



## **The training of judicial officers**

### **Position paper**

Created in 1952, the purpose of the UIHJ is to represent its members to international organizations and ensure collaboration with national professional bodies. It works to improve national procedural law and international treaties and makes every effort to promote ideas, projects and initiatives which help to move forward and elevate the independent status of judicial officers.

The UIHJ is a member of the Economic and Social Council of the United Nations. The UIHJ is involved in the work of the Hague Conference on Private International Law, specifically in the planning of conventions relating to the service of documents and enforcement. It is a permanent observer member of the European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe and took an active part for this reason in the development of its Guide Lines of 17 December 2009 on execution of legal decisions<sup>1</sup>. It took part in the work which led to the update of (EC) Regulation n°1348/2000 of 29 May 2000 on the service of judicial and extrajudicial documents in civil and commercial matters. It also participated in the reflections aiming at opening the European Judicial Network in civil and commercial matters of the European Commission to legal professions. Furthermore, it currently takes part in the work of the Forum Justice group set up by the European Commission as well as its e-Justice project.

It promotes, wherever possible, the creation of a body of judicial officers made up of professionals and high-level legal officers fulfilling the task of the officer responsible both for the service of judicial and extra-judicial documents and the enforcement of orders.

The promotion of the independent liberal status of the judicial officer and its training are amongst its main purposes.

#### **I. The Judicial Officer, Essential Element of the Rule of Law**

The European court of Human Rights established that the enforcement of court decision is part of the right to a fair trial mentioned in Art. 6.1 of the European Convention on Human Rights<sup>2</sup>.

In a global world largely ruled by economy, it is important that jurists fill their role to strengthen the presence and the prestige of law.

#### **II. The Judicial Officer, a Multi-Field Professional**

Since 2006, during its International Congress which took place in Washington DC (USA), the UIHJ launched a program aiming at promoting the multi-field activities of judicial officers. This program is based on the following double observation:

- Professional activities of judicial officers are very diverse worldwide, while meeting specific expectations from law makers, citizens and businesses
- It appears valuable for authorities and judicial officers from each state to be informed on the range of these activities.

This program serves two purposes:

- To offer states a choice of skills compatible with the profession of judicial officer, as they already exist in some countries

---

<sup>1</sup> Guide Lines for a better implementation of the existing recommendation of the Council of Europe on execution (CEPEJ(2009)11REV)

<sup>2</sup> Hornsby v. Greece case, ECHR, 13 March 1997



- To make of the profession of judicial officer the sole profession of enforcement worldwide including all secondary activities compatible with their role, tending to safeguard and secure recognition of parties' rights and aimed at expediting the judicial process or reducing the workload of the courts.

The multi-field judicial officer program acts as a source of inspiration at international level. Its principle is found in the Guide Lines prepared by the European Commission for the Efficiency of Justice (CEPEJ) and adopted on 17 December 2009 by the Committee of Ministers of the Council of Europe.

The multi-field judicial officer also solely competent to enforce all legal decisions and ensure all enforcement measures appears like a coherent, efficient, secure and essential element in the legitimate search for an optimal and rationalized functioning of the public service of justice of any state.

### **III. The Judicial Officer, a Necessarily Qualified Professional**

#### **1. Level of Qualification**

For this, he needs a high training level wherever he performs his duties.

A common minimum level for all professional in charge of enforcing court decision and serving documents needs to be set.

It is important that judicial officers benefit from the same level of training than all that of other legal profession (judges, notaries and lawyers), this for several reasons:

- It is important firstly to set an inter-professional understanding. The UIHJ recommends defining a common ground on training between the different professions of the legal world, including the implementation of the European instruments. Other topics such as ethics or training of trainers can be taught to all professions.
- It is also important for the enforcement of judgments to match the expectations of the Hornsby v. Greece case and the adoption of the above-mentioned CEPEJ Guide Lines by entrusting it to a qualified professional
- It is finally important to have the trust of litigants who will benefit from a justice enforced by a qualified jurist.

This is why, after having conducted a comparative study (see attach.), the UIHJ recommends that the duration and the level of the required training of judicial officers is set to the equivalent of four years of university studies followed by a two years training (in 22 European countries, the judicial officers must obtain a university diploma – See attached chart).

#### **2. The Training Course**

Training is a necessary step of which conditions should be also defined. It is at present found in 25 countries of the European Union for various durations. Actually, the recommendations of the UIHJ focus on the course of training.

It is recommended that the trainee follows the trainer in all his/her activities as part of a necessary practical training.

In fact, our activities consist in ensuring that a court decision becomes reality, appropriate to the situation found in the field with the litigants. It is the applicability of the law which matters during enforcement of court decisions. During training, the trainee, under the responsibility of the trainer must be able to be confronted to different situations relating to his work.



### **3. Training Field**

In the training relating to the core activities, including service of document, new technologies will help the judicial officer position as an “electronic security officer”.

Art. 34 of the CEPEJ Guide Lines gives a list of the activities calling for training and the UIHJ recommends training courses on accountancy, management, and communication.

An agency of a private liberal judicial officer is managed as a business and should meet profitability and efficiency criteria.

Management standards should be set to meet the needs of European citizens to prevent a different treatment of their cases.

Finally, to keep up with a high quality level, it is imperative to have a compulsory on-going training for all judicial officers as the learning, the upholding and the updating of knowledge are a key element of legal security.

A Training committee has been created within the UIHJ. Its objectives are the setting of a general program on training for all European countries, according to the CEPEJ Guide Lines adopted by the Council of Europe, to extend it then to all the 73 countries of the UIHJ.

**Contact :**

**UIHJ**

43 rue de Douai

75009 Paris – France

Tel : +33 (0)1 49 70 12 87

Fax : +33 (0)1 49 70 15 87

<http://www.uihj.com>

[uihj@uihj.com](mailto:uihj@uihj.com)