



EJTN LINGUISTICS SUB-GROUP

GUIDELINES ON LINGUISTIC TRAINING (October 2013)

The European Judicial Training Network devotes a great deal of effort to designing linguistic projects for EU judges and prosecutors in English and French legal terminology. European judges and prosecutors can benefit from high quality training implemented by the European Judicial Training Network with the assistance of the European Commission and various national training institutions.

The 2013 guidelines on linguistic training are the result of a year-long project, developed within the framework of the Programmes Working Group, Linguistics Sub-group, and constitute the updating of the 2008 document.

This work aims at helping national training centres to design, plan and organise training activities for judges and prosecutors and will also constitute a solid base for the European Judicial Training Network's future training activities.

The objective of this initiative is to study and develop tools which will improve knowledge of foreign languages amongst EU judges and prosecutors in the following fields:

- a) General linguistic training and legal linguistic training,
- b) Methodologies for linguistic training and,
- c) The comparative study of legal systems and institutions through legal language.

COMPOSITION OF THE SUB-GROUP

The members of the linguistics sub-group are:

- Escuela Judicial del CGPJ (Spain) - coordinator
- Judicial Academy (Czech Republic)
- Ecole Nationale de la Magistrature (France)
- Consiglio Superiore della Magistratura and Scuola Superiore della Magistratura (Italy)
- National School of Judiciary and Public Prosecution (Poland)
- Judicial Academy (Slovakia)
- Centro de Estudios Juridicos (Spain)

ANALYSIS OF THE PROGRAMME

The advantages of knowing several languages are irrefutable. Language is a means of understanding other ways of life, which in turn paves the way for intercultural tolerance. Moreover, knowledge of languages facilitates work, studies and travel throughout Europe and allows true intercultural communication. In other words, multilingualism contributes largely to the essential European values of democracy, equality, transparency and competitiveness. The European Union is a truly multilingual institution which encourages the ideal of a single Community with a diversity of cultures and languages.

The Resolution of the Council of the European Union of 14 February 2002 on the promotion of linguistic diversity and the learning of languages (1), emphasises, amongst other things that: *the knowledge of languages is one of the basic skills which each citizen needs to acquire in order to take part effectively in the European knowledge society and therefore facilitates both integration into society and social cohesion; and that all European languages are equal in value and dignity from the cultural point of view and form an integral part of European culture and civilization.*

To guarantee this diversity, the European Commission adopted the first Communication of the Commission in November 2005 (2) which explores the field of multilingualism. The three main objectives of the policy of the Commission regarding multilingualism are to encourage language training, promote a prosperous multilingual economy, and give all European Union

citizens access to the legislation, procedures and information of the European Union in their own language.

General objectives:

These are determined in the 2006 and 2011 Communications of the Commission to the European Parliament and the Council on legal training in the European Union.

Training in EU languages is one of the objectives of the European Judicial Training Network according to the 2007-2013 Strategic Plan approved by the General Assembly on 20-22 September 2006 in Helsinki and the Strategic Plan for 2014-2020 which was the subject of discussion and approval by the General Assembly of 6-7 June 2013 in Dublin.

Improving the linguistic knowledge of members of the European judiciary is essential to promote the reinforcement of mutual confidence within European legal authorities and mutual recognition of court decisions.

The Communication of the European Commission aims at taking the necessary action to develop an area of freedom, security and justice which requires closer dialogue between European judges and prosecutors, more thorough knowledge of the different legal systems, and adequate linguistic training, thus reinforcing contacts and supporting the development of a common legal culture. The 2011 communication indicates: *"Mastering a foreign language and its legal terminology is important and should form part of the continuous training of legal practitioners. It is a precondition to effective contacts across Member States, which are in turn the cornerstone for judicial cooperation. It is essential that all stakeholders pay attention to training on legal terminology of foreign languages"*.

A study by the European Parliament on legal training in European Union Member States in 2011, completed by ERA in partnership with the European Judicial Training Network, analysed legal knowledge and established the following observations:

" Amongst the judges and prosecutors surveyed, 88% stated that they knew another EU language in addition to their main working language, 81% having cited English, 40% French, 17% German and 10% Spanish. However,

if the majority of judges and prosecutors know at least the rudiments of another EU language, only a relatively restricted number of them are fluent enough to be able to actively participate in legal training in this language or to use it within a professional framework. Language barriers constitute a major obstacle to participation in European legal training programmes."

The study indicates as the main recommendations for European stakeholders in legal training:

- "- To place linguistic training at the disposal of all judges, prosecutors and court personnel
- To offer more multilingual training programmes."

In its Resolution of 14 March 2012 on legal training 2012/2575 (RSP), the European Parliament indicates: "*that judicial training should be linked to a debate on the traditional role of the judiciary and its modernisation, how to open it up and broaden its horizons; and that the same is also true for language training and the promotion of the study of comparative law and international law*"

The objectives defined by the European Judicial Training Network follow the European Commission and the Parliament's indications: not only to contribute to the achievement of the objectives defined at European level for legal training in order to reinforce mutual confidence between legal authorities, but moreover, and more specifically to:

- a) Implement a permanent exchange programme in which a representative number, and a constant increase in the number of judges and national prosecutors, participates in order to acquire concrete experience of the way different European legal systems operate;
- b) Distribute training courses for judges and prosecutors, design and implement common training activities developed at national level or on a bilateral or multinational basis or by means of programmes co-financed by the EU, with strong European added value and aiming at improving knowledge of the legal systems prevailing in Europe;
- c) Promote a growing use of the different European languages by national judges and prosecutors.

With regard to this last point, the strategy which the European Judicial Training Network uses to implement these ideas implies the development of the following activities for members of the network:

- The production of reference documents in various EU languages
- The development of training activities in order to improve linguistic knowledge, practices and knowledge of legal terminology.

Within the framework partnership agreement with the European Commission, the EJTN developed two training programmes between 2010 and 2013, entitled

1- "Language training on the vocabulary of judicial cooperation in criminal matters" and

2- "Language training on the vocabulary of judicial cooperation in civil matters"

Objectives of the programmes:

a. General objective:

To contribute to the construction of a clear European legal area by multiplying the possibilities of training for European judges and prosecutors in the mutual knowledge of the organisation and operation of the different European legal systems.

b. Specific objectives:

- To improve knowledge in a foreign language from a theoretical point of view;
- To improve practical use (oral and written) of this knowledge;
- To acquire or improve knowledge of a foreign language in legal matters (specific vocabulary, name of the institutions, procedural law, etc.);
- To acquire or improve knowledge of the characteristics of the regulations and legal systems of the European Union;
- To familiarise participants with the legal, institutional and technological instruments of European legal cooperation.

Skills to be developed:

The linguistic content aims at the development of specific skills:

- Linguistic ability (reading, writing, speaking and listening)
- Sociolinguistic skills (to make the language work in its social dimension)

- Pragmatic ability: discursive competence and functional ability (selection of documents, legal terminology, and analysis of legal speech).

Methodology:

All elements of the programme must contribute to the improvement of language knowledge and European law. To do this, the linguistic and legal experts implement a general methodology based on the following points:

- _ Reactivate the dormant knowledge of the student after having determined this knowledge and to supplement it with new content and structure;
- _ Provide thorough information by means of written documents, audio-visual material, internet sites, etc.;
- _ Individualise the strategies for each participant according to his or her needs;
- _ Foster trainer-trainee interaction;
- _ Put vocabulary into practice and apply grammatical rules;
- Evaluate day to day progress as well as that at the end of the training course, with the help of knowledge acquisition development analysis and the revision of points presenting difficulties.

Participants may choose to take part in the civil or criminal linguistic programme according to their specialty and this division allows for better targeting of their needs.

In both cases, the methodology is the same: a course with a dual voice, carried out by a judge and a linguist who are permanently present. The seminar includes:

- A theoretical explanation of the European instruments of legal cooperation provided by the legal specialist (judge, prosecutor or trainer, specialising in European law);
- A legal linguistics course: terminology and discourse ensured by the linguistic specialist.

The training provided in the seminars and workshops includes practical exercises, such as discussions of arguments raised during court proceedings and mock trials in accordance with the rituals and rules of the legal system studied, enriched by the perspectives of the participants' own legal systems .

1- "Language training on the vocabulary of judicial cooperation in criminal matters"

Within the framework partnership agreement with the European Commission, the European Judicial Training Network launched a complete

multi-annual training programme, entitled "Language Training on the vocabulary of judicial cooperation in criminal matters" in 2010.

7 seminars, each lasting 5 days, were organised in 2011 and 2012. The courses combined theoretical and practical sessions covering the 4 fundamental language skills.

343 judges and prosecutors from 14 EU Member States participated in these seminars.

The seminars were held in English and French (only in English in France) in 6 EU Member States: Italy (twice), France, Slovenia, Poland, Romania and Spain. All the seminars were very successful.

The programme exceeded its objectives and gave rise to the use of unique teaching tools.

A handbook was created during the final meeting of experts (which took place in September 2012 in Brussels) to allow the greatest number of European judges and prosecutors to benefit from this training. The handbook is a compilation of the main teaching resources used within the framework of this successful project and is addressed not only to all those who took part in the seminars, but also to other European judges and prosecutors who wish to develop their knowledge of languages in this field. The handbook also includes the content of the courses in English and French and an electronic format, [EBook Linguistics](#), is available on the web page of the network.

The contents of the handbook are organised into several chapters:

1. Introduction to legal English / French and EU Legal English/ French
2. The European arrest warrant and Extradition
3. Mutual Legal Assistance
4. Procedural rights
5. Enforcement and Transfer of Sentenced Persons

At the end, users can find corrections of the exercises, a glossary and a bibliography.

2- "Language training on the vocabulary of judicial cooperation in civil matters"

The European Judicial Training Network's linguistic project in civil matters is addressed to EU judges and prosecutors involved in cooperation in civil matters.

The objective is to offer both legal information and linguistic exercises according to a practical and dynamic approach.

Each seminar accommodates up to 50 participants. They are divided into 4 groups, of which 3 work in English and 1 in French.

For an entire week, each group receives intensive training given by a linguist and a legal expert.

Training and discussions are articulated around the following topics:

- Jurisdiction, recognition and execution of judgments in civil and commercial matters and the Judicial Atlas
- The European order for payment procedure
- Service of documents and the taking of evidence
- Legal aid and family law and minors

Each course is structured as follows: short introduction of the topic, followed by discussions (with the legal expert) and linguistic exercises (with the linguist) so as to develop the 4 fundamental language skills (listening, reading, speaking and writing).

3 seminars were developed in 2013: The first from 18 to 22 March in Tartu, Estonia, the second from 13 to 17 May in Bucharest, Romania and the third from 1 to 5 July in Barcelona, Spain.

148 judges and prosecutors from 19 EU Member States attended the 3 seminars.

Finally, the Network is in the process of preparing a **second handbook** to allow the greatest number of European judges and prosecutors to benefit from this training in civil matters. As in the case of the training in criminal matters, the handbook will be a compilation of the main teaching resources used and is addressed not only to all those who took part in the seminars, but also to other European judges and prosecutors who wish to develop their linguistic knowledge in this field. The handbook will also include the course content in English and French and an electronic format, available on the web page of the network.

Training of Trainers:

It is understood that practical classroom training and the complementarity between the linguistic and legal aspects require the assistance of expert instructors in law, as well as specialised instructors in linguistics in each language. The different member training institutions of the Network also need guidelines on the organisation of language training in their countries.

In addition to the handbooks, the Linguistics sub-group, in collaboration with the Training of Trainers sub-group, is organising a **conference** this year in order to share information and exchange training experiences, teaching materials and methods of language training.

PROPOSALS

Guidelines on linguistic training:

- The improvement of language knowledge among members of the European judiciary is essential to promote the reinforcement of mutual confidence within European legal authorities and the mutual recognition of court decisions.
- The need to extend linguistic training for European judges and prosecutors, aiming at training them in the terminology and concepts of European law. In 2014, the Network envisages the organisation of at least 4 seminars (2 on the language of civil cooperation and 2 on criminal cooperation).
- The promotion of a growing use of different European languages by national judges and prosecutors, according to the objectives defined by the European Judicial Training Network in its Strategic Plan for 2007- 2013 and the Strategic Plan for 2014-2020 approved by the 2013 General Assembly in Dublin. The strategy which the European Judicial Training Network will use to implement these ideas will involve the development of the following activities for members of the network:
 - a) The production of reference documents in various EU languages
 - b) The development of training activities in order to improve linguistic knowledge, practices and the knowledge of legal terminology and
 - c) Exchange programmes.

The linguistic seminars developed by the linguistics sub-group may be used as preparation for European judges and prosecutors before the exchanges proposed by the European Judicial Training Network Exchange programme.

The training of legal and linguistic experts with the support of the European Judicial Training Network:

In November 2013, the linguistics conference "Breaking down language barriers: designing and teaching legal linguistics programmes - Past experience and future strategies for European Judicial Training Network legal language training" will be held in Krakow, at the "National School of Judiciary and Public Prosecution", (KSSiP).

A similar conference to discuss the methodology and organisation of linguistic training is also planned for 2014.

The development of linguistic e-learning training modules may also be considered in the future.