appear to be necessary in practice),</p> <ul style="list-style-type: none"> <li>- A proper balance should be found among full-time trainers, part-time trainers and occasional collaborators, so that trainers can keep abreast of the judicial practice;</li> <li>- The trainers team should cover all regions and jurisdictions/appellate courts in a well-balanced manner,</li> <li>- <b>Recruitment criteria</b> should focus on professional competence and equally on the teaching skills,</li> <li>- There should be a "<b>training of trainers</b>" focusing on both substance (content of the training courses) and teaching methodology; such a system should rely on the permanent collaboration with a specialist in educational sciences, in order to establish a sort of school brand in terms of teaching methodology;</li> <li>- The permanent <b>assessment</b> (by the trainees, the specialist in educational sciences or the school staff) of the activity of the trainers seems to be indispensable; in this respect, a database with all trainers and the assessment of their performance would make a useful tool;</li> </ul> <p>The authority that is in charge with training needs a strategic plan in order to establish and accomplish its own objectives; the existence of such a strategic plan should be investigated separately from its content.</p>
<p><b>IV. Initial training</b></p>	<p><b>Mandatory initial training</b></p> <p>Initial training should be <b>mandatory</b>, regardless of how magistrates are recruited;</p> <p>Yet the scope and the <b>content of the initial training</b> should be targeted and tailored to the recruitment system and to the previous experience that magistracy candidates have;</p> <p>Even in the case of judges recruited</p>	<p><b>Mandatory initial training</b></p> <p>The internal legislation of members states should stipulate that initial training should be mandatory and that their duration and curricula should be adapted and tailored according to the recruitment methodology and previous experience of the future magistrates;</p> <p><b>Magistrates recruitment system and the way it influences initial training</b></p> <p>The design of the initial training programme considerably depends upon the choice of the recruitment system.</p> <p>Having in mind the great diversity at European level in the matter of recruiting judges and although Opinion No. 4 of the Consultative Council of European Judges makes no explicit</p>

	<p>from among experienced lawyers, the <b>minimum training</b> should cover the following topics: the deontology, the rules of procedure, the relationship with the other players of the judicial system.</p> <p><b>The initial training programme</b></p> <p>The authority in charge of training, the trainers and the judges should <b>establish</b> the programme:</p> <p><b>Topics</b> to be covered by the initial training programme: How to approach litigation (including proper knowledge of the national law, in terms of substance and procedure), ethics, other areas that are relevant for the judicial activity (business administration, court management, IT, foreign languages, social sciences, alternative dispute resolution models), European questions (ECHR, community law, compared law), openness to the social area;</p> <p>Proper <b>duration</b> of initial training, that varies depending on the types</p>	<p>mention on how judges should be recruited, there are paragraphs (see, as an example, par. 5, 28 <i>i</i>, and 30) that suggest that the implementation of the above mentioned recommendations involves the <b>adoption of a recruitment system</b> whose main features might be the following:</p> <ul style="list-style-type: none"> <li>- A system that verifies professional qualities (in terms of knowledge, skills and attitudes) and moral assets of candidates (including their motivation); actually, we do need a system that enables a reasonable prediction of the future performance as judges of the selected candidates; that is why we would rather believe that stress should be laid on skills and attitudes rather than on the depth of knowledge (which is nevertheless useful in order to ensure a minimum starting basis of the justice students);</li> <li>- An objective system, that should be free of any induced influence;</li> <li>- A mixed system offering the benefit of diversity of the origin of candidates; a similar effect could be obtained by the systems where legal education is post-academic; it is worth noting in this context that what is meant by mixed system is not a diversity of recruitment standards or authorities in charge – which should stay the same all along the process, but rather the previous experience and the background of knowledge and competences of candidates;</li> <li>- a system that should be correlated with the initial training programme, as well as with the profile of the ideal magistrate (so as to make recruitment more objective).</li> </ul> <p><b>Designing the initial training programme</b></p> <p><b>WHO</b></p> <p>Assigning the task to establish every year the initial training programme to the authority in charge of training seems to be the most reasonable solution. Asking for the opinion of the high council of justice seems to be equally desirable.</p> <p><b>HOW</b></p> <p>In order to establish the initial training programme, the authority in charge should also proceed as following:</p> <p>Should collect the training needs of the judiciary; there are several categories of persons and data that should be consulted, apart from trainers: The magistrates themselves (for instance, through the associations of judges and prosecutors), their partners (counsels, public notaries, clerks, etc.), representatives of the civil society, statistical data about the number and type of cases, the analysis of the questions of law that have received different solutions in the judiciary practice or the type of litigation brought before international courts</p>
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	<p>of recruitment that precedes the training, yet nevertheless including any of the following: <b>Training sessions</b> should be long enough and should be designed as a <b>joint training session</b> together with other legal and judicial professionals:</p>	<p>(the European Courts in Strasbourg and Luxembourg above all); Integrating the lessons that have been learned from the assessment of the training sessions performed in the previous years is equally needed.</p> <p><b>TO WHOM</b></p> <p>Initial training is primarily designed for the future judges and prosecutors. Still, in order to ensure an interdisciplinary training, some of the concrete training actions could be organised in conjunction with the clerks, the lawyers, the notaries, the police officers etc.</p> <p><b>Training topics</b></p> <p>There are many useful topics that a thorough training of future judges relies on, and a list of these topics may be found in the Opinion. Most of these areas do not need a more detailed approach. Therefore, we will only dwell on the following issues:</p> <ul style="list-style-type: none"> <li>- practical approach towards solving cases,</li> <li>- open mindedness and social sensitivity,</li> <li>- alternative dispute resolution methods</li> </ul> <p>The issue of training on European matters will be presented in the last chapter.</p> <p>Before looking at each of these questions in greater detail, we need to make several general remarks:</p> <p>First of all, the entire initial training programme should instil among justice students the idea that their job involves a <b>life-long learning process</b>; this is already suggested by the fact that when one speaks about judicial training, one speaks about: initial training, in-service training, decentralised training and self-studying as well as by the fact that we are speaking about both the right and the obligation to training.</p> <p>Apart from purely technical competencies, a magistrate should be equally capable of managing an office, a certain type of litigation, a jurisdiction; moreover, learning how TO BE a judge includes being <b>concerned by, and involved in, the development of your own profession</b>; magistrates should become familiar with this kind of concerns starting from their initial training.</p> <p>Last but not least, future judges should not only study the law but also the rationale behind</p>
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it; consequently, training should not only deal with the law but also with fairness

*practical approach towards solving cases,*

What is studied as part of the initial training is at least in part (depending on the recruitment system) a new profession. This is exactly the reason why special attention should be attached to this whole process in order not to have elements of the curriculum overlapping with the topics that were studied in law school, and also training should be **practical** too. Several measures can be taken for the purpose:

**The choice of trainers;** most of them should have a rich practical experience in the topic they teach; under these circumstances, there are numerous reasons for which enough full-time trainers should be selected from the professional environment; yet, you need to make sure that they stay abreast of the practical side of their work too (for instance, they should be assigned on the teaching job for a limited amount of time, say not more than 3 to 5 years);

**The choice of teaching methods;** participative/interactive methods (such as work on case files, in small groups and accompanied by a magistrate, hearing simulations) come to highlight the practical character of the teaching process; under these circumstances, collecting the case files that are used as teaching material in a large archive could prove to be extremely useful; not to mention that this archive could be electronic; also connected to the teaching methods are the examination methods that should check not only the new knowledge acquired, but also the skills and attitudes;

Also joint training sessions should be alternated with practical work in courts or other institutions of the judicial system;

Training sessions should be performed in conjunction with the training institutions of clerks, attorneys, police officers, social workers etc. (so as to make sure that training has an interdisciplinary character).

*Open mindedness and social sensitivity*

Taking into account that - in the definition of the open mindedness – independent/critical thinking, the capacity to question oneself and to tolerate other people's opinions go hand in hand with a sort of intellectual curiosity, then the conclusion is that the training programme should at the same time **encourage the independent/critical thinking** of justice students and **satisfy to their intellectual curiosity**. Several measures can be taken for the purpose: First of all, you need to make sure that initial training is not confined to providing specific

		<p>solutions to specific problems or just a unique "official" version for the profession, but it rather consists of "arming" these people with reasoning principles and schemes and of always asking them to chose in a reasoned manner from among various possible solutions; in order to reach such a target, participative teaching methods and trainers with an open spirit and who know how to present the legal reality from various angles are as many indispensable ingredients;</p> <p>- An image which provides subtle projections of the realities of the multicultural society can be offered to magistrates through measures such as: A series of conferences on current issues, training sessions or practical work outside the judicial system, extracurricular projects that should involve work in small groups (7-10 persons) on matters of public interest yet that are not associated to the legal issues etc.</p> <p><i>Alternative dispute resolution methods</i></p> <p>In an environment characterised by increased litigation and by scarce resources, it seems indispensable to give the future judges and prosecutors at least the very basics of alternative dispute resolution methods and techniques.</p>
<p><b>V. In-service training</b></p>	<p>Here are the main <b>targets</b> of in-service training:</p> <p>Promote a <b>forum</b> where magistrates can exchange, share and make the most of their best practices and where they can contemplate together the major issues of society; such a forum should bring together <b>all levels of the judicial power</b>;</p> <p>Provide an <b>update</b> for everything connected to legislative and practical changes;</p> <p><b>Accompany a change in positions</b> (specialised jurisdictions, heads of jurisdictions, etc.).</p> <p>These targets should be pursued</p>	<p><b>Legislative acknowledgement</b></p> <p><b>The internal legislation</b> of all member States should provide for the right and obligation (in specific instances) to get in-service training, as it has already been indicated above.</p> <p><b>Designing the in-service training programme</b></p> <p>All considerations that regard the preparation of the initial training programme – having regard to the authority THAT should take that responsibility, the WAY it should be designed and the beneficiaries of the programme – are entirely applicable to the in-service training too. The same goes for the need to repeat this exercise on a regular basis. The fact that judges are the main beneficiaries of the in-service training programme bears a supplementary nuance here, namely the fact that judges should have the possibility to influence decisions concerning training.</p> <p>On top of the considerations above, we also have the <b>WHEN</b>, more specifically needs should be itemised before the budget for the respective year is prepared, precisely so as to</p>

	<p>based – for the most part - on the dissemination of a <b>training culture</b> inside the judicial community, that would do so that jurisdictions themselves urge their members to pursue these in-service training sessions.</p> <p><b>The right and obligation to be trained</b> In order to be more efficient and to avoid bureaucracy, in-service training should be attractive and should rely on voluntary initiatives. As a consequence, the right to training should be a rule, whereas the case where in-service training becomes mandatory should make an exception. <b>Necessary time and resources</b> should be provided for the enforcement of the right and obligation to get training.</p> <p><b>Designing the in-service training programme</b> This <b>task</b> should be assigned to the <b>authority that is responsible for the training courses of magistrates</b>, following consultations with trainers and magistrates.</p> <p>Also, for purposes of the in-service training, it is desirable to <b>collaborate with other bodies.</b></p>	<p>make sure that resources invested will match the needs.</p> <p><b>Content of the in-service training programme</b></p> <p>The in-service training programme should focus on satisfying at least the targets that are indicated in the above mentioned Opinion (<i>i.e.</i> forum of exchange – with other judges and prosecutors but also with representatives of other professions such as clerks, police officers, medical doctors within the framework of interdisciplinary training -, update of knowledge and competences and assistance to change). Taking into account the specific needs of each country, other targets could also be followed as well: unification of the judicial practice, providing possibilities to develop parallel technical skills (foreign languages, IT literacy), improve the media relationship and public relations skills etc.</p> <p><b>Implementation of the programme</b></p> <p>Announcing the planned training programme some time in advance for the following 6/12 months – more specifically, a list of the major objectives pursued, a list of training activities and the dates, topics, target audience and trainers for each training session – could be an efficient way of ensuring the dissemination of training among members of the judicial community.</p> <p>As part of the programme implementation process, several elements should be highlighted in particular; The issue of access to in-service training; The choice of teaching methods and trainers; The need to complement training by measures other than just seminars; The benefits that are connected to the de-concentrated training add up to the training which is provided nationally;</p> <p><i>Selection of participants</i> The selection of participants is quite a delicate issue linked to the issue of access to in-service training: Solving this issue involves a case-by-case approach and also a proper balance among the interests at stake, that sometimes diverge: The interest of each magistrate to build their career as they please, the interest to render all training actions as</p>
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		<p>efficient as possible through the choice of knowledgeable participants, the even greater interest of the judiciary to invest the training resources in areas and categories of magistrates that mostly need them.</p> <p>Under these circumstances, maintaining the same list of participants for a whole series of seminars that focus on the same general topics could prove to be more efficient in some cases than occasional participations of 2 or 3 days, on a now and then basis.</p> <p>A database where to keep track of a magistrate's training history, the specialised areas and their choice of training programmes along the years is a tool that becomes ever more useful.</p> <p><i>The selection of teaching methods and trainers</i>  Since we are dealing with adult education and more specifically with training of magistrates, we do not need exactly just any training method. All considerations that regard initial training and the authority which is responsible with training based on interactive methods, as well as the selection and training of trainers are all the more applicable to in-service training.</p> <p><i>Measures other than seminars</i>  Taking into account the increasing need of training and the resources that are not at all unlimited, traditional training activities are no longer sufficient. Alternatives are numerous and, with support from the modern technology, they are ever more present in: legal resource centres, websites, fora, e-learning platforms, exchange programmes between institutions and countries, training sessions abroad etc.</p> <p>It is worth emphasizing that this goes beyond the meaning of traditional training and is rather closer to assistance to personal development.</p> <p><i>De-concentrated training systems</i>  Complementing national training with de-concentrated training systems provides a number of undeniable benefits, such as: a better appreciation of the specific/regional needs of training, lower costs and a better <i>rapprochement</i> of trainers and trainees.</p>
<b>VI. Assessment of the training</b>	<b>WHO assesses WHAT</b> <b>The authority in charge of training</b>	The need to implement a system that enables a regular assessment of the training activity is

	<p>should control the following elements on a regular basis:  <b>The training programmes and methods</b> that are used:  the performance of <b>trainers</b>;  The progress of <b>participants ONLY</b> in the case of <b>temporary assignment</b> and for the <b>initial training</b>.</p> <p>HOW</p> <p><b>The opinion of participants</b> about the training sessions is highly important and should be requested by appropriate means (such as questionnaires, discussions, etc.).</p> <p>Participation as it is could be taken into account when the professional assessment is performed.</p> <p>In case that the performance of trainees is appraised, then <b>sufficient warranties should exist against arbitrariness</b>.</p>	<p>beyond any doubt.</p> <p>One may think of several types of assessments:</p> <ul style="list-style-type: none"> <li>- Internal assessment that should be performed by the authority in charge of training;</li> <li>- Exterior assessment that should bring together the points of view of the high council of justice, the professional associations of magistrates, the magistrates themselves, their partners inside the judicial systems, trainers, litigating parties etc.</li> </ul> <p>The assessment as we understand it should cover all the programmes that have already taken place, as applicable: initial training, in-service training, training of trainers, organisation of contests and exams, preparation of public policies for the judicial system etc.</p> <p>However, at least as important as assessing is to correctly define WHAT is being assessed. Otherwise there is a risk that assessing might indirectly lead to negative effects (for instance, if one only assesses the speediness of proceedings, the quality of the reasoning might be unduly affected).</p> <p><b>Internal assessment</b>  <i>Contests and exams/selection, appointment process</i></p> <p>The measurement of how successful contests and exams are should cover relevance, objectivity and fairness. For instance, <b>the relevance</b> of the contest that magistrates are supposed to take before they get into the initial training programme could be checked by means of a comparison between the results of the admitted candidates with their performance during initial training and with their professional assessment during the first year of work; such a comparison could reveal the capacity of candidates to cope with the rigorous of the initial training programme and to become reliable judges.</p> <p>Checking the <b>objectivity</b> of such an exam is also connected to maintaining exigency standards from one exam to the other.</p> <p>Finally, assessing the <b>fairness</b> of exams means to make sure that the assessment is done in a correct manner and that tests do not unfairly discriminate against the various types of population that is tested (sexual minority, linguistic minority, ethnical minority etc.)</p> <p>Such an evaluation requires the creation of a database collecting various exam results; also that data should be statistically analysed.</p> <p>On top of that, also taken into account should be the regulatory provisions about the</p>
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	<p>membership of exam juries, the status of these juries (<i>i.e.</i> their independence), the transparency in the organisation of exams etc.</p> <p><i>Initial training, in-service training and training of trainers</i></p> <p>Performance needs to be assessed at different times for all these categories of training courses:</p> <ul style="list-style-type: none"> <li>- Assessment of the preliminary conditions that are needed for good-quality training;</li> <li>- Assessment of each training course (the pedagogical engineering);</li> <li>- Assessment of the training results.</li> </ul> <p>The assessment of the preliminary conditions focuses on the following elements:</p> <ul style="list-style-type: none"> <li>- The status and organisation of the institution (independence, budget, human resources and locations);</li> <li>- The architecture of the training programmes (collection of training needs, access to training);</li> <li>- Existence of a teaching project that treats the questions as: the profile of the magistrate, the content of the training course, the selection of trainers, the training methodology policy of the school, the social context in which that particular institution functions.</li> </ul> <p>Here are the elements that form the pedagogical engineering: the Who (target audience), the what (training content), the through whom (the selection of trainers), the where (the selection of locations), the when (choice of duration and timing of the training courses), the how (choice of teaching methodologies) and the why (to ensure the continuity and progress).</p> <p>The outcome of the training courses has to be differently assessed in the case of initial training (see above the chapter devoted to contests and exams) as compared to the in-service training (where applicable are rather the indirect and exterior assessment, just as we are about to present in the coming pages).</p> <p><b>External assessment</b></p> <p>Training could also be assessed through a justice quality assessment system, for the countries where such a system is already in place. The evolution of certain performance indicators can be influenced by the training of the magistrates; The analysis of the evolution</p>
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<p><b>VII. The European training of judges</b></p>		<p>of these indicators could provide data about the quality of the training performed.</p>
<p>Strengthening <b>the study of the European law</b> (European Human Rights Convention, other conventions and agreements of the Council of Europe, the EU Treaty and the related texts, compared law) in universities and in initial and in-service training programmes.</p> <p>Strengthening the programmes and institutions that deal with <b>European cooperation</b> among justice students, magistrates, trainers and training institutions, such as the Lisbon Network, the European Judicial Training Network.</p>		<p>Aside from the implementation measures that derive obviously from the principles and recommendations that are presented in the Opinion (strengthening the study of the European law and Europe-wide cooperation) we could add at least one element, more specifically <b>joint training</b> on European issues at <b>European level</b>. But that involves a number of intermediary stages:</p> <ul style="list-style-type: none"> <li>- The gradual harmonisation of the training programmes that focus on European issues:</li> <li>- The preparation of European training quality standards;</li> <li>- The networking of teaching resources and trainers on European matters;</li> <li>- Amplification of cooperation activities (with the aim of both furthering the direct contact between judicial authorities and the mutual recognition of judicial decisions): internships for justice students, magistrates and trainers in European institutions and courts or prosecutor's offices, other types of meetings (like summer schools, contests for the justice students), national training courses open for magistrates all over Europe etc.;</li> <li>- A more intense study of foreign languages.</li> </ul>