



# Modernising EU Justice systems by boosting training of justice professionals

6-7 May 2021



## ***Dissemination of the European strategy on judicial training***

<https://european-judicial-training-2021.eu>

*Report by Cédric Le Bossé, representing the EPTA network within the European Commission's expert group on judicial training.*

### **Welcome by Directorate-General Justice and Consumers**

[Richard Sonnenschein, Director of the Criminal justice Directorate and Peter Csonka, Head of the General criminal law and Judicial Training unit<sup>1</sup>](#)

Mr Sonnenschein & Mr Csonka marked the occasion as a milestone of dissemination of the Strategy and stated the contents and objectives of the conference.

The European strategy on judicial training is the common thread of the conference. One of its goals has already been achieved: training half of the justice practitioners. Its other goals are being addressed and differentiated by professional category.

### **Welcome by the Judicial Training Centre of Portugal (Centro de Estudos Judiciários)**

[Dr. João Manuel da Silva Miguel Juiz Conselheiro - Director](#)

The present conference is organized under the Portuguese presidency of the EU Council.

In the last five years the Portuguese Centre of Judicial Training has trained more than 2600 magistrates. The conference is an opportunity for sharing experience and vision of trainers, for sharing and comparing best practise in their efforts to implement the strategy.

### **Keynote speeches**

[Didier Reynders, European Commissioner for Justice](#)

Commissioner Reynders contextualised the Strategy as being a part of bigger package for modernization of Justice that includes and effort of digitalisation. More information and a dedicated communication are available on the [European Commission website](#).

On a national and EU level, there is a need for investment in the new digital tools (including the use of AI) for better access to training and to ensure that business can continue. This is emphasized by the fact that cybercrime has increased: we need to react accordingly to these changes.

Training is THE practical tool for a proper implementation of rule of law and to uphold values. In 2017, the strategy reached its target to train half of legal practitioners in the EU.

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<sup>1</sup> Because of technical difficulties, their speech was delivered by Mrs Crétin-Magand

However, we are confronted with challenges that are addressed with the new strategy for judicial training (emerging needs, reaching beyond the EU scope, targeting young professionals, increasing the quality & effectiveness of the training...).

Lastly, the modernisation and digitalisation come with risks. The European Commission launched a reflexion on the risks of artificial intelligence. This risk increases to need for staff and trainees to train to use the new digital tools

#### [Mário Belo Morgado \(Deputy minister of justice, Portugal\)](#)

Deputy minister Belo Morgado insisted on the importance of the rule of law within the training of all judicial professions and lauded the achievements of the European Commission with its dedicated strategy and its training portal.

He also noted the coherence between the objectives of the strategy and the challenges the 21<sup>st</sup> century is facing us with.

### **Session 1: “Increasing participation and securing roll-out”**

Five working groups exchanged on their practices and on developing EU law training.

**Working Group: Other professions (court & prosecution office staff, prison staff, probation officers, etc.)**

#### [Court and prosecution offices staff’s training needs on EU law \(Judge Raf Van Ransbeeck, Director a.i., IGO-IFJ Belgium judicial training institute\)](#)

Judge Van Ransbeeck presented the study carried out thanks to the European Judicial Training Network (EJTN), on the Court and prosecution offices staff’s training needs on EU law. Although its results are still being processed, a few elements were disclosed. It distinguishes the staff categories that require the use of EU law in their professional practice from those who don’t. The survey revealed that 64% need training on EU law.

Four key functions of staff were targeted (administration/management; assistance to judges for preparation/research; judicial function; cross-border nature tasks) and three recommendations are already pointed out.

- The classification of functions is encouraged to identify those who need the EU law
- There is a clear need to develop a pan-European training programme and to foster networking activities
- The development of transnational apprenticeship should be encouraged

The final results of the study will soon be disseminated through the EJTN network.

#### [Court and prosecution staff’s training in Portugal \(Judge Ana Cláudia Cáceres, Deputy Director, Directorate-General of the Justice Administration, Portugal\)](#)

The Portuguese Justice administration participates in several European training projects to keep up with the training strategy. They notably target the rule of law and training on legal English language. These projects are still being developed despite the Covid crisis and actually shed light on the organisational needs for court staff. It was an opportunity to innovate.

The role of court staff is crucial for the rule of law; they have to be efficient in spite of the evolving working conditions. Training has to be continuous to keep doing right things fast.

[EU law training for probation officers \(Dr Ioan Durnescu, Professor, University of Bucharest, Coordinator of the “PONT” project : Probation Observatory Networking and Training\)](#)

Dr Durnescu spoke on behalf of the Confederation of European Probation.

50.000 probation officer follow 2 million probationers every year (211 probationers per 100.000 inhabitants, with an average of 47 cases per probation officer). 13% of probationers are foreigners.

The background and training of the probation officers differ one country from another. Although there is no unified curriculum, the Council of Europe developed guidelines on the recruitment & selection of probation & prison staff (principles, education level, recruitment criteria, ethics, etc.). The EU legislation counts with specific framework decisions on mutual recognition of probation measures and probationers have the possibility of a transfer with the EU but with great involvement of probation services.

It is therefore difficult to develop a common training on EU law in an ununified training system.

[EU law training for prison staff \(Cédric Le Bossé, member of the EC Expert group on European judicial training, representing the European Penitentiary Training Academies network - EPTA\)](#)

For the first time, the Strategy includes the prison & probation staff training with specific recommendations and targeted actors. It's an important step and an opportunity for our network.

What we can underline in this strategy when it comes to penitentiary training is that it

- Invites the training institutions to target priority issues that are in accordance with the EU law evolution and that are also at the heart of cross-border judicial cooperation. Most are already tackled by our members (Knowledge of the EU Law; Preventing and countering radicalisation leading to violent extremism; Alternative sanctions and the rehabilitation programmes; The rights of specific groups etc.).
- Promotes a diversification of the training methodologies and an evolution of learning, both of which are key topics for our network activities (digitalisation of training and learning; artificial intelligence ...)
- Encourages cross-border training

The role of the networks is underlined in the strategy, including the EPTA network which is targeted and the Strategy invites us to assess our new training needs and challenges. The network gathers 32 European penitentiary training institutions and, with its website and EU funded projects, enables transnational cooperation and the promotion of good practices with proven results. Our online platform and activities have fostered the exchange of experience and the transposition of innovative approaches.

Through a dedicated webpage we also promote the implementation of the Judicial training strategy, we also detail the different EU framework decisions and recommendations/publications on penitentiary issues (mutual recognition). More importantly, with this network and the climate of trust & respect it inspires, we have been able to target gaps between training providers through comparative work and the involvement of expert trainers. The results of the cooperation activities and the projects (reports, studies, innovative programmes) all constitute an influential role beyond the EU perimeter. They are also in direct accordance with the EC's DG Just goals and target issues.

To determine how the penitentiary training institutions implement EU Law related training contents, a questionnaire was sent out to the EPTA members. Among those who answered, a few elements can be underlined:

- There is not a clear distinction between on the one side European legislation (Council of Europe and ECHR case law) and on the other side the EU regulations and guidelines;
- The CoE recommendations (the European Prison/Probation Rules, guidelines on recruitment and training) as well as the ECHR case law are the main (though not sole) source of international standards developed in the penitentiary training.
- Some countries (such as Italy) refer to the EU functioning, legislation, regulations and treaties and its impact on internal legislation. It also varies according to the category of staff being trained. Taking the example of Italy, their main focus is the protection of human rights of persons entering the criminal circuit

The impact of European legislation and recommendations are noticeable and underlined in the existing training contents (quality of life of inmates, daily work of prison staff, development of new practices) though it is not always clear whether it stems from CoE, EU or project-related influence.

The penitentiary training institutions take part in different European projects financed by the EU (DG Justice or DG Education with Erasmus+). They compare and disseminate good practices, address current challenges, enable cross-border training activities and foster direct cooperation. These projects specifically support EU legislation & recommendations and reflect the judicial training strategy. Therefore, even though EU legislation is not directly tackled in the training of every academy, the wide dissemination of the results of projects in which they take part is a key vector of change (“soft pressure”).

[Prison and probation staff's training in Portugal \(Vitor Peña Ferreira, Head of the Training Division, Directorate-General of Prison Services, Portugal\)](#)

Mr Ferreira detailed the training of prison staff and its focus on professional relationship (dynamic security, human rights, soft skills in interpersonal communication, stress, ethics ...) & the RNR model training. E-learning courses are also being developed. He stressed that training is carried out in accordance with EU recommendations & decisions. What's more, the Portuguese Directorate-General of Prison Services participates in different projects (EL PAcCTO, PO of 21s century, ...)

Debate

The working group debated on the interest for further cooperation with the Council of Europe, including on the interpreting professions that have specific training needs on EU law.

Furthermore, cross-professional training could be considered to measure the impact of each other's practice.

**Working Group: Judges**

The rapporteur stated that the training of judges on EU law has greatly developed but there is now a need to tailor the training depending on the type of audience (initial training of students / qualified professionals) and to determine how or how far to evaluate the trainers.

EJTN has adopted its own strategy (2011) which is a perfect match with the EC Strategy when it comes to the emphasis of the rule of law.

Different programmes are developed

- to improve the knowledge of judgecraft & legal language in Foreign languages
- To enable European judges and public prosecutors to meet to share their experience (the programme includes new groups like court staff and magistrate from non-EU member states)

Although digitalization necessary and increasing the number of training participants is an issue, quality should precede quantity and the training format still depends on the content being taught.

### **Working Group: Lawyers**

The rapporteur brought back the challenges discussed in the group : how to develop the digitalisation of training, how to improve the level of legal language knowledge.

The needs in terms of training on EU law differ on specific issues from one country to another. They also mentioned the EU funding procedures which would need flexibility for easier access.

Finally, the Academy of European Law was cited as an example of cross-professional training (European judges are trained with lawyers).

### **Working Group: Bailiffs**

The group exchanged on their goal to increase the number of staff trained in EU law. Many qualified professionals are not aware of the training contents available and/or of the EU law procedures & practices.

Although digital training is also mentioned as having priority, it is difficult to have a training that is fit for all types of students.

Cross-professional training is also seen as a good practice that should be developed.

## **Session 2: “Flexible answers to new challenges and training needs”**

[Good training needs assessment \(Silviya Dimitrova, Deputy Director of National Institute of Justice Bulgaria\)](#)

Mrs Dimitrova mentioned the important role of EJTN in assessing the new training needs. The network identified and published good training practices on the EJTN website.

A study is being prepared by the network on the rapid digitalisation training is undergoing.

She also stressed the importance to address the individual needs of trainees for an efficient training.

### **Working Group: “Digitalisation of justice”**

[Katerina Entcheva \(e-Justice legislative and policy officer at the European Commission\)](#)

She gave us a presentation on the current and future legislative initiatives at the European Commission and told us about the recent adoption of the new documents and regulations which will apply as of next year and the main novelty that is the relevance to digitalization. With the new regulations, the judicial cooperation is going to be digitalised: an electronic application will be set up by default so there's going to be a centralised IT system for the communication between the courts based on the system E-codecs. It is going to be the main focus also of the new project of the Commission and the upcoming proposal on the digitalising a judicial cooperation not only in civil matters but also in criminal and commercial matters.

## [Training digital tools at Eurojust \(António Cluny, National Member for Portugal, EUROJUST\)](#)

More than half of all criminal investigations today include a cross-border request to access electronic evidence (e-evidence). To respond to the increasing need for transnational access to e-evidence for Internet-based investigations, Europol, in close partnership with Eurojust and the European Judicial Network (EJN), created the SIRIUS Project, in 2017. It allows for a fast and international access of evidence in criminal cases especially in terrorism cases. The project is a platform that helps investigators to cope with the complexity and volume of information by providing guidelines and tools, and by sharing experience with peers, both online and in person. SIRIUS is an important reference point, enabling practitioners to develop their knowledge when obtaining electronic data from online service providers (OSPs).

Mr Cluny points out the importance to provide technical training. Going forward, SIRIUS will continue to provide high-quality training both through the European Union Agency for Law Enforcement Training (CEPOL) platform and in person, innovative tools to assist with online investigations, as well as up-to-date guidelines reflecting the latest changes in judicial and law enforcement policies of major OSPs.

## [Digitalisation of justice and the use of new technologies in legal practice: challenges and opportunities for lawyers \(Simone CUOMO, Secretary-General CCBE – council of bars and Law societies of Europe\)](#)

The council of bars and Law societies of Europe comprises one million lawyers.

The digitalisation of judicial procedures is already in effect and developing (e-identification, e-filing, e-service of documents, e-payment orders, electronic registers, access to cross border e-justice systems...). The CCBE also stressed that the practitioners should be involved in the development of the justice systems tools. Any development should take into account citizens' rights, the logical duties of the lawyers ("equality of arms", confidentiality, ...) and its applicability (legal analytics, search, due diligence, e-discovery, filing of documents...).

### **Working Group: "Security Union"**

The European Union has a security union strategy from 2020 to 2025. The idea is to respond to the security threat landscape and have the EU bring an added value

- to help and support the member states in their fight to combat terrorism and organised crime,
- to detect and prevent hybrid threats,
- to increase the resilience of our critical infrastructure,
- to promote cyber security,
- to foster research innovation awareness raising and specific training

The judicial training strategy mentions specifically the need for training of practitioners to help the overall response to the current threats (terrorism, radicalization, violent extremism, organised crime) but also on the European public prosecutor office.

What's more, judicial training and law enforcement training interconnect and may be joined in terms of identifying training needs.

### **Session 3: “High quality e-learning”**

[EJTN handbook on distance learning and sharing of the Portuguese 2020 experience \(Judge Pedro Raposo de Figueiredo\)](#)

The European Judicial Training Network developed a work group dedicated to the issue of distance learning. They published a guide in 2020 : <https://www.ejtn.eu/News/Distance-Learning-Handbook-2020/> (how to design a distance learning course; training methods; learning tools; how to motivate students; ...). It stresses the importance to adapt the training content and format to the audience.

Judge Raposo de Figueiredo also shared the Portuguese experience in terms of training the judicial staff. They use the moodle platform for initial & continuous training and develop training ebooks through a learning platform.

[Experiential training platform \(Michiel Hulsbergen, CEO of DialogueTrainer\)](#)

Mr Hulsbergen presented a project that became a company with a research base at Utrecht university. The Dialogue Trainer program offers simulations based on the best practices of conversation models. The simulations are followed by personal feedback and scores to measure performance and progress. You can build specific simulation scenarios depending on your professional category (probation, prison, child protection services, ...).

Through gamification, they map the structure of the conversation with multiple choices answers and an analysis of these answers.

[Blended learning in the law society of Ireland \(Caroline Kennedy\)](#)

The law society of Ireland organizes master classes through an “Apple distinguished school”.

Each lawyer receives an iPad with multi touch books containing media rich content (videos, images, quizzes, hyperlinks). It encourages the trainees and qualified lawyers to be more autonomous and gives more time to interact with the student during scheduled tutorial (workshops) on site.

The initial training courses lectures are delivered on site and are recorded as well for on demand viewing tutorials.

[Gerard tangenberg \(Netherlands - Studiecentrum Rechtspleging \(SSR - ssr.nl \)](#)

The SSR developed training contents online with “on air” trainers in front of an Interface with multiple wide screens.

They evolved thanks to their experience (started with day long classes) : 3 hours of Virtual classrooms are followed by 3 hours of self-study e-learning modules.

Training of trainers on Blended learning is also offered “on air”.

[“E-capsules” \(Wojtek Postulski, Policy officer, European judicial training, DG JUST\)](#)

Mr Postulski insisted on the diversity of the training method/formats.

Good practices are to be drafted by working with training providers. Concretely, a model of “training capsules” is to be developed.

## **Session 4: “The future of judicial training”**

Peter Csonka (Deputy Director Criminal Justice, European Commission) introduced the session with some open questions: What is the ideal mix of blended learning? What are the cross-professional training needs?

Markus Brückner, Judge, Secretary General of European Judicial Network (EJTN) spoke of the evolution of training with a literature reference (Homo Deus: A Brief History of Tomorrow, Yuval Noah Harari). With the new generations, we cannot have the same methods. New technologies, though necessary and ineluctable, must be understood and mastered by the trainers.

He advocated for developing self-learning and for fostering learning through the exchange with peers and fellow-trainees.

### Gender mainstreaming in judicial training (Elisabeth White, Policy officer, Unit JUST.D2 Gender Equality, European Commission)

Mrs White intervened on the importance of gender responsiveness in the training (in particular though inclusiveness when choosing the speakers, the topics) and in the professional practice.

Similarly, one should be sensitive to those in charge of child care and its impact in terms of access to the training (hours of meetings).

Good practices are presented through a Council of Europe document : <https://rm.coe.int/checklist-gender-mainstreaming-eng-pdf-enhanced/1680a099b8>

Brian Maguire (moderator from the DG JUST) adds that all panels in EC have male & female panelists

### Presentation of the European Training Platform “ETP”

DG JUST presented the [ETP](#) that is still being developed and is to be fed by the training actors.

Launched in December 2020, it is intended for justice professional who want to train themselves and comprises a search tool.

- The “Training Courses” section is advertising courses & training activities forwarded by third parties to the European Commission: it is not a reflection of good practices or good content (no selection).
- The “Training Content” is, however, verified and uploaded by the European Commission

The platform also offers the possibility of receiving a notification when new contents are available on a specific topic of interest.

Mr Peter Csonka concluded that we should remember that it's not only about doing the law but also about developing soft skills, non legal skills and technical skills such as mastering artificial intelligence. More than the risks presented by a rise of artificial intelligence including among justice professionals, there is a fun reply to it that we should feel more concerned about the degrees of human intelligence in some areas. The two must hand go hand in hand.

DG JUST will keep working to meet the expectations with tailor made and increased support for the various sectors of judicial training.