

**29 - 30 January 2019**

**TBC**

EJTN Rule of LAW TRAINING

for Judges and Prosecutors

Upholding the rule of law in practice,

a crucial role of Judges and Prosecutors

[RoL/2019/01]

With financial support from the Justice

Programme of the European Union

Background of the project:

Following the decision of the European Commission (DG Justice and Consumers Directorate-General) to allocate a grant to organise a series of 8 seminars; one webinar; draft the Manual/Practitioners Guide on aspects of rule of law, and the Training Strategy Guide on rule of law to be used by EJTN members in 2018 and 2019, EJTN together with Tipik communications agency responded and agreed to implement these tasks. The tasks are part of the European Commission strategy for the effective implementation of the EU Charter of Fundamental Rights.

The main objective of these seminars is to make the participants reflect on the international and national standards of the Rule of Law and to address aspects of protection of fundamental rights and rule of law as reflected in the ECJ and ECtHR case law, by increasing the understanding of what is the role and daily obligations in private and professional duties of judges and prosecutors, of the EU Member States and six western Balkan nations (Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Serbia and Kosovo).

The seminars together with the other deliverables aim to increase the coherence and complementarity among existing training module materials on the topic of rule of law all across the EU and six western Balkan nations (Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Serbia and Kosovo).

Background of the seminars:

The existing, well-established UN, Council of Europe (CoE) and European Union (EU) standards emphasize the key role of the independent and impartial judiciary as well as autonomous and impartial prosecution services in safeguarding the rule of law and making the right to access justice as well as other fundamental rights, as enshrined in the Charter of Fundamental Rights of the European Union and other CoE and international human rights instruments, a reality for every individual.

In the context of the EU in particular, the rule of law - together with respect for fundamental rights and democracy - is listed in Article 2 of the Treaty on European Union as one of the core values on which the Union is founded. The rule of law is a prerequisite for individuals’ trust that justice prevails, the prosecution services are autonomous and the courts are impartial. The justice systems firmly anchored in the rule of law are key for the implementation of EU law and for the strengthening of mutual trust.

Whatever the model of the national justice system or the legal tradition in which it is based, legality, legal certainty, prevention of abuse of power, independence and impartiality, autonomy, effectiveness and quality are essential rule of law components on which any justice system should be based. These are common qualities which ensure that in all European systems, judiciaries of every branch (civil, criminal and administrative) as well as prosecution services all ensure that the rule of law is guaranteed, especially by the fair, impartial and efficient administration of justice in all cases and at all stages of the proceedings within their competence. In other words, these qualities are crucial for both groups, judges and prosecutors, and the seminars address issues of relevance for both of these groups.

The two seminars will be held focusing on different aspects of the rule of law relevant for the daily work of judges and prosecutors. Both seminars will start with an overview of key international, European and EU standards related to rule of law. They will then focus on practical issues in relation to the work of judges and prosecutors in relation to the following areas:

* *Seminar 1*: Relationship of judges/prosecutors in work environment and vis-à-vis other state powers; Infringement of the security of tenure of judges and prosecutors.
* *Seminar 2*: Selected aspects of independence of judges and prosecutors; Judicial and prosecutorial integrity: standards of ethical and professional conduct

Both seminar will also address the issue of public discussion and criticism of judges and prosecutors: role of media and public trust.

Required profile of the participants:

* all members of judiciary as well as prosecution services from EU Member States and the Western Balkans countries;
* specific groups like presidents of courts, members of councils, members of supreme judicial bodies, spokepersons of the courts;
* trainers at national training institutions for prosecutors and judges.

The goals of the seminar:

1. To enhance knowledge of judges and prosecutors of all levels and different hierarchical functions and branches of different aspects of the rule of law, such as independency and impartiality, separation of powers, responsibility and accountability of judges and prosecutors, communication strategies, particular challenges to the rule of law (corruption, conflicts of interest, etc);
2. To raise awareness among judges and prosecutors as how these aspects of the rule of law play an important role in their daily work;
3. To increase the awareness of judges and prosecutors on the importance of a good communication policy about the managing of cases that raise general concerns in public opinion;
4. To sharpen the participants skills and sensitivity to the issues related to rule of law and to stress the common values of the rule of law principle throughout Europe;
5. to have an in depth exchange with European colleagues and enhance also in this way mutual trust.

Additional objective for the project:

1. To discuss and identify the essential components of the rule of law from the perspective of both judges and prosecutors;
2. To collect information and materials that can be of used for drafting of a Training Strategy and Practitioners Manual;
3. To boost similar training activities on the respective national level across EU.

After the seminarit is expected the participants:

Increased knowledge on the key elements of the rule of law, and their practical implications in the professional and private lives of judges and prosecutors. In this context, increased awareness and knowledge of the participants on how to protect and uphold the rule of law values in their every-day work. In particular, awareness of individual guarantees that a judge and a prosecutor can apply in their work in order to reinforce the rule of law, such as integrity, personal independence, intellectual independence, competence, media communication strategies, appropriate appointment or disciplinary procedures.

|  |  |  |  |
| --- | --- | --- | --- |
| **Draft Programme** | | | |
| **Day-and-a-half training comprised of four lectures and one workshop. Participants to this event will devote their time to get introduced to the elements and principles of Rule of Law. All the lectures and workshop sessions will be led by experienced judges, practitioners and trainers, who will guide the selected Judges through the course of their work.** | | **The training will also serve as a forum for the exchange of knowledge and best practices between judges from across the EU and the Western Balkan states.** | |
| **29 January, 2019**  **Moderator:**  **Nina Betetto** | | | |
| 08.45-09.00 | Registration of the participants | | |
| 9.00-9.15 | **Welcome Words**  **Presentation of the European Judicial Training Network** | |  |
| 10.00-10.45 | **Setting the scene: UN, Council of Europe and European Union standards on rule of law:**   * *Legality* * *Legal certainty* * *Prevention of abuse of power* * *Independence/autonomy and impartiality* * *Effectiveness* * *Quality* | |
| 10.45-11.15 | Group Photo & Coffee break | | |
| 11.15-12.30 | **Working group discussions ‘Relationship of judges/prosecutors in work environment and vis-à-vis other state powers’**   1. *Relationship between judges and prosecutors in and outside court rooms – division of powers and mutual respect* 2. *Impartiality of judges and prosecutors in and outside court rooms* 3. *Integrity of judges and prosecutors in and outside court rooms (including quality and efficient of judicial protection, including ethical issues)* 4. *Key players as safeguards for the independence of judges and prosecutors (e.g. councils, presidents, general assemblies of judges, associations, judges themselves, etc.)* | | Group 1:  Group 2:  Group 3:  Group 4: |
| 12.30-13.30 | Lunch Break (TBC) | | |
| 13.30-14.30 | |  |  | | --- | --- | | **Continuation of the working group sessions**  *The participants will work in the same groups as they did in the morning, with the same moderators* |  | | | |
| 14.30-15.00 | Coffee Break | | |
| 15.00-17.00 | **Infringement of the security of tenure of judges and prosecutors**   1. *Termination of terms in office or retirement age of judges and prosecutors defined by executive decision or legislative reform motivated by political reasons* 2. *Reassignment of judges and prosecutors to other cases/courts/prosecution office* 3. *Direct and indirect influence of executive in the process of appointment of judges and prosecutors (e.g. where security checks are required without a possibility to challenge their results)* 4. *Individual responsibility/liability of judges/prosecutors for their decisions* | | Group 1:  Group 2:  Group 3:  Group 4: |
| 17.30 | End of First Day | | |
| 19.30 | **Official Seminar Diner @ (TBC)** | | |
|  | | | |
| **30 January, 2019**  **Moderator: Nina Betetto** | | | |
| 08.45-09.00 | Arrival and registration of the participants | | |
| 09.00-10.00 | Reporting back to the plenary on the two topics discuss on day 1 | |  |
| 10.00-11.00 | **Public discussion and criticism of judges and prosecutors: role of media and public trust.** | | Group 1:  Group 2:  Group 3:  Group 4: |
| 11.00-11.30 | Coffee break | | |
| 11.30-13.00 | **Panel discussion on public discussion and criticism of judges and prosecutors: role of media and public trust**  Experts joining the panel and expressing their opinions commenting on the cases and discussing topic in general. The discussion in the panel is moderated by the overall moderator of the seminar  *Q&A - Discussion* | | Group 1:  Group 2:  Group 3:  Group 4: |
| 13.00-13.15 | **Closing Words and Evaluation of the Training by the Participants (Submission of Evaluation Forms)** | | |



European Judicial Training Network

123, rue du Commerce

B-1000 Bruxelles

Phone +32 2 280 22 42

Fax +32 2 280 22 36

Mail [ejtn@ejtn.eu](mailto:ejtn@ejtn.eu)

[www.ejtn.eu](http://www.ejtn.eu)

