



**Réseau Européen de Formation Judiciaire
European Judicial Training Network**

Working Group “Programmes”

Sub-group Linguistic Training



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European Judicial Training Network**

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PRESENTATION

The European Judicial Training Network (Working Group “Programmes”) has decided to form a sub-group to draft a series of guidelines on linguistic training. The results (once approved by the EJTN General Assembly) are aimed at assisting national training centres to devise, plan and organise training activities for judges and prosecutors and will also form a solid basis for future training activities (training for trainers) developed by the EJTN.

The objective of this initiative is to study and create tools aimed at improving the knowledge of foreign languages among judges and prosecutors in the European Union in the following domains:

- a) General linguistic training and legal linguistic training,
- b) Methodologies for linguistic training and
- c) Comparative study of legal systems and institutions through legal terminology.

COMPOSITION OF THE SUB-GROUP

The coordinator in charge of the group is **Ignacio U. González Vega** (head of continuing training at the Spanish law school (Escuela Judicial)).

The members from different countries are as follows:

- **Sylvie Castermans** (Ecole Nationale de la Magistrature-France)
- **Florence Schmidt-Pariset** (Ecole Nationale de la Magistrature-France)



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- **Luisa Napolitano** (Ninth Committee of the Consiglio Superiore della Magistratura-Italy)
- **Giuseppina Luciana Barreca** (Ninth Committee of the Consiglio Superiore della Magistratura-Italy)
- **Renata Vystreilova** (Czech Judicial Academy-Czech Republic)
- **Margarida Valadas** (Centro de Estudos Judiciarios-Portugal)
- **Arlette Veglia** (Escuela Judicial-Spain)
- **Anna Narewska** (Nacional Training Centre-Poland)
- **Cristos Douhanis** (Ecole Nationale Judiciaire-Greece)

Today we are witnessing heightened tensions between two contradictory movements: on one side there is the imperious recommendation of national and international bodies (UN, Unesco, Council of Europe, European Union etc) on preserving cultural and linguistic diversity and on the other there is the widespread trend of organising exchanges and moving towards a model of harmonised production, which is very well facilitated by the tool of a unified and hegemonic language; today's American English¹.

OBJECTIVES

The advantages of being able to speak several languages are indisputable. Languages are a way of understanding other ways of life, which in turn paves the way for intercultural tolerance. Furthermore, linguistic skills facilitate work, studies and travel throughout Europe and allow for genuine intercultural communication. In other words, multilingualism largely contributes to the essential European values of democracy, equality, transparency and competitiveness.

¹ JANIN, Pierre. *L'intercompréhension dans une politique francophone du plurilinguisme.*



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The European Union is a truly multilingual institution which encourages the ideal of a single Community with its great diversity of cultures and languages. In order to preserve the existence of this diversity, in November 2005², the European Commission adopted the first Commission Communication to explore the domain of multilingualism. The three main objectives of the Commission's policy on multilingualism are to encourage language learning, promote a thriving multilingual economy and grant access for all citizens to legislation, procedures and information from the European Union in their own language.

1. *General objectives*: They are set out in the *Communication from the Commission to the European Parliament and the Council on judicial training in the European Union, Brussels, 29 June 2006*³. Also, the objectives set out in the *Strategic Plan 2007-2013 approved definitively and unanimously by the General Assembly of the European Judicial Training Network on 20-22 in Helsinki*.

Improving the linguistic skills of members of the European judiciary is essential for promoting the reinforcement of *mutual trust* within European legal authorities and that of mutual recognition of judgements; priorities identified in the conclusions from the *Tampere European Council* (1999) and confirmed thereafter by *The Hague Programme* (2004).

The Communication from the European Commission aims to undertake the actions needed for developing an area of freedom, security and justice which requires closer dialogue between European judges and prosecutors, more in-depth knowledge of the different legal orders, and adequate linguistic training for judges and prosecutors in Europe aimed at reinforcing the contacts between them and fostering the development of a European judicial culture.

The three types of activities which should be prioritised (according to the European Union) are as follows:

² COM(2005) 596: *a new framework strategy for multilingualism on: <http://europa.eu.int/languages/en/document/74>*

³ COM(2006) 356 final: *On judicial training in the European Union, see: <http://ec.europa.eu/transparency/regdoc/liste.cfm?&type=1&annee=2006&numero=356&Version=1&crit title search language=EN&ElementsPerPage=20&tri=cote&CL=en>*



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- 1) Improving the knowledge of legal instruments adopted by the EU and by the Community, especially in the domains where specific powers are conferred upon national judges;
- 2) Improving linguistic skills in order to allow legal authorities to communicate directly between themselves as required for most instruments;
- 3) Developing knowledge of legal and judicial systems in Member States allowing for the appreciation of their respective needs in the context of judicial cooperation.

The objectives defined by the EJTN in its Strategic Plan for 2013 head in the same direction: not only contributing towards achieving objectives set at European level for judicial training in order to reinforce mutual confidence between judicial authorities but also, more specifically

- a) Devising and implementing an exchange programme allowing a representative and constantly increasing number of national judges and prosecutors to participate in order to gain some solid experience of how different European judicial systems are run;
- b) Providing training courses for judges and prosecutors, devising and implementing common training activities developed at national level or on a bilateral or multilateral basis or by means of programmes co-financed by the EU, with a high degree of European added value and aimed at improving knowledge of the judicial systems in place in Europe;
- c) Promotion of a growing use of different European languages among national judges and prosecutors.

As far as this last point is concerned, the strategy to be used by the EJTN in order to put these ideas into practice will involve developing the following activities for members of the EJTN and judges and prosecutors:

- Producing reference documents in various EU languages
- Preparing training activities and internships as a way of improving linguistic skills, practices and knowledge of legal terminology.



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1.2. *Specific or educational objectives (knowledge, life skills and know-how⁴)* of the linguistic training.

This will depend on each type of linguistic training activity (general or specialised). Knowledge, know-how, life skills may fall under the diverse scope of the objectives of such training. However, in continual training, it is important not to focus on knowledge too much: knowledge should be linked to know-how and to life skills rather than being taught for its own sake. This is firstly because there is little time available and secondly because unused knowledge is very quickly lost⁵.

ANALYSIS OF THE NEED FOR LINGUISTIC TRAINING FOR JUDGES AND PROSECUTORS

According to a Eurobarometer survey “Europeans and their languages”⁶, half of citizens in the European Union claim to be capable of holding a conversation in a second language other than their mother tongue. However, a substantial proportion of Europeans, that is to say 44 out of 100, admit to not knowing any other language besides their mother tongue⁷.

According to sociodemographic categories, we are observing characteristic models. If we take

⁴ Knowledge: the skills that at the end of the internship participants are expected to have acquired; know-how: the new methods, techniques and tools which they will be able to use; and life skills: changes in their attitudes, behaviour, mentality, which will have been learnt through the training. GALLOT, Maryse. *Préparer, animer un stage de formation*, Paris, Editions d’Organisation, 1989, page 5.

⁵ GALLOT, Maryse, *op. cit.*, page 5.

⁶ Eurobarometer Special “Europeans and their Languages”, field: November – December 2005, publication: February 2006.

http://ec.europa.eu/education/policies/lang/languages/eurobarometer06_es.html

⁷ At country level, 99 out of 100 inhabitants of Luxembourg, 97 out of 100 Slovaks and 95 out of 100 Latvians claim to be conversant in at least one foreign language. At the other end of the scale, Ireland and the United Kingdom come in with 34 out of 100 and 38 out of 100 respectively of people questioned who spoke a language other than their mother tongue. Similarly, Italians (41 out of 100), the Portuguese (42 out of 100) and Hungarians (42 out of 100) were less likely to speak a language other than their mother tongue.

Linguistic abilities seem to be slightly better in the smaller Member States such as Luxembourg, Netherlands and Slovenia, whereas citizens in Southern Europe and the two countries where English is spoken, i.e. United Kingdom and Ireland, seem to have more moderate linguistic knowledge.



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the group of those questioned who spoke at least two languages in addition to their mother tongue. It would appear that the “multilingual European” has the following characteristics: they are young, have a good level of education; they stem from multilingual backgrounds (either from being born in a different European Union country from the one in which they now live, or their parents come from a different country in the European Union to the one in which they now live); either they are in managerial positions or are students, i.e. they have roles which require the use of foreign languages, and they are motivated to learn.

As far as foreign languages spoken across the continent are concerned, English continues to be the most commonly spoken foreign language in the whole of Europe. 38 out of 100 citizens in the European Union claim to have a sufficient level of English to enable them to hold a conversation. 14 out of 100 Europeans say that they speak French or German in addition to their mother tongue⁸.

The most commonly spoken languages in the European Union⁹:

	Mother tongue	Foreign language	TOTAL
English	13%	34%	47%
German	18%	12%	30%
French	12%	11%	23%
Italian	13%	2%	15%
Spanish	9%	5%	14%
Polish	9%	1%	10%

Among the conclusions drawn from the results of the survey, it can be noted that: Europeans have relatively good levels of linguistic knowledge; the range of languages spoken is small;

⁸ With the enlargement of the European Union, the balance between French and German is slowly changing. Clearly, citizens in the new Member States are more likely to speak German whereas it is rare for them to speak French or Spanish.

⁹ Eurobarometer Report 63.4



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linguistic skills are rarely used; Europeans learn languages at school; citizens' motivation for language learning in the European Union is poor; linguistic skills are considered useful by the majority of Europeans; work-related reasons for learning foreign languages are gaining ground; and the most efficient and appropriate means of learning a language is to learn as part of a group or by through immersion with native speakers.

The meeting organised by the EJTN in Brussels during the 2005 exchange programme on “*Inventory of judicial training needs (analysis and specific proposals)*” highlighted the fact that the principle of direct communication between judicial authorities is frequently hindered by professionals' insufficient linguistic skills¹⁰. Decisive action must be carried out in this area, by targeting in particular the professionals who are directly involved in judicial cooperation, according to the Commission of the European Communities.

In the draft report on the role of the national judge in the European judicial system¹¹, the

¹⁰ In Spain, according to a survey sent out to all judges by the President of the General Council of the Judiciary (Service for Planning and Analysis of Legal Activity) in 2006 to the question on the level of knowledge of a foreign and national language (Catalan, Basque or Galician), from those who responded:

	Advanced	Intermediate	Beginner	None
English	16	27	27	27
French	10	25	19	42
German	1	1	3	89
Italian	2	6	11	75
Arabic	-	-	1	94
Catalan	12	17	8	56
Basque	1	1	1	91
Galician	4	9	7	74

¹¹ (2007/2027(INI)) Committee on Legal Affairs. Rapporteur: Diana Wallis. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-402.874+01+DOC+PDF+V0//EN&language=EN>



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motion for a European Parliament resolution regarding language-related questions is as follows:

- Considers that language is the main tool of practitioners of justice; considers that the current level of foreign language training for national judges limits not only possibilities for judicial cooperation on specific instruments, but also the development of mutual trust, proper use of the *acte clair* doctrine, and participation in exchange programmes; calls on all players involved in judicial training to give specific attention to the training of judges in foreign languages;
- Is, moreover, of the opinion that, by enacting a series of regulations containing conflict of law rules, the Community legislature has made a policy choice which involves the likely application of foreign law by national judges, possibly also entailing the use of a comparative approach; considers that these elements, taken together, further strengthen the case for increasing foreign language training;
- Considers that it is in the public interest to enhance the language skills of the judiciary in the Member States; calls on the Member States, therefore, to ensure that such training is free of charge and easily accessible;
- Considers access to academic literature in the judge's mother tongue to be important for a better understanding of Community law, and notes the apparent scarcity of specialised literature on Community law in certain official languages of the EU, for example concerning private international law issues, and the grave potential consequences this has for the construction of a common legal order reflecting a diversity of legal traditions; therefore calls on the Commission to support the development of such literature particularly in the less-spoken official languages.

The Committee on Legal Affairs sent out a questionnaire to all Member States during the second half of 2007 to gauge the opinion of as many national judges as possible. More than 2300 judges responded and the preliminary results are published in the annex of this report:

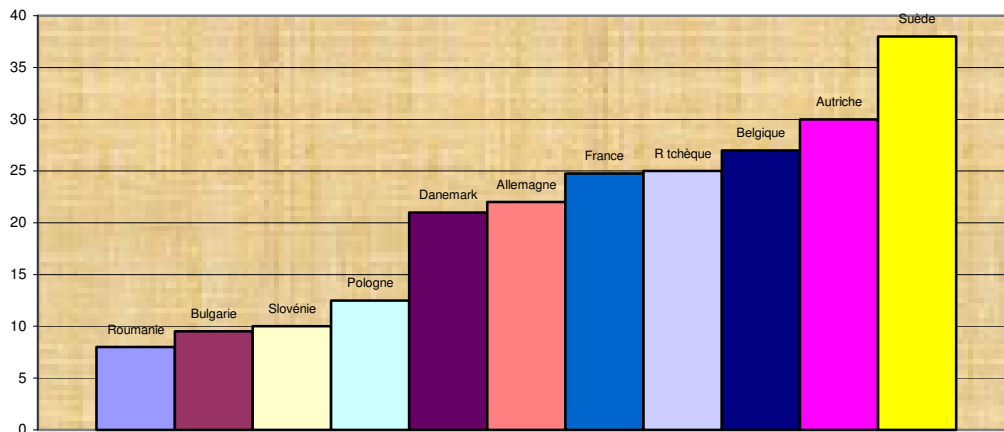
- 39 out of 100 of those questioned believed that foreign languages represented a barrier to the relevant information on Community law.
 - On average, only 20 out of 100 of those questioned had completed at least one
-



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language course on legal issues. This figure appears to mask certain differences between Member States, as the table below illustrates:

(i) Participation in legal-linguistic training per Member State

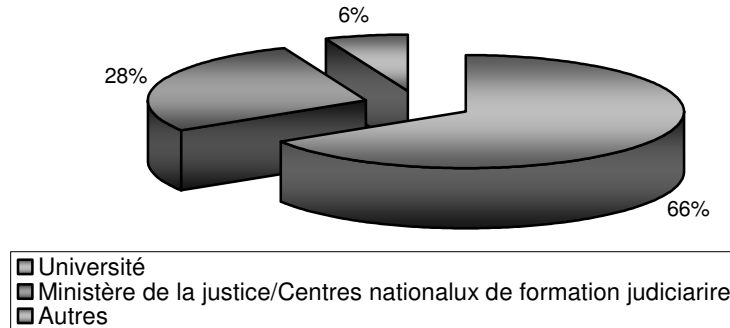


Eleven Member States have been taken into account in the chart below, the number of responses from other Member States was deemed too low to be considered sufficiently reliable data. According to the information available, it turns out to be true that the levels of participation in legal-linguistic training remains relatively low in all Member States (less than 40 out of 100), that they are low for the majority but not the totality of Member States having acceded the Union in 2004, and that they are very low (less than 10 out of 100) for Romania and Bulgaria.

(ii) Trainers of lawyer-linguists

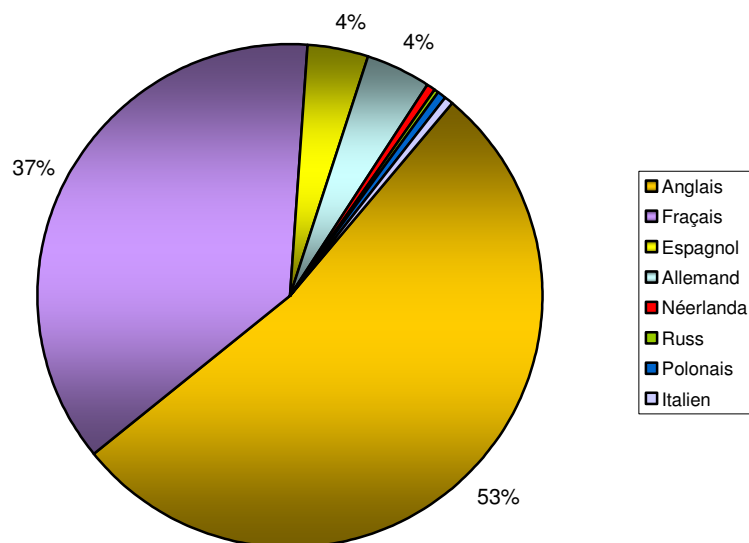


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The chart below shows that the vast majority of those questioned had studied foreign legal terminology at university, generally during their law studies. A large percentage of these people had taken courses when studying at a university in a Member State other than their own, for example as part of the Erasmus programme or an LLM programme. A small minority (6 out of 100) took courses which were not given by their university, national ministry or a legal training centre. These “other” courses were given by the British Council, the Goethe Institute, the Academy of European Law, the European Judicial Training Network, PHARE, and in one case, by a private professor.

English is the most sought after language (53 out of 100), followed by French (37 out of 100). Some judges took training courses in Spanish and German (4 out of 100 each), and other languages featured only very rarely (see below).





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ANALYSIS OF PROBLEMS ENCOUNTERED

The combined analysis of these needs forms part of a collection of data such as that which came out of the meeting on “Language training for members of the judiciary” in Bucharest on 4 and 5 October 2006 establishing the obstacles involved in language training for judges and prosecutors.

First of all, the *lack of financial support* for even organising language courses or for continuing them in the future.

One other problem which was raised was to do with *judges and prosecutors’ motivation* to learn and further their knowledge in the domain of foreign languages: the obstacles are, in the majority of cases, strictly linked to the scarce time that judges and prosecutors have available for devoting to the study of foreign languages as well as travel requirements¹². The lack of finality (appointments abroad, study trips, meetings with foreign colleagues, etc) is also a handicap which may have a bearing on motivation¹³.

Finally, those who participated in the Bucharest meeting highlighted the *shortage of trainers* in the form of experts on linguistic and legal matters, as well as the lack of educational material.

One increasing trend is becoming apparent in that “learning a foreign language” is being limited to “learning English”; the European Commission has already remarked that “English

¹² According to the conclusions from the Eurobarometer survey: the motivations levels of citizens in the European Union for language learning are low (69 out of 100 of those questioned had neither studied a language recently nor had any intention of doing so in the next twelve months whilst only 21 out of 100 Europeans had any intention of improving their language skills during the next year). Lack of time (34 out of 100) and motivation (30 out of 100) were the main reasons cited for Europeans shying away from language learning. Free language courses (26 out of 100), language courses adapted to meet individuals’ timetables (18 out of 100) and the possibility of learning a language in the country where it is spoken (17 out of 100) were considered the most effective motivational factors behind language learning.

¹³ However, in Spain recently, the General Council of the Judiciary (Service for Planning and Analysis of Legal Activity) published a survey on judges’ continual training. On the subject of linguistic training, the majority of them (68 out of 100) wanted to take part in a foreign language training programme.



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is not enough”¹⁴.

This meeting, following the Brussels 2005 meeting on “*an Inventory of judicial’ training needs (analysis and specific proposals)*”, summarised the specific proposals for linguistic training activities in the following way:

- Address the problem of language barriers and initiate specific activities in this domain;
- Promote the use of information technology and online educational materials (as far as online training is concerned); and
- Promote training on the language of judges and prosecutors and develop information technology tools and a common database which allow for the sharing of documents, information, rules of good practice and educational material in different languages.

PLANNING

In addition to the proposals which resulted from the previously mentioned symposia, it may be wise to take various more precise factors into account, in order to ensure that the planning is thorough and effective:

1. “Location” of the training course:

Training at national level has a different set of factors to take into account than for training at local, “decentralised” training. What are the advantages of having both? Decentralised training allows the specific characteristics of public services to be learned and it fosters national and international contacts. On the other hand, training at national level is more expensive and has greater time restrictions.

2. Public:

¹⁴ COM (2003)449: *Promoting language learning and linguistic diversity: an action plan 2004-2006*; COM (1995)590: White paper “Teaching and Learning”.



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Learners often form a heterogeneous group, in the domain of foreign languages as well as through their professional experience; the common objective (studying a foreign language for professional purposes) must not prevent them from targeting their individual needs.

a. Language level: students generally have a relatively heterogeneous level and lessons ought to be structured around the different levels of teaching; these courses are not directed at beginners; level A2 or A2+ of the European Framework of Reference seems to be a good basis for departure. The initial selection test must therefore take stock of the competence required for this level (linguistic, sociolinguistic or pragmatic competence), *a fortiori* in order to specialise in the legal domain of a foreign language.

b. Recruitment, initial training and continual training:

- Recruitment of judges and prosecutors. In certain countries, being able to speak a foreign language is held in high esteem.
- Initial training: for trainee judges and prosecutors.
- Continuing training: for judges and prosecutors: as has already been done by the CGPJ, it is advisable to move towards greater course specialisation in accordance with the participant's position. For example, this could mean specialising in the Tribunal Supremo and the Audiencia Nacional.

Be that as it may, the following 4 essential skills must be activated: understanding, written and oral expression with their slight nuances, meaning that in the case of written expression, a foreign judge will not draft a French judgement but must have a level of language which is sufficient to be able to judge the quality of a translated letter of request, for example.

The linguistic content aims to develop specific skills:

- Linguistic ability (grammar, vocabulary, pronunciation and spelling).
- Sociolinguistic skills (make language work in its social dimension).
- Pragmatic ability: discursive, functional competence: corpus of text types, legal terminology, judicial discourse analysis).



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Studies may also include a module aimed at putting multilingualism into practice, intercomprehension between languages.

3. Teaching methods:

They vary depending on the type of course chosen: general linguistic training or specialised (legal).

COURSE TYPES OFFERED:

A. General language training courses

According to the Eurobarometer survey, the most effective and fitting means of learning languages are as follows: group lessons with a teacher (20 out of 100), school language lessons (18 out of 100), special courses with a teacher and language immersion among native speakers, regular and extended visits to a country where the language is spoken. 36 out of 100 mentioned that they would visit a language centre if there were one nearby.

3.1. Classes in person.

3.2. Online learning.

3.3. Hybrid courses: some contact but also using new forms of technology¹⁵.

3.4. Courses with total immersion.

Immersion course: experience of the Spanish law school of Miraflores de la Sierra (Madrid)

a. Objective: This course aims to develop as quickly as possible the linguistic capabilities of its participants, by plunging them into a linguistic and cultural pool (English, French, German, Italian or Spanish): the entire course is conducted *in the foreign language only*, use of the

¹⁵ For example, in Spain, course organised at the CGPJ by the Universidad Autónoma de Madrid (subsidised by the Organisation Internationale de la Francophonie).



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national language is strictly forbidden.

b. Academic programme: Total immersion in the language being learned or perfected allows it to be practised in a spontaneous manner throughout the day. To achieve this, the students are brought together, far removed from their day-to-day activities, in accommodation situated in a small village and surrounded by native teachers with whom they can converse during class activities as well as during mealtimes or excursions.

Strictly speaking, there are two types of classes: group lessons which aim to revise the grammatical essentials which may be forming stumbling blocks for the students and “one-to-one” conversation classes (a student/native teacher): all classes last an hour and a half; however, in the “one-to-one” session, the student will have 3 different teachers who will each take half an hour to address various subjects, the ultimate objective being to acquire the syntactic structures and the vocabulary which will allow the language to be spoken as fluently as possible.

c. Methodology: Not only classes but all of the programme elements combined should contribute towards improving and perfecting the language. To do this, the teacher and conversation assistants implement a general methodology based on the following points:

- ✓ Revive the student’s dormant knowledge after having ascertained their level and then add new content and structures to it.
- ✓ Supply general information through written documents, audiovisuals, internet websites, etc.
- ✓ Have tailor-made strategies for each participant which is in line with their needs.
- ✓ Encourage student-teacher interaction, particularly through “one-to-one” sessions.
- ✓ Practice vocabulary and apply grammatical rules learned during the classes through other activities, particularly game-related activities.

Evaluate progress on a daily basis and also at the end of the course, providing an analysis of the changing acquisition of knowledge and a revision of the points identified as difficulties.

Initially, the students admitted to the course are asked to prepare by means of:



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- A presentation aiming to provide a personal and professional introduction (possibly including photos as visual aids),
- Grammatical revision exercises sent out by the teacher beforehand
- An overview (to be sent to the teacher prior to the course) of the points on which they would like to focus during the course (phonetics, specific grammatical points, etc).

On day one they are required to take a language test which will allow them to be divided into two groups of different, relatively homogenous levels.

All students have individual records which are filled in by the different teachers they come into contact with on a daily basis in order to monitor their linguistic progress throughout the course and draw some conclusions about ways in which they can improve their language levels.

d. Educational activities: Course: 2 levels: intermediate and advanced intermediate (number of hours per group: 7 sessions (1 hour 30 minutes each).

The course will consist of a prior revision of the work already done, grammatical exercises, vocabulary exercises on topics suggested by the teacher, analysis of oral documents (television news among others) and a commentary on written documents (humour, slang, false friends, Francophony, diversity of the language being studied, etc.).

This will be complemented by drama activities in a group or in pairs (theatre, amusing stories), presentation of television news, press review, etc.

In the one-to-one:

- A list of selected subjects and texts on the daily cultural life of a given country: texts prepared in advance by the teaching team and being able to be published.
- Daily individual phonetic corrections: corrections according to the student's phonological system and examples (lexical) in connection with the student's activities.



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e. Other activities:

- Showing (optional) of films with legal themes: subtitles and giving rise to language-related comments (translation) and in-depth debates.
- Cultural guided tours in French¹⁶.
- Conferences for becoming more aware of the civilisation of the country where the language is being studied: for example, tourism in England, French gastronomy; key figures of the cultural life of the country in question: embassy personnel, people from the world of business, etc; and general professional knowledge: the broad lines of the legal system in the country of the language being studied.

B. Specific language training courses (legal terminology)

According to the Eurobarometer survey: the work-related reasons for learning foreign languages are gaining ground.

Foreign language learning from a legal viewpoint and the knowledge of legal systems in EU Member States is proving to be of particular interest to European legal operators with a view to establishing a European judicial culture. Especially for members of the judiciary who have to deal with disputes containing a cross-border element and ensure that international judicial cooperation with these countries is carried out in a correct and swift manner. The need to improve training in this area is becoming increasingly apparent as seen from the notable increase in legal procedures which entail this type of cooperation. The aim, therefore, is to offer specific training to anyone who has already achieved a good level in the aforementioned languages and wishes to learn how to use the language in a professional scenario, in addition to the structure and running of the legal systems in EU Member States.

¹⁶ For example: the palace of la Granja: The palace of la Granja de San Ildefonso is situated in la Sierra de Guadarrama (Segovia). This palace is the result of the Bourbon dynasty's establishment in Spain. It is on this site that in 1450 Enrique IV commissioned a hunting lodge to be built, later given by the Catholic Kings to the Hieronymite monks of Parral. Later, in the XVIII century, Felipe IV, first Spanish king of the Bourbon dynasty, ordered the construction of the Royal Palace of San Ildefonso, a magnificent example of European palatine architecture whose gardens and fountains in the style of Versailles are teeming with legendary and mythological allusions.



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- The example of the permanent seminar on the comparative study of judicial systems through legal language [Aguilas (Murcia)] (*level one*) and an advanced stage in Murcia (*improvers*). This intensive course on legal language, lasting one week, is particularly useful for judges and prosecutors with an intermediate level, and who are often prevented by their professional obligations from participating in training activities over a long period.
- Hybrid courses (*Blended learning courses*), for example a course set up by the Czech Republic, is also very useful. They allow judges and prosecutors the greatest amount of flexibility for studying legal language on a computer (with support from teachers and lawyers) and to work at the same time.
- This legal language course could be followed up by a period abroad (through the exchange programmes between judicial authorities (EJTN)).
- Other types of more specific activities may be relevant such as *trial simulation workshops*.

The Murcia example: a twofold theory-practical course

In Spain, the General Council of the Judiciary organises a permanent seminar on the comparative study of judicial systems through legal language.

A. Objectives

a. General objective: Contribute towards building a real European judicial meeting point, increasing the training opportunities for European judges and judges and prosecutors in the organisation and operations of the various European judicial systems.

b. Specific objectives:

- Increase knowledge of the foreign language in question from a theoretical point of view;
- Improve practical skills (spoken and written) in applying this knowledge;
- Introduce or improve knowledge of the foreign language in judicial contexts (specific



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vocabulary, names of institutions, legal process, etc);

- Introduce or improve knowledge of the specific legal codes and judicial systems in Spain, France, Germany and the United Kingdom;
- Make the course participants familiar with the legal, institutional and technical instruments for legal cooperation in the European sphere, through a specific teaching module given by an expert in the subject.

B. Public

On the course (legal English, legal French, legal German, legal Italian and legal Spanish), participants are divided up as follows: In English: 12, in French: 8, in German: 6, in Italian: 4 and in Spanish: 12.

As this is an international activity, the 42 participants are of different nationalities: For the June 2008 session, there were judges and prosecutors from Spain, Italy, France, Poland, Croatia, Latvia, Netherlands, Slovakia, Belgium, Germany, Portugal, Austria, Hungary and Bulgaria.

A good level is required in the language of their chosen course (Spanish, English, French, German and Italian). In order to do this, they are required to undergo a preliminary language test carried out by a language specialist. This ensures that classes are kept relatively homogenous.

C. Methodology

Participants are divided up into 2 groups depending on their specialist subject: civil and criminal. This classification allows their needs to be targeted more effectively.

In both cases, the methodology is the same: this is a two-fold course, led by a judge and a linguist who are present throughout the course.

A theoretical explanation of the different judicial orders in the country in question overseen



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by a legal specialist (judge) and a specialist in European law.

Legal language course: terminology and discourse overseen by a linguistic specialist.

The Commission recommends that focus is given to the practical aspects which allow the instruments adopted to be applied correctly, the training is provided in seminars and workshops which include joint practical exercises such as a synopsis of arguments during a trial as well as understanding them, trial simulations in accordance with requirements of the judicial system being studied which will be enriched by the vision and views shared by the participants with regard to their own judicial systems in their home countries.

E. Practical course

Following the seminar, the judges and prosecutors should complement their training by means of an exchange programme between judicial authorities, organised by the EJTN at a court in the country being studied. In addition to practising the foreign language, this practical course (under the guidance of a judge/prosecutor in the host country) allows for the practical application of the training given during the course in Murcia by applying direct knowledge of the judicial institutions and legal proceedings in the host country.

F. Evaluation

As with any activity launched by the CGPJ, this course is evaluated by the students. The aim: improve the way in which the Law School organises training activities, by attempting to take on board the opinions and suggestions of judges and prosecutors. They have to fill in a questionnaire with the following questions:

TEACHING

P1. With regard to the seminar that you attended, please indicate, using the following



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scale, what your expectations were and what you gained from it in terms of your professional training (in this case, 1 equates to *nothing* and 10 means *a great deal*).

I expected 1 2 3 4 5 6 7 8 9 10

I gained 1 2 3 4 5 6 7 8 9 10

P2. We would also like to hear your opinion concerning the interest that the seminar awakened in you and how useful it will be during the course of your working life (in this case, 1 equates to *none/not at all* and 10 means *a great deal/very*).

Interest 1 2 3 4 5 6 7 8 9 10

Usefulness 1 2 3 4 5 6 7 8 9 10

P3. With regard to the content of the seminar, please indicate by selecting one of the following statements which in your opinion matches reality the closest.

- The topics of the seminar were dealt with from a more theoretical or doctrinal point of view rather than practical.
- The topics of the seminar were dealt with from a more practical than theoretical point of view.
- The theoretical and practical aspects of the topics were well combined.

P4. Please indicate your level of satisfaction with the following aspects of the seminar (in this case, 1 equates to completely unsatisfactory and 10 means highly satisfactory).

Choice of questions addressed 1 2 3 4 5 6 7 8 9 10

Documentation provided by the
teachers (quantity) 1 2 3 4 5 6 7 8 9 10

Documentation provided by the
teachers (quality) 1 2 3 4 5 6 7 8 9 10



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Interest shown by the coordinator and
teachers during the seminar

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

Interest shown by the assistants
towards the seminar

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

Schedule distribution

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

General organisation

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

- P5.** Regarding the duration of the seminar, in your opinion:
- Given its programme, the duration of the seminar should have been shorter
 - Given its programme, the duration of the seminar should have been longer
 - The programme and length of the seminar were well judged
- P6.** Have you drawn any useful conclusions over the course on the subjects addressed?
- Yes
 - No
- P7.** In your opinion, did the coordinator and teachers encourage the exchanging of experiences and opinions on the subjects addressed?
- Yes
 - No
- P8.** By using a conventional scale to make an overall evaluation of the seminar, what score would you give it between 1 and 10? _____

TEACHERS



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P9. On a scale of 1 to 10, how would you evaluate the teaching capacity and technical training of the seminar staff?

TEACHER	1	2	3	4	5	6	7	8	9	10
---------	---	---	---	---	---	---	---	---	---	----

P10. In terms of the seminar topics, do you think that:

- The professional background of the teachers was adequate.
- It was a shame not to have teachers from other professional sectors who would have been able to provide other points of view.

LAW SCHOOL

P11. In relation to the work carried out by the Law School, please indicate your level of satisfaction with the following aspects:

Organisation	1	2	3	4	5	6	7	8	9	10
Attention received from the personnel	1	2	3	4	5	6	7	8	9	10

SUGGESTIONS

If you would like to make any comments or suggestions to the people in charge of the continual training service of the Law School, please leave them below.

TRAVEL AGENCY

P12. Please indicate below your level of satisfaction with the service you received from the travel agency, bearing in mind that 1 means *wholly unsatisfactory* and 10 means *highly satisfactory*.



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1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

HOTEL

P13. Did you stay in the hotel selected by the travel agency?

- Yes
- No

P14. *(Answer this question only if you stayed in the hotel selected by the travel agency)*

If you attended a different training course, would you stay at the same hotel?

- Yes
- No

P15. If the answer to the previous question is NO, please explain why:

The advanced course follows the same methodology but adds to the general aspects covered in the first course from a linguistic as well as legal point of view.

TRAINING FOR TRAINERS

It is well known that the practical vocation of the training activities and the complementary nature between the linguistic and legal aspects require the assistance of expert law teachers (English, French, Spanish, Italian, German, etc.), as well as specialist language teachers for



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each language, without overlooking the specific characteristics of each domain and the needs which arise from them.

The specific proposals for language training activities drawn up during the Meeting on “Language training for members of the judiciary” in Bucharest on 4 and 5 October 2006, on expert language trainers should be taken into account:

- 1) Promote *the establishment of a network between language trainers* in Europe in order to: share information; exchange training experience, teaching materials and methods of linguistic training, and to share information on future language training sessions (including “training for trainers”) and creating a joint database containing information on the methodologies and materials for language training, located on the EJTN website with restricted access protected by a password, *in order to limit access to non-published materials*.
- 2) *Drawing up a list of “language contacts”* for the EJTN exchange programme, so as to promote strengthened cooperation between language trainers and the active distribution of information concerning future language training activities which is accessible to judicial authorities and language trainers.
- 3) *Create a multilingual heading on the EJTN website covering European law*, consisting of the main EU treaties and the key instruments for judicial cooperation concerning civil and criminal matters.
- 4) The EJTN should produce a “*training for trainers*” guide for language trainers on the subject of *European legal terminology*. This guide could be drafted in the main European languages and could be made available on the EJTN website (protected by a password if necessary).
- 5) *The EJTN should finance an “experts’ exchange” at national and decentralised levels* in order to exchange training sessions held in other European countries by specific language experts, at the request of national or decentralised training institutions and making it worthwhile to provide language training aimed specifically at judges and prosecutors and covering European legal terminology.
- 6) Financing EDUCATIONAL MATERIALS.

With regard to language training as well as legal training, the overall objective is to design modules which can be reused in other countries by other trainers of judicial personnel.



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Financing new tools for computer-based language learning, at national and decentralised levels. Given the high costs involved in designing and maintaining these tools, the EJTN could launch a “call for tender” and select a limited number of proposals on the basis of objective and transparent criteria.

Increase the number of language training courses for European judges and prosecutors, not only in the form of traditional language courses, but other courses too, aimed at training judges and prosecutors in terminology and concepts of European law.

CONTENT

A. Linguistic content

The linguistic content ought to consist of skills-based modules:

- Linguistic skills (grammar, vocabulary, pronunciation and spelling).
- Sociolinguistic competence (make language work in its social dimension).
- Pragmatic ability: discursive, functional competence: corpus of text types, legal terminology, judicial discourse analysis).

Studies may also include a module aimed at putting multilingualism into practice, intercomprehension between languages.



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B. Legal content

It is important to increase the number of language training courses specifically for European judges and prosecutors in different countries and together with the help of judges from different countries and working together with law schools (with the guidance of a judge/prosecutor from the host country) which, aside from being able to practise the foreign language, allows first hand knowledge to be gained from the judicial institutions and legal proceedings in the host country.

The legal content of the course may also be structured into different modules which can be reused by participants (trainers and students) during the training activities.

Module on legal organisation

Module on civil proceedings

Module on criminal proceedings

Module on European law

The abovementioned modules are complemented by a module on European judicial cooperation, consisting of:

A) International civil judicial cooperation: Bilateral treaties and multilateral treaties: a) the Hague Conference on Private International Law and b) civil judicial cooperation in the EU: 1) Legislation: art. 220 EEC Treaty (now art. 293 EC Treaty), Maastricht Treaty, Amsterdam Treaty, Tampere European Council, Treaty of Nice, the Hague Programme and Lisbon Treaty; 2) Instruments: notifications (Regulation EC No 1348/2000 and Regulation 1393/2007), evidence (Regulation EC No 1206/2001), recognition and execution [Regulation EC No 44/2001(Brussels I)], European enforcement order (Regulation EC 805/2004), recognition and execution on the subject of family [Regulation EC No 2.201/2003 (Brussels II b)], European order for payment procedure (Regulation EC 1896/2006), legal aid (Directive 27 January 2003) and the European Judicial Network in Civil and Commercial Matters (Decision 28 May 2001).

B) International criminal judicial cooperation: a) Criminal cooperation in Europe: developments, the impact of European integration, a European judicial area and the principle of mutual recognition; b) criminal cooperation within the Council of Europe: European Convention on Mutual Assistance in Criminal Matters, European Convention on Extradition, Convention on the Transfer of Sentenced Persons, European Convention on the Transfer of



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Proceedings in Criminal Matters (combating terrorism, Convention on Supervision of Conditionally Sentenced or Conditionally Released Offenders, money laundering, Seizure and Confiscation of the Proceeds from Crime, peaceful settlement of disputes, punishment of road traffic offences and other Conventions); c) criminal justice cooperation in the EU: Schengen area, Convention on mutual assistance in criminal matters of 29 May 2000 and the Prüm Convention; d) mutual recognition: the European arrest warrant, decisions on orders for freezing property or evidence and other instruments; e) bilateral and multilateral instruments: extradition, multilateral instruments of the United Nations on terrorism and narcotics and bilateral instruments; and f) tools for mutual legal assistance (atlas, fiches belges, compendium and SOLON, glossary of multilingual equivalences) and institutions responsible for sustaining cooperation (European Judicial Network, EUROJUST, EUROPOL, INTERPOL, IberRed and liaison judges).

The website of the European Judicial Network (www.ejn-crimjust.europa.eu) provides the tools for mutual legal assistance particularly the different computer-based instruments which have been available since 17 December 2000 thanks to the Portuguese Ministry of Justice.

- Atlas: the atlas allows you to identify the local authority in each Member State to receive and make a request for mutual legal assistance. This allows the principle of direct contact between judicial authorities to be respected.
- Points of contact. Here, a detailed list will appear of the contact details for points of contact in each Member State.
- Fiches Belges. You are provided with concise, practical and legal information on 43 survey measures, in all Member States as well as their procedural and judicial systems.
- Compendium. This is an interactive system which provides assistance when drafting letters rogatory.
- SOLON, glossary of multilingual equivalences. This is an instrument which will allow you to avoid the difficulties of translating legal terminology in the different Member States.

There are also relevant legal instruments concerning judicial cooperation on criminal matters: for example, a letter rogatory available in all EU languages which should be appended to the request for mutual legal assistance and contain an acknowledgement of receipt which has to be filled in and sent back by the required authority.



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EVALUATION

The European reference framework specified the different types of evaluation to be taken into account; each step of learning requires a different method of evaluation: to clarify:

- ❖ Who is being evaluated: the teacher? The student? The organisers?
- ❖ What is being evaluated?
 - *formative* (continual process which allows information to be gathered on the learner's strengths and weaknesses) or *summative* (checking what has been learned at the end of the course and giving it a mark),
 - evaluation of *knowledge* or *capacity* (ability to communicate),
 - *holistic or analytical*.
- ❖ What instruments are used for the evaluation?

Subjective evaluation (carried out by the teacher) or *objective* (done through anonymous tests).

PROPOSALS

Guidelines on language training:

- Improving the linguistic skills of members of the European judiciary is essential for promoting the reinforcement of *mutual trust* within European legal authorities.
- Increase the number of language training courses for European judges and prosecutors, not only in the form of traditional language courses, but other courses too, aimed at training judges and prosecutors in terminology and concepts of European law.
- According to the objectives established by the EJTN in the Strategic Plan for 2013: promoting the increased use of different European languages among national judges and prosecutors. The strategy that the EJTN will deploy when implementing these



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ideas will involve developing the following activities for members of the EJTN and judges and prosecutors: a) the production of reference documents in a range of EU languages and b) the planning of training activities and placements in order to improve language skills, practices and knowledge of legal terminology.

- National training centres must plan and organise courses in foreign languages for judges and prosecutors based on different methodologies: immersion courses, online courses, face-to-face training and financial assistance for their own language training.
- As far as new forms of technology are concerned, the internet is a potentially useful tool for self-learning. Besides, online learning should be a complement rather than a substitute for face-to-face interaction between judges.
- Provision of training courses to judges and prosecutors, the idea of implementing joint training activities developed at national level or on a bilateral or multilateral basis or through EU co-financed programmes, with a high level of European added value and aiming to improve the knowledge of the judicial systems which exist in Europe.
- Organisation of *ad hoc* multilingual workshops for judges and prosecutors on subjects of European law (above all on judicial cooperation on civil and criminal matters) and comparative law, in the framework of the EJTN's exchange programme, aimed at judges and prosecutors and before the event. These workshops ought to be led by a judge or prosecutor and by a languages expert.
- Increase the number of national judges and prosecutors who are able to participate in the permanent exchange programme, allowing them to gain tangible experience of how different European judicial systems are run.
- Promote the use of computer-based tools and online educational materials (as far as online training is concerned); and develop computer-based tools and a joint database to allow documents, rules of good practice and educational materials in different languages to be shared.
- With regard to language training as well as legal training, the objective aims to design modules which can go on to be reused in other countries by different judicial trainers. For this reason, there needs to be material on legal linguistic training specifically aimed at judges and prosecutors by experts in languages and law, and language training modules with support from the EJTN.
- Financing new tools for computer-based language learning and national and decentralised level. Given the high costs involved in designing and maintaining these tools, the EJTN could launch a "call for tender" and select a limited number of proposals on the basis of objective and transparent criteria.



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- Training the trainers in law and language experts with the support of EJTN.
- Proposal regarding training activities to be put in place in future years on the basis of these guidelines. Call for proposals from the European Commission in order to finance the EJTN activities:
 - (Reference number: JLS/2007/JPEN-FPA/014): Organisation of language training activities on the terminology of judicial cooperation (theory and practical) in at least six member countries and with the participation of at least two member countries. Participants should be members of the European Judicial Network or judges, prosecutors and lawyers specialising in trans-border judicial cooperation. Deadline for project submission: 30 September.
 - A project on training for trainers in law and language experts, developing materials for legal-linguistic training specifically aimed at judges and prosecutors by language and legal, modules on language training and rules of good practice.

With the contribution of Escuela Judicial





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ANNEXES



**Comments by
Margarida Valadas
Legal English Lecturer
Centro de Estudos Judiciários
Portugal**

The need to improve language skills among EU judges and public prosecutors is a priority in order to improve familiarity with Union and Community instruments, to promote an understanding of other EU legal and judicial systems and thereby to enhance judicial cooperation. It is therefore with great satisfaction that I read the document on Linguistic Training sent to me on 21 May 2008. It is a very complete document and will be of great interest to all those interested in linguistic training for judges and public prosecutors. There is very little that needs to be added and my comments are therefore of a general nature.

General Language Skills:



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1) Knowing a foreign legal language requires a high level of language proficiency involving many years of training. It is very difficult for older judges and public prosecutors without any training in a particular language to find the time necessary in order to attain this level.

Therefore, although we agree that general language courses are very useful for judges and public prosecutors, they should be left to Member States to consider planning, organising and implementing. There are many kinds of language courses available and it should be left to the judge or public prosecutor to choose the type that best suits his or her needs.

Initial Training

2) It would be desirable for all future judges and public prosecutors entering the judiciary and public prosecution service of a Member State to have a minimum level of legal language skills. This could be achieved by any of the following:

- a legal language course offered during initial training. This course should also cover EU Law;
- prior knowledge of a legal language acquired at law school or through work experience;
- other similar legal language training (a legal language course at a private language institute for instance).

3) It would also be interesting to have lecturers on legal issues from different Member States visit national judicial institutes in order to foster a sense of openness and interest and to encourage language learning.

4) In Portugal, language training is particularly important in initial training. It has been compulsory for two years and the mark received at the end of the course counts towards the final grade average of the future judge or public prosecutor. Promoting language learning at this stage makes future judges and public prosecutors aware of the advantages of knowing a foreign language. Furthermore, since all future members of the judiciary and public prosecution service are receiving the same training it will be easier for them to participate in



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language workshops or in programmes in other countries. The main problem in Portugal is that the overwhelming majority of future judges and public prosecutors prefer to study only English. When given a choice in 2006/2007, out of a total of 140 “auditors de justiça”, 128 chose to study English and 12 chose French.

Ongoing Training

5) For judges and public prosecutors undergoing ongoing training, legal language courses such as the one offered in Murcia, Spain are very useful. More week-long intensive courses of this type would be convenient for judges and public prosecutors, with intermediate or upper-intermediate language skills, who often have difficulty attending courses that take place over long periods of time due to their heavy work load.

Blended learning courses, such as those offered by the Czech Republic are also advantageous in this respect. They allow judges and public prosecutors more flexibility by allowing them to study a legal language on their computers at their own pace, with support from language teachers and with speaking practice.

Though other teaching methods should be maintained, these two approaches to linguistic training are particularly interesting.

Judges and public prosecutors need not be separated except at advanced levels or if the subject matter is very specific.

The other suggestions put forth at the cycle of three meetings on Linguistic training for judges and public prosecutors which ended in Brussels on 15 November 2007 and that are detailed in the document “Working Group “Programmes” – Sub-group Linguistic Training” (including full immersion seminars for participants in the EJTN’s exchange programmes and block seminars for language trainers) would also be very useful if implemented.

Training for Trainers



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6) Most of the countries represented at the aforementioned meetings expressed a need for the training of trainers. Legal language trainers should have basic knowledge of the legal system related to the language they are teaching, the legal system of the country they are teaching in and EU law. If they have no legal background they need training to acquire this knowledge.

Part of the problem has to do with the fact that teaching materials are not easy to find. Though there are an increasing number of course books available on the market in the area of legal languages and business law, there are none that pertain directly to the EU or that address judges and public prosecutors specifically. Member States that have created their own teaching materials in a particular language (such as the Czech Republic) could be called upon to share their resources with other countries. This would also be of great help to linguistic trainers.

It would be even more advantageous to have teaching materials on EU Law specifically designed for judges and public prosecutors as is outlined in the document “Working Group “Programmes” – Sub-group Linguistic Training”

It would also be beneficial for language trainers to receive training in EU law and to meet periodically in order to exchange experiences, material and opinions and so to disseminate best practices.

At a later stage these meetings could be used as a forum for the discussion of terminology.



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Comments from

Anna Narewska

**Polish National Training Centre
for the Officials of Common Courts of Law
and Public Prosecutor's Office**

This work all seems very fair to me. In fact I myself, whilst taking a language course in Poland, was asking myself similar questions.

Perhaps it might be wise to outline some conclusions with regard to the courses presented (the courses led by the CGPJ) in the document: How could the Spanish programmes be transposed to EJTN level so that they are useful for other Member States and members of the EJTN? Are there the means available for working on a joint programme at EJTN level, basing it on the content put together in Spain? The same could be said for the Czech blended learning courses.

The EJTN's target with regard to judges and prosecutors' language training is (in my opinion) twofold: it is a question of proposing something which is "universal", training at European level (for example training for trainers or creating joint educational tools), but it is also a question of proposing guidelines to member countries which they could take into account whilst preparing their own national language courses.

In my opinion it is also important (I say this because I myself have encountered several questions whilst planning language training in Poland), if I want to take courses by the e-learning method, which should be in proportion to online courses, compared to the hours of classes held "on site", are both methods indispensable for language learning? And so on and so forth....



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Therefore, I wonder if it might be worthwhile working on the following question: How can member countries which have (or which want) to bring language courses to fruition work to produce guidelines on one hand and educational tools on the other hand? How in practice can they best draw upon the experiences of other countries which already offer linguistic training to judges and prosecutors?

One of the ideas that spring to mind is to hold a series of meetings of a working group, made up of representatives from different countries, which would design a “universal” course made up of worksheets which could be used by trainers in different countries as examples. Example: on the TV5 website, there are worksheets for French courses which can be used by national teachers of “French as a foreign language”. Such groups could also draft guidelines, based on the experiences of those who have already initiated legal-linguistic training in their country.