



European Judicial Training Network



With the support of the European Union

EJTN Exchange Programme for Judicial Authorities

Facts and Figures 2010

Context

The European Judicial Training Network (EJTN) is a non-profit making international association which comprises the institutions specifically responsible for the training of the professional judiciary within the European Union. EJTN successfully manages the EJTN Exchange Programme for Judicial Authorities: a unique, hands-on training experience that allows judges and prosecutors to directly witness the daily work of their European counterparts. The EJTN Exchange Programme aims at developing mutual trust between judicial authorities by getting to know better each other's judicial system and by working together.

In 2006, the European Commission granted EJTN a de facto monopoly position for the implementation of exchanges between judicial authorities¹. Over the period 2005-2010², approximately 2,200 European judges and prosecutors have benefited from an exchange through the Exchange Programme implemented by EJTN with the financial support of the Commission and in close cooperation with its partners all across Europe.

The numbers of beneficiaries, participating countries as well as the types of activities offered have constantly increased since the inception of the Programme in 2005. In order to meet different training needs, EJTN offers European judges and prosecutors several exchange schemes. Alongside short and long term exchanges in courts, new one-week study visits and initial training exchange schemes were introduced in 2010. This same year, 667 European judges and prosecutors participated in the Exchange Programme. In 2011, this number should rise to approximately 950. In fact, the number of European judges and prosecutors benefiting from the Exchange Programme every year goes beyond the actual number of participants. Indeed, judicial exchanges also have an important impact on colleagues from the hosting and sending countries who are in contact and share experiences and views with the visiting magistrates.

1. Participating countries

Thanks to a network of 34 partner training institutions and European bodies (Eurojust, CJEU, ECtHR), exchanges take place in 22 EU Member States, 2 candidate countries (HR and MK) and 1 EFTA member (NO), thus covering a broad geographical and institutional scope wider than that of EJTN membership in itself. The role of mentoring judges and prosecutors, who voluntarily welcome visiting magistrates and let them witness their daily activities is also invaluable.

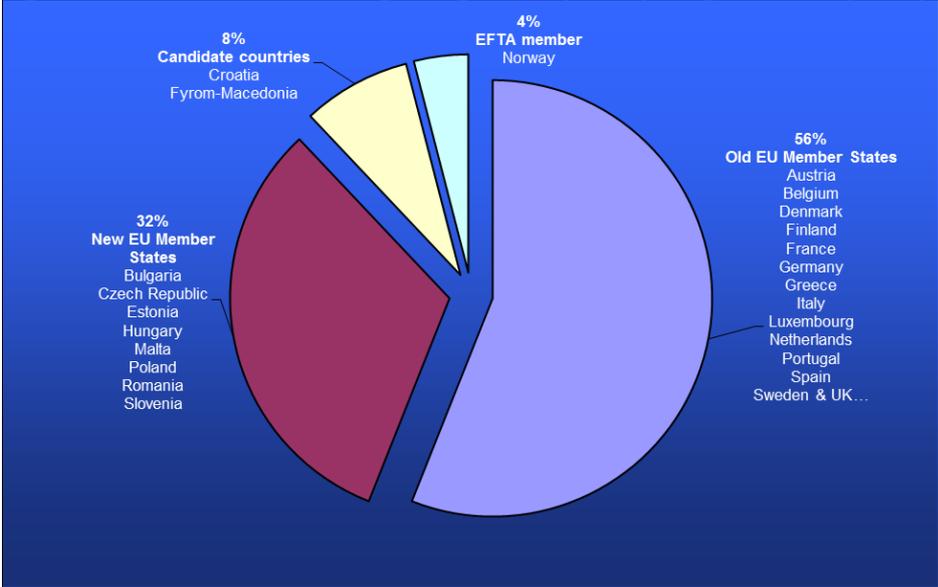
EJTN is keen to extend the number of partners in the Exchange Programme even further to reach a wider number of participants. For instance there have been initial contacts to incorporate participants from the Crown Prosecution Service of England & Wales who are not nationally defined as members of the judiciary. The Exchange Programme welcomed 2 new partners in 2010 (Hungary and Greece) as well as Malta in 2011. Amongst EU Member States, only Ireland is not a partner of the Exchange Programme and EJTN hopes Latvia, Lithuania, and Slovakia will become

¹ Decision E/1215/2006

² The 1st Exchange Programme was implemented in 2005 jointly by the French Judicial School for the Judiciary and the Italian Council for the Judiciary in close partnership with EJTN.

active partners again. Further possibilities of expansion, such as considering interested courts, or training schools for other legal professionals as possible partners could be explored.

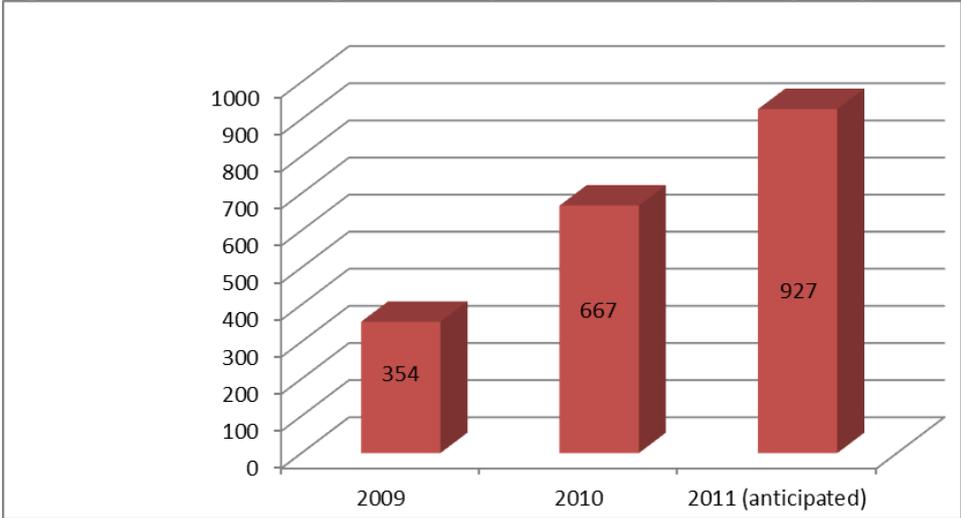
Figure 1: Breakdown of Exchange Programme participating countries (2011)



2. Number of exchanges

The number of exchanges has regularly increased over the last 3 years. Exchanges almost doubled from 2009 to 2010 and should still increase by more than 1/3 in 2011.

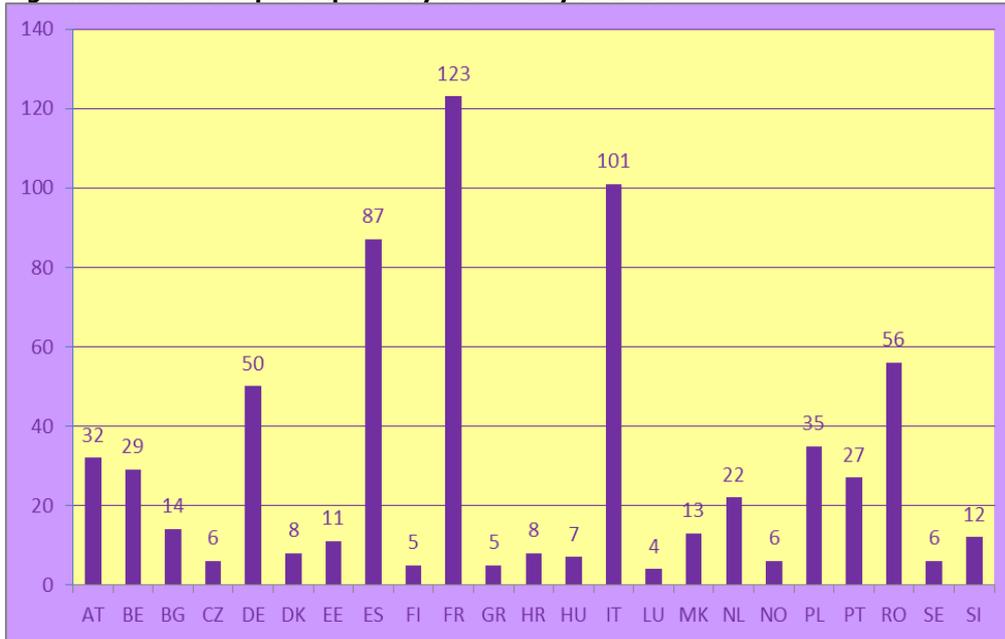
Figure 2: Growth of exchanges over the period 2009-2011 (anticipated)



Improved awareness and dissemination of the Programme, proportionate funding, temporary backfill support so that judges and prosecutors can participate in training activities, increased relevance of exchanges in European training curricula and in the appraisal of judicial professionals, better linguistic training, optimization of resources by granting the implementation of judicial exchanges to a single organization, etc., are all essential factors that could increase participation.

In 2010, a total number of 667 judges, prosecutors, judicial trainers as well as future judges and prosecutors from 20 European countries took part in the Exchange Programme (see Figure 3 below).

Figure 3: Number of participants by nationality in 2010



Over the 6 years of implementation of the Exchange Programme, a total number of 2,175 judges, prosecutors, judicial trainers and future judges and prosecutors from all across Europe directly benefited from the Programme (see Figure 4).

Figure 4: Number of participants by nationality since 2005

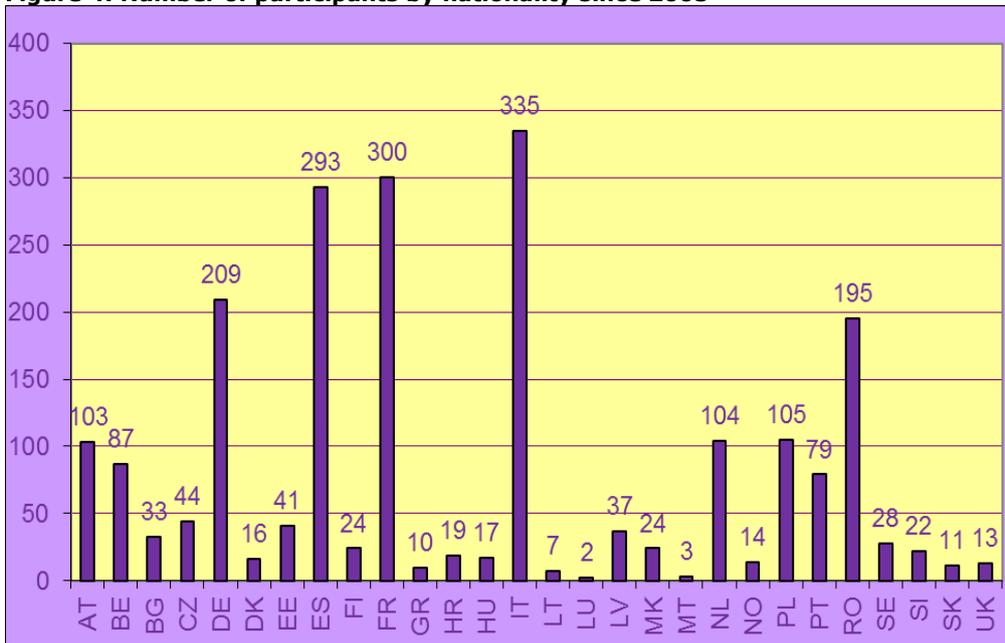
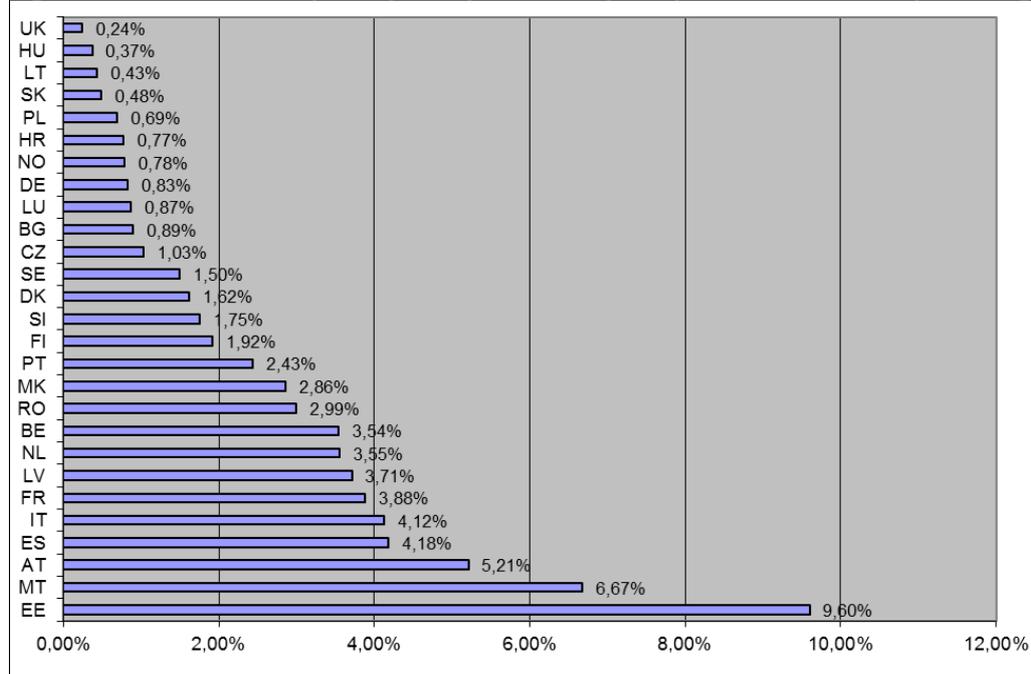


Figure 5 below shows the ratio between the number of Exchange Programme participants since 2005 and the number of national practicing judges and prosecutors. It provides a better picture regarding the effort made by Member States and the proportional significance of their participation in the Exchange Programme. It may give some hints about those countries where participation could be further encouraged and extended.

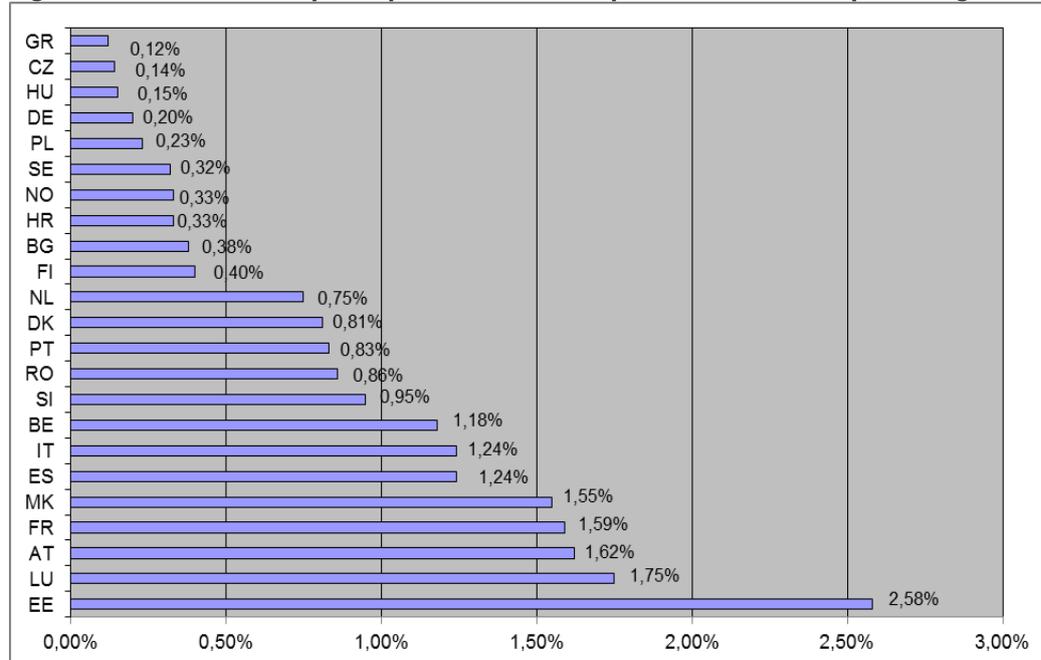
Figure 5: Number of ExP participants (since 2005) compared to number of practicing J&PR³



On average, 2.40% of the judges and prosecutors from participating countries have benefited from the Exchange Programme since 2005.

If we focus on 2010 (Figure 6 below), in a majority of countries participation does not reach 1% of the judiciary and only in one country it exceeds 2%. It would seem desirable and feasible to encourage Member States to increase their participation. Should a yearly objective be fixed for current partners to send at least 1% of their judiciary on exchange, the annual volume of exchanges would rise to a minimum of 1150.

Figure 6: Number of ExP participants in 2010 compared to number of practicing J&PR⁴



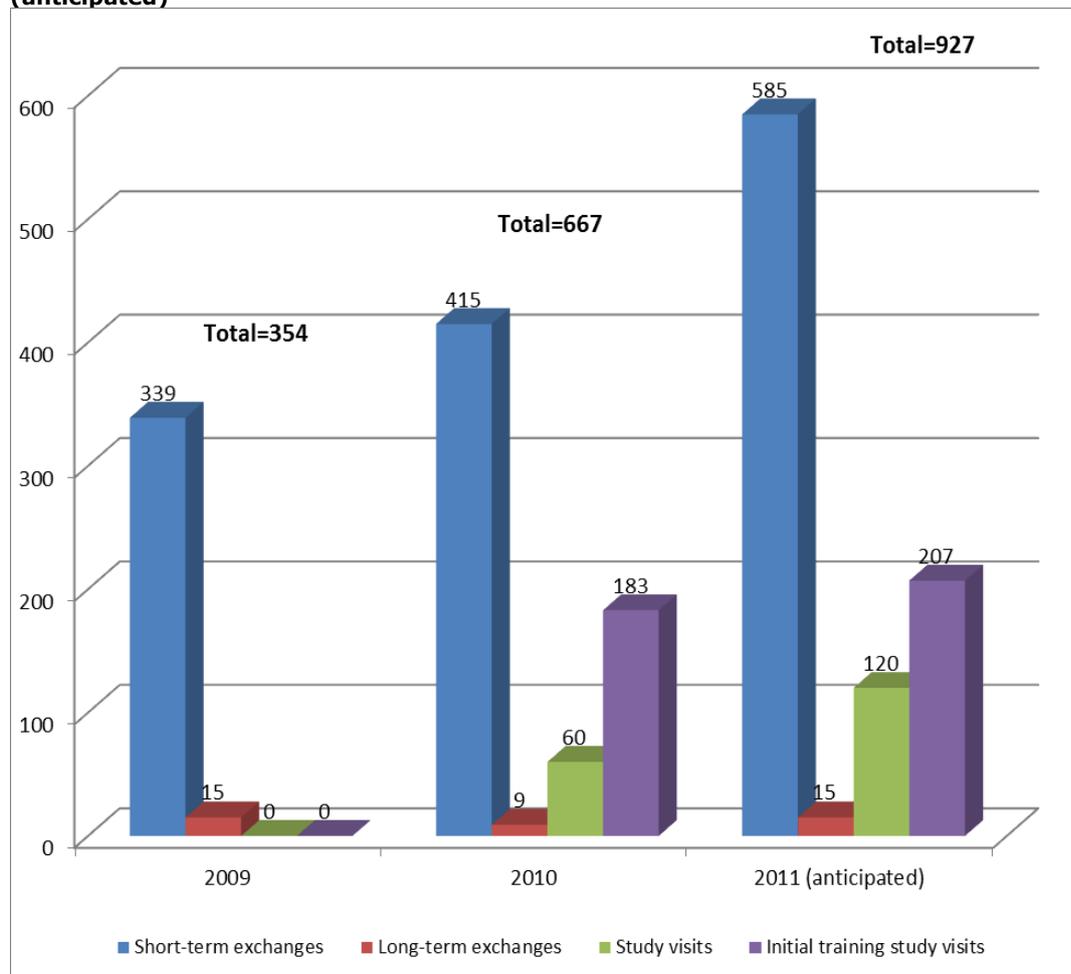
³ Figures from the Report on European judicial systems Edition 2010 (data 2008): Efficiency and quality of justice, European Commission for the Efficiency of Justice (CEPEJ), Council of Europe .

⁴ Ibid

3. Types of exchanges

Over the last 3 years, important efforts have been made to develop new activities within the Exchange Programme. The aim is to respond to the participants' different training needs (depending on their seniority in the career, specialization, etc.) and to encourage regular participation in exchange training activities that should be seen not just as a one-off experience but as part of a life-long training for European judges or prosecutors (see Figure 7 below).

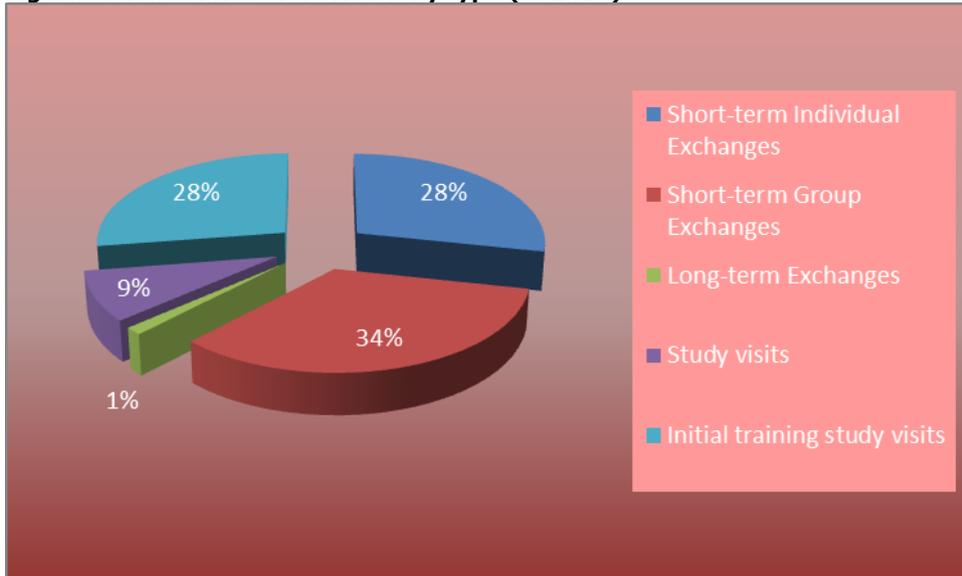
Figure 7: Development of activities within the Exchange Programme over the period 2009-2011 (anticipated)



The bulk of activities consist in **short-term exchanges in courts/prosecutor's offices**. Those can follow a **"one-to-one" scheme**, in which the visiting judge/prosecutor shadows a counterpart (tutor) in their daily practice in a court/prosecutor's office of the hosting country or they can be organised as a **group exchange**, in which several judges/prosecutors from different countries go on a same exchange, thus increasing the "cross-fertilization" aspect of the experience.

As opposed to "one-to-one" exchanges, group exchanges are usually conducted in a common language (mostly English or French) different from that of the hosting country. To allow for a wider geographical exchange of participants and contribute to spreading knowledge about judicial systems of countries whose language is less widely known, the development of group exchanges has been strongly encouraged among partners as of 2009. As a result, there were more group exchanges than individual exchanges for the 1st time in 2010 (see Figure 8 below).

Figure 8: Breakdown of activities by type (in 2010)



From 2007 onwards, **long-term exchanges** (3 months to 1 year) were offered at Eurojust, the Court of Justice of the European Union and the European Court of Human Rights. Selected judges and prosecutors are assigned to the office of a national member (Eurojust), to the Cabinet of a member of the Court (CJEU) or to the Registry (ECtHR) and become acquainted with their work, procedures and decisions.

2010 was another landmark for the Exchange Programme with the launch of two new initiatives. For the 1st time, **study visits** in European bodies or focused on specific topics were organized. Study visits to ECtHR provided a unique forum where a group of judicial authorities from different countries could share knowledge and views on the Convention and case-law, which is especially relevant taking into account future accession of the EU to the ECtHR. A multidisciplinary training on Joint Investigation Teams was organized in cooperation with CEPOL, bringing together for the first time judicial and police authorities. This multi-national and multi-disciplinary approach adds to the value of exchanges organized by EJTN. In 2011 EJTN hopes to add on to these training possibilities by involving new institutions.

A specific **initial training exchange scheme** was also developed in 2010 and allowed future judges and prosecutors from 12 European countries to participate in judicial exchanges between training schools and institutions. By taking part in this exchange scheme specifically designed for them, future European judges and prosecutors have the opportunity to learn about other judicial systems and training curricula, to meet with their counterparts and develop useful contacts for their future professional life. Including an exchange as part of the initial training of young judges/prosecutors is certainly the most appropriate way of building up from the very beginning of their career the feeling of belonging to a common European judicial area as well as mutual trust. The flexibility of initial training schemes, not subject to the constraints of professional life, may also allow for longer exchange periods than the current 1-2 weeks.

However, exchanges should not be limited to newly appointed judges/prosecutors. Professional experience is an asset when it comes to an in-depth comparison and exchange of views on how systems work in practice and it is also then when mutual trust becomes crucial. The participation in the Exchange Programme should be considered not just a one-off experience but an element of a life-long European judicial training.

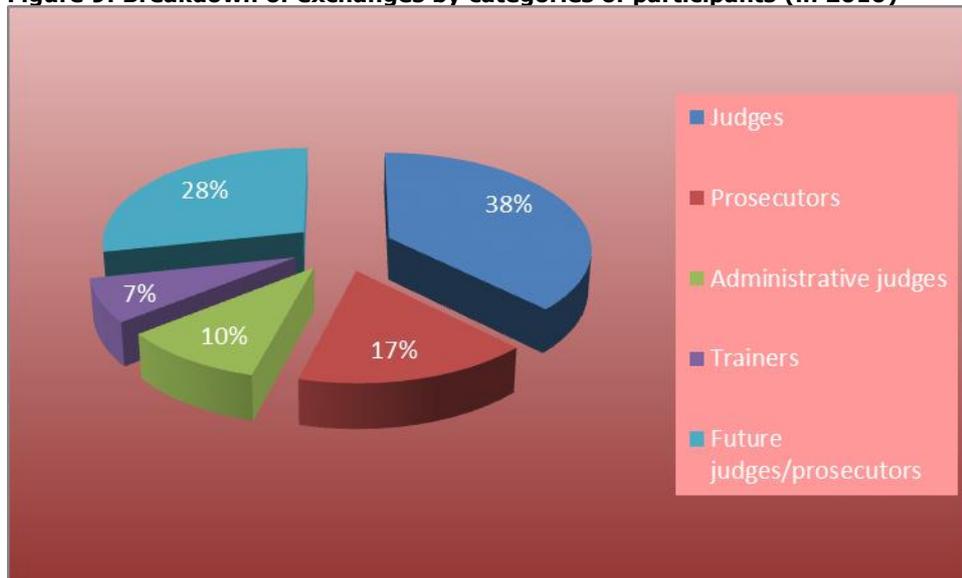
4. Target groups

Judges and prosecutors of all levels and pertaining to all jurisdictions (criminal, civil, administrative...) directly benefit from the project by participating in a judicial exchange (see Figure 9 below).

Trainers can also take part in an exchange in another training institution in order to learn about training tools and methodologies as well as best practices in judicial training at the European level that they can apply in their own training institution.

Future judges and prosecutors are also an important target audience of the Exchange Programme. Since 2010, an exchange scheme has been specifically developed for them with the participation of 12 European countries.

Figure 9: Breakdown of exchanges by categories of participants (in 2010)



5. Impact of exchanges

The impact of judicial exchanges is not limited to those who had the opportunity to go on exchange. Indeed, the number of beneficiaries can at least be doubled as exchanges also benefit the "tutors", who welcome European colleagues in their own courts or offices. In the same way, Exchange Programme participants also share their experience with their own colleagues when back in their countries. Further, one should consider the multiplying effect of group exchanges where there is a constant dialogue between colleagues from different countries. Personal contacts made during the exchange prolong its impact in time. Finally, exchanges provide a unique experience from a linguistic point of view, as participants become directly acquainted with legal terminology in a different European language.

The Exchange Programme is evaluated by both the participants and their tutors. The evaluation of the Exchange Programme 2009 show 91% of participants and 98% of tutors considered the Exchange Programme as very satisfactory or satisfactory. Similarly, 99.5% of participants were very satisfied or satisfied with the impact of the exchange regarding their improved knowledge of the hosting jurisdiction and the feeling of pertaining to a common judicial culture and mutual trust (92%). Study visits implemented in 2010 were also a great success and 97% of participants at ECHR and in the visit on JITs were very satisfied or satisfied with the content of these activities.

Participant's feedback reflects the success of the Exchange Programme and stimulates EJTN's Exchange Team to find ways of improving and extending it in the future.