

Key points of the meeting of the European Commission expert group on judicial training – November 23rd 2022.

Cédric Le Bossé – EPTA representative within the EC expert group

RULE OF LAW & INDEPENDENCE OF JUSTICE: Addressing a decrease in participation to trainings relating to the rule of law

The issue is that some assumed that rule of law is already applied (taken for granted) while some do not see the topic as a priority (in some cases when it would be needed the most to instil integrity and independence).

Proposed solutions :

- guidelines to ensure transparent selection. The role of European Judicial Training Network (EJTN), was underlined.
- The [EU justice scoreboard](#) allows comparison based on collection of data related to the national justice systems' efficiency, quality and independence.
- Improving communication and marketing on the existence of such training and its importance
- Embedding the issue of rule of law within specific EU law 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 and 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.

JUDICIAL TRAINING RELATED TO THE WAR IN UKRAINE : responding to evolving needs

Three main areas have been identified to address the needs for training of judges and prosecutors in Ukraine through webinars and podcasts (using the EJTN's operating grant from the Justice Programme) :

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

The European Union also coordinates with the Ukrainian Ministry of Justice and judicial institutions to avoid overlapping trainings and identify the evolving needs of the country. The chairman invited the members to communicate on ongoing collaboration activities to make sure it is in line with those needs.

EUROPEAN JUDICIAL TRAINING REPORT 2022 (2021 DATA)

There were fewer (or incomplete) contributions to the report (in some Member States, there is a high number of different professionals and local professional associations). A solution could be to appoint a national coordinator in each Member State.

The number of participants in EU law-related training decreased (except for bailiffs). Communication on the importance of training should be improved (through testimonies of professionals). 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.

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.

THE ROLE OF JUDICIAL TRAINING IN THE DIGITALISATION OF JUSTICE

Key points of the written contributions from Expert Group members

- Digital tools for work: digital databases, digital files, remote hearing, etc.;
- Digital content (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.

All legal professionals should have at least a basic understanding of digital tools and issues. It was suggested that training on digital issues should already start at university level. 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.

Training should include the risks of digital tools for security, data protection and privacy and their potential impact on fundamental rights is key. The CoE is already active: several bodies dedicated to cyber justice and artificial intelligence, various projects being conducted in Member States, a HELP course including modules on digitalisation and artificial intelligence being developed.

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.

NEXT STEPS

- The 2023 European judicial training conference (online, in spring 2023). It will focus on the skills needed to embrace digitalisation of justice.
- 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 with EUR 4.075.000) : published on 6 December 2022, open for submissions until mid-April 2023.
- A project of creation of training materials out of hearings recordings of the Court of Justice of the EU (Six videos published in spring 2023 in all EU languages).
- The creation of training 40 'e-capsules' on different topics of EU law, as well as a model capsule for later use.
- Developments of the European Training Platform (ETP) including a new section dedicated to trainers in 2023.