

Zagreb, 30 May 2008



AMENDED PROPOSAL OF THE MULTI-ANNUAL STRATEGY OF PROFESSIONAL TRAINING

I. INTRODUCTION

In the Strategic Development Framework for the period 2006 - 2013, the Government of the Republic of Croatia singled out the reform of the judiciary as one of its priorities, with a view to ensuring the basic institutional preconditions for a favourable business and financial environment. One of the goals of the reform is to strengthen the professionalism and expertise of the judiciary, and for that purpose to ensure continuous professional training of judges and of other judicial professions.

Professional training is widely accepted as the driving force behind the development of the judiciary and the improvement of court practice. All EU Member States, especially those belonging to the continental legal circle, attribute great significance to the continuous professional training of judges and public prosecutors, as well judicial employees, precisely with a view to raising the level of professionalism and expertise in the judiciary. For that purpose, there are special professional schools or academies functioning as central state institutions in charge of professional training.

The *acquis communautaire* (Chapter 23 – Judiciary and Fundamental Rights) focuses on the importance of initial and continuous professional training, which is a precondition for the setting up of quality judicial human resources. During the screening process, it was pointed out on several occasions that Croatia should provide that judges and other judicial officials and employees have the right and the duty to attend initial training and continuous professional training (lifelong professional training). That is one of the short-term priorities for Croatia's accession to the European Union.¹

II. THE CURRENT SITUATION

Professional judicial training in the Republic of Croatia is institutionalised within the framework of the Ministry of Justice. In 2003, the Centre for Professional Training of Judges and Other Judicial Officials was formed as an independent unit within the Directorate for International Co-operation and Human Rights of the Ministry. In March 2004, the Centre grew into the Judicial Academy (JA), an institute within the Ministry of Justice, in charge of continuous professional training of judges and public prosecutors, advisors and trainees in judicial bodies.

¹ Council Decision on the principles, priorities and conditions contained in the European Partnership with Croatia (COM (2004) 275) and the 2007 Croatia Progress Report– Commission Working Document (COM (2007) 663).

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Four years into the Academy's existence, the first phase of developing its structure is now finished. It allows for the sustainability of the Academy, while the two of the largest target groups (judges and public prosecutors) are now included in systematic professional training programmes. The following has been achieved:

- Professional training has become both a right and an obligation of each and every judge and deputy public prosecutor, which is laid down by law², and is one of the elements of the annual work assessment, and a condition for professional advancement of judges and deputy public prosecutors (regulations).

- In terms of structure, the organisation of continuous professional training includes the Academy and its five regional centres, the JA's internal organisational units for the implementation of training in Zagreb, Split, Rijeka, Osijek and Varaždin. This type of structure allows for access to training in the places of life and work of judges and deputy public prosecutors, the setting up of the standards of knowledge and ability in the entire state, and contributes to the unification of court practice. It is also financially more cost-effective than a centralised system.

- The system of continuous professional training for the two largest target groups of the Academy – judges and public prosecutors, is in place (the so-called integrated system of training at courts), with the support provided through the EU CARDS projects.

- Both standard and specialised programmes of continuous professional training for judges and public prosecutors, and joint programmes have been developed. With the current staff and financial resources, the JA may offer 180 modules of one-day activities for 3,800 participants per year (data for 2007), i.e. at least one educational activity for each judicial official.

- The Advisory³ and the Programme Council of the Academy⁴ have been established and their tasks laid down. Both Councils provide support to the development of the institution. In its work to date, the Programme Council (PC) has defined the priority legal and other areas, and proposed the draft annual curriculum of professional training, while the Advisory Council (AC) has adopted the document, and issued guidelines for defining the strategy of professional training. Members of both Councils are prominent legal experts and representatives of all target groups of the Judicial Academy, and the wider academic community, as well as the Croatian Parliament.⁵

² Act on Courts (OG 150/2005), Act on the Public Prosecutor's Office of the Republic of Croatia (OG 16/2007.)

³ Decision of the Minister of Justice of 28 November 2006.

⁴ Decision of the Minister of Justice of 1 March 2007.

⁵ The members of the AC are the president of the Supreme Court (the Chairman), the Chief Public Prosecutor (Deputy Chairman), the president of the State Judiciary Council, the president of the State Prosecutorial Council, the president of the Committee for the Judiciary of the Croatian Parliament, and a representative of the academic community. The AC meets three to four times a year, and its activities include the following: adopting the strategy for professional training in the judiciary, adopting the programmes and plans of activities of the JA, issuing opinions on the training performed in the previous period, preparing initiatives for further institutional development of the JA, making contributions to the presentation and affirmation of the activities of the JA at the local and national levels, adopting the Ordinance on its work, and providing support and advice to the Academy on the activities within its competence.

The members of the PC are two representatives from the Supreme Court (for the civil and criminal branches of law), two representatives of the Public Prosecutor's Office (for the civil and criminal branches of law), the coordinators of the PC in the five regional centres (one judge and one public prosecutor for each regional centre), a representative of the Independent Department for Strategic Development with the Ministry of Justice and the head of the JA Sector for Research and Development. The Programme Council meets at least four times a year. It analyses the needs for professional training in the judiciary, and on the basis of the analyses adopts the draft plan and programme of activities of the JA, analyses reports on the implementation of the programme of professional training and submits proposals to the Academy for its improvement, proposes expert *ad hoc* bodies for the

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- Only 30% of the recruitment of the employees of the Academy under permanent employment contracts was made.
- There is the first increase of the funds for the needs of the Academy ensured in the budget of the Ministry of Justice for 2008.

III. THE PURPOSE AND GOALS OF THE STRATEGY

The purpose of adopting the Strategy is to determine the guidelines and to reach a consensus on further direction of the development of a sustainable system of lifelong professional training and education in the judiciary.

The goals of drawing up the Strategy are the following:

- To improve lifelong professional training of judicial officials, judges and public prosecutors, based on the established needs, while taking into account the specific needs of individual regions.
- To establish an initial system of training, which will raise the level of skills, knowledge and ability of future judges and public prosecutors (including trainees and advisors), and establish the uniform standards for admission to the judiciary in entire Croatia.
- To ensure optimum institutional development of the JA, the central institution in charge of education and lifelong professional training in the judiciary, for the implementation of the Strategy.

The vision of the Academy's development is based on the review of the current situation, the needs for further advancement of the institution and on the opinions of the members of the AC, while taking into account the Regulation on the internal structure of the Ministry of Justice (OG 35/2004), the Regulation on amendments to the Regulation on the internal structure of the Ministry of Justice (OG 187/2004, 46/06), the Judicial Reform Strategy (of 20 September 2005), the National Programmes for the Accession of the Republic of Croatia into the European Union, and the analyses of the target groups' needs.

IV. MEASURES FOR ACHIEVING THE GOALS OF THE STRATEGY

Structural measures – require the establishment and strengthening of cooperation and coordination by and between all interested parties, i.e. the Ministry of Justice, the Advisory and the Programme Council, and court presiding judges, as well public prosecutors at all levels. In view of the limited capacity of the institutions involved, it is essential to redistribute the tasks between them, to set up an efficient system of information and data exchange, and to create preconditions for interaction by and between all interested parties and users of the services.

Adjustments to regulations – Amendments to the legal framework will be promoted with a view to increasing the efficiency and quality of professional training and the development of human resources.

implementation of specific projects of the JA and contributes to the overall improvement of professional training through the JA.

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Development and adjustments to the curriculum – In the implementation of the Strategy, new horizontal and vertical programmes will be developed, adapted to the specific needs of certain categories of judicial officials and employees.

Development of the system of quality control – It covers the development of well-elaborated criteria and transparent procedures for the assessment of the quality of proposed programmes before and after their implementation.

Support to the development of human resources – The strategy of professional training will follow the models of development of career management in the judiciary and human resources management.

International co-operation – developing international cooperation with the relevant national and international institutions/networks will continue, as well as participating in activities with international experts, in the *twinning* and technical assistance projects, cooperating with foreign providers of professional training, participating in international programmes for the exchange of judicial officials and employees, and other beneficial forms of cooperation.

V. THE BASIC PRINCIPLES FOR THE IMPLEMENTATION OF THE STRATEGY

The role of the Strategy is to create a sustainable system of lifelong professional training – both initial training and professional training throughout the time of performing the judicial duty.

The implementation of the Strategy will be based on the following principles:

Transparency and openness – All activities and implementing measures must be performed transparently, enabling all the interested parties to have access to information and data.

Efficiency and effectiveness – The implementation of the Strategy must satisfy the actual needs of the judicial officials and employees for professional training and education under the conditions of strong legislative activity and accelerated process of alignment of the national legislation with the *acquis communautaire* and internationalisation of law, and prepare them for efficient work in the European legal area.

Sustainability – The system of initial training and lifelong professional training must be sustainable even after the expiration of the time period foreseen for the implementation of the Strategy.

Development of institutional capacities and professionalism – Without achieving significant progress in the strengthening of the institutional capacities and human resources of the Academy and the regional centres, and greater involvement of the judicial corps in the implementation of the Strategy, it will not be possible to achieve the set goals.

Alignment with the international standards – will be ensured through co-operation with international organisations and networks and through the exchange of examples of good practice.

VI. IMPLEMENTING MEASURES

1. Measures aimed at improving professional training

- 1.1 To set up the system of initial training of judicial and public prosecutor trainees and advisors (including initial training and selection criteria, training during traineeship/advisorship, and the pertinent evaluations, the possibility and conditions for transfer from one into the other legal profession, the criteria for promotion and career management of judicial officials)
- 1.2 To improve the curriculum of professional training by preparing modules aimed especially at judges and public prosecutors with up to 5 years of service (standard programmes)
- 1.3 To ensure equal opportunities for access to professional training for all target groups of the Academy:
 - to adopt the Ordinance on access to professional training programmes in the JA, which will enable all judges and public prosecutors to participate in 3 professional training activities and to register via the Internet
- 1.4 To establish and develop cooperation with the Academy for Lawyers and the Academy for Notaries Public, especially in terms of the new system of traineeship
- 1.5 Over a short-term period, to streamline the JA into organising counselling and similar meetings with expert support provided by the Supreme Court and the Public Prosecutor's Office of the Republic of Croatia
- 1.6 To intensify the activities of professional training in the field of European Union law and international human rights law
- 1.7 To introduce foreign language learning programmes in the field of law for judicial officials
- 1.8 To introduce e-learning as a way of professional training of judges and public prosecutors.
- 1.9 To improve the process of internal and external valuation of the effects of professional training with a view to gathering objective indicators of the success of training;
- 1.10 To proceed with the training of trainers in the field of teaching and communicating via workshops and individual professional training, with special emphasis on more intensive involvement of public prosecutors and the judges of the Supreme Court of the Republic of Croatia
- 1.11 Further improvement of the visual concept of the JA's educational materials by introducing a standard appearance of the educational packages for trainers and participants
- 1.12 Continued participation in the work of the Lisbon Network and the European Judicial Training Network (EJTN)

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- 1.13 To develop bilateral co-operation with partner institutions in the countries of the European Union and the region
- 1.14 To participate in EU tender procedures for the projects of professional training open to the Republic of Croatia

2. Measures aimed at the institutional development of the Academy

- 1.1 To ensure **urgent** recruitment of human resources for the Academy in line with the systematisation of foreseen work posts, and to draw up and develop a strategy of further development of human resources through changes to the current or through making of a new systematisation. **The Judicial Academy will maintain the current concept in terms of human resources, where most of the staff of the Academy consists of civil servants of legal and other professions employed under permanent employment contracts, and where judges and public prosecutors will also be assigned to the Academy, whenever necessary and for a limited period of time. Such a concept ensures unhindered implementation of the Academy's programmes, but also the connection of the Academy with its target groups. It also makes the meeting of their needs in terms of continuous professional training easier.**
- 1.2 **As soon as possible, i.e. in the period preceding the construction of a special building for the Judicial Academy, to ensure premises which will be more suitable in view of the nature of work of an educational institution such as the Academy, and enable initial training of future judges and public prosecutors**
- 1.3 To begin with the construction of the building for the JA at the Justice Square with a view to providing adequate premises for the permanent accommodation of the JA, which will be adapted to the nature of the activities of the JA (the making of educational materials, the implementation of professional training and the organisation of classes, moot court activities, etc.) and satisfactory in terms of the needs of the Academy's target groups, especially the requirements imposed by the system of initial training
- 1.4 To ensure space for the accommodation of the Academy's attendants at the Justice Square for the duration of their initial training at the Academy
- 1.5 To make all the JA's regional centres fully operable:
 - recruiting administrators for the regional centres
 - intensifying the work of the libraries in the centres and enriching the library fund
 - developing the infrastructure which will enable Internet access in the centres
 - equipping the centres with special IT equipment and the equipment for making educational materials
 - making the information on the library fund and publications available in electronic form
- 1.6 To set out the activities and work tasks of the coordinators for professional training in the regional centres, judges and public prosecutors, and the method of remuneration
- 1.7 To develop the mechanisms for systematic co-operation between the Judicial Academy and the Advisory Council/Programme Council and to encourage more intensive involvement of the Programme Council in the drawing-up of the JA's annual curriculum:

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- to adopt the Rules of procedure on the work of the Advisory Council,
 - to adopt the Rules of procedure on the work of the Programme Council
- 1.8 Development of the information-documentation activity
- continued development of data bases on the trainers and participants of the JA's educational programmes
 - the establishment of a data base on the educational programmes for the judicial sector implemented by other institutions in the Republic of Croatia and at the international level
 - the establishment of data bases on the institutions providing education to judicial employees in the Republic of Croatia and at the international level
 - the establishment of data bases on external, domestic and foreign lecturers, experts and other persons involved, with respect to certain thematic fields
- 1.9 To improve the existing JA's website
- continued reporting on the activities of the JA
 - improving the visual and content-related concept of the website by adding new links, opening a discussion forum for the users of the JA's educational programmes
 - making the website available in foreign languages with a view to strengthening partner relations with similar institutions in the world
- 1.10 To introduce electronic case management in the JA
- 1.11 Publishing
- To begin with the publishing of the basic laws in a mid-term period, with the possibility of binding and organising them to make them accessible to all judicial officials in their everyday work
 - Making publications and special editions connected with the needs of the educational programmes of the JA (e.g. collections of works, translations of important legal literature)
 - Continued publication of the newsletter in both printed and electronic form, by which the professional and wider public would be informed about the activities of the JA and about important issues and problems of the judicial profession.