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IN-SERVICE TRAINING OF JUDGES IN EUROPE

“Training for judges – justice for all”
Serbian Judicial Training Centre, 2002.

Abstract

It is essential that judges receive detailed, in-depth, diversified training so that they are able to perform their duties satisfactorily. Facing a quickly-evolving world, where technologies, social context and law change on monthly basis, judges and prosecutors need to constantly improve their professional knowledge, skills and behaviour. Knowledge of substantive law is no longer sufficient – holders of judicial offices need to know more about the social context of law and judicial processes, skills related to the activity in the court. In order for judicial training to truly contribute to the improved functioning of the judiciary and secure for every person the right to a fair trial, the training must respond both to the needs of the judiciary and also to the needs of the society. This article will present the current and emerging trends in assessing the training needs within European judicial systems and developing continuous judicial training curricula. The article underlines the need to shift the process of assessing the need for training of holders of judicial offices from a justice-centered exercise to a consultative and inclusive process that engages a wider stakeholder community. The authors also argue that the emerging trend of developing judicial competence models can be instrumental in securing both that the training needs are met and that access to justice is provided to all.

Keywords: *judiciary, training, training needs assessment, competency-based training, judicial competency models.*

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1. Judicial training as a prerequisite of an independent and efficient judiciary

It is essential that judges receive detailed, in-depth, diversified training so that they are able to perform their duties satisfactorily. Facing a quickly-evolving world, where technologies, social context and law change on monthly basis, judges and prosecutors need to constantly improve their professional knowledge, skills and behaviour. Knowledge of substantive law is no longer sufficient – holders of judicial offices need to know more about the social context of law and judicial processes, skills related to the activity in the court, management in particular, and how to interact with the public and the media, use new technologies, etc.³

As Thomas points out⁴ judicial education and training are perceived, in European continental-law countries in particular, as an essential element of judicial independence – since training helps to ensure the competency of the judiciary. It is possible to take this claim even further – when one thinks of a model of education of judges, one also necessarily thinks of desired model of a judge or a prosecutor. To contemplate a model of a judge or a public prosecutor also implies the obligation of contemplating the ideal of a society one wishes to build, of considering its political, economic and social organisation, and on the system of checks and balances.⁵ Judicial independence and judicial education are intrinsically related.

In order for judicial training to truly contribute to the improved functioning of the judiciary and secure for every person the right to a fair trial, the training must respond both to the needs of the judiciary and also to the needs of the society. This article will present the current and emerging trends in assessing the training needs within European judicial systems and developing continuous judicial training curricula.

Several international instruments recognise the importance of judicial independence and hence judicial education and training.

Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms provides that “*everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.*” The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and

³ EJTN, Handbook on Judicial Training Methodology in Europe, 2016, 20, http://www.ejtn.eu/Documents/EJTN_JTM_Handbook_2016.pdf.

⁴ C. Thomas, Review of Judicial Training and Education in Other Jurisdictions, 13, https://www.ucl.ac.uk/laws/judicial-institute/files/Judicial_Training_and_Education_in_other_Jurisdictions.pdf.

⁵ A. Cluny, *Training of judges and public prosecutors in the function of quality of judicial system*, Judge’s Association of Serbia, Belgrade 2015, 17.

Political Rights both guarantee the exercise of those rights, and the International Covenant on Civil and Political Rights further guarantees the right to be tried without undue delay⁶. The United Nations Basic Principles on the Independence of the Judiciary of 1985 recognises that “consideration be first given to the role of judges in relation to the system of justice and to the importance of their selection, training and conduct.” There are a number of regional framework documents that also provide guidance to states on their obligations with respect to judicial training – among these, the European framework is of particular interest.

The Council of Europe has also developed a set of instruments governing key aspects for establishing an efficient system of education and training of judges. These include:

- The European Charter on the Statute of Judges of 1998, which makes direct references to the level and scope of appropriate training that judges should receive both pre-service and in-service.⁷
- Committee of Ministers Recommendation No. (2010) 12 on Judges independence, efficiency and responsibilities – in its Article 56 the Recommendation states that judges should be provided with theoretical and practical in-service training, entirely funded by the state, which should include economic, social and cultural issues related to the exercise of judicial function.
- Recommendation No. (2004) 4 on the European Convention on Human Rights in university education and professional training, recommending that training concerning the Convention and the case-law of the Court exist at national level as a component of the continuous training provided to judges, prosecutors and lawyers;
- Opinions of the Consultative Council of European Judges (CCJE) No 1⁸ (2001) and No 3 (2002)⁹ and, most importantly, Opinion No 4 (2003)

⁶ Article 14, paragraph 3 of the Covenant.

⁷ Articles 2.3, 4.4 of the Charter. The explanatory memorandum to the Charter underlines that judges ‘must have regular access to training organized at public expense, aimed at ensuring that judges can maintain and improve their technical, social and cultural skills...’

⁸ Opinion No 1 (2001) of The Consultative Council Of European Judges (CCJE) for the attention of the Council of Europe on standards concerning the independence of the judiciary and the irremovability of judges (Recommendation no. R (94) 12 on the independence, efficiency and role of judges and the relevance of its standards and any other international standards to current problems in these fields).

⁹ Opinion no. 3 of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers of the Council of Europe on the principles and rules governing judges’ professional conduct, in particular ethics, incompatible behaviour and impartiality. It states that the effectiveness of the judicial system also requires judges to have a high degree of professional awareness, and that judges are required to ensure maintain a high degree of professional competence through basic and further training.

of Consultative Council of European Judges (CCJE) on appropriate initial and in-service training.¹⁰ The need for the independence of judicial training institutions, the importance of appropriate training for young judges, particularly focused on the acquisition of skills and "judgecraft" qualities, as well as the recognition of time spent on training as an investment in the quality of justice, are amongst the core principles enshrined in these instruments.

Recently, on 28 June 2016, the General Assembly of the European Judicial Training Network adopted Nine Principles of Judicial Training.¹¹ The principles establish key statements relating to the nature of judicial training, the importance of initial training, the right to regular continuous training and the integral nature of training in daily work. The principles also address the dominion of national training institutions regarding the content and delivery of training, clarify who should deliver training and stress the need for modern training techniques as well as express the need for funding and support commitments from authorities.

2. Training Needs Assessment as a key step in judicial training development and delivery

Regardless of its form, development and cultural context, judicial training programmes are designed to improve judicial performance by preparing new judges for performing their duties, guaranteeing greater consistency in judicial decisions and updating judges in new methods, laws and other knowledge.

Training-needs assessment is perhaps the most critical element of the training cycle that comprises training objectives, plan and design of the training, implementation, and evaluation of the training.

When it comes to the institutions that provide judicial education, the key European regulatory instrument – the Opinion No 4 (2003) of the Consultative Council of European Judges (CCJE) on appropriate initial and in-service training – remains neutral when it comes to the authority responsible for delivering judicial training. In Europe the training of holders of judicial offices is either organised by a judicial school, academy or a training centre as a self-standing institution, established by the state, as the case is in France, Spain, Poland, Croatia, Germany, Greece and many other countries, by the competent ministry of justice or its department or

¹⁰ Opinion no 4 of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers of the Council of Europe on appropriate initial and in-service training for judges at national and European levels.

¹¹ EJTN, Judicial training principles, 2016, http://www.ejtn.eu/PageFiles/15004/Judicial%20Training%20Principles_EN.pdf.

of the Supreme court, as the case is in e.g. Luxembourg, Slovenia and Estonia.¹² They are almost always independent of the executive and the legislature, although these branches of the State may in some way contribute to management. In most cases, the same training institution is competent for the training of both judges and prosecutors, though different training arrangements may exist for initial and inservice training.¹³

While the choice of training curricula and training approaches will be unique to each jurisdiction, a judicial training and education programme should be determined by an objective assessment of existing needs, available resources and the relative merits of each approach. However, this rarely happens. Judicial training in most jurisdictions is often the result of ad hoc development over time, where new courses are introduced to meet specific needs and there is little comprehensive evaluation or integrated planning of judicial training programmes.

Ideally, judicial training programmes and curricula should respond to concrete problems, be based on a needs assessment, have specific objectives that shape the training programme and be subject to periodic evaluation.¹⁴

Good training planning begins with the proper assessment of learning and training needs within the target group, and that it ends with a thorough and sustainable post- event evaluation and assessment of what has been achieved.¹⁵ Training-needs assessment is the first and perhaps the most critical element of the training cycle that comprises training objectives, plan and design of the training, implementation, and evaluation of the training.¹⁶ It is a structured and systematic process that can be applied to organisations, functions (e.g. civil judge, court president, mediator) and/or individuals.

Needs analyses evaluate the skills requirements, by comparing the current competences against the desired state, and determining the gap

¹² For more details see: National training structures for the judiciary, https://e-justice.europa.eu/content_national_training_structures_for_the_judiciary-406-en.do. For more information on judicial training institutions, particularly in countries utilizing the so-called multi-organisational approach to judicial training such as USA, Canada and Australia, see C.Thomas, 29-33.

¹³ Council of Europe, Eastern Partnership Enhancing Judicial Reform in the Eastern Partnership Countries Working Group on “Professional Judicial Systems” Project Report Training of Judges, 10, http://www.coe.int/t/dghl/cooperation/capacitybuilding/Source/judic_reform/Eastern%20Partnership_Report%20on%20Training%20of%20Judges_English_Final%20version_15%2005%202012.pdf.

¹⁴ C. Thomas, 37.

¹⁵ See, in-depth, chapters 2 (needs assessment and its role for curriculum building) and 5 (evaluation landmarks) EJTN (2016a).

¹⁶ J. Cooper, „EC Study of the Best Practices in the Training of Judges and Prosecutors in EU Member States“, *Judicial Education and Training* 3/2015, 53.

in knowledge to be closed. Many of the techniques used for assessing customer expectations of service delivery or citizens' experience of the justice system can be used for conducting needs analyses, i.e. surveys (face- to-face, telephone, written, online), panels / focus groups, and feedback on previous training events.

However, in most jurisdictions there is little to distinguish between needs assessment, curriculum development and training evaluation. One study shows that in most jurisdictions these activities rely on feedback questionnaires completed by holders of judicial offices at the end of training sessions, which is sometimes accompanied by wider periodic surveys of the judiciary on their training needs.¹⁷ The same study points out that there is little involvement by individuals outside of the judiciary in the design of judicial training programmes. However, evidence shows that in recent years European countries have developed more elaborate and inclusive methods in order to collect inputs for training needs analysis and ultimately curriculum and training development.¹⁸

The TNA methods used in comparative practice by national or regional training institutions can be classified in the following manner:

- **Training committees/coordinators** – This method implies that judges, lawyers and others responsible for assessing training needs collect and filter information on training needs of holders of judicial offices and report their findings to the body responsible for the development of the curriculum.¹⁹ In comparative practice, this method is used often, both in judicial training bodies that do not have regional outposts/ antenna offices and in systems where these are developed, such as Croatia.²⁰ Sometimes, this method is also combined with the results of other methods e.g. questionnaires and surveys – so as to complement or verify their results. For instance, in Austria, an Advisory Board on Judicial Training comprises the president of the Supreme Court, presidents of the four courts of appeal, the general procurator, the heads of the four senior public prosecutors' offices and the associations of judges and prosecutors. It meets twice a year and serves as a forum for evaluation of training needs and exchange of ideas. In Spain, information collected from end users through questionnaires is analysed by a group of members from the CEJ in order to verify the proposals and also differentiate between training needs and training wishes. In

¹⁷ EJTJN, Study on Best Practices in training of judges and prosecutors Final report, 2015, http://www.ejtn.eu/Documents/Resources/Lot1_final_Jan2015.pdf.

¹⁸ EJTJN (2015).

¹⁹ *Ibid.*, 32 – 41.

²⁰ *Ibid.*, 36.

Spain and Croatia, where the judicial training body has geographically decentralized outposts, the specific knowledge of employees in those outposts is used to identify specific training needs in this area.

- **Questionnaires or surveys of holders of judicial offices** – this is the most common approach to TNA, where holders of judicial offices are asked what kind of training is needed or what kind of knowledge they feel they lack or should improve. These surveys may be general and addressed to all holders of judicial offices or targeted towards heads of specific judicial units (territorial or functional). Most often, however, the questions regarding future training needs is a part of questionnaires filled in by holders of judicial offices after the training they have attended. This information is then fed in the system and used for curricula and programme development. In a survey conducted by the European Judicial Training Network (EJTN) a total of 22 judicial trainings institutions have reported the use of post-training questionnaires to be filled-in by the training participant as a method for collecting proposals for further suitable training topics.²¹ Some institutions, such as the European Institute of Public Administration, also use pre-training questionnaires for trainees in order to ensure that the training truly responds to the needs of the training participants.²² In Spain, survey of judges is an integral part of the process for continuous training, where questionnaires are sent to all holders of judicial offices and are filled in online. In Germany, leaders of court/prosecution offices gather information on career development, and hence on individual training needs of every holder of judicial office, through structured interviews with every judge/prosecutor once a year. In Bulgaria, extensive annual or bi-annual surveys are used to assess the training needs within the judiciary. Also, regional training needs assessments are also conducted once a year. In the Czech Republic, the judicial academy asks the management of court and prosecutor's offices to send them a letter containing their training needs for the forthcoming year. The Czech system also relies on inputs provided through online registration system. In Sweden, the needs for training of judges are identified based on a comprehensive bi-annual survey

²¹ EJTN Working Group, „Judicial Training Methods“ Survey on Evaluation and Assessment of Training Events - presentation of results available at http://www.ejtn.eu/Documents/benedetta/Results_%20E-Survey_Evaluation_Assessment.pdf.

²² This specific practice is reportedly developed was specially designed to evaluate the outcome of the workshops organised to implement the training modules in the area of EU family law for the European Commission. EJTN, Best Practices in training of judges and prosecutors, 2014, [http://www.ejtn.eu/Documents/Methodologies_Resources/Best%20practices%20Lot%201%20EN/TNA_08_ERA_EU_en%20\(4\).pdf](http://www.ejtn.eu/Documents/Methodologies_Resources/Best%20practices%20Lot%201%20EN/TNA_08_ERA_EU_en%20(4).pdf).

sent to all judges. In England, a phone survey was used to identify the training needs of coroners, a specific yet not a small group.²³

- **Court users and community assessment exercise** – this method is used to identify areas where the community or other stakeholders believe that judicial training or education would improve the overall functioning of the judicial system. This approach can complement surveys and also increase ownership of the judicial training programme by a wider community and also help create confidence in the judicial training and consequently, judicial independence. This type of information is often collected through informal meetings with key stakeholders, such as the case is in Bulgaria or through participation of professional associations, including professional associations of judges and prosecutors, in the bodies responsible for developing training programmes and curricula. The approach used to be characteristic of USA and Canada²⁴, but some European countries, such as Romania, have introduced the community assessment exercise as a formal and integral part of their continuous training needs analysis.²⁵
- **Research** – this is method used to identify best comparative practices (research into other programmes in other jurisdictions) and to keep track of public policy and strategic documents and regulations on both national and EU level are assessed in order to identify training needs to outsource part of the programme/curricula development. For example, In Bulgaria, court practice is researched through informal communication or specific meetings with the Supreme court.
- **Creation of competence models for judges and holders of judicial offices/gap analysis.** This system is a complex one and has been piloted in Poland and Belgium, and will be elaborated more further in the text..

In addition to national or regional judicial training institutions, different bodies have developed training needs assessment tools for judicial training. For example, USAID developed a methodology for assessing the training needs of judges in 12 district courts in Indonesia.²⁶ The European

²³ See: European Parliament, Directorate General for Internal Affairs, Judicial Training in the European Union Member States - Study, 2011, [http://www.europarl.europa.eu/RegData/etudes/etudes/JOIN/2011/453198/IPOL-JURI_ET\(2011\)453198\(ANN01\)_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/JOIN/2011/453198/IPOL-JURI_ET(2011)453198(ANN01)_EN.pdf).

²⁴ According to Thomas, non-judicial input included experts in pedagogy, curriculum development, social context advisory committee and community advisory committees at court level. C. Thomas, 50.

²⁵ European Commission, Best practices in training of judges and prosecutors, [http://www.ejtn.eu/Documents/Methodologies_Resources/Best%20practices%20Lot%201%20EN/TNA_02_Romania_EU_en%20\(2\).pdf](http://www.ejtn.eu/Documents/Methodologies_Resources/Best%20practices%20Lot%201%20EN/TNA_02_Romania_EU_en%20(2).pdf).

²⁶ USAID, Training Needs Assessment for 12 District Courts, 2010, http://pdf.usaid.gov/pdf_docs/pnaea584.pdf.

Commission for the Efficiency of Justice (CEPEJ) developed a Judicial Training and Education Assessment Tool for European Judges,²⁷ which identifies key factors to consider in assessing current judicial training programmes, future judicial training needs and the most effective means of delivering judicial training.

3. Emerging trends in judicial training needs assessment

It is impossible to offer each of the judicial officials every kind of training or education at any time. Competency based training²⁸ seems to be emerging response to this challenge. Consequently, it is crucial to focus resources and efforts on those competencies that are critical.

The structure of competency based learning comes from creating, managing, and aligning sets of competencies to learning resources, assessments, and rubrics, with analytics to track performance²⁹.

Key characteristics of the competency based training include as the minimum i) **the learner-centric content** that provides opportunities for each individual to develop skills at their own pace, collaborate with others, collect evidence of learning, and become successful lifelong learners ii) **well – defined learning outcomes** by reorient curricular design to start with learning outcomes rather than starting with time/term structures and iii) **differentiation** that refers to competency based learning practices that recognize and adjust to meet the needs of individual learners. Differentiation is multi-faceted and applies to learner support, communications, and interventions, as well as learning processes.

More specifically competency based training for judicial officials needs to focus on i) **results** through integrated and blended learning paths to be developed on the basis of judicial expertise and experience, ii) **added value of technical and generic competences** linked to jurisdiction, i.e., the judicial competences iii) **efficiency** by investing in institutional culture, processes, training, support, and quality control and

²⁷ CEPEJ, Judicial Training and Education Assessment Tool, 2007, https://www.ucl.ac.uk/laws/judicial-institute/files/Judicial_Training_and_Educational_Assessment_Tool.pdf.

²⁸ Competency-based education has been defined in multiple ways and interpreted differently across academics. See more in: C. Le, R. Wolfe, A. Steinberg, „The past and the promise: Today’s competency education movement. Students at the Center: Competency Education Research Series“, *Jobs for the Future*, 2014, 4.; D. Riesman, „Society’s demands for competence“, in: *On competence: A critical analysis of competence-based reforms in higher education* (eds. G. Grant, P. Elbow, T. Ewens, Z. Gamson, W. Kohli, W. Neumann, V. Olesen, D. Riesman), Jossey-Bass Publishers, San Francisco 1979, 18–65; W. G. Spady, „Competency based education: A bandwagon in search of a definition“, *Educational Researcher*, 6, 1/1977, 9-14.

²⁹ D. Everhart, 3 key characteristics of competency based learning, <http://blog.blackboard.com/3-key-characteristics-of-competency-based-learning/>, last visited on 12 October 2016.

iii) **organizational readiness of the training institutions** to capture and process different trends.

As mentioned above, Belgium and Poland have recently piloted judicial competency models. In the present article, the authors will present the Belgian model, as the more developed one.³⁰

The most illustrative example of the competency based training model in judiciary could be found with The Judicial Training Institute that holds a special position in the Belgian judiciary. To a certain extent, the Institute can be regarded as a kind of “crossroads bank” of legal or judicial competences.³¹ The Institute exclusively focus in offering an absolute added value for practical or professional training.

The competency based model that Institute developed defines the competencies in three distinct domains (see Figure 1³²):

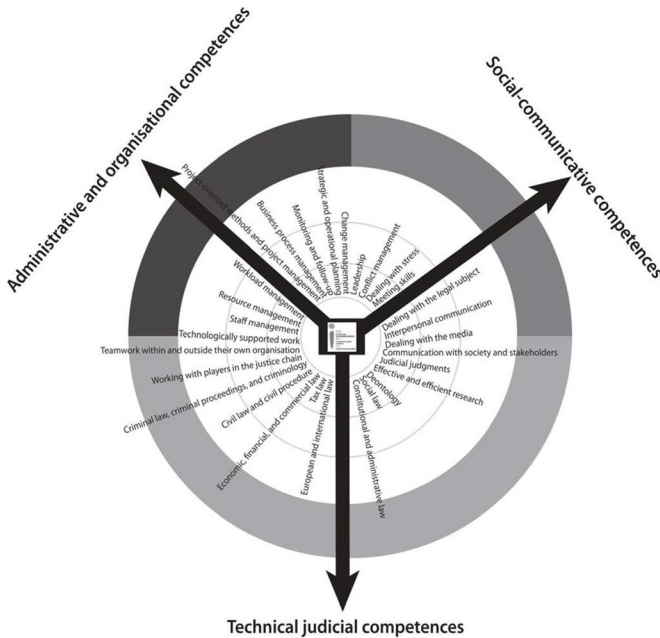
- **Technical judicial competences**
- These competences focus on the technical/substantive aspects of the role or function. In other words, they are often linked to rules and procedures in the context of criminal law, social law, private international law, etc.
- Administrative and organisational competencies
- These are mainly aimed at planning, controlling, and directing the organisation, but also deal with skills such as project management or business process management.
- Social-communicative or psychosocial competences
- These include aspects such as communication skills and stress management, or, for example, analytical skills in the context of legal judgments.

³⁰ The Polish National School for Judiciary and Public Prosecution (KSSiP) has, for example, defined, based on an ample survey carried out in the courts and in the prosecution service, the competence profiles for 25 different affectations of judges and prosecutors from basic to leadership levels. During IOJT’s 6th International Conference on the Training of the Judiciary, 3 to 7 November 2013, in Washington, D.C., the then head of KSSiP’s International Department, the Honourable Judge Wojciech Postuński, today secretary general of the EJTN, presented the Polish approach in Session 1.7 dedicated to “Curriculum Design and Development.” His PowerPoint presentation is accessible via the link <http://www.iojt-dc2013.org/~media/Microsites/Files/IOJT/11042013-Development-Profiles-Competences-Judges.ashx>.

³¹ E. Van Den Broeck, „A realistic and future-oriented vision on competence development of judges, Prosecutors, and court staff, Judicial education and training, *Journal of the International Organization for Judicial Training*, 3/2015, 35-36.

³² *Ibid.*, 42.

Figure 1
Judicial Competence Model



The model emphasizes competences versus functions and roles since it is important to correctly assess the expected level of competence for each of the competences in the model. Obviously, not every competence is equally important or necessary for each role or function and does not have to be present to the same extent. Further to this, the training needs assessment process need to standardize every competence for every function (or every function profile). This standardization will be adjusted repeatedly according to the changing circumstances and after the job profiles have been fine-tuned or extended. This process, in return, will enable increasingly effective, focused, and transparent competence management essential for the merit based judiciary appointments and advancements.

The training needs assessment starts with **the identification of the existing competences** (at the individual, team, or organisational level). The model excises sufficiently pragmatic and practical approach. Therefore, the Institute collaborates with the chief justices of the courts to perform a basic assessment of the existing competencies of the members of their teams. This will not provide a completely accurate picture, but does suffice as an initial indication. Based on this information, the existing competences can be benchmarked against the expected level per function or role to determine the competence deficit and, thus, the explicit needs. Similarly, a forecast can be made of future needs arising from the expected outflow of court staff.

Initially, based on the information collected (the competence standardization and the existing availability), **an objective GAP analysis** can be carried out. This analysis will indicate where the largest deficit is (and thus also indicate the competences to which special attention should be paid). It is important that in addition to this analysis, the necessary attention is given not only to spontaneous requests for specific trainings, but also to innovation or established social, technological, or judicial evolutions for which JTI can or should proactively develop training initiatives.

The final priorities, validated by the Institute management under its responsibility, provide a reference for the various domain managers to propose, within their own specializations, the necessary training initiatives to give an adequate response to the identified needs. The starting point will always be a **“blended” approach**, in which different learning methods, aligned with each other and with the intended learning objectives, are used. These different proposals are discussed in the internal expert group and evaluated or adjusted if necessary.

Following **the final validation and approval, the training portfolio will be implemented**, meaning that every training initiative is launched within the agreed time frame, that all initiatives are introduced and made available.

4. Conclusion

The above discussion has referred to the regulatory framework and instruments developed on international and regional level, but the training needs assessment models were the ones developed on the national level. However, European judges and prosecutors can no longer consider themselves as only national judges or prosecutors, as prosecutor Antonio Cluny³³ duly notes – European judges belong to a true judicial network and must apply numerous international and regional regulatory instruments, which is particularly true with regards to judges and prosecutors in EU countries. In the past decade, EU has witnessed the growth of judicial training as a new policy field aimed at the completion of the European Area of Justice.³⁴ In this respect, the development of judicial networks, where the European Judicial Training Network (EJTN) has the most prominent role, and various joint judicial training facilities have become instrumental in ensuring proper and uniform implementation of European law. In addition, the Academy of European Law (ERA) and the European Institute of Public

³³ A. Cluny, 18.

³⁴ Articles 81 and 82 of the Treaty on the Functioning of the European Union, which explicitly refer to the “support for the training of the judiciary and of judicial staff” in civil and criminal matters as a task of the European Union have been the cornerstone of these efforts. See S. Benvenuti, „The European Judicial Training Network and its Role in the Strategy for the Europeanization of National Judges“, *International Journal of Court Administration*, vol. 7, 1/2015, 59-67.

Administration (EIPA) organise trainings for judges and prosecutors aimed at improving their knowledge on EU law. This European perspective must not be neglected in the training needs assessment and development of judicial training programmes.

Despite the diversity of existing practices, presently, the handing-out questionnaires in the framework of a training event and the regular surveys in the courts remain the most usual method for the assessment of judges' training needs. Regardless of their undisputable value, they are often rather generic and unspecific. A fine-tuned analysis of learning and training needs, which change considerably when important legislative and societal developments take place demands more complex and reliable instruments involving judicial administration and senior officials in the courts. To address that, judicial training institutions need to develop more complex and more sophisticated methods for conducting training needs analysis. In doing that, different countries and judicial education institutions take a variety of approaches and use diverse methods to assess the training needs off the judiciary. All systems rely on some form of input from the end users. However, this must not suffice – as recommended in the *EJTN Handbook on Judicial Training Methodology in Europe* a wider stakeholder involvement is a necessary part of the training needs assessment. Namely, a “justice-centered” training needs assessment carries: “a risk of a certain blindness when it comes to detecting inherent deficiencies of the judicial system and the corresponding training needs.”³⁵ Therefore, the academia, the civil sector and other interested stakeholders need to be included in the continuous training needs assessment, preferably through institutionalized mechanisms. Another important issue that should be borne in mind is that mechanism need to be created – e.g. through cross-referencing and verification - to prevent the information collected within the training needs assessment from becoming a training wish list and ensuring that the training needs identified and curricula developed based on them truly respond to the current needs of the system. It seems that the creation of judicial competency models may well prove to be instrumental in achieving that. But why is quality judicial training so important?

It no longer suffices for judges only to know the law of the land. In the words of judge Boysen, “they must be aware of their responsibility towards society as a whole and towards minorities in order to fulfil the promise of law in a pluralistic society, putting special emphasis on human rights and incorporating them into their daily practice.”³⁶

³⁵ EJTN (2016a), 14.

³⁶ U. Boysen, „Legal training for German judges and prosecutors“, in: *Training of judges and public prosecutors in the function of quality of judicial system*, Judges' association of Serbia, Belgrade 2014, 72.

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STALNA OBUKA SUDIJA U EVROPI

*“Obuka za sudije – pravda za sve”
Pravosudni centar Srbije, 2000.*

Rezime

Od ključnog je značaja da se sudijama omogući pohađanje temeljno razrađenih i raznolikih obuka, kako bi im se omogućilo da svoju funkciju obavljaju valjano. U svetu koji se brzo razvija, gde se tehnologija i propisi menjaju svakog meseca, sudije i javni tužioci moraju stalno da unapređuju svoja stručna znanja, veštine i ponašanje. Poznavanje prava više nije dovoljno – nosioci praovsudnih funkcija moraju znati više o društvenom kontekstu prava i sudskih postupaka, imati veštine koje su neophodne u radu suda. Da bi obuka nosilaca pravosudnih funkcija zaista mogla da doprinese boljem radu pravosuđa i pomogne u obezbeđivanju prava na pravično suđenje svakome, obuka mora odgovoriti kako na potrebe pravosuđa tako i na potrebe celog društva. U članku se predstavljaju postojeći sistemi i nove tendencije u postupku procene potreba za obukom u evropskim pravosudnim sistemima i u razvijanju programa stalne obuke nosilaca pravosudnih funkcija. U članku se ukazuje na neophodnost da se u postupku utvrđivanja potreba za obukom napravi iskorak od procesa koji je usmeren samo na pravosuđe ka participativnom procesu u koji je uključen širok krug zainteresovanih strana. Autorke takođe ukazuju na novi pristup koji se oslikava u usvajanju modela kompetencija za nosioce pravosudnih funkcija, koji mogu imati ključnu ulogu u tome da se obezbedi da su ispunjene potrebe za obukom u okviru pravosudnog sistema i istovremeno da je pristup pravdi omogućen svima.

Ključne reči: pravosuđe, obuke, procena potreba za obukom, obuka zasnovana na kompetencijama, modeli kompetencija za nosioce pravosudnih funkcija