Standard Summary Project Fiche for the Transition Facility

1. Basic Information

1.1 CRIS Number: 2005/17/520.02.01

1.2 Title Establishment of a sustainable training facility for the Hungarian judiciary based on the School of Judges

1.3 Sector Justice and Home Affairs

1.4 Location Hungary – Budapest

2. Objectives

2.1 Overall Objective:
Establishment of a sound institutional basis for the regular training and further education of Hungarian judges, trainee judges and court secretaries in EU and Hungarian law.

2.2 Project Purpose:
The National School of Judges is established and ready to function and a tailor-made e-learning software is at disposal for the Hungarian judiciary.

2.3 Justification:

Comprehensive Monitoring Report: Chapter C.1 Commitments and requirements arising from the accession negotiations, Administrative and judicial capacity:

„Although Hungary has a fairly efficient training system, its capacity and level of financial support are not sufficient to develop necessary training programmes in management skills. The long-planned setting up of a Training Institute for Judges, which would improve the situation, has still not taken place, due to lack of financial means."

The Hague Programme (Strengthening Freedom, Security and Justice in the European Union) Chapter 3.2 (Confidence-building and mutual trust) underlines that:

“Judicial cooperation both in criminal and civil matters could be further enhanced by strengthening mutual trust and by progressive development of a European judicial culture based on diversity of the legal systems of the Member States and unity through European law. In an enlarged European Union, mutual confidence shall be based on the certainty that all European citizens have access to a judicial system meeting high standards of quality. In order to facilitate full implementation of the principle of mutual recognition, a system providing for objective and impartial evaluation of the implementation of EU policies in the field of justice, while fully respecting the independence of the judiciary and consistent with all the existing European mechanisms, must be established.

Strengthening mutual confidence requires an explicit effort to improve mutual understanding among judicial authorities and different legal systems. In this regard, networks of judicial organisations and institutions, such as the network of the Councils for the Judiciary, the European Network of Supreme Courts and the European Judicial Training Network, should be supported by the Union.”
3. Description

3.1 Background and Justification

Following accession, Community law is fully applied by Hungarian judges. Judges, trainee judges and court secretaries need further regular training and institutionalised refresher courses as well as specialised training in Community and national law. According to the training strategy of the National Council of Justice, following the accession of Hungary to the European Union the national and Community law training are interlinked. The national training programmes always contain the related specific aspects of Community law.

Judges have to apply the relevant Community legislation and respective international instruments as well as the overall practice of their implementation and enforcement. It is particularly important that Hungarian judges showed to be acquainted with the functioning of the Court of Justice of the European Communities, especially the interaction between national courts and the Court of Justice through the preliminary ruling procedure. Expert knowledge, especially practical experience for training in this field, must be improved in Hungary. The development of an e-learning software is thoroughly needed in order to support the effective functioning of the established school of judges.

In accordance with Paragraph 39(h) of the Act No. LXVI of 1997 on the organisation and administration of courts (hereinafter referred to as the Court Act), the National Council of Justice is responsible for central training functions. Paragraph 32 of the Act No. LXVII of 1997 regarding the legal status and remuneration of judges provides for the right of judges to receive training free of charge, and Paragraph 40 of the Act No. LXVIII on the service conditions of the staff to the justices sets forth the obligation of judicial officers and clerks to participate in the required training. The detailed rules of the training system are defined by the National Council of Justice in accordance with the aforesaid provision of the Court Act.

Since 1999 several national, Phare and bilateral programmes have provided training for Hungarian judges, trainee judges and court secretaries. The majority of these programmes have focused on training in basic Community law. By completing the programmes participants had a sound knowledge of the application of Community law at national level.

In order to ensure the effectiveness of training programmes, a modern training environment is a pre-requisite. In March 2000 the National Council of Justice adopted a decision to set up the National School of Judges in order to institutionalise capacities and resources for better performance in the field of judicial training. The future School will be not only the permanent centre of organising judicial training but also a strategic academic centre in its field. A feasibility study on the establishment of the School has been prepared in the framework of the HU/IB/2001/JH/02 twinning project (see Annex 8.). A state owned building administered by the Metropolitan Court has been selected and its conversion into the School has been agreed. The National Council of Justice has made a decision about the funding of the National School of Judges. In the sense of this NCJ-decision 400M HUF was secured in 2004 for financing the reconstruction of the building. In November 2004 the NCJ has made a decision about further 500M HUF support for this purpose. The Feasibility study on institutionalised training structure has been sent to the presidents of the county courts who have commented and completed it with their opinions.

Establishment of the School includes the reconstruction/transformation of an existing building into the training centre. The designs are ready and construction permit has already been received. Tendering of the reconstruction took place in April 2005. On 4 May 2005 the President of the Hungarian Parliament will lay the foundation-stone of the building of the School of Judges, the construction works will finish in May 2006. Costs of reconstruction will
be covered from national financial resources. The building of the National School of Judges will be ready and functional in July 2006.

The aim of the establishment of the School is to create a centralised academy that can provide organised training for judges, court secretaries and trainee judges, as well as court staff. According to the plans the new School will meet both Hungarian and European expectations raised towards a training centre of such importance by applying the most up-to-date theoretical and practical teaching methods.

The School will house different training activities to be organised for 2811 judges, 500 court secretaries, 450 trainee judges and 6972 court staff in order that they are able to perform their duties satisfactorily. Apart from providing detailed, in-depth, diversified training for them the new institution will serve as a centre of research.

The School should be linked to the Justicia.net, the IT network of the Hungarian Judiciary. Justicia.net sets up the information system at all 131 local and district courts providing fast and reliable data flow and communication between the Supreme Court, Appeal courts, county courts and local courts as well as the Office of the National Council of Justice in vertical and horizontal directions, also between partner institutions and between the courts and established European Judicial information systems as well. Justicia.net information system replaces the current judicial registration.

The single IT-network of the courts is the Justicia.net which connects all of the 157 judicial organs and institutions to the others. This network provides the access to the IT-services for almost 8,000 users.

All judges, court secretaries, trainee judges and the members of the courts’ staff are listed in one authentication system (Novell e-dir). This system will provide the future School of Judges to get in touch with the target groups the easiest way.

The Justicia.net includes the following main fields:

1. **Databases and applications:**
   a. database of obligatory and recommended forms,
   b. database of the decisions of the Supreme Court,
   c. legal database – the laws and regulations of the Republic of Hungary in force (Complex CD Jogtár),
   d. special legal databases (HVG-Orac Jogkódex Plusz, Bírósági Határozatok Plusz),
   e. intranet site of the judiciary (www.birosag.hu),
   f. company registration and information system of the Ministry of Justice,
   g. Lotus Notes e-mail system,
   h. informatics registry system

2. **GIIR (Integrated Economic Informatics System):** This system includes applications and software in relation with the financial, registration, accounting, HR-affairs of the courts.

3. **BIIR (Integrated Judicial Informatics System):**
   a. Judicial Litigation System (BIR)
b. Managing Information System (VIR): This system provides the court leaders analytical information about the proceedings, economical data, statistics about human resources, content of the decisions of the National Council of Justice, etc.

c. System of National Registries

d. System of External Relations (KKR): This system provides data exchange between the courts and other institutions (Ministry of Internal Affairs, National Headquarters of Penal Institutions, Office of the Prosecutor General, Company Registration and Information Service).

e. National Registry of the Accused Persons (TONy)

f. System of Basic Files (TÁR)

Justicia.net provides the participants of the training programmes in the School of Judges to reach their mailbox, the databases they need to prepare themselves for the training, and their personal files. The IT investment in the School of Judges is also necessary for the participants to have access to the internet through the intranet system of the judiciary.

The School of Judges shall be a part of the Justicia.net in order to be connected with the other institutions of the Hungarian judiciary. By this step the Justicia.net will connect 158 judicial organs and institutions into one network.

3.2 Linked Activities

Past projects of the Phare programme focused on the training of judges and on the establishment of the necessary information system to serve the judiciary.

Training of judges in EC Law started in 1999 in the framework of the HU9602-03-03 Phare project. The project provided basic training in Community law for a total of 734 judges. The final report accepted and approved by the National Council of Justice marked the direction of future training efforts.

Lessons learnt were applied in training of another 669 judges in the academic year of 2000/2001. Finance for this second programme was provided from funds of the National Council of Justice.

Hungarian sources and bilateral agreements provided funds for the training of 141 judges between September and December 2001.

The PHARE financed HU/IB/2001/JH/02 twinning project provided the framework for training another group of Hungarian judges. The programme lasted for 29 months and all judges have been given training in basic Community law. National training schemes as well as the second Phare training project also provided training for court secretaries and trainee judges.

The 2003/004-347-03-01 Further Reinforcement of Hungarian Judicial Capacity focuses on issues articulated in the Convention for the Protection of Human Rights and Fundamental Freedoms (especially Art. 6. fair trial), judicial ethics; enforcement of intellectual property rights, anti-trust legislation, state aids, competition matters, and finally appeal proceedings for asylum seekers, third pillar law and judicial co-operation. The programme targets the training of 300 judges and 400 trainee judges and court secretaries.
Although each training programme include a task to prepare and further develop training curricula not only for the training programmes within the frameworks of the actual projects but for use in following programmes, too, the HU/IB/2001/JH/02 twinning project went further.

Besides implementing the largest training programme, the HU/IB/2001/JH/02 twinning project included a feasibility study concerning institutional structures for training (Module 1). The study provided among others

- a detailed analysis of past and present situation in training and educating judges,
- a needs analysis in a broad way, including EU law training, national law training as well a administration of institutions,
- concrete plans for curricula of the future trainers,
- determination of training programmes and draft curricula, and
- initial plans for the enhancement of the contents and the structure of the education programme.

All these ensure coherent, permanent and efficient training of judges. The study provides the Hungarian institutions concerned with a reliable basis for their autonomous decision as to how to carry out this task in the future.

The establishment of the IT network of Hungarian Judiciary – Justicia.net - began in the framework of the HU9602-01-05 Phare project. Its development continues in the HU0007-02 Phare project and by completing the project all courts and the Office of the National Council of Justice have direct links to one another.

3.3 Results

a. A coherent e-learning curricula is available for the School of Judges.
b. A tailor-made e-learning software is developed.
c. The National School of Judges is furnished and equipped, including interior architecture (furniture), IT investment, presentation equipment, interpreting equipment and security devices. The school is connected to the Justicia.net.

3.4 Activities

a. Twinning

Scope of the Twinning

In the framework of a twinning component a coherent e-learning curricula shall be developed by the Resident Twinning Advisor with focus on the integration of topics of EU and national law, for example:

1. EC law
2. Economic crime
3. Bankruptcy law
4. Enforcement of intellectual and industrial property rights
5. Human rights
6. Asylum law
7. Schengen acquis

The RTA will make proposals how the School of Judges can integrate the e-learning system into its training strategy.

In order to multiply the results of the work carried out by the RTA best practices of the Member States and training institutions of the EU will be examined by four colleagues of the Office of the National Council of Justice (ONCJ) where they can gain practical experience concerning the e-learning strategies.

The RTA will examine the already existing procedures manual, training curricula for judges, court secretaries (young lawyers working at the courts who will be soon appointed as judges), trainee judges and the other members of the court staff and the procedures for contracting external lectures in the School of Judges. After finishing this task the RTA will make proposals for the beneficiary to review and update these documents.

The RTA of this project will assist in the elaboration of the quality control system of judicial training.

**Guaranteed results**

The e-learning curricula elaborated by the RTA is available for starting the development of a tailor-made e-learning software for the Hungarian judiciary.

Proposals will be made how the School of Judges can integrate the e-learning system into its training strategy.

The already existing procedures manual, training curricula for judges, court secretaries (young lawyers working at the courts who will be soon appointed as judges), trainee judges and the other members of the court staff and the procedures for contracting external lectures in the School of Judges will be examined by the RTA. An eventual update of the above mentioned documents can be proposed by the RTA.

A sustainable quality control system of the training organised by the School of Judges will be elaborated by the RTA. The system proposed by the RTA will be examined and taken into consideration by the National Council of Justice and the management body of the school.

**Tasks of the Resident Twinning Advisor will be:**

(i) to keep personal contact with the representatives of the institutions concerned,

(ii) to gain experience from meetings with the members of the judiciary who are responsible for training,

(iii) the preparation of the e-learning curricula,

(iv) the contracting and mobilisation of high-qualified short-term experts concerning the development of the e-learning curricula,

(v) ongoing supervision of the e-learning software development,

(vi) to make proposals about the integration of the e-learning system into the training strategy of the School of Judges,
(vii) to examine the already existing procedures manual, training curricula for judges, court secretaries (young lawyers working at the courts who will be soon appointed as judges), trainee judges and the other members of the court staff and the procedures for contracting external lectures in the School of Judges,

(viii) to elaborate a quality control system of the training organised by the School of Judges,

(ix) to ensure proper quality of outputs,

(x) to liaise with Hungarian institutions,

(xi) to hold a final workshop for those who will be in charge of the training at the School of Judges and to distribute knowledge about the e-learning curricula and the tailor-made software.

Profile of the RTA

The Resident Twinning Advisor must be highly qualified in all subject matters covered by the twinning arrangement, and must possess good management skills. He/she must be well acquainted with the mechanisms of making and enforcement of EU, as well as Hungarian law. Experience in organising and implementing training programmes is a comparative advantage.

More specifically, the Resident Twinning Advisor must have

- long-term experience in training within judiciary also in EU Member States;
- experience in international co-operation in the area of training within judiciary;
- experience concerning e-learning based training structures;
- knowledge of Hungarian law and organisation of the judiciary would be an advantage.

Short-term experts

Short-term experts can be eventually contracted by the RTA in helping the elaboration of the e-learning curricula.

Operating environment

The Resident Twinning Advisor will spend 12 months at the ONCJ and provide expert advice. He/she will be provided with office space and office equipment necessary for his/her job. The Department for Training and Further Education at the ONCJ will support the work of the RTA and the short-term experts by providing staff for the project purpose.

b. Service

The service component based on the e-learning curricula elaborated by the RTA aims the development of the e-learning software for the Hungarian judiciary. 8.000 users (judges and court staff – the users of justicia.net) will have access to the training software on several fields
of law and legal professional foreign languages. The service contract will be signed upon the
e-learning curricula elaborated by the RTA.

The e-learning system will support the continuous training of all members of the Hungarian
judiciary out of the building of the School of Judges. The RTA will make proposals about the
integration of the e-learning system into the training strategy of the School.

c. Supply
The project will contribute to the furnishing and equipping of the School in the framework of
one supply tender. Contribution will cover the IT, presentation equipment, interpreting
equipment. The furnishing of the School is a sine qua non in order that the proper functioning
of the equipment funded by the TF can be guaranteed; therefore it will be financed from
national budgetary resources as parallel co-financing to the project.

To reach the highest efficiency of training in the School the supply of high-level projectors is
a must. These equipments ensure that the participants of the training events are able to follow
the presentation on the screen by light and take notes at the same time.

One of the most important tasks of the School will be the initial training of future judges. The
methodologies of some training institutions of the old member states shall be adapted. For
example, trials in the demonstration court room will be recorded by cameras, reviewed and
discussed by the participants and the trainers in order to get acquainted with the best practice
of the work of the judge, e. g. the ruling, the hearing, the handling of conflicts in the court
room, etc. Therefore professional digital cameras shall be installed in the demonstration court
room.

The School will serve as the unique training institution of the Hungarian judiciary. In order to
strengthen the efficiency and the sustainability of training the School must own a high
performance printer to provide training materials for the participants of the courses.

According to the plans of the National Council of Justice several training courses with the
participation of foreign lecturers will be held in the School of Judges in order to provide the
Hungarian judiciary up-to-date information about the application of the acquis by the courts
of other member states. As member of the European Judicial Training Network the School
will organise international forums. In an enlarged European Union, mutual confidence shall
be based on the certainty that all European citizens have access to a judicial system meeting
high standards of quality. In order to be able to organise such events the School must dispose
of interpretation equipment.

3.5 Lessons learned
Findings and recommendations of monitoring activities of either Phare or a higher level of the
Commission (e.g. Peer review) will be highly reflected in the project. E.g.: Interim Evaluation
No. R/HU/JHA/04003 states that ‘an e-learning method of training and an electronic reference
case study creation could have improved efficiency in an organisation that spent many million
Euros on IT infrastructure and has an 80 % computer access for court staff.’
4. Institutional Framework

Pursuant to their statutes, the National Council of Justice (NCJ) is responsible for the training of the judiciary including training in Community Law. Decision on the establishment of the National School of Judges falls within the competence of the NCJ. It will also decide on the appropriate legal position of the School. The Office of the NCJ will implement the decisions.

Under the supervision of the National Council of Justice, the Office of the National Council of Justice shall be responsible for the training of judges and the establishment of the National School of Judges. The immediate responsibility of the implementation will fall on the Department of Training and Further Education of the Office.

In order to assure the proper co-ordination and organisation of project activities, a senior officer of the Office with organisational skills and experience has been already designated as co-ordinator of the programme. A committee has been set up from the colleagues of the Department of Training and Further Education as well as representatives of other departments of the Office that prepares working papers for the Project Steering Committee (PSC). The leaders of the Office as well as the heads of the different departments are the members of the PSC which makes proposals for the National Council of Justice. It is the National Council of Justice that makes the final decisions concerning the establishment and functioning of the School of Judges.

5. Detailed Budget

<table>
<thead>
<tr>
<th>€M</th>
<th>Transition Facility support</th>
<th>Co-financing</th>
<th>Total cost (TF plus co-financing)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Investment Support</td>
<td>Institution Building</td>
<td>Total Transition Facility (=I+IB)</td>
</tr>
<tr>
<td>a) Twinning</td>
<td>-</td>
<td>0,500</td>
<td>0,500</td>
</tr>
<tr>
<td>b) Service (e-learning software development)</td>
<td>-</td>
<td>0,350</td>
<td>0,350</td>
</tr>
<tr>
<td>c) Supply</td>
<td>0,930</td>
<td>-</td>
<td>0,930</td>
</tr>
<tr>
<td>- training and technical equipment</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- interior architecture and security system *</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>0,930</td>
<td>0,850</td>
<td>1,780</td>
</tr>
</tbody>
</table>

*The parallel co-financing is a sine qua non in order that the proper functioning of the equipment funded by the TF can be guaranteed. The reconstruction of the building funded
from national sources is adequate but not sufficient in order to use the building for educational purpose. The supply of the furniture funded from national resources as parallel co-financing is essential for the proper use of the equipment funded by the TF and meeting the results of this project.

The ratio between the Transition Facility and national amount is binding and has to be applied to the final contract price.

The national co-financing part of the budget does not include the VAT, which will be paid separately from the Hungarian State budget.

The NCJ has already made a decision about the implementation schedule of the reconstruction. The annual budget of the courts is put together by the NCJ. This fact guarantees that all costs concerning the reconstruction, and also furnishing and the obligatory co-financing of this project will be included in the budget for 2006. The NCJ makes proposal about the budget of the courts towards the Hungarian Parliament which has the competence to decide about it. The Resolution No. 2018/2005. (10 Feb) of the Government of the Republic of Hungary states that the Transition Facility project concerning the School of Judges is a real priority in the JHA sector.

6. Implementation Arrangements.
Implementing Agency for the programme will be the Central Finance and Contracts Unit (CFCU). Mr. Gábor Rónaszéki, Director of CFCU will be PAO.

The project will require smooth co-ordination between CFCU and ONCJ. In this respect ONCJ will nominate a co-ordinator.

6.1 Implementing Agency

**PAO:** Mr. Gábor Rónaszéki, Director of CFCU
Address: Deák Ferenc u. 5. Telephone: (+361) 266-4860
H-1052 Budapest Fax: (+361) 266-4858
E-mail: ronaszeki.gabor@cfcu.gov.hu

**For ONCJ**

**SPO:** Dr. Felicitász Szemán, Deputy Head of the Office of the National Council of Justice
Address: Szalay u. 16. Telephone: (+361) 312-20-69
H-1055 Budapest Fax: (+361) 331-89-22
E-mail: szemanf@oith.birosag.hu
6.2 Twinning
One twinning will be launched. Contact person for the Twinning is the SPO.

6.3 Non-standard Aspects
Hungarian national public procurement procedures and Twinning Manual will be strictly followed.

6.4 Contracts
For the Twinning component one contract shall be signed with the total net value of 0,500 M€.
For the e-learning software development a service contract shall be signed with the total net value of 0,350 M€.
For the provision of equipment one supply tender will be launched on the burden of the TF with the total net value of 0,930 M €.

7. Implementation Schedule

<table>
<thead>
<tr>
<th>Contract</th>
<th>Start of Tendering</th>
<th>Start of Project Activity</th>
<th>Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Twinning</td>
<td>July 2005</td>
<td>January 2006</td>
<td>December 2006</td>
</tr>
<tr>
<td>Service</td>
<td>April 2006</td>
<td>July 2006</td>
<td>December 2006</td>
</tr>
<tr>
<td>Supply (equipment)</td>
<td>September 2005</td>
<td>January 2006</td>
<td>September 2006</td>
</tr>
</tbody>
</table>

8. Sustainability:
All supported investment actions are sustainable in the long term. The IB component contributes to the effective functioning of the judicial training system. Future maintenance and operation costs will be covered from the Hungarian national budget.

9. Conditionality and sequencing
The ONCJ will manage the reconstruction of the building selected for the School from national budget.
The pre-condition to the start of activities set-out in this project is the
- availability of funds for national co-financing, and
- the start of renewal of the building selected for the purpose of the school.

The provision of supplies shall start only when the re-building of the School reaches a specific stage, ready to accommodate the supplies.
Annexes to project Fiche

1. Logical framework matrix
2. Detailed implementation chart
3. Contracting and disbursement schedule
4. List of relevant Laws and Regulations
5. Indicative allocations
6. Reference to studies
7. Budget for equipment - indicative price list
8. Feasibility study on the institutionalised training of judges and prosecutors
## LOGFRAME PLANNING MATRIX

**Annex 1 to Project Fiche**

**Establishment of a sustainable training facility for the Hungarian judiciary based on the School of Judges**

<table>
<thead>
<tr>
<th>Overall Objective</th>
<th>Objectively verifiable indicators</th>
<th>Sources of verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establishment of a sound institutional basis for the regular training and further education of Hungarian judges, trainee judges and court secretaries in EU and Hungarian law.</td>
<td>Increased consistency and stability of court rulings in matters of Community law and carrying out judicial co-operation</td>
<td>Reports of • National Council of Justice • European Commission</td>
<td>• Continued commitment to achieve and implement the Acquis in the area of justice and home affairs. • Easy access to documentation and information on the relevant Community and Third Pillar legislation for the judiciary. • The parallel co-financing is a sine qua non in order that the proper functioning of the equipment funded by the TF can be guaranteed.</td>
</tr>
</tbody>
</table>

### Project Purpose

The National School of Judges is established and ready to function and a tailor-made e-learning software is at disposal for the Hungarian judiciary.

<table>
<thead>
<tr>
<th>Objectively verifiable indicators</th>
<th>Sources of verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The first training course organised by the School in the 4th quarter of 2006. • A modern, tailor-made e-learning software is at disposal of the School. • Modern training facilities and infrastructure are made available for training purposes by September 2006.</td>
<td>Reports of • National Council of Justice, • European Commission, • Implementation Status Report • Summary Monitoring Report</td>
<td>• Adequate provision from state budget for funding the selected option of the institutionalised training programme and the maintenance of the School. The parallel co-financing is a sine qua non in order that the proper functioning of the equipment funded by the TF can be guaranteed.</td>
</tr>
</tbody>
</table>

### Results

- The e-learning curricula is available.
- A tailor-made e-learning software is developed.
- The National School of Judges is furnished and equipped.

<table>
<thead>
<tr>
<th>Objectively verifiable indicators</th>
<th>Sources of verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The e-learning curricula is available. • A modern, tailor-made e-learning software is at disposal of the School. • The National School of Judges is opened and given over to use.</td>
<td>Reports on the opening of the National School of Judges.</td>
<td>Outputs of former training projects are applied.</td>
</tr>
</tbody>
</table>

### Activities

- The elaboration of an e-learning curricula by the RTA based on the exchange of experience with Hungarian experts.
- Altogether four educational and IT experts of the ONCJ will observe in practice e-learning systems of training institutions of the EU.
- Supply of the necessary training and presentation equipment, furniture and security system.
- A final workshop for those in charge of training at the School of Judges

<table>
<thead>
<tr>
<th>Means</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 1 twinning contract • 1 service contract • 1 supply tender</td>
<td>• Outputs of former training projects are applied.</td>
</tr>
</tbody>
</table>

### Preconditions

- The Hungarian Parliament approves the necessary budget for the establishment of the School of Judges.
- Architectural and engineering works on the building of the School are ready to accommodate supplies.
Establishment of a sustainable training facility for the Hungarian judiciary based on the School of Judges

**Detailed Implementation Chart**

<table>
<thead>
<tr>
<th>COMPONENT</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Twinning</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Service</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Supply (equipment)</td>
<td>D</td>
<td>D</td>
</tr>
</tbody>
</table>

- **D**: Design
- **T**: Tendering and contracting
- **I**: Implementation
**ANNEX 3**

Establishment of a sustainable training facility for the Hungarian judiciary based on the School of Judges

**CONTRACTING AND DISBURSEMENT SCHEDULE**

<table>
<thead>
<tr>
<th>Component</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>I</td>
<td>II</td>
<td>III</td>
</tr>
<tr>
<td>Contracting</td>
<td>1,430</td>
<td>1,780</td>
<td>1,780</td>
</tr>
<tr>
<td>Twinning</td>
<td>0,500</td>
<td>0,500</td>
<td>0,500</td>
</tr>
<tr>
<td>Service</td>
<td>0,350</td>
<td>0,350</td>
<td>0,350</td>
</tr>
<tr>
<td>Supply (equipment)</td>
<td>0,930</td>
<td>0,930</td>
<td>0,930</td>
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* Only TF funds
LIST OF RELEVANT HUNGARIAN LAWS AND REGULATIONS

The Constitution of the Republic of Hungary
Act No. LXVI of 1997 on the Organisation and Administration of Courts (available in English)
Act No. LXVII of 1997 on the Legal Status and Remuneration of Judges
Act No. LXVIII of 1997 on the Service Relations of Public Servants Employed in the Field of Justice
Act No. CX of 1999 on establishing the seat and territorial competence of the National Court of Appeal as well as modifying some of the laws concerning the functioning of the justice system.
Government Resolution No 2319/2000 (XII. 21.) about tasks related to some questions on the Hungarian legal system affected by the accession to the EU.
NCJ Resolution 56/1999 (VI. 2.) about the Establishment and Members of the Council of Judicial Training
NCJ Resolution 27/2000 (III. 1.) about the Preparation of the Establishment of Training Institute for Judges
NCJ Resolution 190/2004 (X. 5.) about the Activities and Timing of the Establishment of the Training Institute for Judges
Establishment of a sustainable training facility for the Hungarian judiciary based on the School of Judges

**INDICATIVE ALLOCATIONS**

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REFERENCE TO STUDIES

I. TRAINING OF JUDGES
The programme for training judges is based on the following sets of documents:

- Internal documents, reports and proposals of the Office of the National Council of Justice,
- Study prepared in the framework of the HU9602 Phare programme (HU9602-02-02-0001),
- Reports of the HU9602-03-03-0002 Training of Judges contract,
- Feasibility Study on the institutionalised training structure (Towards a national Hungarian training centre for judges and prosecutors)
Establishment of a sustainable training facility for the Hungarian judiciary based on the School of Judges

BUDGET FOR THE EQUIPMENT - INDICATIVE PRICE LIST

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<th>Equipment (VAT not included)</th>
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<td>Professional digital camera (demonstration court room)</td>
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<td>Overhead projector</td>
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<td>Office equipment</td>
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<td>Altogether</td>
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<td>930.000</td>
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</tbody>
</table>
Towards a national Hungarian training centre for judges and prosecutors

Statue: Figura by Csikszentmihályi, Robert

'One centre composed by two independent bodies'

Programme PHARE HONGRIE
Feasibility Study, 22 Sept – 3 October 2003

Report stated by :
- Marie-Luce CAVROIS, deputy director, chief for the further training department of the French National School for the Judiciary (ENM, Ecole Nationale de la Magistrature)
- Johan KOORNSTRA, Msc, educationalist, head of the department of Innovation and Development SSR The Netherlands (Dutch National school for the Judiciary).
- Johann-Friedrich STAATS, Rechtsanwalt (lawyer), former head of section for the training of legal professions in the German Federal Ministry of Justice
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1. Aim of the feasibility study

Resuming the Twinning Covenant, pages C7 and C8, the delegation had to work on measures to improve the Hungarian training of judges and prosecutors, particularly by institutional means, and to submit respective proposals.

This shall be based on an analysis of the existing structures and programs, taking into account
1. the relevant Hungarian plans and
2. the experiences in other countries of Europe.

It is well understood that the delegation has a limited knowledge of the present situation in Hungary. On the other hand, the Hungarian law is part of the continental law system. The problems for the training of judges and prosecutors have many parallels to the situation in other countries of Europe.

1.1 Recapitulation of decisions

Source: The twinning covenant, dated June 28, 2001,
Article 3: Contents of the Twinning Project.
Article 3.2: Components of the programme.
Article 3.2.1: Module 1: Feasibility Study concerning Institutional Structures for Training Pages C7 and C8 (see annex)

Recapitulation of decisions:
- On June 21 2001 the County Court Presidents discussed the issue of a ‘National School of Judges. They decided to support the investment of the funds for this institution to be started June 2003.
- The National Council of Justice has to take the decision on securing the financial funds, however this is only possible if and when the funds are at its disposal as well as they are assigned to it by law or by decisions of the Government and adopted by the Parliament.
- The ONCJ will put forward the need of a National School of Judges in the budgetary proposal for 2003. This is realised but with no budgetary success.
- If adopted the ONCJ will decide upon the start of the activities of the institution, at first in 2004
- In spite of the difficult financial conditions, in 2002 the ONCJ will invite applicants for a public procurement tender for drawing up the plans and for reconstructing the already existing building designated to be the seat of the National School of Justice. This has been realised in 2003 and will forwarded before September 30 2003 in behalf of the budget for 2004: about 8 million euro’s.
- The centre should be the ‘academic centre for the national and community law training of the judges as the sustained continuation and further developed institution of the actually existing training system.
1.2 The program of the delegation

Programme for the experts of the Feasibility Study on the institutionalised training system

Monday, September 22

<table>
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<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>9.00 – 9.45</td>
<td>Meeting with Dr. Donat Ebert, Pre-Accession Advisor</td>
</tr>
<tr>
<td>9.45 – 12.30</td>
<td>Coordination meeting between the experts</td>
</tr>
<tr>
<td>12.30 – 14.00</td>
<td>Lunch break</td>
</tr>
<tr>
<td>14.00 – 15.00</td>
<td>Meeting with the representatives of the Office of the National Council of Justice at Mrs dr. Ágnes Szigeti, Deputy Head of the Office of the National Council of Justice (those present: dr. Erika Banicz – Head of the Department of Further Training, dr. Judit Csizsár – Deputy Head of the Department of Further Training, dr. András Süli – Official at the Department of Further Training, Krisztina Mezo – Assistant of the Pre-Accession Advisor) Location: room 113 at ONCJ</td>
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Tuesday, September 23

<table>
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<tr>
<th>Time</th>
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<td>9.00 – 10.00</td>
<td>Meeting with dr. Dezső Avarkeszi, the member of Constitutional and Judicial Committee of the Hungarian Parliament and the National Council of Justice, as well as with dr. Gyozo Soós, the member of the Budgetary and Financial Committee of the Hungarian Parliament and the National Council of Justice Location: the Parliament</td>
</tr>
<tr>
<td>12.00 – 13.30</td>
<td>Lunch break</td>
</tr>
<tr>
<td>13.30 – 14.30</td>
<td>Meeting with dr. Péter Polt, the Prosecutor General Location: OPG</td>
</tr>
<tr>
<td>14.30 – 16.00</td>
<td>Meeting with dr. Ilona Lévai, Director General of the Department for International and European Affairs, Office of the Prosecutor General and with Zsuzsanna Pintér, the representative of the Section for Further Training, Office of the Prosecutor General Location: OPG</td>
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**Wednesday, September 24**

10.00 – 11.00 Meeting with dr. Zoltán Lomnici, the President of the Supreme Court and the National Council of Justice  
Location: Supreme Court

11.00 – 12.00 Consultation between the experts

12.00 – 14.00 Lunch break

Location: ONCJ

15.30 – 16.30 Meeting with dr. László Gatter, the President of the Capital Court, dr. László Pén-tek, Chief judge of the Capital Court and dr. Zsuzsanna Sándor, the Spokesperson of the Capital Court  
Location: Capital Court

**Thursday, September 25**

10.00 – 11.00 Meeting with Ms Márta Szilágyi and Mr Klaus Steiner, the representatives of the EC Delegation  
Location: EC Delegation

12.00 – 13.00 Lunch break

13.00 – 14.00 Meeting with dr. Jeno Horváth, the President of the Hungarian Bar Association  
Location: the Hungarian Bar Association

**Friday, September 26**

12.00 – 13.00 Lunch break

13.00 – 15.00 Visiting the building of the planned School of Judges

16.00 – 17.00 Meeting with dr. Miklós Kengyel, the Rector of the Andrássy Gyula University  
Location: the university

**Monday, September 29**
9.00 – 10.00 Meeting with the national trainer judges (dr. Ágnes Czine, dr. Sándor Szabó, dr. András Vaskuti, dr. Árpád Orosz)

10.00 – 12.00 Meeting with dr. Ágnes Diófási and dr. Tibor Steiner, the representatives of the National Association of Public Prosecutors
   Location: Office of the Prosecutor General

12.00 – 14.00 Lunch break

14.00 – 16.00 Meeting with Mrs dr. István Körmendy, Head of Section for Further Training, Office of the Prosecutor General and dr. Eszter Köpf, Prosecutor at the Department for International and European Affairs, Office of the Prosecutor General
   Location: OPG

Tuesday, September 30

10.00 – 12.00 Meeting with the representatives of the Prosecutor’s Office of the XI-XXII. Districts

12.00 – 14.00 Lunch break

   Location: OPG

Wednesday, October 1

Visiting the Training Centre of the prosecutors in Balatonlelle

Thursday, October 2

10.00 – 11.00 Meeting with dr. János Zanathy, the Head of the Office of the National Council of Justice
   Location: room 112 at ONCJ

12.00 – 13.00 Lunch break

13.00 – 18.00 Consultation between the experts

18.30 - Dinner with the representatives of the ONCJ and the OPG
Friday, October 3

10.00 – 12.00 Meeting with the representatives of the Office of the National Council of Justice and the Office of the Prosecutor General
Location: ONCJ
1.3 Summary and list of proposals

As a summary the delegation here presents an overview of the proposals stated in this report.

25 proposals for recruitment and training of judges and prosecutors in Hungary:

-1- Organise a national recruitment for both judges and prosecutors, with public advertisements in the newspapers and other media

-2- Set up a selective recruitment on the national level with a fixed procedure in order to select the candidates on national selection criteria by an independent selection committee

-3- The two separate trainee-ships for judges and prosecutors should be integrated into one joint judicial trainee-ship with a uniform curriculum. The curriculum should have obligatory parts and optional parts

-4- A diversified curriculum should be organised for every trainee, whatever is his status judge or prosecutor, the optional parts should be decided in order to complete the previous experience and to prepare the future of the trainee

-5- The proposal is not only to alternate different working experiences but to enhance the training periods in courts, prosecution office or in outside stages by a preparation and/or debriefing period in the training Centre

-6- In the future, to emphasise the training period and to preserve the trainees from being “overloaded or misemployed” by the courts or the prosecutor services, it will be necessary to envision a new statute for the trainees and the “juniors”. The responsibility to select the trainees, hire, employ them and organise their whole curriculum could be given to the national training centre

-7- Keeping the fourth year of training for “junior” judges and prosecutors and give them the opportunity to specialise as judge or prosecutor in court and outside (but no more than 3 months outside)

-8- Having the budget for enough number of posts for “juniors” in order that this fourth year will not last more than one year

- 9- Develop the further training for judges and prosecutors and give them the right of 5 days of training each year

-10- Broader the basis for the annual (and multi annual) program for the further training, diversify the topics: not only knowledge but also skills, not only law but also social issues, ethic, minorities…., diversify the methods of training not only conferences but also workshops in little groups
- **11- Develop more common further training events for judges and prosecutors**

- 12- Take advantage of local initiatives taken by the colleges of courts and prosecution offices, develop links with them and the national training centre

- 13- Build a national joint national training centre for judges and prosecutors

- 14- Give to the future Training Centre the task of implementing the proposals mentioned above. The main tasks for the Joint training Centre will be to supervise and organise the recruitment of the trainees, the initial training, the professional exam, and the further training for judges and prosecutors

- 15- To be successful in realising such a large mission, the Training Centre should be structured as an independent body and have sufficient means

- 16- The proposition is to develop a common centre with two training locations, one in Budapest and the other in Balatonlelle. The choice for one or the other location could be made regarding the nature and the duration of the training events, for instance short major events in Budapest, and residential events in Balatonlelle

- 17- This Centre should have a specific advising board gathering judges, prosecutors, and other high personalities much concerned by the judiciary

- 18- The director should be a high ranked judge designed by the ONJC with the approval of the board of the Centre and the vice director a high ranked prosecutor, designed by the OPG with the approval of the board

- 19- Give the possibility to the national training Centre to hire a permanent team of multi-professional trainers of well experimented people selected on the basis of their career (judges, prosecutors, educationalists and administrative staff)

- 20- Give the possibility to the Centre to get the best occasional speakers and pay attention to the diversity of the panel.

- 21- The budget should be provided by the ONJC and the ONPG, on the basis of the respective proportion of judges and prosecutors to be trained

- 22- To implement the proposals, set up a committee which should be presided by the president of the Supreme Court and vice presided by the General Prosecutor and composed on the basis of the recommended board for the future national training centre

- 23- This Committee for the improvement of the training of judges and prosecutors should dress up a calendar for realising the different proposals and receive the help of the ONCJ and OPG to implement the propositions

- 24- Constitute a common team (from ONCJ and OPG’s training departments) in charge of assisting the committee in implementing the national training centre for judges and prosecutors
- 25. Not wait until the complete budget will be available for building the new Centre, but begin to implement the proposals on the recruitment and the initial and further training of judges and prosecutors in Hungary
2. Working method

To prepare the delegation, the following documents in English, some of them also in French, were transmitted:

1. The Functioning of the Hungarian Judicial System
3. Information on the training of Hungarian judges
5. Decree 11/1999. (X.6.)IM of the Minister of Justice on the legal trainee ship and training of court clerks
6. Regulation 14 of 1999 on the National Judicial Council on the legal trainee-ship, training and evaluation of clerks
7. Recommended central educational plan for courts (from September 1, 2003 through June 30, 2004)
8. The concept of the Training Centre for Judges
9. List of rooms for the planning programme of the centre for court training
10. Information on the training system of the prosecutors’ organisation (in French)
11. Report on the training and further training activities of the prosecutors’ organisation in 2001
13. Instruction 4/2000. (ÜK.4.) LÜ (issued by the Supreme Prosecutor) on the legal trainee-ship and professional training of clerks working in the prosecutors’ offices

Some handouts were very helpful. In addition, the chapter “Hungary” in the compilation “Reinforcement of the Rule of Law”, edited as part of the PHARE Horizontal programme on Justice and Home Affairs in 2002 by the European Commission, was useful.

From September 22 to 3 October 2003 the delegation stayed in Budapest for a series of meetings, following the programme enclosed as Annex A, to which we refer. All meetings were excellently prepared. The participants of the meetings explained in depth, intensely and frankly the Hungarian training situation for judges and prosecutors; they also informed about the existing plans and made many proposals. The working language was English. The translation was professional and good.

On the 28th of October 2003, the delegation had another meeting in Budapest with the representing of the ONCJ and OPG about the possible links of the two offices and the joint training activities for judges and prosecutors.
3. Present situation

On the basis of the information given, the delegation analyses the present situation of recruiting and training judges and prosecutors as follows.

3.1. Trainee ship

3.1.1 Selection

The student who wants to obtain a judicial profession has to be a doctor and has to apply either to a court (to become a judge), to a prosecutor office (to become a prosecutor) or to a law firm (to become a lawyer).

Trainee-judges and trainee-prosecutors have to face a selective process for there are about ten times more applicants than available positions. The organisation selects them on their file and after one or more interviews.

The actual way of recruitment is local for judges and national for prosecutors.

For trainee judges the president of the county court has the responsibility of choosing the applicant. This seems a very flexible solution but the experts think that it may sometimes be a paternalistic process, giving more chance to the candidates who are known by the president. This is not a guarantee of the best choice, not for the county court concerned and not for the country as a whole and the quality of the judges. In fact there is no comparison between the candidates. There is not a national standard.

Each year, about 150 trainee judges are selected. In 2003 a total of 457 trainee judges is being trained.

For the recruitment of trainee-prosecutors, there is a centralised process. Applications are addressed to the Office of the Prosecutor General (OPG). All applicants are interviewed on the national level and a pre-selection is made. In 2003 the OPG received more than 600 files, interviewed all the applicants, and pre-selected 200 of them. Those 200 candidates were received by a jury of three people (deputy of the Prosecutor General, the head of the training department and the prosecutor of the court where the applicant wants to be hired). This jury gives recommendations and the final decision is made by the Prosecutor General. In 2003, 67 people were hired.

3.1.2 Period of training

The applicant that is hired by a court, a prosecutors office or a law firm becomes a trainee and will be trained during 3 years.

The trainee is employed and paid by his organisation – in the case of the trainee judge and the trainee prosecutor by the state. So it is obvious that, to a certain degree, he has to work. On the other hand, in view of the liberty of access to the profession, the law can
provide the trainee-ship as prerequisite for the access to the law professions only as a means of training and not in order to give cheap labour to the training organisations. Therefore the organisation has to create the opportunity for the trainee to learn the job. Accordingly, the objective of the trainee-ship is defined in the relevant regulations (§ 2 Decree 11/1999 – Minister of Justice, § 2 Instruction 4/2000 – Supreme Prosecutor). The actual training practice seems to follow this line, but with some divergence’s.

3.1.3 The trainee judge

Details of the organisation of the trainee-ship are regulated in the mentioned Decree 11/1999 and in the Regulation 14 of 1999 of the National Judicial Council on the legal trainee ship, training and evaluation of clerks. The regulations are observed, so that the delegation can refer to these texts. The delegation found no convincing answer to the question, whether the goal of § 4 Decree 11/1999: obtaining knowledge on the work of the prosecution, of lawyers, notaries, public administration, investigating authority, can be achieved, since in most cases the trainee is only trained within the court system.

The Office of the National Judicial Council (ONJC) has the central responsibility for the training curriculum and provides for the training material. However, we have been said that the quality of the training seems to differ quite a lot from county court to county court. For the practical training, the tutor judge to whom the individual trainee is assigned, plays an eminent role in advising and leading the trainee. The trainee partly has a more or less observing position in participating hearings and trials and acts always under supervision. The trainee has also to assist the tutor judge, particularly by writing minutes and drafting decisions. In the framework of the legal aid, open to the public, the trainee gives counsel to the “customer” of the judiciary. Subject of the training are all branches of law. The trainee spends time in different branches of courts (§ 11 Regulation 14 of 1999). About twice a month, generally from 9 to 12 a.m., the trainees are gathered in small groups (15-20) and have training on different issues in relation with their job in court. Most of the courses are given by judges. Trainees seem to appreciate it very much and they complain on the fact that it is not enough. They also make the remark that the course is not always in relation with the sector they have to deal with, in the court, at the moment. At present it seems very difficult to organise coherent groups. This has to be related to the fact that trainees are hired at different times according to vacancies and the number of trainee’s (the majority in Budapest and less at other county courts). So, the risk is that the training is not a national one but to some extend, ‘private’ to the county court where one is working. Question for the delegation is that there does not seem to be an nation-wide accepted and (locally) carried out curriculum. There is however an annual plan for the central training events.

After having been trained on one branch of law, a trainee has to pass an internal examination on this section. The access to the professional (final) state-examination depends on the success of the internal examinations. The trainees get some time free of other activities in order to prepare themselves for the professional examination.

3.1.4 The trainee prosecutor

Details of the organisation of the trainee-ship are regulated in the mentioned Instruction 4/2000, which has many analogies to the Decree 11/1999 for the trainee judges. The regulation is known to the delegation and it is referred to in this text. Also for the trainee
prosecutors, it can not be expected that the goal of obtaining knowledge of the work of other law professions (§ 5 of the Instruction) can be achieved, since in most cases the trainee rests for the whole training in offices of the prosecution.

The trainee-ship, organised centrally by the Office of the Prosecutor General (OPG) and his Human Resources and Further Training Department, is said to be rather uniform all over the country. The trainee-ship is an instituted revolving system, each trainee spending some time in different offices of the prosecution on different levels and with different fields of law, passing from tutor to tutor who is the main responsible for the efficiency of the training, giving advice, leading and evaluating the work of the trainee. The trainees have to follow working hours and seem to be rather integrated into the office work. The trainees take part in the daily work of the prosecution, mainly writing draft indictments and participating in hearings/trials. Subject of the training is not only criminal law, but also civil law (including economic law) and administrative law. For each period the trainee has to attend one-week-courses at the Balatonlelle Centre. The trainees have not the possibility to represent the prosecution in court and are always acting under instruction of the tutor prosecution. At the end of each training period the trainee has to pass an internal examination on this section. The access to the professional (final) examination depends on success of the internal examinations.

At its discretion, the prosecutors office gives free time to prepare for the professional (final) examination.

At the end of the respective trainee-ship, most of the trainees will apply for a job in the court, the prosecutor office or the law firm where they were trained. It is an advantage in a way that the employer’s organisation is motivated to well train the person, but on the other hand it does not help the trainee to feel independent during the training. While everyone that passes the professional examination with success can apply for a job in one of the mentioned branches, it is very rare that candidates leave the branch where they were working before the examination.

In analysing the two systems of training curricula, for an external observer – the Hungarian members of the two professions mostly expressed a different view - , the parallels are evident, this in advantages and in disadvantages. In the opinion of the delegation, the main disadvantage is the strict isolation of the training for the different law professions, which leads to a handicap for the future professional life. The future judge for instance has not become familiar with the special knowledge, the skills and problems of the other law professions which he will deal with in court. He has not worked as a prosecutor or as a lawyer and even common training groups for judges and prosecutors or lawyers are not usual. This is especially questionable for the two professions, which by the state are entrusted with the enforcement of law, judiciary and prosecution. In many countries of continental Europe like France, Germany and the Netherlands, the joint training at least for future judges and prosecutors is instituted and acknowledged. The delegation is aware of the fact that in the Hungarian tradition judiciary and prosecution are strictly separated and this as a consequence of historical events. Because of their judicial independence Hungarian judges want to stay in distance to the prosecution. But this should not exclude a certain co-operation for essential improvements on the field of training, including the course of the trainee-ships.
The delegation points out the lack of common aspects in the training of trainee judges and trainee prosecutors. There is nothing wrong with the fact that a trainee chooses to become a judge and then is raised as a judge. The same is true for the choice to become a prosecutor. The point is however, that the trainee-period is about the only chance for some orientation on other aspects of the chain the judge and prosecutor is working in. In their professional future it is very important that the trainees have some experience in the work of ‘the neighbours’ in the judicial chain. After all, the trainees are young and, coming from university, step into a job that they normally never leave again. This is especially important in the case of ‘once a judge, always a judge’.

3.1.5 Professional (state) examination

After the three year period, all the trainees have to pass the same “legal qualifying examination”, whether they were judges, prosecutors or lawyer trainees. This common examination is organised by the Ministry of Justice. It consists of three parts: one written part (indictment, sentence, plea) on one subject, and two oral parts involving 9 law subjects, since 2003: 10 (now included: European law).

The examination is considered as very difficult by the trainees. The delegation has no doubts that this is correct. But there is the impression that the examination is not sufficiently adjusted to the needs of the future profession and of the demands of the public. The delegation, following its special mission, will explain this impression for the professions of the judge and the prosecutor just on one point:

Only one written assignment concerning only one of ten law subject cannot give a sufficient indication of the ability to work in writing on different fields of law and for different kinds of decisions. The written assignment is especially important, because it gives a reliable and verifiable basis for the evaluation. Most of the tasks of the judge and of the prosecutor demand excellent skill to produce written decisions, convincing in style and reasoning. Judges and prosecutors, even if specialised, never work just on one field of law, because every part of law has connections to other parts. The kinds of decisions which occur in professional life, vary considerably.

The professional examination is meant to be the final test for trainees to show they learned enough in the past three years. In fact the trainees exercise in this period on juridical subject as on skills necessary in their future job.

3.2 The court secretaries and the junior prosecutors

The trainee, who has succeeded in the exam will spend another one-year before he can be appointed as judge or prosecutor. If there are no vacancies, the court secretary and probably also the junior prosecutor might stay for another year or even longer in this position. It shall be a training period, but in reality it is at the same time a period of taking part in normal business. It is said however, that the tasks often are of minor importance. The salary is higher than during the trainee-ship.

Court secretaries:
For the future judge, called “court secretary”, a main task seems to be the carrying out of orders of payments or calculating court fees, work of more executive character, giving little opportunity to work with law questions. Besides, - without full responsibility - the court secretary has to prepare cases, to rule hearings, and to prepare himself for future specialisation. It could be an adequate way of learning the job, if the tasks of the court secretary would be nearly the same as those of the judge. The executive tasks could better be done by court assistants.

The general feeling of the court secretaries is that there is not enough training, just a 5 days boarding course and sometimes one or two days on a specialised subject. The delegation has been told by court secretaries that they do not have time to be trained because they have a lot of work to do in courts.

**Junior prosecutors:**

The future prosecutor for one year has a somehow equivalent status as the court secretary, called “junior prosecutor”, as the delegation was told. He or she has to act as a prosecutor in simple cases. The delegation thinks this is very positive, it is an example of learning on the job that can be most effective if adequately supported by sufficient guidance, monitoring and training courses. If however, the first option is to use junior prosecutors as cheap manpower to do the daily work, the delegation notices that this is not the adequate way of training future prosecutors. For the future prosecutor, the training program, organised by the OPG, is the same as the further training program for prosecutors. The delegation has been told that the junior prosecutors have so much work that they cannot attend any training during this period.

In the opinion of the delegation, the one-year training after the professional examination does not seem very adequate for court secretaries as well as for junior prosecutors.

### 3.3 Further training

The delegation has noticed that further training is organised separately for judges and prosecutors. But, because of very good and personal relationships between the two training departments of ONJC and OPG, for some events the judges invite the prosecutors or vice versa. This occasionally is the case on the local level. These initiatives should be very warmly welcomed and stimulated.

The delegation observes and regrets that the different “Phare” programs ruled in Hungary did not permit to organise common training events, it seems that they were dedicated either for judges, either for prosecutors and were ruled separately. This seems to be a kind of missed opportunity. For the future, the experts recommend to emphasise the common events.

Two parts complained: judges side that remarked that they invited the prosecutors for an event about the new criminal procedural law and send the minutes of the event to the prosecutors but that for the same kind of events the prosecutor side forgot to invite them and they did not receive the minutes. On the other hand the delegation has been told by the prosecutors that when the judges are invited, very few really attend the course, but those who came are very interesting and ‘happy’.
The delegation observes that this kind of critics means that both judges and prosecutors are in favour of attending training events of mutual interest together, but it has to be more institutionalised.

3.3.1 Further education, a right and a duty for judges and prosecutors

The delegation was not told how frequently the judges and prosecutors have effectively the right to attend an event, neither how frequently they are required as a duty to attend a training course. It may be observed that the president of the local county court select and invite their people to attend a course.

Because of hierarchical organisations, when prosecutors are asked to come to attend an event they really have to. This does not seem to be the case for judges, for them further training is more a moral duty.

For the two parts further education is a possibility that they appreciate. It is not at all an instrument of supervision, attending or not a training event can not be used against judges, neither prosecutors. Further training is regarded by both sides as a possibility of improving the knowledge of the law, the practices, the competencies of judges and prosecutors and the quality of Justice.

For judges and prosecutors there is, actually, no real possibility of geographical mobility during the career because of the very strong problem of housing in Hungary. It means that most of the time the person will be trainee in a court, court secretary or junior prosecutor, and then will act as a judge or a prosecutor in the same court until the end of his career. But this lack of mobility does not help to unify the practices and the application of law. So the national further training is a major opportunity for the people from all over the country to meet on professional issues and exchange on the enforcement of law and good practices.

3.3.1.1 Further education for judges

It is the training department of the ONJC which is in charge of organising further training on a national level.

They work on a national plan which is printed and broadcast through the official newspaper for the judiciary. The “Recommended central educational plan for courts (from September 1, 2003 through June 30, 2004)” has been published in the Court Gazette of May 2003.

The national plan seems to be rather important. The content of the plan is partly new and partly the same every year.

In 2002, the ONCJ organised 60 specific courses events for judges with 3800 participants. Beside that, the Office organised more than 60 events in the community law under the umbrella of the Phare program. Most of the central events take place in Budapest. The ONCJ has no centre of it’s own, so it has to rent hotels.

3.3.1.2 Further education for prosecutors
The department of training of the OPG is in charge of organising training events. Most of the events take place in “Balatonlelle Training Centre”, situated in a nice resort, along the Balaton Lake. This centre is used during the summer as a holidays centre for prosecutors and their families. The premises seems to be too little regarding he necessities of training. It has only a conference room for 60 maximum, and can offer boarding for 40 people (half of the rooms have to be shared by two persons). It takes at least one hour and a half to reach this place from Budapest, so it is not very convenient for one day events, but very good for residential training courses for little groups. When the OPG wants to organise important events, it rents a hotel in Budapest.

The annual further training plan for prosecutors includes yearly about 10 to 15 weekly courses organised by the OPG and some events organised by the universities, foreign partners or in the framework of EU programs.

There are not so many specific courses for prosecutors as there are proposed to judges. One explanation of this situation is certainly that until September 2003, only one person was working on further training. Now there are five qualified persons working.

The training plan seems essentially devoted to a special public like newly appointed prosecutors and chief prosecutors county courts. During 2003, the OPG organised a national of training plan for implementing the reform of a new criminal procedural law. The objective was to train the trainers and then to send them back to the prosecutors offices to organise courses to present the changes to their colleges. Apart of those mentioned above, most of the events of the 2003 plan for prosecutors were “Phare” seminars. When this “Phare program” is over there will be more than 20 weeks free in Balatonlelle Centre, so the OPG is open to the idea of receiving judges or to organise common events.
4. Need for a Training Centre

On the basis of the information given the delegation analysis whether both judges and prosecutors should be trained together or separately in the future.

4.1 General arguments for a national training centre

The need for a national training centre for judges and prosecutors seems to be self-evident (leaving aside, for the moment, the question whether it should be a joint centre for both professions). European countries with a certain professional standard of judges and prosecutors established such centres for years (France: Ecole Nationale de la Magistrature, Bordeaux, since 1960; Germany: Deutsche Richterakademie, since 1973 in Trier and since 1993 with a second establishment in Wustrau; The Netherlands: Studiecentrum Rechtspleging (SSR), since 1970 in Zutphen. In these countries it is common thought that the judiciary needs a centre of its own to maintain and develop the profession of judges and prosecutors and their organisations. It is seen as an appreciated possibility for both the individual members as the organisation as a whole. Of course, these centres have different structures. Nevertheless, the main ideas have much in common and are applicable for Hungary. To find for Hungary a concept, it seems to be appropriate to resume the basic arguments for a training centre, which concern initial training and further training for judges and prosecutors more or less likewise:

4.1.1 Uniform application of national, European and international law

It needs no explanation that laws - by their nature and regarding the right of equality of the citizen - demand a uniform application as far as the facts and the independence of the judge allow it. Hungary has institutions which will guarantee the uniform application of laws (hierarchy of courts and prosecution offices; uniform proceedings especially of the Supreme Court; colleges in the courts; publication of court decisions; access to court decisions by internet or via data banks). Nevertheless, the uniform application is becoming more and more difficult, as examples all over Europe show.

Beside this hierarchical structure there should be an organised approach for the individual judges, prosecutors, courts and prosecution offices to maintain and to advance their way of working on nation wide uniform application of law at all levels.

Prerequisite for judges and prosecutors is outstanding knowledge of the law that should be applied. The judge and the prosecutor have to keep track by their individual studies. But that is not as easy as it used to be. Legislators tend to produce new laws constantly. European law is becoming more and more important, yet it is often difficult to apply it in the system of national law. Constitutional law can interfere. There is an abundance of information on new laws that can create confusion, just by its mass. Professional help by specialists is necessary. This often cannot be afforded at individual, local or regional level. The reasonable solution is the national training centre. However, this does not mean that at a local level nothing happens
anymore. The National level on one hand provides central training, on the other hand it stimulates local development in a co-ordinating role.

When there is no doubt about the law to be applied, the problems of uniform interpretation arrive. Complicated modern life is producing a large increase of cases. The judiciary fights against an overload of cases and faces the demand of everybody to decide quickly. So a tendency to decide without inquiring about the case work of other instances can be observed. Again, the support of specialists in a training centre is needed.

For instance, special seminars between a chamber of the Supreme Court and the relevant chambers of the subordinate courts dealing with subjects which in case of appeal will go to this chamber of the Supreme Court, can be particularly fruitful – for both sides. Important here is that knowledge flows through the organisation and that the ‘learning organisation’ can be enhanced.

Beyond all this, the national centre has a very particular, often underestimated advantage concerning the uniform application of law. In working groups or even outside the official program, judges and prosecutors of different regions and different court levels discuss with each other and often find common solutions, this in a relaxed and therefore effective way. This can lead to informal co-operation after the event, in daily work.

4.1.2 New facts

For new developments in those sectors of life which are important for the work of judges and prosecutors, concise and up-to-date information often can only be transferred by specially competent lecturers of national or international standard. Current examples can be mentioned: new developments in medicine, in psychology, in economics, in the drug scene, in urbanisation, in environmental protection.

4.1.3 New procedural skills

The demand to improve the skills of judges and prosecutors for inquiries, hearings and trials is being heard all over Europe. A special concern is the taking of evidence when children are the only witnesses. Again a national training centre would give – at least for the time being – the best platform to get acquainted with developments of this kind.

4.1.4 International training

The fact that people and enterprises cross the borders and are close to each other in Europe and all around the globe make it necessary that judges and prosecutors try to understand what is going on outside, and this - besides their tourist activities - in their professional field. The Hungarian judges and prosecutors evidently see this necessity and have collected rich professional impressions outside their country. But the time has come when, in addition to learning outside, a national Hungarian centre of training is needed inside Hungary for the exchange of views and experiences with foreign judges, prosecutors or other legal
professionals. The subjects will be foreign, European and international questions. Also the Hungarian judiciary can be presented to foreigners.

4.1.5 Symbol of the “third power”

A national training centre should be understood as a symbol of the third power and its willingness to learn and to adapt itself by own, independent efforts to the demands of modern life. For the public, it should be clarified that the centre has this defined role and is not an object of simple prestige.

4.1.6 Judicial network and meeting point

By meeting each other and working together in courses etc. on a national level participants are stimulated to consultation in daily work. This is very important in the case of uniform application of law and it stimulates participation in knowledge creation.

4.1.7 Methods and techniques for training

Very often, new methods and techniques for training can only effectively be introduced by specialised trainers or trainers of trainers. They are rare and cost money. The best and cheapest way to familiarise trainers, organisers and participants of events on all levels of training is to start on top, at a national training centre. There are some indications that last not least in Hungary the training events for judges and for prosecutors deserve enhancement through modern methods of training.

4.1.8 New ways of learning

The national training centre will also stimulate the introduction of new ways of learning. In fact, the subject ‘how to professionalise the judiciary’ should be a topic that can be studied and brought into practice by the national centre. Digital ways of supporting the professional belong to this field: for instance e-learning, a knowledge-web and a learning-web and providing a digital help like an overview of jurisprudence and the tendencies in that.

This list of arguments for a national training centre can be extended. On the other hand, a national training centre is not the universal instrument to solve all problems related to the present training of judges and prosecutors. Of course, there exists one important counter position: the costs of creating and running such an institution. But the final balancing of costs and benefits is a political question, not really an object of this analysis.

4.2 Need for a joined national training system

4.2.1 Controversial Hungarian opinions
In Hungary, the need for a national training centre is broadly accepted. But the opinions are divided whether there should be two separate centres - the one for judges and the other for prosecutors - or a joined centre.

**Dr. Dezso Avarkeszi, Member of Parliament**, expressed his personal and professional point of view. He *thinks that a joint training centre would be “a very useful solution”*. A national judicial centre would improve uniformity of application of law. He added that “the leaders of subsystems have to understand how important it is to have a unified system”. It will help to improve the professional level. It is not only a question of a building but first of all a question of spirit.

*His two major arguments for a joint training centre are that it would be better and cheaper.*

**Prosecutors are very much in favour of a common training centre for judges and prosecutors.**

They think it will increase the links between the two professions and help to get a better understanding.

They underline the existing informal relationship and think that it should be improved and institutionalised.

**The President of the Hungarian Bar association, dr. Jenö Horvath,** explained that he is very much in favour of a training system which would allow the trainees to get an experience in the other professions. He thinks that it would be advisable that trainees will spend for instance a three months period in each profession. About training judges and prosecutors he advised:

- “they should very seriously work on a common centre, such a centre would help to develop a common attitude”.
- The age of the generalist is over. A general law knowledge provided by University is not enough, we should rather focus on specialisation.
- “A common training would not threaten endanger the independence of judges, this is not a criteria of independence”.

He mentioned that such a centre to be efficient will need infrastructures, high technology and very good lecturers and teachers, and all those will need money! He added that such a centre should be a very attractive and prestigious concept in order to success!

**Directors and staff of the Office of the National Judicial Council do not have the same feeling.** They explain that it does not seem possible to have a common training centre because there is no convertibility in the career of judges and prosecutors and because they have two separate organisations and two separate budgets. But they did not express any opposition on the fact of having in common some training events. And the objections made are no fundamental objections in the sense that they have not necessarily to be changed (the matter of the convertibility) or are just practical questions that can be solved in a lot of ways.

**From judges different opinions have been expressed.**

For the delegation the difficulty is that not enough persons were met and no appointment with the associations of judges was made in spite of the expressed demand.

Some judges emphasise the differences between judges and prosecutors and do not want to have a common training centre.

Some others judges expressed themselves in favour of a common centre because there are important overlaps between the two professions. They observe that there are many matters to study together, not only law but also extra-legal studies as: psychology, sociology,
communication, skills, foreign languages, ICT. They imagine it would be more interesting and more high standard. They explain that new solutions are always very difficult to imagine but that things are changing. They think that a common centre would really be useful for judges and prosecutors and would help to modernise the Hungarian Justice.

Mr. Pal Solt, former president of the Supreme Court, thinks that it may be difficult to have a common training centre, but possible and interesting. Because of the history and the culture of Hungary, the differences between the two branches “judges” and “prosecutors” should be made clear. He thinks that there should be common services as: library, ICT equipment, and a website. He is in favour of certain common courses and common teachers. He would be happy to have some great prosecutors coming and giving lessons. He underlines the necessity of presenting an acceptable model on the symbolic as economic point of view.

4.2.2 The opinion of the experts

The experts remark that nobody expressed against the idea of Training Centre(s) for judges and or prosecutors. There is a consensus on the idea that one or two training Centre would be helpful for improving the training of judges and prosecutor. There is a need for professional studies for judges and prosecutors.

The experts understand that the judges may think that there are historical reasons for having separate training and they consider that actually, the constitutional statute of both the judicature and the public prosecution in the Hungarian Republic is democratic and independent enough to secure the independence of the judges and public prosecutors as well. Regarding the fact that judges and prosecutors are issued from the same faculties of law where they have to be successful in the same university examination of law, spend the same time in initial training and have to pass the same professional examination, need a high level further training, the experts do not see any good reason to recommend two separate centres.

Thinking of a solution of one training centre for the judges and one for the prosecutors with two different locations and organisations, the delegation observes that the recommendation would be to have two similar centres to answer the same kind of issues: improve the initial training, organise further training, offer young people professional studies, develop professional tools, manage a library, a website, manage a team of permanent professional teacher, find high level speakers, create a network of correspondents in the whole country, organise training of trainers, etc… Such a double way of doing seems very expensive in terms of budget, time and human resources. Splitting the public means does not seem very efficient neither the better way to get a high standard of studying.

Otherwise the delegation thinks that a National Training Centre will help to a better understanding between judges and prosecutors, to diminish prejudices and to enhance the professional practices. They underline the fact that the judiciary will be better considered in being unified than divided. And, on a financial point of view, a Centre will help to make scale economy and to provide a better quality of training. It seems to be the best solution.

The experts recommend a unique professional training centre which would consist in a joint venture between the means for training of the ONCJ and the OPG. The delegation warmly recommends, in addition, an extra funding to be decided by the Parliament for the creation of a building in Budapest.
It is on the Hungarian side to check if the realisation of such a centre for a common training would need to pass a law.

The idea could be to develop a common centre with two training locations, one in Budapest and the other in Balatonlelle. The choice for one or the other location could be made regarding the nature and the duration of the training event, for instance short major events in Budapest, and residential events in Balatonlelle. The director and the main administrative staff should be in Budapest, the central point in the country that is best to be reached, especially for short gatherings.

If, in spite of the above recommendation, the Hungarian authorities are not ready to implement a common national training centre, the experts recommend to institutionalise and organise very strong links between the two training departments of ONJC and OPG, in order to be able to face the necessary improvement of the recruitment and initial and further training of judges and prosecutors.
5. Proposals

All the following proposals are inspired by the fact that Justice is a basement of the democracy. So in the matter of recruiting and training judges and prosecutors, it implies to emphasise on the fact that justice is the third power and a public service for citizens. Judges and prosecutors have rights and duties.

This has two main consequences:
- The recruitment must be a public and transparent process, the objective is to get the best people for serving Justice.
- The process of training must be organised in order to reach very high standards of quality and to be very open to the evolution of society.

Admitting these objectives means that judges and prosecutors must be very much involved in the recruitment and training process but this must not be a internal, not-transparent process of a court or a prosecutors office. The goal is to improve Justice, amongst others by a solid and for society observable and transparent process.

The delegation received a paper titled "The concept of the Training centre for Judges" which has been adopted by the NCJ in 2002. The proposals are devoted to the objectives mentioned just above. This paper proposes to organise Training of judges in order to get a training for judges of high quality, very linked to the profession and open to society.

While rereading this paper, the delegation does not see any reason not to extend this training concept to the Hungarian prosecution. The delegation underlines that the objectives and the methods of training of judges mentioned in this paper, should be applied to the prosecutors as well. We strongly recommend this paper to the OPG to take it as a start for it’s own strategy. At the same time it’s a chance to discuss this matter in the process of dealing with training matters in co-operation.
5.1 Proposals on recruitment

The actual way of recruitment is local for the trainee judges and national for trainee prosecutors. Trainee judges are recruited on the local level by the president of the court. Trainee prosecutors are selected by the OPG on the national level. In the opinion of the delegation, the present recruitment is not the way to get the best candidates.

*The first proposal is to have a national recruitment for both judges and prosecutors, with public advertisements in the newspapers and other media.*

*The second proposal is to organise a selective recruitment on the national level with a fixed procedure in order to select the candidates on national selection criteria by an independent selection committee.*

The actual local way of recruitment seems to suffer from lack of publicity. It should be clear to the whole nation that new judges and prosecutors are recruited. First of all it is positive to have this exposure in the media for it shows that becoming a judge and becoming a prosecutor is an open, democratic process in which everyone that fits the prerequisites can participate. Besides this, every possible applicant should know that there are vacancies and that they can apply for it. This probably enhances the quality of the applicants.

The delegation is in favour of the way of recruiting trainee prosecutors which seems to guaranty more equality between the candidates and offers the best choice for the OPG then the local procedure does for the ONCJ. But on the actual process of recruiting prosecutors, the delegation can think of better ways of selection to avoid the phase of interviewing all the candidates (in 2003 about six hundred) without any pre-selection, which takes too much time of the actual team of the OPG.

Our first option is to create one selection committee for selection of trainees, both: judges and of prosecutors. But regarding the actual separation, we would propose a second option with two appointed, independent committees, one by the ONJC and one by the OPG to select the candidates on a national level with a common selection procedure. If necessary the president of the county court or the chief prosecutor may be given a place in the committee. If the local presidents join the committee for recommendation of candidates for his court, he or she should be a rotating member of the committee with sufficient permanent members to make sure that all recommended candidates match the national standard. So the vote of the local president or chief prosecutor never can be decisive.

With public advertisement, there certainly will not be less applicants then it is the case. An appropriate selection method is necessary. It hardly will be possible to interview all of the applicants. Besides that, nor an interview nor a selection only on basis of the file or the CV of the applicant, is sufficient to select the best candidates.

The delegation recommends a selection process on the national level that offers sufficient relevant information and that does not take to much time. We think of a period of eight weeks as a maximum.
In Hungary the period of initial training is organised in a way that has many merits and has in its main features evident similarities to the initial training in other European countries. The initial training in first line is the trainee-ship of three years, finalised by the state law profession examination (in the following: professional examination) and after that continued by the period of one year of court secretary/junior prosecutor. After this period of four years one can apply for a position of judge or prosecutor, but it is not guaranteed that there are vacancies or that one automatically will be appointed when there is a vacancy.

For this national selection there are two options:

- the first is to set up a real competitive examination with different tasks (written and oral, on different sectors of the law) as it does exist in some countries (France, Netherlands, Spain) but it may be too expensive and too complicated.

- the second option is to have a first selection with a written examination to select about double number of people than positions available and then interview and select the candidates with independent committees.

The best way to do would probably to give a common written examination on a double subject: the criminal an civil law. If so, as the existing final exam, there could be a common written test for trainee judges and prosecutors, (it would be easier and cheaper to organise) and then the selected people would be interviewed by two different committees, one for judges, one for prosecutors.

The task of organising the recruitment could be given to the future national training centre, as it is in France and in the Netherlands.

5.2 Proposals on initial training

The delegation recommends the following changes towards the trainee-ship for future judges and the trainee-ship for future prosecutors in Hungary:

5.2.1 A common trainee-ship

The two separate trainee-ships should be integrated into one common judicial trainee-ship with a uniform curriculum. The curriculum should have obligatory and optional parts. In the annexes the Dutch, the French curricula and one of the comparable German regulations are copied as illustrations.

a) arguments pro

- the fusion of the two trainee-ship systems will have a strong synergetic effect and will reduce costs, since less personnel and equipment is necessary.

- already today, the law subjects of the two trainee-ships seem to be very much alike. The aim is the same: the professional examination. Study material prepared for trainee judges by the ONCJ is available for the OPG and is often used for the trainee prosecutors. This is possible since judges have to apply criminal law as well as prosecutors. In the current practice of the Hungarian courts, judges on criminal law rarely switch to civil law. This practice is not self-evident. In countries like France, Germany or the Netherlands, judges at least during the first decades of their career move quite often from criminal law to civil law and vice versa. This allows a great
flexibility for the administration of the courts and avoids a narrow-minded thinking and behaviour. Prosecutors have to apply particularly in a free market system an often underestimated knowledge in civil law, for instance in cases of economic criminality. In the Hungarian system they explicitly can take part in civil proceedings and they do so, although not as much as in former times.

- the methods of applying the law are practically the same for judges as for prosecutors. This is likewise true for most of the procedural techniques. At least it is good to know, which technique is observed by the other law profession.

- it is also a great advantage for the persons concerned and for the administration of justice, if there are no legal or practicable obstacles to move from the profession of a judge to the profession of a prosecutor. Often only after years of practice a young man or a young woman finds out which of the both professions are more suitable to him or to her. The change of profession can be a kick for appreciating vocation and career. The administration of justice can offer higher posts if there are free positions in one profession and no free ones in the other profession. The delegation thinks that it will be more attractive to (candidate) judges and prosecutors to have some orientation on both jobs and to have more carrier possibilities. Both the ONCJ and the OPG will benefit.

Because of these clear advantages the system of two separate trainee-ships can be considered a luxury, even an obstacle to proper training, if there are no substantial counter-arguments.

b) arguments contra

- The delegation has been told for this goal the law has to be changed. Others say there is no need for that. In the view of the delegation a change of the Constitution is not necessary. In any case, the required regulations on the two trainee-ships can be changed and a convincing solution finds the necessary supporters.

From an educational, practical and financial standpoint, a change of the provisions on the trainee-ship is necessary.

- The status of the trainee judges as employees of the ONJC and the trainee prosecutors as employees of the OPG implies separate trainee-ships. In this case as well, the concerning law provisions can be changed. Even if the personal status is separate, the training itself can be integrated.

- As a consequence, the period of the trainee-ship perhaps will be extended. Nobody wants that because there was a recent change and the impression is that the new goals can be reached in the same three years as is the present situation. As already shown, to a very large extent, the training for both professions must include the same subjects and skills. The rest can be optional. If the trainee-ship becomes more concentrated on real training, as the experts propose, there is much time – in a period of 36 months – to prepare for both professions. After all there is a year to come as court secretary or junior prosecutor, in which emphasis is put on the deepening of the skills of the profession that is chosen after succeeding the professional examination. In France, the integrated trainee-ship for “auditeurs de justice” (future judges and future prosecutors) lasts 31 months, in Germany, the integrated trainee-ship for “Referendare” (preparing to all law professions) even only 24 months, in The Netherlands it lasts 6 years max. (including a two years period outside court or prosecution, most of the time in a law firm).
- Among some of the interviewed partners we noticed the opinion that judges and prosecutors think different. The delegation cannot judge, to which degree this is the real and traditional situation in Hungary. But the question is, whether at all and to which extend such different thinking is necessary and should be kept. Judges and prosecutors have the same obligation and task to apply law fairly and justly.

As a result the arguments put forward against a common trainee-ship do not convince. *The main proposal of the delegation to create a joint trainee-ship seems to be founded.*

5.2.2 Diversification of the training schedule

The delegation recommends to organise a diversified curriculum for every trainee, whatever their status is trainee-judge or trainee-prosecutor.

With few exceptions, the trainee judges stay in courts and the trainee prosecutors in prosecution offices. For 6 months, the regulations allow training at other institutions - § 12 (1) letter b Regulation 14/1999; § 5 Instruction 4/2000). But it is not mandatory and it is not the custom. So during the whole period of three years, the average trainee never has the chance to get acquainted with the other side by working for it. This can lead to a narrow-minded attitude and misunderstandings in future professional life. For this we can refer to the arguments above under 5.2.1, letter a). In other countries like France and the Netherlands, during the trainee-ship of future judges and prosecutors (France: “magistrats”) there is a common curriculum including a stage at the Court, at the Prosecution Office as well as a stage at a law firm. During the trainee-ship (“Vorbereitungsdienst” for “referendare”) in Germany – a common training for all legal professions - the future judge mostly has to follow a stage at a prosecution office, the future prosecutor must – like any other “referendare” - spend a large part of his time in courts (civil and criminal matters) and no referendar can avoid to have a stage at a law office.

Most of the interviewed persons (trainees themselves, representatives of the professional association, judges and prosecutors) told to the delegation that they think it could be really better if trainees could get more diversified experiences during their trainees. It would help if trainees could understand how the other workers in the field of justice work.

The experts have been told that the proposal of a curriculum with different periods outside the court for a trainee-judge or outside the prosecutor office for a trainee-prosecutor is a very good idea, but impossible because the employers of the trainees would not let them go out. Some of the speakers added that it would be necessary to change the law to organise such a training. And last but not least it was said that this kind of solution will be a problem for courts and prosecutor offices because the trainees do a respectable part of the job. They are employees that are needed very badly.

These are obstacles which have to be taken into consideration. But the experts have also been told that in some cities where the president of the county court and the chief prosecutor are on friendly terms, they have already organised some kind of exchange between the trainees on an informal basis. So the proposition can be realised if wanted.

The proposal is to organise a curriculum with different training periods: in court, in prosecutor office, and in addition in other law-connected positions with periods such as stages in a
lawyer’s office, in a city administration, in a police service and in a penitentiary service. But as these periods do not have the common function, there should be differentiation in duration. The proposal is to give trainees competencies as far as possible to act within the profession, though under supervision of the responsible tutor (judge/prosecutor, lawyer, police officer, penitentiary officer).

But the proposal is not only to alternate different working experiences but to enhance the training periods in courts, prosecution office or other stages by a differentiated system of courses at local level and periods of preparation and/or debriefing in the training centre as described in the following.

5.2.3 Schooling (more regular small practical courses on local level and regular training periods in the centre)

The trainee-ship in Hungary is governed by training through assisting a judge or a prosecutor in his daily work. This is of great value and certainly has to be kept. But the practical training by these means can be improved by accompanying courses that support the learning process and make it more effective. Training by courses is practical in so far that experienced and (educationally) skilled practitioners make groups of trainees in a concentrated way familiar with the skills and practical knowledge needed for work. These courses are quite different from academic lectures. If the courses are organised in a systematic manner, it might be called ‘schooling’. The experience in other countries shows that some sort of ‘schooling’ is worthwhile for the training of legal professions. In France, the future judges/prosecutors have to pass many months to be taught in the respective national schools. In France the training in the “Ecole Nationale de la Magistrature” begins by a 7 months period in the school of Bordeaux, and there is at least two months at the end of the curriculum. In The Netherlands in the beginning trainees are in the training centre for a week and then go back to practice for some time, come back and so on. Later on these weeks are frequent courses of mostly two days. The German trainee ship (Vorbereitungsdienst) is – in this respect – similar to the Hungarian system. But since a long time the work-groups once in a week (Arbeitsgemeinschaften) at local level are a backbone of the training, highly appreciated by the trainees (Referendare). Besides this, according to federal law, three months of the training can be used full time. The states (Länder) have organised mandatory training of this kind in different ways, mostly by regional or central courses, carried out in state judicial academies or in hotels. In the German educational discussion, this kind of schooling is more and more regarded as an indispensable addition to the normal training, demanded by the national organisations of the judges/prosecutors and the lawyers.

In Hungary, the workshops and conferences for the trainees exist, but the system should be developed. For the workshops on local level, a course each week (2.5 hours) should be the general rule. These should consist of lectures, presentations by trainees, discussion etc. For full time courses the amount of time to be reserved for this purpose should be fixed in the curriculum. The obvious thing to do would be to entrust the National Training Centre with these courses. Main courses in the centre would be an introductory course at the beginning of the trainee-ship, later on introductory to specific topics of the training (for instance criminal law, administrative law) and courses on special subjects where a presentation on the national level is advisable, for instance on European law, psychology, training of the trainers.
5.2.4 Schedule of the curriculum

As the delegation prefers a common trainee-ship, the here proposed schedule refers to such a structure. But most of the details can also be applied to separate trainee-ships.

As a kind of transition toward a common curriculum, a way of doing could be to organise curricula with a dominant part in court for judge trainees or in a prosecutor office for prosecutor trainees. The dominant period should be about two years and the following training period should be of six months in a prosecutor office for judge trainees and in a court for prosecutors trainees.

The individual curriculum, dependent on the choice of the optional stages and the capacities of the institutions willing to offer a training place, will be settled in advance by the employer or, when the national training centre is ready to do it, by the centre.

5.2.4.1 Introductory courses

At the beginning of their curriculum all the trainees should be gatherer in the training centre for a period of about 3 weeks, as an initialisation period, to allow the young people to know each other, and to realise that they are no more students but they are entering to the service of Justice, working in a quite different way. These period could include the following items:

- presentation on the judicial organisation as a service to the public, to administrative bodies, including the actors of Justice;
- presentation on the role of the judge and the prosecutor in the proceedings as seen by experienced practitioners
- presentation on the status of judges and prosecutors, headlines of the ethic rules and practices,
- presentation on the handling of files and their way between authorities
- presentation on the co-operation within the court and the office (superiors, colleagues, registrars, computer service) and with other authorities,
- introduction to the curriculum,
- introduction on themes and skills the trainee will meet in the first period in practice.

Regarding the personal competencies and the previous experience of the trainee, the centre should design a personal curriculum, and help the trainee to choose the optional stages.

5.2.4.2 The stages and their support by special courses at the training centre
Then the trainee-ship in the courts, the prosecution office and in other places begins.
The period of trainee-ship could be divided in 3 or 4 major phases: one phase on criminal
matters, one phase on civil and commercial matters and one phase on administrative matters.
These periods will not necessarily be equal, it depends on the Hungarian needs to decide how
long each one must last.

Each phase should begin by one or two weeks period in the training centre to prepare the
trainee. For instance the criminal period could begin by a training period in the training
Centre devoted to

- presentation of the major trends of delinquency in Hungary,
- exercises in criminal law and the criminal procedural law under practical aspects
- the new legislation and the public policy to prevent and to repress delinquency,
- the co-operation between prosecution and police
- the relation to the defence and the press
- what is the process of prosecution, how to act in front of in a simple case, how to write
  a simple criminal decision.

After each phase, a course in the national training centre for debriefing and discussing the
results of this part of the training should take place.

As an example the trainees should go in a prosecution service (about 4 months) and in
different police services (about a two months period) to follow the work of judicial inquiries,
local police station, special inquiries on drugs, on organised crime ... then the trainees should
work in a criminal court (about 2 months) to see how the judges and courts examine the work
of police and prosecutors, how they judge.
Then back to the centre for a one or two weeks period for a debriefing and to study the
penalties, the penitentiary system, the alternative penalties, the probation system, etc. before
going for a one month period in a penitentiary service.
The second period could be devoted to civil and commercial training in a similar outlined
program including one month for holidays. The trainees should go to courts and have outside
period in a land registry office, in a child care service ...
The same in the third period to administrative matters etc. One month for holidays each year.

The delegation proposes mandatory and optional stages in a law firm, in a police service and
in a penitentiary service. During the period of training in the law office, the trainee should
work as much as a lawyer, but, of course, under his supervision. The choice of the law firm
should be a task of the trainee with the consent of the training centre, which will have to
verify the training quality of the law office. Also for the other stages it has to be made sure
that the training is as much as possible an efficient introduction into the work of a legal
professional.

Each major period should be finished with an examination and an evaluation of the work done
in this period. After three years a trainee normally completes his examinations and when his evaluations are good he can apply for junior judge or junior prosecutor. The fourth year will be a year of specialisation: to become a judge or a prosecutor. Of course in this year one only focuses on the general part of being a judge or a prosecutor. When this year is successful there will be an appointment as judge or prosecutor. In the next years the person gets more and more experienced and specialised on certain matters.

Attention must be paid to the fact that a stage should be long enough to give the trainee a chance to participate to the real work (minimum: 3 months, except for stages of predominantly informative character). For the same reason, within the stage the trainee should work at the side of only one tutor getting to know his or her special tasks.

5.2.4.3 Courses at local level

For the workshops or courses on local level, a course each week (2.5 hours) should be the general rule. These should consist of lectures, presentations by trainees, discussion, written exercises for drafting decisions etc. The courses should be carried out – as already now – by experienced practitioners with pedagogical skill, trained from time to time by the national training centre. They should be organised in all parts of the country with the endeavour to offer an equal standard.

5.2.4.4 Evaluation

Each of the 3 or 4 phases should be finished with an internal examination and an evaluation of the work done in this period. Like already now, the access to professional (final) state-examination should depend on the success of the internal examinations.

5.2.5 Status of the trainees

For the present time, the most simple way would be just to organise such curricula for the trainees with different periods without changing their status. It means that the employer organisation should have to continue to pay the trainee employed during the different periods in other places as those of the employer.

But for the future the improved situation would be: not to keep the trainees employed by their organisations, Court or Prosecutor Office, and envisioning a new statute for the trainees. The responsibility to select the trainees, hire, employ them and organise their whole curriculum could be given to the national training centre. This would help to emphasise the training period and to preserve the trainees from being “overloaded or misemployed” by the courts or the prosecutor services.
Remark:
Reforming the trainee-ship period, and giving more time to the trainees to study will imply that they have less time to work in courts. So it will be necessary to hire some more judges or prosecutors or more assistants for judges and prosecutors in order to do the part of the job which will no more be done by the trainees. Another way of resolving this problem is to make the working process more efficient, for instance by appointing more clerks to do the non-judicial work of the judge and by applying ICT-solutions.

5.2.6 The court secretaries and the junior prosecutors: a renewed “junior period”

The trainee, who has succeeded in the examination will spend another one-years period before he can be appointed as judge or prosecutor. If there are no vacancies, the court secretary and probably also the junior prosecutor might stay for another year or even longer in this position. The salary is higher than during the trainee-ship but important lower than for a judge or a prosecutor. Most of the interviewed people pointed out that during this one year period there is not much time for (organised) training and most of the time is spent on taking part in normal business. If this situation is maintained the question is, whether the institution of the court secretary should not better be abolished.

The majority of the delegation thinks however that the period of court secretary and junior prosecutor should be maintained as the fourth year of initial training. Thinking of a new way of training the trainees as proposed above, with more time for studying and more time out of courts and prosecutor offices for outside stages, this fourth year of training will be very useful to give the opportunity to the court secretary or to the junior prosecutor to prepare himself to be a real professional with the support of his/her future colleagues. In order to renew the concept, the delegation proposes to unify the term and call the court secretaries “the junior judges”.

This fourth year will be a time where the “junior” he will be free from the preparation of the examination and will just have to study and practice in court or in prosecution office. This period would also be appropriate to allow the future professional to have some more specialised stages to prepare his future post. For instance, if the junior knows he will mainly have to deal with family cases, he could be authorised to spend a moment in a family mediation service or beneath a social service. The time spent in outside stage(s) during this period should not be more than three months, the rest of the time should be spent in court(s) or in prosecution office(s). This will be the responsibility of the future training centre to dress up the curriculum for the “juniors” in coordination with the court or the prosecution office where they are.

For this “junior period”, the second recommendation is that it should last for a maximum fixed time which could be a duration of one year. This recommendation intends to protect the junior judge or prosecutor, when he has succeeded the final exam and fulfils the non-training prerequisites, he has the certainty to get a post within a year.

As a resume, the delegation recommends to keep an initial training period of four years. It will include a common but diversified trainee ship for trainee judges and prosecutors of three years base on three (criminal, civil and administrative) or four major phases, possibly with different duration and an optional part (outside courts and prosecution offices) depending on the previous experience of the trainee and of his wish. This optional part will be decided on a
common agreement with the centre and the president of the county court and the chief of the prosecution office.

In the fourth year of initial training the junior has to deepen his knowledge and his skill and can specialise on his future post judge or prosecutor.

The other major point is to provide regular small practical courses to the trainees at the local level, and give them the opportunity to be gathered in the national training centre for at least three periods of one week each year, to prepare the training and to debrief what they have learnt.

In the future, it would be better to give the trainees and juniors a new statute and make them employed by the training centre, but right now they may follow this new training track and be employed by court or prosecution service.

5.3 Proposals on further training

In the framework of this report, we can leave aside the individual further training, self-evident and constant duty of every judge and prosecutor. We speak of the organised further training as carried out by institutions, mostly by the Hungarian state, but also by international or foreign institutions.

The delegation is aware of the fact that for the Hungarian judges and prosecutors exists already a valuable offer of organised further training. The delegation will not evaluate the existing system of further training, which is not possible on the basis of the knowledge the delegation gathered. But having in mind the experiences in other countries and the information received about Hungary, the delegation formulates proposals, not minding the risk that in some points our Hungarians partners are very well informed or the proposal has been realised.

5.3.1 Duties and rights of judges and prosecutors

It should be made clear by regulation, to which extent a participation of a training event can be made mandatory. Taking into account the judicial independence it should be avoided for judges to force them to further training. In general, for judges and prosecutors, it cannot stimulate and can even deteriorate the participation if it is mandatory. An exemption can be made for recently appointed judges and prosecutors before appointment for life. But its clear that in relation to the developments in the field of law and the judiciary, further education must have an important place, primarily as a attitude of the judge and prosecutor as professionals.

Further it should be made clear by regulation, to which extent the individual judge or the prosecutor can claim participation. It could be formulated, under which conditions the president of the court or the head of the prosecution office can deny participation. The French solution of granted a claim of 5 days of further training each year is a good example.
5.3.2 Broader basis for the annual (or multi-annual) program

The need for further training can be seen in a different way by the ONJC, the OPG, the presidents of courts and prosecution offices, the colleges of the courts, the professional associations, the trainers, the people to be trained and by the public. All can supply valuable contributions and can be motivated by the possibility to make proposals for the annual program (or maybe multi-annual program). Private or international organisations can make interesting offers for training. The European networks for the training of judges and prosecutors can support and deliver ideas to update the program. Of course, there must be a procedure which concentrates the gathering of suggestions. Above all, only one institution can do the final balancing of the suggestions and decide on the program definitively. But as far as the delegation could find out, the procedure to develop the programs could be more transparent and should enclose more people outside the officials in charge on the high level. One improvement could be to publish the draft annual program and to invite the interested public, especially the judges and prosecutors and their associations to give their views within a certain period. In Hungary this is done for the recommended national plan for the judges. It would be desirable to discuss the draft plan also in a general meeting, open to the interested public. Another improvement would be to formalise the consulting of the relevant institutions, particularly the presidents of courts and offices of all levels.

5.3.3 Annual program: concentration on training needs

For the planning of further training of judges and professionals occasionally some questionable trends can be observed all over Europe: repeating what is done the year before, accepting offers, when someone else pays, following short term political tendencies or running to present the last fashion of the training industry. Also Hungary seems to be not completely free of such not-reflected trends. In order to find instead serious, well-founded decisions, there is just one solution: To equip the institutions which are responsible for the final balancing of the annual program with the necessary manpower, time, money and with the likewise indispensable professional independence.

5.3.4 Diversification of the training subjects

The central goals of the continuing law training of judges and prosecutors are well known and practised in Hungary: getting acquainted with changes of law, with sectors of law which call for specialisation, with the law of the European Union, the European Convention on Human Rights. It could be added the information about the essentials of foreign law systems. A major subject should be the status of the judge and the prosecutor with special attention on judicial ethics.

The training must make familiar with new factual developments, related to the work of judges and prosecutors. The need is more or less obvious for new forms of criminality, especially those which use the open frontiers (for trafficking, for illegal trade of all kinds, or for corrupting the European system of subventions). More concern could be given to actual developments in computer and other technical fields, in national and international business, in family life, or in medicine, biology, psychology and other relevant sciences. A reflection on the history of the judiciary or a comparison with the judiciary in other countries could be
worthwhile. On these fields, it would be too narrow, even misleading, to see only the direct consequences for the daily work of the judge or prosecutor.

Training concerns not only knowledge, but also skill. Many skills necessary for the work of the judge or the prosecutor are better trained or have to be updated after some professional experience is achieved. In Western European countries a considerable training effort has been developed to make the proceedings in court more businesslike, to avoid authoritarian style, where it is possible, but to interfere firmly when parties or lawyers try to misuse the procedure. The judges shall convince, starting by treating the parties and witnesses in a fair and thoughtful way. They shall look for a friendly settlement with a technique which can be taught. For the hearing of witnesses, particularly of children, new techniques are tested and introduced.

Also the very practical training in PC-techniques and in foreign languages should not be underestimated.

Last not least: Trainers need to be trained. There are old skills and modern methods which are often not known to those judges or prosecutors who are invited to lecture or to moderate a discussion. Trainers who are invited more than occasionally should undergo a training of trainers as it is offered by pedagogical experts.

5.3.5 Diversification of training methods

The traditional and most easy way of training is to invite a well-known lecturer and to make him speak before a large audience. This is one method, often useful for instance for the information about new laws. It can be amplified by introducing panel discussions. But in either case, the lecture or the panel discussion always should be followed by a general discussion with the participants. Participation is the best way of learning. It is an international experience: very often, the time for discussion is underestimated. The same is true for the high skill the moderator has to apply to lead the discussion and to motivate the more timid participants to raise their voices. All this calls for a quite professional planning of the specific training event and to find well-experienced moderators, trained themselves for this job (see above).

In many cases, attention should be paid on the importance of organising courses for small groups, discussing a lecture and presenting the results to the full audience. This costs time and specialised trainers are useful.

In a lot of cases, no real lecture will not be necessary, but only an introductory statement, maybe on some difficult cases: when specialised judges or prosecutors assemble to discuss their specific experiences and problems. This can be particularly useful for members of colleges of different courts or for judges of lower instances, specialised for one subject, together with the competent judges of the Supreme Court. An exchange of experiences of this kind could be repeated in a regular way. Only a central professional institution will be able to determine, for which subjects such an open discussion is possible and useful (and not a meeting of good old friends).

It is evident that completely different methods have to be applied, when the subject is the training of procedural skills. The trainer himself must have a solid skill to lead through such
tasks. Here for instance mock trials and other experimental features can be a very good solution – if – besides a trained organiser - the necessary technical equipment exists. More difficult but most interesting are mock trials comparing the proceedings of different countries regarding the same case, when the applicable substantial law is similar (as mostly in criminal law).

5.3.6 Diversification of training events

There should be sufficient diversification in the program. Judges and prosecutors work on human issues so they need a very complete further training. It implies that the training plan will introduce many different topics on judicial matters as well as human sciences like psychology, sociology, economy and politics. For instance it is necessary to help judges and prosecutors to know and understand links between psychiatric disorders and crime, between drugs smuggling and underground economy. Diversifying the training is not only a matter of different issues but also

• a matter of different pedagogical methods. Attention should be paid on the importance of organising courses for little groups to emphasise the possibility of exchange on the practices. Professionals not only learn by lectures, often better by discussion and exchanging different opinions. And a good way of doing is to propose people to meet a few times a year to study some cases deeper, to work together on the way to get a good enforcement of law. This could be very convenient for some specialised judges as family judges, juvenile judges, but also for judges specialised in financial frauds.

• A major subject to be introduced in further training is judicial ethics, and judicial practices. It is very important that judges and prosecutors have the opportunity to meet in further training events (jointly and separately) about their professional ethic and the good practices. These issues are always in evolution. Organising training about ethic is a useful way of facilitating the appropriation of the professional rules of conduct by judges and prosecutors, and it helps to improve the confidence of the people in Justice.

• The European issues have to be part of the national training plan for judges and prosecutors. Training the European law means first to incorporate this subject in the training courses about domestic subjects and second to organise special events on this matter. For instance in a course on family law, there should be a moment dedicated to the "Bruxelles II "and "Bruxelles II bis" conventions, but it may be useful to organise also a specific event to work deeper the "Bruxelles" conventions and on the European civil co-operation. In domestic training course, there should be attention for implications of European law and the way other countries manage the same kind of questions, what is the European regulation, is there any decision of the European Courts on the point etc. In the national further training plan there should be at least courses on the European Convention on Human Right, on the European community law, on the European civil co-operation and on the European criminal co-operation.
5.3.7 Organising more common further training courses for judges and prosecutors

Since many of the subjects mentioned concern judges and prosecutors likewise, common courses open to both professions should be organised not only on the criminal field, but also on some civil and administrative field and in most of the events concerning procedural techniques. This would lower cost, diversify and enrich the discussions and maybe diminish not-rational bars between the professions.

- **More common organised events in the criminal field, but even in the civil or administrative field should be desirable: e.g. control the non profit organisations, domestic violence, youth protection, fighting discrimination, working with ethnic minorities;**
- **Some common events organised on common professional subjects as: ethics, how to conduct a hearing of a young child, how to react in a crisis situation;**
- **More open events to both sides. This implies at least a common meeting each trimester, between the two teams of ONJC and OPG in charge of the further training. But in addition their should be at least one meeting each year, involving the chefs of the two offices. Those kind of meeting should be the opportunity to assess the work of the year and to examine the proposals in the draft plan for the following year.**

5.3.8 Advantage of local initiatives

Not all the events on training take place on a national level. A way of developing professional training for judges and prosecutors is to combine national an local events. In Hungary could be taken advantage of the actual situation where the colleges of courts and prosecution offices are professional forums and can be a good basis for developing local training events. While these colleges are preparing courses and information on the local level the national training centre should co-ordinate taking advantage of these efforts on the national level. A college-member in court A can deliver a course as well in court B. On the one hand knowledge of court A is shared with other courts, on the other hand it is attractive for members of colleges to have this opportunity. It inspires them to be very well prepared and in this way they contribute to the development and dissemination of knowledge. Of course ICT can help in this case. A lot of papers can be shared with the help of e-mail, a website and e-learning.

The annual program of the ONCJ provides in two meetings of two days: one for the heads of civil law colleges and one for the heads of criminal law colleges. Those events should include a meeting with the chief prosecutors of the county prosecutors offices on the topic of initial and further training of the judges and prosecutors. The idea is to make them think on what has to be and what can be done locally and what is better to reserve for a national level. The other aim of such meetings is to help the people discuss and exchange best practices in training.

Observing the fact that very often the chief of the college is in charge of local training concerning his subject, this judge should be asked to become the official local correspondent.
of the training centre. In addition, it should be asked to the prosecutors side to elect a special correspondent of the training centre.

Those correspondents would be responsible for carrying out the curricula of the trainees, developing local plans of training and of negotiating funds for these activities from the national centre. The national training centre should regularly (two or three time a year) organise meetings for its correspondents in order to analyse the needs of training of judges and prosecutors, to determine priorities in national and local training plans, to inform them of the policy of the training centre and to give them a training of trainers (organisational side).

5.3.9 Participation of members of other professions

The members of other professions – law professors, lawyers, notaries, police officers and so on - will often lecture or participate in panel discussions. In order to enrich the normal discussions, it can be wise to invite a few outside professionals as participants for the whole training event. From time to time it even can be useful to organise an event with half judges/prosecutors, half lawyers (or members of other professions), for instance to discuss delicate questions of concern for both parts as the „misuse“ of the criminal procedure by the defence.

5.3.10 Binational or multinational events

In France, Germany and in the Netherlands it has proved well to organise – once in a while – binational or multinational events with judges or prosecutors of other countries. There are many subjects of common interest, for instance on the field of new factual developments. It is always a good training to see how the foreign guests see the problem and which solutions exist in the other country. Of course, this needs an expensive preparation, a specific translation service and a moderator of special gifts and experiences. For Hungary, training events of this kind should be part of the annual program, at least for bilateral events. Multilateral sessions are more difficult, in all countries.

5.4 Proposals on a joint training centre for judges and prosecutors

As already explained above, the training of judges and prosecutors in Hungary demands a national training centre (see under 4.). The delegation found nobody who contested that idea. A training centre for prosecutors exists already and is a highly acknowledged institution. For the judges, the establishment of a comparable training centre is planned in detail. A large estate in Budapest is reserved for that purpose.

The concept of the experts on the national training centre is more ambitious in three respects. They propose:
- a joint centre for judges and prosecutors
- a greater responsibility for initial and further training
- a strong organisational status.
5.4.1 Joint centre

The training needs for judges and prosecutors are so much alike and the cost for an effective training centre are so high that for the delegation only a joint training centre seems to be the responsible-minded answer.

As already explained, even initial training could be integrated into a common training and that is advisable. The same is true and already explained for the further training. To have a joint centre does not mean that all parts of the initial training and all events of further training must be the same for judges and prosecutors. Local or regional training shall not be abolished, but strengthened by the centre. Further, the joint centre can have two separate buildings. But it would be more reasonable, also in financial terms, to deliver all necessary services by just one institution.

5.4.2 Main responsibilities

Most of the different functions of the training centre as seen by the delegation are stated above (see under 5.1 – 5.3). To summarise and to complete:

5.4.2.1 Recruitment

The centre organises the recruitment procedure, centralised for both professions.

5.4.2.2 Trainee-ship

- In the framework of the regulations, the centre develops and maintains the national curriculum for the trainee-ship.
- The centre is the employer of the trainees.
- The centre carries out the central training events („schooling“)
- The centre supports the training events on local level.
- In co-operation with the court or office in charge of the trainee, the centre follows the curriculum of the individual trainee and decides, if there is no agreed solution.

5.4.2.3 Court secretary/junior prosecutor

The centre organises and carries out central training events and their stage.

5.4.2.4 Further training

- The centre develops the draft annual plan, organises the discussion of the draft and make the final decision
- The centre carries out the central training events.
- The centre supports the further training on local level
- The centre provides information and connections for all training activities for Hungarian judges and prosecutors by running a network.
- In co-operation with all relevant institutions and with the judges and prosecutors, the centre continuously analyses the training needs
- The centre develops training models in special matters as IT, foreign languages

5.4.2.5 The central partner in the network of learning activities.

On the local level there is a massive production of training events and training materials. The national centre should enhance the possibilities to take advantage of the actual situation where the colleges of courts and prosecution are professional forums and can be good basis for developing (local) training events and training materials that can be used all over the country. The network can exist of the heads of the local colleges, they could be asked to become the official local correspondents of the training Centre.

The correspondents would be in charge of following the curricula of the trainees, developing local plan of training and of negotiating funds for these activity from the national centre. The national Centre should regularly (two or three time a year) organise meetings for his correspondents in order to analyse the needs of training of judges and prosecutors, to determine priority of national and local training plan, to inform them of the policy of the training centre and to give them a training of trainers (organisational side).

5.4.2.6 Complementary functions

- The centre develops and carries out the training of the trainers of all levels (particularly: tutors, trainers for local working groups, moderators, lecturers, managers of skill training events and organisers of mock courts).
- The centre organises links between research and judicial practice
- The centre develops and publishes manuals, study materials and other training aids, including websites in the internet
- The centre keeps the contacts to foreign institutions of training for judges and prosecutors and participates in the relevant networks.

5.4.3 Structure and organisation of the centre

5.4.3.1 Status

Regarding the functions of the centre, the delegation estimates it indispensable to grant a wide autonomy. Particularly in questions of further training the highly qualified persons responsible for the centre should act on their own responsibility. The centre would be a public establishment (in France: établissement public, similar in Germany: „rechtfähige Anstalt des öffentlichen Rechts”), separate from the ONJC and the OPG, but underlying their legal control (in Germany: „Rechtsaufsicht”), defined by law. It is assumed that Hungarian public law provides for an appropriate legal status.
5.4.3.2 Organs

Two organs seem to be sufficient: a board and a director.

The Board as the governing organ should have as members high personalities responsible for the judiciary and the prosecution or representing the persons to be trained. Members could be – with the power of delegation - the Secretary General of the National Council of Justice, the president of the Supreme Court, the Prosecutor General, members of Parliament, representatives of the judges, the prosecutors and the trainees, a lawyer representing the Hungarian Bar, a professor representing the law faculties, a person representing a European institution for judicial training. The number of members of the different institutions should balance the responsibilities. An odd number is advisable in order to find majorities for decisions.

The Board would have deciding and advisory power. It should decide on the major and general questions, particularly on the annual program. The Board should give guidelines for the training and for the execution of the budget. The director and the full-time trainers should be appointed by the Board. The Board should have the supervision, leaving space for the educational independence of the director and the trainers. The Board shall give advice on all general or central matters concerning the effectiveness of the centre.

The Board will assemble two or three times a year. For the more actual questions to be solved between the sessions, the Board should establish a Steering Committee, consisting of 3 – 5 members of the Board.

The director as the manager of the centre should be a high ranked judge or a prosecutor. The deputy director should be a prosecutor, if the director is a judge and vice versa. In any event he or she should have good experience in training judge or prosecutors. Candidates for the position of the director and the deputy director should be presented by the ONJC and the OPG and the choice made by the Board. The salary should be attractive and reflect the importance of the position. The period of office should not be more than five years, but with the possibility of re-appointment for a maximum period of three years.

The director would have the task to prepare the decisions of the Board and to manage the centre from day to day in all its administrative, financial educational, logistic aspects etc. It will be task of the director to choose his staff, consisting of administrative personnel and of trainers. It is important that the centre is equipped with a sufficient number of full time trainers, being judges or prosecutors, seconded for three years with the possibility of re-appointment. Not all the training can be done by the full-time trainers. The ad-hoc trainers should be chosen and paid by the centre.

5.4.3.3 The staff

To be able to act efficiently such a centre needs permanent and occasional staff.

Permanen staff

A direction team presiding the management team:
The director of the Centre should be a judge and his deputy a prosecutor or vice versa. The experts recommend to choose well experimented people, who have an excellent career in the judiciary and in the prosecution service and who represent the Budapest area and the provinces.

- The level of the two posts should be high enough to be desirable and considered as a prestigious position, it would help the authority’s Centre.
- The director and his deputy should be appointed for a maximum period of five years.
- The management team would consist of the director assisted by the vice-director and the managers of the different departments of the centre for instance the initial, the further and the general secretary departments.

**Trainers:**

- This is very important for such a training centre to have full-time trainers, they are the basement of the centre. In an idealistic situation, each trainer should be in charge of teaching, managing the curriculum and events of further training, selecting the occasional staff or speakers, and managing the administrative side of the training.
- This Centre should employ, as full time trainers: judges and prosecutors and others specialised persons such as: pedagogues, manager, psychologist … The idea is to have a basic permanent team of trainers on full time (or part time) and give them the possibility to work with guest lecturers, specialists in their field.
- The full time trainers should be selected on the basis of their career, by the board. In order to have people well linked to everyday practice the experts recommend to appoint the full time trainers for a period of three years with a possibility of renewing for one more period.

**Occasional staff:**

- The goal of having external staff is to be able to choose the best lecturers in specific areas.
- The guest lecturers should be selected by the trainers among the most authorised, recognised searchers or practitioners in each fields.
- Attention should be paid on the necessity to diversify the panel of lecturers and to choose lecturers issued from different backgrounds and experiences, who represent the current opinion but also the dissenting opinion. This idea is to facilitate a large debate in many fields. The Centre should be a place for developing and renewing the ideas on Justice matters. It should be a studying and a training Centre. It should be interesting to be linked with the research on Justice.

**5.4.3.4 Location and equipment**

The proposition is to develop a common centre with two training locations, one in Budapest and the other in Balatonlelle. The choice for one or the other location could be made regarding the nature and the duration of the training event, for instance short major events in Budapest, and residential events in Balatonlelle. The director and the main administrative staff should be in Budapest, the central point in the country that is best to be reached,
especially for short gatherings.

The centre must have the appropriate premises and equipment for the training events at the centre and for the offices of the director and his staff. For the training, rooms of variable size have to be provided for, especially for small groups, and groups of 30 and 50 persons and a conference hall with the possibility of simultaneous translation. A continuously updated library is necessary. Computers should not only be installed in the offices, but also for IT courses and for the participants of the training, with access to law data systems.

The ONCJ has already made a great work in preparing the implementation of the national judicial centre. The place is chosen in Budapest, the land belongs to the State, the plan of the next building are drawn up. The future centre will have the capacity at the same time of boarding 80 people and enough rooms (large and small) for having different courses and one big room for 120 persons. This project seems very convenient, well balanced and very good for a common centre (cf. Annexe the list of the rooms and their capacity).

Right now the construction did not began because of a lack of budget, but the delegation underlines the fact that such a centre is a necessity for the country, and it would really be a progress to begin the construction in a short delay.

Since Hungary has its own experience with the equipment of a training centre in Balatonlelle and since detailed and ambitious plans exist for a centre for judges in Budapest, the delegations refrains from further proposals on this point. It only has to be added that planning of a centre has to be based on a long term calculation of the cost for running the centre. It cannot be expected that there will be other resources than those of the Hungarian state budget. As far as the delegation is informed, the European Union will not contribute in such cases. Money by non-public institutions are questionable because of the danger of outside influence in the management of the centre as a public establishment for the training of judges and prosecutors.

6. Implementation

To implement the proposals of the report, the delegation recommends to set up a committee which should be presided by the president of the Supreme Court and vice presided by the General Prosecutor and composed on the basis of the recommended board for the future national training center.

This Committee for the improvement of the training should dress up a calendar for realizing the different propositions and receive the help of the ONCJ and OPG to implement the propositions. Each organization should delegate two executive persons of his team of a high level, very involved in the training of judges and prosecutors, in order to constitute a common team in charge of assisting the committee in implementing the national training centre for judges and prosecutors.

Event if the money for building the new centre is still not available in 2004, there are several things to be done right now to implement some of the proposals in order to improve the recruitment and the initial and further training of judges and prosecutors in Hungary.
This will imply a very strong support of the heads of the ONCJ and the OPG and a very closed work between the two training departments, a daily cooperation, this is the reason why we recommend to form a common team.

This team will have to work on the different proposals as dressing up a common procedure for recruitment, a common but diversified trainee-ship, developing further training for judges and prosecutors etc. ..

7. Conclusions

The members of the delegation really want to thanks the Hungarian part who warmly welcomed them and helped them to discover the Hungarian training system for judges and prosecutors. All the interviewed people were very collaborative and wanted to improve the system.

So the experts hope that this report will not be regarded as a major criticism but as a contribution to the enhancement of the training of judge and prosecutors in Hungary.

Regarding the material given, the issues discussed with the people met, the delegation is very confident in the possibility of improving the training for judges and prosecutors in Hungary and reach a high standard in Europe very soon, even if it is necessary to remain that training the judges and prosecutors is a dynamic process which always has to be worked and renewed.

The accession of Hungary to European Community and the links established by the ONCJ and OPG with the Lisbon network and with the European Judicial Training Network will probably accelerate the improving process already engaged for the training of judges and prosecutors in Hungary.

But, the mobilisation and support of all of the actors of the Judiciary (judges and prosecutors) and extra funding from Parliament are necessary and will be a chance for the success.

In order to get this large support of all the actors the delegation suggests to organise a wide debate on the proposals of report on the recruitment and the training of judges and prosecutors. It is suggested to send the report to the Hungarian courts and prosecution offices and discussed in the colleges. Then, the special committee set up for the implementation, assisted by the common team of the ONCJ and OPG, should be in charge of gathering the remarks and the proposals from all over the country. Time should be given for this debate but no more than about three months an then begin the reforms.