Standard Summary Project Fiche

1. Basic Information

1.1. Désirée Number CZ00-07-05
Twinning Number CZ2000/IB/JH/04
1.2. Title Strengthening the Provision of Life-Long Training for Judiciary
1.3. Sector Justice and Home Affairs
1.4. Location Ministry of Justice, Czech Republic

2. Objectives

2.1. Wider Objective

• To strengthen the institutional and regulatory capacity to implement the *acquis*

2.2. Immediate Objective

The Immediate Objective of this Project is to:

• Support to Judiciary Education Centre (JEC) which provides systematic life-long training within judiciary and the Language and Translation Centre (LTC) which offers special services concerning translations and special language training within judiciary, through development of training system and technical support..

2.3. Accession Partnership / NPAA Priority

The Accession Partnership (December 1999) highlights the following priorities:

• **Short-term**: begin implementing a programme to reform the judiciary (judges and state prosecutors) by filling vacancies, simplifying procedures, stepping up training of judges in EC law;

• **Medium-term**: further upgrade law enforcement bodies and the judiciary (staff numbers, training and equipment), continue the fight against organised crime, trafficking in women and children, drug trafficking and corruption; ensure better co-ordination between law enforcement bodies; complete reform of the judiciary (judges and state prosecutor's office).

The National Programme (May 1999), specifies the need (Chapter 1.1.2) to provide:

• Training of national judges in the application of EC law and in national law;

• Systematic training in EC law and languages for trainees for judges;

• Improving the accessibility of information for decision by judges.

3. Description

3.1. Background / Justification

Training, as an important measure for improving the skills of judges, state prosecutors and other target groups within judiciary, has been incorporated to the judiciary reform concept. The idea of creating a system of training is expressed among the priorities in AP, NPAA.

Judiciary reform includes both proposals for the necessary legislative modifications, and for technical and organisational measures related to the practical implementation of these legislative changes.
There are unsatisfactory the knowledge in the judiciary with respect to EC legislation, economic crime, legal environment for business, bankruptcy law, enforcement of intellectual and industry rights, etc. These areas including language skills should be object of a systematic training.

At present the Institute of Further Education provides ad hoc training of judges, state prosecutors, trainees for judges and state prosecutors, which is not systematic - the courses organised only regard the immediate needs and without long term concept and planning. There are not systematic training programmes for special target groups and syllabuses and training models for special topics. Also, the training capacity of the Institute is limited. The present training in international law and EC law is not sufficient and intensive enough. So far it has covered only approximately 4% of the Czech judges and 10% of state prosecutors.

Present situation:
- Systematic training of senior officials of the MoJ is provided (100%) by Judiciary School in Kromeríž,
- Non-systematic judges’ and state prosecutors’ training is provided by Institute for Further Education,
- Institute provides provisional system of training of probation service officials,
- Executors are trained non systematically ad hoc,
- Non-existing training for officials of Ministry of Justice.

3.2. Linked Activities

Phare CZ 9405-01-01-09, Legal Approximation Program: Systematic Training in EC law for Czech Judges. Within the project 110 judges from all Czech courts were trained in basic courses of EC law (5 seminars during 1998) – train-the-trainer concept.

Phare CZ 9405-01-01, Legal Approximation Program: Language Training for Judges. Within the project 25 judges were trained in English and 11 ones in French.

Phare CZ 9810-03-01, Support to the Association of Judges and to the Association of State Attorneys. This Project contributes to improve the qualifications of Czech judges and state prosecutors by assisting the Czech beneficiaries to model a quality long-term training system for judges and state prosecutors. In the Inception Report the PAA will identify the needs on the side of the Czech judiciary and will recommend how to define such system.

The Inception Report may also include recommendations for specific training needs on the side of the Czech judiciary that should be provided as part of the Life-long Training for Judiciary project. This Project will be a preparation for further activities the Phare 2000 project – Life-long Training for Judiciary. It also includes the support of the European Judicial Information Centre (EJIC), which has been established under the support of bilateral (the Netherlands) MATRA 1998-2001 Project. The objective of EJIC is to give judges and state prosecutors access to national and international documents regarding the position and role of the judiciary in a democratic state.

The project on Life-long Training for Judiciary will continue the EJIC’s activities and it will improve its capacity. EJIC will be situated in the building of JEC (Prague) as its organisational part. TAIEX seminars in EC law for judges and state prosecutors organised during 1998 and 1999. 2 seminars for judges continuing the activities of project Phare CZ 9405-01-01-09 and 4 seminars for state prosecutors.

Institute of Further Education of Judges and State Prosecutors activities. The Institute is responsible for training within Czech judiciary yet. It organises seminars for judges and state prosecutors in national law and under the umbrella of TAIEX also in EC law.

Phare Horizontal Programme 1999 on Training of Judges and on Judicial Co-operation, aims on the trainers in the candidate countries in EC law and on developing judicial co-operation in criminal matters.

Phare 2000 project CZ2000/IB/JH/05 aims at the strengthening of the operations of the Supreme Court.

### 3.3. Results / Outputs

The following Outputs will be delivered and Guaranteed Results achieved via this Project:

- JEC established and operationally functioning, with a capacity to strategically direct and manage a life-long training system for judiciary supported by appropriate teaching/study material and technical facilities respecting EC standards in this area;
- JEC internal structures, procedures and administration set-up:
  - Procedures manual for JEC,
  - Career and training structure for JEC,
  - Procedures for contracting external lectures;
- Development of life-long training courses in special areas of training:
  - National law for judiciary in the context of reform of judiciary – for all target groups, the system depends on the concept of reform of education within judiciary which is prepared by MoJ,
  - EC law – general courses for all target groups, special courses for judges and state prosecutors concerning their specialisation, special courses for trainees,
  - Economic crime for special target groups (judges and state prosecutors, civil servants),
  - Bankruptcy law (judges, civil servants, executors, trustees in bankruptcy),
  - Enforcement of intellectual and industrial property rights (judges and state prosecutors),
  - Human rights (judges and state prosecutors),
  - Asylum law competence (judges and trainees for judges),
  - Competence regarding Schengen and Europol (judges and state prosecutors, trainees for judges and state prosecutors),
  - Special language training – legal English and French especially for judges and state prosecutors (language training financed by the Czech side).
- On-the-job training and study visits for management of JEC (3 persons for 5 days), EJIC (2 persons for 5 days) to similar institutions in the EU Member States;
- Fully equipped JEC (including EJIC, LTC), via the provision of relevant technical equipment.

### 3.4. Activities / Inputs

The Project consists of two related components:

- Twinning and Training Package, and
- Investment in Institution Building (JEC)

**Twinning and Training Package– CZ 2000/IB/JH/04: 0.8 M€**
The following key Inputs are foreseen:

- A 1 year **Pre-Accession Adviser** (PAA) located at the Ministry of Justice. The expert should meet the following requirements:
  - Long-term experience in training within judiciary also in EU Member States;
  - Experience in international co-operation in the area of training within judiciary;
  - Ability to participate in creating of training programmes and syllabuses;
  - Knowledge of Czech law and organisation of the judiciary would be an advantage;

- A series of **Short-Term Experts** (approximately 10 person-months) for specialist activities:
  - Development of training programmes for particular target groups (see 3.3),
  - Development of syllabi for particular training programmes (see 3.3),
  - Policy advise as to Member State best-practice,
  - Special software development,
  - Procedural support, inc. establishing list of experts;

- **Other services and intangible supplies** including development of information management systems, IT requirements, study fellowships (conferences, seminars, fellowships in the Member States as relevant, etc.).

**Investment in Institution Building (JEC): 1.2M€**

In co-operation with the Twinning Team, a detailed needs analysis of technical equipment needs for JEC (including EJIC and LTC) will be carried-out. The review will lead to detailed technical specifications and justification for the supplies, after a period of 3 months from the start of Twinning).

At present, MoJ has identified the following broad equipment supply needs:

- Equipment for congress hall for approximately 100 persons, e.g. discussion and interpretation system, didactical equipment, audio-visual equipment, IT system – approx. = 0.5 MEUR;
- Equipment for library, e.g. SW (CELEX/JUSTIS, Czech legal information systems, ISAP, library info system, Internet), HW (computers and printers), scanner – approx. = 0.1 MEUR;
- Equipment for 10 training rooms for approximately 30 persons, e.g. HW (computers and printers), SW (CELEX/JUSTIS, ISAP, Czech legal information systems, Internet), office equipment (telephones, faxes, computers, printers, server and network, copiers ) – approx. = 0.6 MEUR;
- Additional investment on the basis of a needs assessment conducted by the PAA under the 1998 and/or 1999 Phare programme– approx. = 0.2 MEUR.

**4. Institutional Framework**

The immediate beneficiary of the Project will be Czech judiciary via the Ministry of Justice (MoJ) of the Czech Republic. The MoJ is a central body of administration for courts and state prosecutors offices and for prison service.

The principle of independence of judges, being a fundamental requirement for impartial and just decision-making of courts and one of the corner-stones of the principle of the rule of law, has been laid down in the Constitution of the Czech Republic. The judges, as well the state prosecutors, when performing their juridical activities, are bound merely to law. The principle of consistent separation of exercising the jurisdiction from the state administration of the courts is also applied.
The state administration of the courts is regulated by the Act CNR No.436/1991 Coll. It forms a basis for creation for the courts personal, organisational, economic and financial conditions for proper execution of jurisdiction and to supervise, within the limits set up by law, proper implementation of the tasks. The bodies of the state administration of courts are the MoJ and the Chairmen and Vice-chairmen of the courts.

Within the framework of the MoJ the Institute of Education has been established for professional education and further education of judges and state prosecutors. Its planed staff is 15. The concept of JEC proposes staff 32, EJIC - 5, LTC - 5.

The system of courts consists of the Supreme Court, the Supreme Administrative Court, Higher, Regional and District courts. The territorial field of action of the Supreme Court includes the whole territory of the republic, the High court in Olomouc includes the regions of Moravia, the High court in Prague the regions of Bohemia. Regional courts and Regional commercial courts operate in regions, on the territory of the capital operates the Town Court acting as a regional court (on the whole there are 7 Regional courts, the Town Court in Prague, 3 regional commercial courts, out of which the sphere of action of the Regional Commercial Court in Prague includes the capital Prague and the region of Central Bohemia). In districts there are District Courts (altogether 86), the Town Court in Brno and district courts (local) in Prague (10).

In the Czech republic at all courts operate altogether 2,418 judges (1 October 1999):

- Judges of District courts: 1,451
- Judges of Regional courts: 626
- Judges of Regional commercial courts: 157
- Judges of Higher courts: 131
- Judges of Supreme court: 53

System of life-long training should be also aimed at state prosecutors (number: 892 - 1 October 1999, 1 300 planed for 2001 and future) and other target groups.

JEC should develop the capacity, over the medium-term, to strategically manage a life-long training capacity for approximately 7,000 people “within the MoJ” and 15,000 people “outside the MoJ”:

<table>
<thead>
<tr>
<th>Within the MoJ</th>
<th>Outside the MoJ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officials of MoJ</td>
<td>280</td>
</tr>
<tr>
<td>Judges (incl. Supreme Court)</td>
<td>3,000</td>
</tr>
<tr>
<td>State-Prosecutors</td>
<td>1,300</td>
</tr>
<tr>
<td>Trainee Judges/State-Prosecutors</td>
<td>500</td>
</tr>
<tr>
<td>Senior officials</td>
<td>1,950</td>
</tr>
<tr>
<td>Officials in Probation Service</td>
<td>130</td>
</tr>
<tr>
<td>Trustees in bankruptcy</td>
<td>890</td>
</tr>
<tr>
<td>Court experts</td>
<td>11,544</td>
</tr>
<tr>
<td>Court interpreters</td>
<td>2,300</td>
</tr>
<tr>
<td>Private court executors</td>
<td>650</td>
</tr>
</tbody>
</table>

The Supreme Judicial Council, which is assumed to be created during 2001, will be responsible for content of training of judges and judge trainees. The Supreme Judicial Council is postulate to be headed by the Chair of the Supreme Court. There are no constraints in this respect.

For the project there will be established a Steering Committee with MoJ, Judges and State prosecutors professional organisations and Supreme Judicial Council.

The tangible assets after project completion will be public ownership (Czech Republic via Ministry of Justice).

5. **Detailed Budget (in MEUR)**
6. **Implementation Arrangements**

6.1. **Implementing Agency**

The CFCU will be the Implementing Agency. Project implementation will be under direct responsibility and co-ordination of the Ministry of Justice.

6.2. **Twinning – CZ 2000/IB/JH/04**

The Contact Person is **JUDr. Alois Cihlář**, Deputy Minister of Justice, Vyšehradská 16, 128 10 Prague 2, tel. +420 2 21992258, fax +420 2 21992553.

6.3. **Non-Standard Aspects**

DIS Manual will be followed.

6.4. **Contracts**

It is envisaged that 2 tenders/contracts be concluded via this Project:

- Twinning and Training Package = 0.8 MEUR,
- Investment in Institution Building (JEC) = 1.2 MEUR.

7. **Implementation Schedule**

Start of Twinning Proposals: 3Q/00  
Start of Equipment Tender: 1Q/02

Start of Twinning Activity: 2Q/01  
Start of Equipment Supply: 2Q/01

Project Completion: 1Q/02  
Project Completion: 2Q/02

8. **Equal Opportunity**

Equal opportunity principles and practices in ensuring equitable gender participation in the project will be guaranteed.

9. **Environment**  
N/A

10. **Rates of Return**  
N/A

11. **Investment Criteria**
The investment components of this Project all relate to Institution Building activities. All investment is to be tendered immediately. Specifications will be reviewed by independent experts within the framework of twinning where possible and appropriate.

12. **Conditionality and Sequencing**

A building with modern equipment is necessary for implementation of proposed activities of the project.

Statute of JEC guaranteeing the EC standard of all proposed activities and co-ordination between the MoJ, Supreme Judicial Council and the professional associations within judiciary. In the area of training for all involved target groups Steering Committee will be established before project implementation.

The new Bill concerning judges and state prosecutors, trainees for judges and state prosecutors which is now in the first reading in the Czech Parliament proposes the training compulsory obligation for all levels of the judiciary.

Sustainability of the life-long system will be provided for future under responsibility of MoJ and financed from the state budget.

**ANNEXES TO PROJECT FICHE**

1. Logical Framework Matrix
2. Detailed Implementation Chart
3. Cumulative Contracting and Disbursement Schedule (in MEUR)
4. List of Relevant Acts and Regulations
5. Summary of Phare CZ98/IB/JH03 (linked activities)
## Strengthening the Provision of Life-Long Training for Judiciary

### Project Number: CZ 00-07-05  
### Date of Drafting: 04/2000

**Total Budget:** 6.9 MEUR  
**Phare Contribution:** 2.0 MEUR  
**Contracting Period Expires:** 31/10/2002  
**Disbursement Period Expires:** 31/10/2003

### Immediate Objectives

**Wider Objective**  
To strengthen the institutional and regulatory capacity to implement the *acquis*

**Indicators of Achievement**  
Operating system of training contributing to improvement of human sources within judiciary

**Sources of Information**  
- Ministry of Justice
- Czech Union of Judges
- Czech Association of State Prosecutors
- Supreme Judicial Council

**Assumptions and Risks**  
A: Concept of training within judiciary reassumed the Judiciary Reform Concept  
R: Retarding implementation of reform of judiciary

**Support to Judiciary Education Centre (JEC) which provides systematic life-long training within judiciary and the Language and Translation Centre (LTC) which offers special services concerning translations and special language training within judiciary, through development of training system and technical support.**

**Indicators of Achievement**  
Functioning and fully modern equipment JEC, EJIC and LTC

**Sources of Information**  
- Ministry of Justice  
- Czech Union of Judges  
- Czech Association of State Prosecutors  
- Supreme Judicial Council

**Assumptions and Risks**  
A: co-financing from the state budget  
R: Lack of finances from the state budget

### Results

- JEC established and operationally functioning, with a capacity to strategically direct and manage a life-long training system for judiciary supported by appropriate teaching/study material and technical facilities respecting EC standards in this area;
- JEC internal structures, procedures and administration set-up:
  - Procedures manual for JEC,
  - Career and training structure for JEC,
  - Procedures for contracting external lectures;
- Development of life-long training courses in special areas of training:
  - National law for judiciary in the context of reform of judiciary – for all target groups, the system depends on the concept of reform of education within judiciary which is prepared by MoJ,
  - EC law – general courses for all target groups, special courses for judges and state prosecutors concerning their specialisation,
- JEC internal operations and structures agreed
- Training materials (teacher and trainee)
- Fellowships undertaken
- Equipment installed and operational

**Sources of Information**  
- Ministry of Justice  
- Czech Union of Judges  
- Czech Association of State Prosecutors  
- Supreme Judicial Council  
- Project reports

**Assumptions and Risks**  
A: establishing of implementing team suitable building and material background
R: lack of suitable experts lack of finances from the state budget
<table>
<thead>
<tr>
<th>Special Courses</th>
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</thead>
<tbody>
<tr>
<td>Economic crime for special target groups (judges and state prosecutors),</td>
<td>Bankruptcy law (judges, civil servants, executors, trustees in bankruptcy),</td>
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</table>

- On-the-job training and study visits for management of JEC (3 persons for 5 days), EJIC (2 persons for 5 days) to similar institutions in the EU Member States;
- Fully equipped JEC (including EJIC, LTC), via the provision of relevant technical equipment

### Inputs

- Twinning and Training Package: 1 year PAA, approximately 10 person-months STEs, intangible supplies and services;
- Investment in Institution Building (JEC): technical equipment for JEC, EJIC, LTC
## Detailed Implementation Chart

### Twinning and Training Package

- **Launch Twinning request to Member States (June 2000)**
- **Selection of MS(s) for twinning**
- **Elaboration of twinning covenant**

<table>
<thead>
<tr>
<th>Year</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
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<td>JEC internal structures, procedures and administration</td>
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<tr>
<td>Training needs analysis</td>
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<td>Investment/equipment needs analysis</td>
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<tr>
<td>Development of life-long training courses in special areas of training</td>
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<tr>
<td>On-the-job training and study visits</td>
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<tr>
<td>Investment in Institution Building (JEC)</td>
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<td></td>
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<tr>
<td>- Tender Launch</td>
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<tr>
<td>- Contract Signature</td>
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</tr>
</tbody>
</table>

### Investment in Institution Building (JEC)

- Tender Launch
- Contract Signature
### Cumulative Contracting and Disbursement Schedule for the Project (M€)

#### Annex 3

#### Cumulative Quarterly Contracting Schedule (M €)

<table>
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<th>Project</th>
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<th>1Q/01</th>
<th>2Q/01</th>
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<th>2Q/03</th>
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<td></td>
<td></td>
<td></td>
<td>2.0</td>
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</table>

#### Cumulative Quarterly Disbursement Schedule (M €)

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<th>4Q/00</th>
<th>1Q/01</th>
<th>2Q/01</th>
<th>3Q/01</th>
<th>4Q/01</th>
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<th>3Q/02</th>
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<th>2Q/03</th>
<th>3Q/03</th>
<th>Total</th>
</tr>
</thead>
<tbody>
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<td>0.3</td>
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<td>1.85</td>
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