Appendix 5

to the Rules of Procedure of the National School of Judges, approved by Order No. 34 of 24.06.2016.

Approved by the Scientific and Methodological Council of the National School of Judges of Ukraine, Minutes of 23.12.2014 No. 5.

**THE CONCEPT**

**OF NATIONAL STANDARDS FOR JUDICIAL EDUCATION**

**Introduction**

This document sets out the basic standards (generally accepted standard requirements (criteria, forms) for the content and organisation of training activities for judges and judicial candidates at the National School of Judges of Ukraine (hereinafter - NSJU).

In the context of globalisation of the information space, improvement of various technologies and methods of work, development of legislation and law enforcement practice, introduction of new and improvement of existing ways of protecting violated rights, society expects a judge to have an appropriate level of knowledge, skills and abilities necessary to perform judicial functions.

Proper professional training of judicial candidates and judges is a prerequisite for the conduct of competent judicial proceedings. Such training is also a guarantee of the independence and impartiality of judges and an important condition for the respectful attitude of the public towards the judiciary.

The requirements set out in this document apply to both the special training of candidates for the position of judge and the training of judges, including those elected to administrative positions in courts, to maintain their qualifications (hereinafter also referred to as judicial training) and periodic training of judges to improve their qualifications.

The purpose of introducing national standards of judicial education is to reflect the approach of the National School of Judges as a state institution with a special status in the justice system that provides training of highly qualified personnel for the justice system and carries out research activities. to judicial education as a means/basis for increasing public confidence in the court, improving the quality of judicial proceedings and the rule of law, ensuring everyone's right to a fair trial by an independent and impartial court established in accordance with the law.

The National Standards of Judicial Education were developed pursuant to the Law of Ukraine ‘On the Judiciary and the Status of Judges’ of 07 July 2010 No. 2453-VI, modified in accordance with the Law of Ukraine ‘On the Judiciary and the Status of Judges’ as amended by the Law of Ukraine No. 1402-VIII dated 2 June 2016 (hereinafter - Law No. 1402-VIII) and are based on the Constitution of Ukraine, current legislation, taking into account Ukraine's membership in the UN and the Council of Europe, the state's obligation to comply with generally recognised international standards in the field of judicial proceedings, enshrined, in particular, in the following documents

- The Basic Principles on the Independence of the Judiciary, adopted by UN General Assembly Resolutions 40/32 and 40/146 in 1985;

- The Bangalore Principles of Judicial Conduct, adopted by the UN Economic and Social Council Resolution 2006/23 of 27 July 2006;

- European Charter on the Status of Judges, approved by the Council of Europe in 1998;

- Recommendation Rec (2004) 4 of the Committee of Ministers of the Council of Europe to member states on the role of the European Convention on Human Rights in university education and training, adopted at the 114th session of the Committee of Ministers of the Council of Europe on 12 May 2004.

- Conclusions No. 4 (2003) of the Consultative Council of European Judges to the attention of the Committee of Ministers of the Council of Europe on the adequate training and further training of judges at national and European level, adopted on 27 November 2003;

- Opinion No. 7 (2005) of the Consultative Council of European Judges brought to the attention of the Committee of Ministers of the Council of Europe on the issue of ‘Justice and Society’, adopted on 23-25 November 2005;

- Opinion No. 588/2010 of the European Commission for Democracy through Law (Venice Commission) on the Law of Ukraine ‘On the Judiciary and the Status of Judges’ of 11 October 2010, CDL(2010)097 (original English).

The National Standards of Judicial Education are based on the key values of the National School of Judges of Ukraine reflected in the National School of Judges Development Strategy for 2016-2020, which are: professionalism, innovation, efficiency, leadership and cooperation, responsibility and integrity.

The National Standards have been revised to meet the requirements of Article 89(1), (2), (3) of Law No. 1402-VIII, according to which a judge is obliged to undergo training to maintain his/her qualification at the National School of Judges. A judge undergoes training to maintain his or her qualifications at least once every three years. The time of such training may not be less than 40 academic hours during every three years of a judge's tenure. The National School of Judges of Ukraine provides training for judges to maintain their qualifications in accordance with the need to improve their knowledge, skills and abilities depending on the experience of judges, the level and specialisation of the court where they work, as well as their individual needs[[1]](file:///C:\Users\BorisyukOV\Downloads\%D0%94%D0%BE%D0%B4%D0%B0%D1%82%D0%BE%D0%BA%202%20%D0%B4%D0%BE%20%D0%BD-%D0%B7%D1%83,%20%D0%94%D0%BE%D0%B4-%D0%BA%205%20%D0%B4%D0%BE%20%D0%A0-%D0%BD%D1%82%D1%83,%20%D0%9A%D0%BE%D0%BD%D1%86%D0%B5%D0%BF%D1%86%D1%96%D1%8F%20%D0%BD%D0%B0%D1%86.%20%D1%81%D1%82-%D1%82%D1%96%D0%B2%20%D1%81%D1%83%D0%B4.%20%D0%BE%D1%81%D0%B2%D1%96%D1%82%D0%B8.doc#_ftn1).

The programme, curriculum and procedure for special training of judicial candidates approved by the High Qualification Commission of Judges of Ukraine on the recommendation of the NSJC, the Regulation on the Procedure and Methodology for Assessing the Results of Special Training of Judicial Candidates, the Methodological Recommendations and other local documents of the NSJC regulating the content, methodology, procedure and organisation of special training of judicial candidates shall take into account the national standards of judicial education set out in this

**Principles of judicial education**

Judicial education shall be based on: 1) the needs of the target audience of the National School of Judges - candidates for the position of judge; judges, including those elected to administrative positions in courts - in accordance with the need to improve their knowledge, skills and abilities depending on the experience (length of service) of judges, level and specialisation of the court, taking into account individual needs; 2) creation of standardised training programmes; 3) introduce trainings (mandatory and optional), interactive teaching methods based on judicial skills; 4) develop training materials for all components of judicial education; 5) train teachers (trainers, facilitators, moderators); 6) take advantage of distance education; 7) monitor the quality of training activities in order to improve the development and delivery of training courses.

Judicial education aims to ensure that judicial candidates and judges acquire the following key qualities and skills:

*Intellectual qualities (aptitude):*

- high level of qualification in the field of law, understanding of its fundamental principles;

- ability to quickly perceive and analyse information;

- ability to analyse and synthesise legal situations;

- logical and structured thinking, mental independence.

*Personal qualities:*

- integrity

- morality;

- impartiality and impartiality;

- ability to make informed judgements;

- determination and decision-making skills;

- objectivity;

- ability and willingness to learn and improve professionally; ability to apply the acquired knowledge, skills and abilities.

*Ability to understand and treat fairly:*

- The ability to treat everyone with respect and sensitivity, regardless of their background and other characteristics;

- willingness to listen patiently and politely.

*Authority (power) and communication skills:*

- Possession of interpersonal skills;

- ability to clearly and concisely explain procedural requirements to all concerned;

- the ability to formulate, justify (motivate) and explain each decision made;

- the ability to maintain authority in the event of a challenge or doubt.

*Efficiency (productivity):*

- ability to work quickly and under pressure;

- ability to effectively organise time and quickly deliver well-reasoned judgements;

- Possession of effective communication skills;

- ability to manage court proceedings in an emotionally charged environment;

- ability to work constructively with others (including leadership and management skills when necessary).

The process of training of judicial candidates and judges should be aimed at developing and improving the above qualities and psychological adaptation to the judicial profession.

*The principles of judicial education are:*

1) versatility and complexity of training, its focus on mastering all the necessary skills and abilities inherent in the profession of judge

2) periodicity of training and education of judges in order to improve their skills;

3) training in accordance with the best international practices and international standards in the field of judicial proceedings;

4) unity (unification) of training, i.e. its implementation on the basis of standardised programmes developed by the National School of Judges of Ukraine;

5) practical orientation of judicial education, in particular, through the development of programmes based on judicial competences (knowledge, skills and abilities inherent in the profession of judge);

6) balance of the specialised training programme by combining theoretical and practical classes in the classroom with internships in courts;

7) ensuring high quality and scientific validity of judicial education;

8) modernity of the content and proactive nature of judicial education, periodic updating of curricula and courses and improvement of training methods;

9) initiative and interest of judicial candidates and judges in raising their professional level;

10) coordination of activities of all components of the judicial education system;

11) use of the latest IT achievements in the training process;

12) continuity of judicial education (lifelong learning).

**Content of judicial education**

Each judicial training programme is a list of interrelated courses based on interactive teaching methods for an adult, highly professional audience that contribute to the achievement of clearly defined learning objectives.

The development of ALL training courses for judges and judicial candidates is carried out by the NSJU with due regard to three dimensions:

1) knowledge (substantive and procedural law, conventions and international treaties ratified by Ukraine (ratified by the Verkhovna Rada of Ukraine);

2) skills (ability to analyse and interpret legal acts; to think critically; to qualify actions; to manage the court process; to communicate with participants in the process; to resolve ethical dilemmas; to use information technology; to make independent decisions in a dispute; to write court decisions, etc;)

3) attitudes (including understanding of the social context of the administration of justice: understanding of society and its needs; prevention of discrimination on various grounds (gender, nationality, age, place of residence, religious affiliation, sexual orientation, financial status, etc.)

Curricula and courses are developed: 1) in accordance with the objective training needs of the judiciary; 2) taking into account the specifics of the target audience (jurisdiction, experience (length of service) as a judge, specialisation (if necessary); 3) the relevance of the issues (development of a course ‘proactively’ rather than ‘after the fact’); 4) with active participation of the judicial community.

Each training course and the judicial training programme in general should promote the constitutional values of respect for human and civil rights, the rule of law and the inviolability of judicial ethics.

The development of each training course has the following mandatory elements: 1) definition of learning objectives and specific expected results for each component of the course (knowledge, skills, attitudes); 2) course programme (structure, time, methodology, responsible person); 3) handouts (mini-lectures with MS PowerPoint presentations, case studies for small groups, list of control questions (for quick survey); 4) materials for self-study, list of additional sources, etc.); 5) notes for teachers; 6) questionnaires for course participants (trainees).

The courses included in the standardised training programmes should be interrelated (take into account common, cross-cutting, case studies, situational tasks, etc.)

**Methodology for developing courses**

Judicial training should be holistic, practical, integrated (systemic) and comprehensive, based on innovative methodological approaches to ensure the effectiveness of the learning process and achievement of learning objectives, the main one being the acquisition and development of judicial skills.

The use of the Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the European Court of Human Rights, principles of judicial ethics and the social context in the administration of justice (including gender perspective, consideration of the needs of people with disabilities, etc.) should be integrated into the content of each training course.

The judicial education cycle includes the following stages:

1) assessment of training needs;

2) development of a standardised judicial training programme (for each specific target audience, taking into account jurisdiction, experience, instance, specialisation) with a list of courses and their duration;

3) development of courses as part of a standardised judicial training programme:

a) creation of a group of developers of a specific training course with the involvement of researchers of the National School of Judges and judges-teachers - representatives of all instances;

b) defining the learning objectives of the course;

c) development of the course programme;

d) structuring the training material in accordance with the interactive teaching methodology and the specifics of the training;

e) development of handouts; development of materials for teachers);

4) testing of courses and their revision;

5) training of teachers for each course;

6) teaching courses (implementation of courses in the educational process of the NSJU);

7) feedback (monitoring and evaluation).

The practice-oriented methodology should be adapted to each course, taking into account the learning objectives, topics (modules) and target audience, and include a variety of teaching approaches, including the development of distance learning courses.

**Methodology of teaching courses**

The NSJU should ensure a unified approach to teaching the developed courses within the framework of standardised programmes at all regional offices, selection of teachers based on established criteria, and compliance of teachers with the requirements of the developed courses and methodology.

When teaching courses, the NSJU must ensure compliance with the following requirements: 1) pedagogical (use of interactive teaching methods during trainings; use of developed handouts, division into small groups, adherence to methodological recommendations and notes for teachers (trainers, facilitators); 2) material, technical and organisational (printing of handouts and materials for teachers; technical support (computer, projector, equipment for express survey technology (‘clickers’), flip charts, screen, adapters and cords, etc.), access to the Internet, etc. ).

The forms of teaching standardised training programmes are: 1) direct classroom training; 2) distance learning (including on-line); 3) mentoring during the internship of judicial candidates; 4) combined training.

**Monitoring and consideration of results**

At the end of each course of the standardised judicial training programme, the National School of Judges evaluates the effectiveness and quality of the training based on the following criteria:

1) content of each course

2) the work of the lecturers

3) involvement of participants in the learning process,

4) training materials distributed;

5) forms and methods of training;

6) logistics and administration.

Based on the results of the monitoring, the training courses are revised and adjustments are made to the organisational process of preparing and conducting training events.

The monitoring is conducted by questionnaires using paper or electronic questionnaires and/or written feedback (according to certain criteria).

**Developers and teachers**

The NSJC develops courses of standardised programmes and implements them in the process of special training of judicial candidates and training of judges. Judges-teachers from all instances and the staff of the NSJS are involved in the process of developing and implementing each course; retired judges, university professors, experts in the relevant field with impeccable professional reputation and high moral qualities may be involved.

In order to ensure the effectiveness of special training of judicial candidates and training of judges appointed for the first time and elected for life, their practical orientation, relevance and achievement of expected results, the NSJC has developed a number of requirements for developers, teachers and other persons involved in the training process.

Course developers should be able to

- define the goals and objectives of the learning process and choose the means and methods to achieve them;

- draw up a programme of an educational event (training, seminar, training course, etc.) and act in accordance with it

- choose the most optimal and effective teaching methods depending on the expected results, topic, audience, etc;

- allocate and use time effectively;

- develop teaching materials (mini-lectures, presentations, case studies, situational tasks, questions for quick surveys, etc.) for students, notes and methodological recommendations for teachers;

- evaluate themselves and others;

- make changes to programmes and teaching materials based on the results of testing, monitoring and evaluation.

NSJU teachers (trainers) are expected to

- successfully overcome the difficulties inherent in teaching (coaching) activities;

- master modern interactive teaching methods;

- be able to apply modern information teaching technologies (work with PowerPoint, Turning Point and other software and various computer equipment);

- understand the essence and master the methods of distance (including on-line) learning and strive to acquire the necessary knowledge and skills;

- be able to work in a team, forming partnerships and providing mutual support;

- make appropriate efforts to develop themselves and improve their teaching skills;

- constantly strive to gain new experience and skills;

- understand the basic principles of effective small group work;

- believe in the possibility of change;

- to accept the statements of others about their approaches to work, to be calm about stating their own mistakes;

- experiment with new ideas and techniques;

- have a systematic and systematic approach to problem solving.

The work of the NSJU with teachers should be constant and consistent, accompanied by methodological support (trainings, seminars, methodological summer schools, meetings of working groups, etc.)

Teachers should provide educational material in accordance with the developed courses of standardised programmes.

Each type of activity related to the development and implementation of training courses of standardised programmes for special training of candidates for the position of judge and training of judges should be enshrined in the job descriptions of employees of the structural units of the NSJU.

[[1]](file:///C:\Users\BorisyukOV\Downloads\%D0%94%D0%BE%D0%B4%D0%B0%D1%82%D0%BE%D0%BA%202%20%D0%B4%D0%BE%20%D0%BD-%D0%B7%D1%83,%20%D0%94%D0%BE%D0%B4-%D0%BA%205%20%D0%B4%D0%BE%20%D0%A0-%D0%BD%D1%82%D1%83,%20%D0%9A%D0%BE%D0%BD%D1%86%D0%B5%D0%BF%D1%86%D1%96%D1%8F%20%D0%BD%D0%B0%D1%86.%20%D1%81%D1%82-%D1%82%D1%96%D0%B2%20%D1%81%D1%83%D0%B4.%20%D0%BE%D1%81%D0%B2%D1%96%D1%82%D0%B8.doc#_ftnref1) In accordance with international standards, it is recommended that ‘judicial training should be based mainly on the voluntary participation of judges’ (see paragraph 37, part 1 of Recommendation No. 4 of the CCJE). However, given the legislative requirements set out in Law No. 1402-VIII regarding the mandatory training of judges in the National School of Judges, as well as the absence of special training for candidates for the position of judge until 2010 (as a result, most of the current judges of Ukraine did not de facto receive special training as candidates), it seems reasonable that the national standards of judicial education deviate from international recommendations.