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From: Presidency

To: Permanent Representatives Committee/Council

Subject: Judicial training and its impact on access to justice in the context of the rule of law

Delegations will find in annex the above-mentioned note from the Presidency.

Rule of Law Debate**Judicial Training and its Impact on Access to Justice and the Rule of Law**

High-quality training covering multiple domains, such as the law itself (national, EU and international), the European rule of law standards, non-legal knowledge, digital tools used by the judiciary, ‘judgecraft’ and management skills, makes an important contribution to the quality of judicial decisions and the justice service delivered to citizens¹.

Thus, specialised judicial training is essential, in particular to increase the accessibility of courts to persons with specific needs, ensure child-friendly proceedings, provide the appropriate support to victims of crime and other vulnerable groups, and enable a better exchange of information between the courts, as well as with the media and the public.

Just as importantly, well-trained judges play a significant role in upholding the rule of law and securing effective judicial protection. Their continuing training supports efforts to improve the independence, quality and efficiency of national justice systems.

¹ Figures 39 and 32, 2022 EU Justice Scoreboard (9304/22 + ADD 1) and figure 35, 2021 EU Justice Scoreboard (10934/21).

The importance of judicial training in the context of the fundamental characteristics of justice systems is recognised at both national and European levels. Member States provide specialised judicial training for the members of their respective judiciaries, whether through the competent ministries, self-governing bodies or specific academic institutions. Initial training is a significant step in becoming an independent and impartial professional; training plays a vital role in the selection and career of judges, contributing to safeguarding the rule of law.

At EU level, since 2011, the European Commission has been providing a general strategic framework for judicial training focused on EU law, the latest one² with a focus on initial training, whose link with the rule of law was discussed at a conference co-organised with the French Presidency of the Council in spring 2022³. As far as practical implementation is concerned, the European Judicial Training Network (EJTN) promotes the training and exchange of knowledge of the European judiciary, while the Academy of European Law (ERA) and the European Institute of Public Administration (EIPA-Luxembourg) help specifically to consolidate knowledge on EU law, including within the judiciary. The European judicial training strategy promotes the training of all professions involved in the administration of justice, who, hand in hand with the judiciary, contribute to building the rule of law culture in the justice systems and secure effective access to justice. The strategy calls for the active involvement of stakeholders such as the Council of Bars and Law Societies of Europe (CCBE), the European Lawyers Foundation, Notaries of Europe (CNUE) and the European Union of Judicial Officers (UEHJ). Finally, the Commission monitors the participation of legal practitioners in training on EU law through annual reports⁴.

² Currently, ‘Ensuring justice in the EU — a European judicial training strategy for 2021-2024’, (13704/20)

³ https://ec.europa.eu/info/sites/default/files/conference_report-initial_training_of_justice_professionals_serving_the_rule_of_law-en.pdf

⁴ Annual reports on European judicial training, Directorate-General for Justice and Consumers, European Commission, https://ec.europa.eu/info/sites/default/files/european-judicial-training-2021-2nd_edition.pdf

For several years, the EU Justice Scoreboard has been presenting indicators concerning certain aspects of judicial training⁵. In its annual Rule of Law Reports, the Commission also looks into relevant developments in the area of judicial training in the Member States, which are reflected in the respective country chapters⁶. Moreover, through the Justice Programme, EUR 17.7 million were provided in support for the training of justice professionals on EU civil, criminal and fundamental rights law, legal systems of the Member States and the rule of law⁷. In some Member States, additional resources have also been allocated to improving judicial training in their national recovery and resilience plans.

Ministers for justice have repeatedly confirmed that initial and continuing judicial training contributes to the efficiency, quality and independence of the respective judicial systems. They also agreed, most recently in the Council Conclusions ‘Boosting Training of Judicial Professionals’ in 2021⁸, that judicial training enhances mutual trust, which is indispensable for judicial cooperation in civil and criminal matters.

Considering that all these elements form an indispensable part of the European rule of law culture, taking into account the Council’s annual rule of law dialogue and following the horizontal discussion at the General Affairs Council on 20 September, ministers are encouraged to debate on the following questions:

⁵ The 2022 EU Justice Scoreboard (9304/22+ ADD 1)

⁶ [2022 Rule of law report - Communication and country chapters | European Commission \(europa.eu\)](#) (see 11408/22 + ADD 1-28).

⁷ The 2022 EU Justice Scoreboard (9304/22+ ADD 1)

⁸ 6926/21 + COR 1

1. *In the context of the ambitious objectives set out in the European judicial training strategy for 2021-2024, how do Member States ensure a high level of participation by judges in continuing training? Are there any measures at national level to monitor participation in judicial training and assess its impact and effectiveness ?*
 2. *How is continuing judicial training, whether voluntary or mandatory, linked to the career development of judges, either in general or with respect to their entry into court management functions? Are there any perceived tensions between the obligation to take part in training and judges' independence ?*
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