



Brussels,  
JUST.B1/PC/WP

## **EXPERT GROUP ON EUROPEAN JUDICIAL TRAINING**

### **Minutes of the meeting**

#### **1. Format and agenda of the meeting**

The meeting was held in the European Commission's buildings in Brussels on 23<sup>rd</sup> November and was chaired by Directorial General Justice and Consumers, Unit B.1.

Meeting agenda:

9.30-9.45	Welcome and introduction
9.45-10.30	Independence of judicial training institutions – follow-up of the 2021 discussion of the Expert Group
10.30-11.30	Judicial training related to the war in Ukraine
11.30-11.45	Break
11.45-13.00	Upcoming European judicial training report 2022 (2021 data) – discussion on the main trends
13.00-14.30	Break
14.30-16.30	The role of judicial training in the digitalisation of justice
16.30-17.00	Next steps: upcoming European Commission (EC) calls, tenders, European Training Platform (ETP) <sup>1</sup> developments, 2023 European judicial training conference

#### **2. Participants of the Meeting**

<b>Members of the Expert Group on European judicial training 2021-2024</b>			
No	Name	Profession/ organisation	Comment
Type A members			
1.	Jeremy Cooper	Judge	Retired judge, former director of the Judicial College of England and Wales
2.	Cindy Fökehrer	Notary	Notary; Head of Brussels Office of the Austrian Chamber of Civil Law Notaries
3.	Petra Jeney	EIPA	European Institute Public Administration, antenna Luxembourg Director
4.	Pedro das Neves	Prison services	Member of the Board of Directors ICPA - International Corrections and Prisons Association; CEO IPS Innovative Prison Service

<sup>1</sup> [https://e-justice.europa.eu/european-training-platform/home\\_en](https://e-justice.europa.eu/european-training-platform/home_en)

5.	Jean-Philippe Rageade	ERA	Director of the Academy of European Law (ERA)
6.	Diana Tamaga	Judge	Judge of the Supreme court of Romania
7.	Jean-François Thony	Prosecutor	President of the Siracusa International Institute for Criminal Justice and Human Rights; retired prosecutor
8.	Edith Zeller	Judge	President of the European Association of Administrative Judges (AEJA)
9.	Dariusz Adam Zuba	Expert witness, forensic expert	Director of Institute of Forensic Research
<b>Type B members</b>			
10.	Cédric Le Bossé	EPTA	Representative of the European network of Penitentiary Training Academies (EPTA); International relations officer of the French National Correctional Administration Academy (ENAP)
11.	Giovanni Pansini	CCBE	Representative of the Council of Bars and Law Societies of Europe (CCBE); Member of the CCBE Training Committee; Lawyer
12.	Maria Daniela Amodeo-Perillo	EULITA	Representative and President of the European Legal Interpreters and Translators Association; Translator
13.	Maria Gkana	ENCJ	Representative of the European Network of Councils for the Judiciary (ENCJ); member of ENCJ board; Judge
14.	Walter Szöky	EUR	Representative and General Secretary of the European Union of Rechtspfleger (EUR); Rechtspfleger;
15.	José Igreja Matos	IAJ	President of the International Association of Judges, Judge
<b>Type E members</b>			
16.	Eva Pastrana	CoE	Representative of the European Programme for Human Rights Education for Legal Professionals (HELP) Unit of the Council of Europe (CoE); Head of the “Judicial and Human Rights Training” Division

### 3. Points discussed

The aim was to discuss 5 main points:

1. Independence of judicial training institutions – follow-up of the 2021 discussion of the Expert Group
2. Judicial training related to the war in Ukraine
3. Upcoming European judicial training report 2022 (2021 data) - discussion on the main trends
4. The role of judicial training in the digitalisation of justice
5. Next steps: upcoming EC calls, ETP developments, 2023 European judicial training conference.

## **Introduction**

The Deputy Director of Directorate B presented the changes in the composition of the Expert Group. He then recalled the point discussed at the last meeting of the Expert Group held in November 2021 on the independence of judicial training institutions and related challenges, and submitted the agenda for adoption.

### **3.1. Independence of judicial training institutions – follow-up of the 2021 discussion of the Expert Group**

The Chairman recalled several points from the written contributions of the Expert Group members: in some Member States the selection of participants and trainers is not based on merits or objective criteria and there is not an equal access to training. Also, judicial training plays a crucial role in building independent justice systems cultivating the culture of the rule of law, where the judicial training institutions should be independent and under judicial scrutiny, should deliver the needed content to instil integrity and independence while focusing on the standards of the rule of law and should deliver initial training in such a way to secure fair and transparent access to judicial professions. Proposed solutions drafted by the Expert Group members included the creation of written guidelines to ensure transparent selection and the creation of a complaint form at the European level. Previous discussions showed the complexity of these issues. The role of associations and judicial networks, such as the European Judicial Training Network (EJTN), was underlined.

The Commission presented the role of the European Commission's Rule of Law report in helping safeguard the efficiency, quality and independence of the national justice systems. It underlined the importance of legal practitioners' input and of virtual country visits. The EU justice scoreboard is also a useful tool, as it allows comparison based on collection of data related to the national justice systems' efficiency, quality and independence. The Commission invited the Expert Group members to participate in the next stakeholders' consultation running from 14 November 2022 until 20 January 2023 in preparation for the 2023 Rule of Law report.

#### Discussion

An Expert Group member recalled that judicial training performed in an independent way is key to judicial independence. The Commission's Rule of Law report is a good instrument to emphasise this as an aspect of the rule of law.

However, in certain Member States, some legal professions – such as notaries and administrative judges – do not have access to, or are not informed of available training opportunities.

Moreover, training events centred on the rule of law are not appealing to many legal practitioners, who consider the topic of the rule of law too abstract and not related to their daily work. Some professionals do not understand the necessity of such a training, especially in Member States perceived as respecting the rule of law. In some Member States, training on the rule of law is seen as an unnecessary luxury.

It was suggested to improve communication and marketing on the existence of such training and its importance for judicial independence and access to justice. Training activities should be designed on several sub-topics, perceived as closer to the daily work of justice professionals

(ethics, anticorruption, freedom of expression, etc.) rather than on the rule of law in general. Moreover, training activities should be adapted to each national context. The Council of Europe (CoE) is developing a HELP course on the rule of law which should be ready in spring 2023.

### **3.2. Judicial training related to the war in Ukraine**

The Chairman presented the role of the European Union in coordinating training of justice professionals in Ukraine. The Commission liaises with the Ukrainian General Prosecutor Office, the Ukrainian Ministry of Justice, the National School of Judges of Ukraine and the Prosecutors Training Centre of Ukraine. Regarding needs for training of judges and prosecutors, three main areas have been identified:

- Crimes of genocides and war crimes;
- Investigation techniques of genocide and war crimes (including forensics, evidence gathering, e-evidence);
- Assets freezing and seizing.

The Commission coordinates the delivery of training. The EJTN is designing and implementing a series of webinars and podcasts on all requested topics, exceptionally using the EJTN's operating grant from the Justice Programme.

Ukrainian partners have also asked for the delivery of auxiliary training events for trainers concerning methodology, online training, etc.

The Commission is also considering the importance of judicial training in the post-war context, including the potential accession of Ukraine to the EU. The objective is threefold:

- Building an integral, independent, uncorrupted judiciary;
- Creating an efficient and effective justice system;
- Building a knowledge-based justice system.

The Chairman invited the Expert Group members to comment on their experience providing assistance to judicial training in Ukraine.

#### Discussion

Expert Group members emphasised the importance of working on the training which will be delivered after the war, so as to give legal professionals a sense of hope for the future.

Great training needs were identified on several topics. First, there should be more training on collection of evidence of war crimes. Moreover, training on anti-money laundering is needed. Training of interpreters and translators is also necessary to ensure the availability of qualified legal interpreters and translators.

Some Expert Group members reported difficulties in finding the right Ukrainian partners, as well as a lack of coordination between different training programmes. This sometimes lead to overlapping training and confusion among Ukrainian professionals.

Some experts identified a lack of consistency in the expression of training needs by Ukrainian institutions. There is also a lack of clarity if any and what training on forensics is required.

### **3.3.Upcoming European judicial training report 2022 (2021 data) - discussion on the main trends**

The Chairman invited the Commission to present the state of play of the 2022 report and the Expert Group members to comment on the preliminary findings of the report.

The Commission presented the main trends of the report. Since the data concerns 2021, it is still affected by the COVID-19 pandemic. Overall, the number of participants in EU law-related training decreased. Only one profession – bailiffs – seemed to have reached the quantitative objective set out in the European judicial training strategy for 2021-2024. Moreover, there were less contributions to the report in comparison to previous years, especially from the judiciary. Many questionnaires were also incompletely filled, in particular regarding the quantitative data.

#### **Discussion**

Expert Group members discussed the following issues.

It must be noted that quantitative data does not reflect the engagement of participants, especially in case of online training. Some Expert Group members supported going back to mostly in person training, while others emphasised the added value of online and hybrid training. Some highlighted the need to accept that judicial training will never be back to the pre-pandemic format. It was suggested to include in the report an explanation on the specificity of the COVID and post-COVID years, given the development of online training.

With regard to the decrease in the number of participants, it was stated that in some Member States, training, especially continuing training which takes place abroad, is discouraged. For example, it was reported that Greek courts recently ruled that access to training is dependent on judges' work obligations. Communication on the importance of training should be improved, for example by circulating testimonies of professionals who undertook training activities.

The key role of European training projects was also highlighted. Many Expert Group members raised the issue of the new financing rules concerning projects financed by the EU, based on unit costs, which would lead to a decrease in the future numbers of participants.

It is important to collect enough quantitative data in order to identify trends in training. There is no easy explanation for the decrease in the number of contributions to the report. For online training involving the delivery of online certificates, the numbers of people obtaining a certificate can be low, since some professionals choose to complete only part of the training. In some Member States, the high number of professionals and local professional associations makes it difficult to collect all the data. A solution could be to appoint a national coordinator in each Member State, working closely with the Commission on the data collection. Organising online meetings with the persons responsible for the collection of data in Member States, during which the Commission would answer questions and clarify issues, could be beneficial to the quality of the data collected. Reminders could also be sent during the period of collection. In case of training involving several partner organisations, all organisations should be involved at the stage of data collection.

### **3.4.The role of judicial training in the digitalisation of justice**

The Chairman identified five key points in the written contributions received from Expert Group members to be discussed among the group:

- Digital tools for work: digital databases, digital files, remote hearing, etc.;
- Digital content such as digital markets, cryptocurrency, cloud computing, financial crimes, evidence (digital forensics);
- Protection of individuals' rights and ethics of digitalisation;
- Artificial Intelligence (automation of tasks, ethical charter on its use);
- Exclusion of professionals from the process of digitalisation of justice systems.

The Chairman invited Expert Group members to comment on these topics based on interrogations arising from the written contributions. As regards training on digital tools, digital content and protection of individuals' rights, the issues raised concerned the people in need of training and the methods used. Comments were also encouraged regarding the approach to training on artificial intelligence. Finally, the Chairman invited the Expert Group members to discuss the reality of exclusion from the process of digitalisation and how it should impact training.

## Discussion

Expert Group members agreed that training on digital tools which already exist and are used by legal professionals, such as digital databases and registers, digital signatures or videoconferences, is crucial. All legal professionals should have at least a basic understanding of digital tools and issues. For example, prison staff must be trained on basic digital tools and on prison software. The creation of an online training opportunity on computer science for lawyers was proposed. Court staff must also have access to training on digital tools. It was suggested that training on digital issues should already start at university level.

Training must include information on the use of digital tools, as well as their risks for security, data protection and privacy. Regarding technologies which are used to take decisions, training on their functioning and their potential impact on fundamental rights is key. The CoE is already active in this area, with several bodies dedicated to cyber justice and artificial intelligence, and various projects being conducted in Member States. A HELP course on the quality of justice, including modules on digitalisation and artificial intelligence, is being developed.

Training should exist for different levels of proficiency, to ensure that all professionals have at least a basic knowledge of digital issues. It was also suggested to create 'contact points' who would receive more advanced training, and would act as de facto leaders in digital literacy among justice professionals; judicial councils, professional organisations and national schools could be involved in this process.

Training should be done both at the national and at the European levels. It was proposed to develop national training institutes or a European centre which would specialise in digitalisation of society and justice.

Regarding format, it was suggested to rely on online training, especially when it involves IT professionals. The development of 'user manuals' could also be useful, given that the substance of training on digital issues may become outdated very fast.

In addition to training on tools already used by legal professionals, some Expert Group members mentioned the need to develop training on developments in the digital sphere which could be beneficial to the justice system, so as to lower resistance to the introduction of new digital tools among professionals. As an example, IPS is developing training for prison governors to inform them of the existence, the benefits and the basic prerequisites for implementation of certain technologies (telemedicine, virtual reality, etc.); in the meantime, prison staff also receive basic information on such tools.

Some professionals feel that they are not part of the process of digitalisation of justice. For examples, certain judges fear for their independence because they are not involved in designing the digital justice system or algorithms used by artificial intelligence. To break the barrier between IT professionals and judges, it was suggested to conduct training activities involving both professions.

### **3.5.Next Steps**

The Chairman presented the next steps:

The Chairman presented the 2023 European judicial training conference, which will be held online in spring 2023. It will focus on the skills needed to embrace digitalisation of justice. The topics of the conference are the following:

- Training on impact of digitalisation on the substance of cases;
- Training on digital tools and technologies used in daily legal practice, including in cross-border proceedings, securing protection of individuals' rights and personal data;
- Learning methodology in the digital age.

The call for proposals for action grants to support transnational projects on judicial training covering civil law, criminal law or fundamental rights (JUST-2023-JTRA) is planned to be published on 6 December 2022, and will be open for submission of proposals until mid-April 2023. The total budget available for the call is EUR 4.075.000. The aim is to support innovative cross-border projects, which do not exist at the national level.

The Chairman gave information on the project of creation of training materials out of hearings recordings of the Court of Justice of the EU. Six videos are being created based on these recordings and on interviews. They will be published in spring 2023 in all EU languages.

The tender procedure for the Commission 'e-capsules' project will be finalised soon. The external provider will then produce 40 e-capsules on different topics of EU law, as well as a model capsule for later use.

Finally, the Commission presented the developments of the European Training Platform (ETP) on the European e-Justice Portal. A new procedure will be launched to find an external provider which will work on the possibility for training organisations to advertise their training offers on the website. A section dedicated to trainers should also be developed in 2023.