

Activity 1: „Establishing a framework for sustainable judicial training on fundamental rights and rule of law”

Report of the Working Group

Съдържание

Introduction	5
I. Overview of the training on human rights and rule of law in the NIJ	7
1. <i>Mandatory initial and induction training</i>	7
1.1. Mandatory initial training of candidates for junior judge, junior prosecutor, and junior investigating magistrates	7
a) General information about the organization of the mandatory initial training in the NIJ (legal regulation, basic concepts)	7
b) Scope, content and format of the training on fundamental rights and rule of law for candidates for junior magistrates	8
1.2. Mandatory induction training (Article 259, para 1 JSA) and mandatory qualification (Article 261, items 1 and 3 JSA)	9
a) General information about the organization of the specified forms of mandatory qualification in the NIJ (legal regulation, basic concepts)	9
b) Scope, content and format of the training on fundamental rights and rule of law in the framework of the specified forms of mandatory qualification in the NIJ	10
2. <i>Continuous training of magistrates</i>	11
a) General information about the organization of the continuous training of magistrates in the NIJ (legal regulation, basic concepts)	11
b) Scope, content and methodological aspects of the proposed training on fundamental rights and rule of law in the framework of the continuous qualification of magistrates ...	12
II. Guiding principles for conducting and developing judicial training in the area of fundamental rights and rule of law	15
1. <i>Principles and guidelines of judicial training drawn from Council of Europe acts</i>	15
2. <i>References and recommendations for judicial training in acts adopted by consultative bodies of the Council of Europe</i>	17
1. Training of prosecutors from the perspective of the Consultative Council of European Prosecutors	17

2. Training of judges according to the Consultative Council of European Judges	18
3. <i>Judicial training, including in the area of fundamental rights protection and rule of law from the perspective of the EU and the EJTJN</i>	21
The European Judicial Training Strategy 2021-2024	21
III. The experience of the Norwegian National Courts Administration and training in human rights and rule of law in Norway	24
1. <i>How judicial training in Norway is organised</i>	24
2. <i>Trends in judicial training development</i>	25
3. <i>Key elements in judicial training in Norway</i>	26
4. <i>Judicial training in rule of law and fundamental rights protection in Norway</i>	28
5. <i>Professional training of prosecutors</i>	30
IV. Conclusions and recommendations of the Working Group as regards training in human rights and rule of law at the NIJ	31
1. <i>Recommendations as regards mandatory initial and induction training in the NIJ</i>	32
2. <i>Recommendations as regards the continuous training of magistrates</i>	33
2.1. Recommendations as regards the content of trainings.....	35
2.1.1. <i>As regards all magistrates</i>	35
2.1.2. <i>Specialised topics for the individual professional communities</i>	37
2.2. Recommendations as regards the training methodology	42
2.2.1. <i>Recommendations as regards the training format</i>	42
2.2.2. <i>Recommendations as regards trainings' target groups</i>	44
2.3. Mechanism for upgrading and building on the established methodological framework.....	44
Annex No. 1a	47
Annex No. 1b	57
Annex No. 1c.....	68
Annex No. 1d	80
Annex No. 2	82
Annex No. 3	85
Annex No. 4	107
Annex No. 5	116
Annex No. 6	128
Annex No. 7	144
Annex No. 8	150

<i>Annex No. 9</i>	163
<i>Annex No. 10</i>	180
<i>Annex No. 11</i>	186

LIST OF ABBREVIATIONS:

APC – Administrative Procedure Code

SJC – Supreme Judicial Council

CPC – Civil Procedure Code

MS – Member State

EAW – European Arrest Warrant

EC – European Commission

ECHR – Convention for the Protection of Human Rights and Fundamental Freedoms

EJTN – European Judicial Training Network

EP – European Parliament

EU/The Union – European Union

ECtHR – European Court of Human Rights

ESF – European Social Fund

ECA – Electronic Communications Act

CIA – Classified Information Act

Liability of the State Act – Liability of the State and Municipalities for Damage Act

JSA – Judicial System Act

CM – Committee of Ministers

CCPE – Consultative Council of European Prosecutors

CCJE – Consultative Council of European Judges

MoJ – Ministry of Justice

NIJ – National Institute of Justice

CrimPC – Criminal Procedure Code

NCA – Norwegian National Courts Administration

NFM – Norwegian Financial Mechanism

OP – Operational Programme

MoJ Litigation Directorate – Litigation before the ECtHR Directorate with the Ministry of Justice

WG – Working Group

CoE – Council of Europe

CJEU – Court of Justice of the European Union

The Strategy – European Strategy for Judicial Training 2021-2024

CFR, the Charter – Charter of Fundamental Rights of the European Union

Introduction

The project aims at strengthening the professional knowledge and skills of magistrates and other justice professionals for the correct, uniform, and consistent application of **EU law and values** and for effectively incorporating human rights protection standards in law enforcement. The project will further contribute to ensuring the required modern and well-resourced training environment to facilitate the acquisition of systemic in-depth knowledge and exchange of up-to-date information and experience in this area.

This specific project activity that has been assigned to the Working Group (“WG”) envisages elaborating a comprehensive approach to the training on fundamental rights and rule of law to be firmly integrated in the curriculum of the National Institute of Justice (“NIJ”) and guarantee cohesion, sustainability and enhanced efficiency of the professional training provided by the NIJ in this area.

Establishing such a comprehensive approach is possible by elaborating a methodological framework that takes account of the good European practices and experience of the Norwegian National Courts Administration in this thematic area and contains practical advice and recommendations as regards the form, content and training audience of the trainings in the main NIJ areas of activity.

The National Institute of Justice has been established in 2003 pursuant to the Judicial System Act (“JSA”). Its work is regulated in the JSA, Rules of Procedure of NIJ and its Administration, Internal Rules on the Organisation of the Training Activity at the NIJ, and other acts adopted by the NIJ Management Board.

Art. 249 (1) *The National Institute of Justice shall implement:*

1. (amended, SG No. 32/2011, effective 1.01.2012, SG No. 62/2016, effective 9.08.2016) **mandatory initial training** of candidates for junior judge, junior prosecutor, and junior investigating magistrate;

2. (new, SG No. 49/2018) **mandatory induction training** of judges, prosecutors and investigating magistrates when they are appointed for the first time in judicial authorities and when court assessors are elected for their first term of office;

3. (supplemented, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016, renumbered from Item 2, supplemented, SG No. 49/2018) **maintaining and upgrading the qualification** of judges, prosecutors and investigating magistrates, of members of the Supreme Judicial Council, of the Inspector General and inspectors of the Inspectorate with the Supreme Judicial Council, of public enforcement agents, recording magistrates, judicial assistants, prosecutorial assistants, judicial officers, court assessors, of the inspectors at the Inspectorate with the Minister of Justice and of other employees of the Ministry of Justice;

4. (new, SG No. 49/2018) ***e-learning***, and shall organise ***empirical legal research and analysis***.

(2) (Amended, SG No. 62/2016, effective 9.08.2016, SG No. 49/2018) *The National Institute of Justice shall also maintain and upgrade though training activities the qualification of other persons where this is entrusted to it by a law or an instrument of the Council of Ministers.*

For the purpose of performing this activity, the Working Group (“WG”) shall study and give recommendations only on the forms of professional qualification of magistrates (including judges, prosecutors and investigating magistrates) proposed by the Institute.

Methodology

The findings, conclusions and recommendations formulated by the WG in this report are premised on analytical review of information about the NIJ curricula relevant to the rule of law and fundamental rights protection in the framework of the mandatory initial, induction and continuing training of magistrates (*Annexes Nos. 1(a), (b), (c) and (d) and Annexes Nos. 2 and 3*); the summary results of the survey of magistrates’ training needs in relation to the application of the Convention for the Protection of Human Rights and Fundamental Freedoms (“ECHR”, “the Convention”) and the Charter of Fundamental Rights of the European Union (“CFR”, “the Charter”) conducted for the purpose of the WG (*Annex No. 4*); relevant strategic documents of the European Union and the Council of Europe, including of their consultative (systemized information about these is included in *Annex No. 5*), as well as the experience of the Norwegian National Courts Administration in the area of human rights and rule of law training.

I. Overview of the training on human rights and rule of law in the NIJ

1. Mandatory initial and induction training

1.1. Mandatory initial training of candidates for junior judge, junior prosecutor, and junior investigating magistrates

a) General information about the organization of the mandatory initial training in the NIJ (legal regulation, basic concepts)

The mandatory initial training in the National Institute of Justice (Articles 258-258(b) JSA) lasts nine months and is aimed at forming skills and competences for junior judges, junior prosecutors, and junior investigating judges effectively carrying out their professional duties in the bodies of the judiciary. The status of candidates for junior judge, junior prosecutor, and junior investigating magistrate during their training in the NIJ is regulated by the Rules on Training of Candidates for Junior Judge, Junior Prosecutor, and Junior Investigating Magistrate and on Determining Their Status, adopted by the SJC.

The curriculum of the mandatory initial training focuses on:

- ✓ Acquisition of professional knowledge and skills
- ✓ Introduction to areas immediately related to practicing the three magistrate professions
- ✓ Introduction to the working environment of the bodies of the judiciary.

The mandatory initial training of the candidates for junior judge, junior prosecutor, and junior investigating magistrate is provided by permanent and temporary trainers who are prominent representatives of the judicial practice and science.

During the nine-month training, participation in training sessions and written assignments of the candidates for junior judge, junior prosecutor, and junior investigating magistrate are assessed on an ongoing basis.

At the end of the mandatory initial training, the candidates for junior judges, junior prosecutors and junior investigating magistrates sit for a written and oral examination before commissions designated by the SJC under the terms and procedure of Article 258, paras 2-5 and Article 258(a), paras 1-2 JSA and the Rules of Procedure for Conducting Examinations of Candidates for Junior Judges, Junior Prosecutors, and Junior Investigating Magistrates. Trainees are appointed junior judge, junior prosecutor, or junior investigating magistrate in their preferred judicial body after successfully passing those examinations with an overall grade not lower than 4,50.

The term of office of junior judges, junior prosecutors, and junior investigating magistrates is two years. During this period they continue their professional development supported by mentor magistrates within the meaning of Article 242 JSA.

b) Scope, content and format of the training on fundamental rights and rule of law for candidates for junior magistrates

✚ Training on constitutional law – The curriculum of the mandatory initial training in the NIJ envisages *special courses* for the respective trainees (civil law and procedure and criminal law and procedure for candidates for junior judges; criminal law and procedure for candidates for junior prosecutors and junior investigating magistrates) as well as *general courses* that are mandatory for all trainees. Each of the courses borders on the topic of constitutional fundamentals of the judicial power. In the framework of a *one-day on-site training* trainees enhance their knowledge on the fundamental principles governing the constitutional model of the judiciary in the Republic of Bulgaria; the interrelation between the principles of independence of the judiciary and separation of powers; the constitutional structure of the judiciary; the trends and perspectives for developing and reforming the constitutional model of the judiciary in Bulgaria. Trainees discuss issues pertaining to the role and significance of the Supreme Judicial Council as the constitutional body in charge of administering the judiciary, the functions of the respective SJC chambers, and the rule of law and independence governing the work of the judicial bodies.

✚ Training on human rights – Topics related to the application of the ECHR are integrated horizontally in all training courses for candidates for junior judges, junior prosecutors and junior investigating magistrates. The curricula for the three target groups was supplements and updated in 2019.¹

Criminal law issues related to the case-law of the European Court of Human Rights (“ECtHR”)² and the Court of Justice of the European Union (“CJEU”) are reviewed and discussed in the framework of the nine-month training of candidates for junior judges. These issues are related to the respective topic of the training content and are accessible on the NIJ e-learning platform. The curriculum includes a separate module of *20 hrs.* on the international cooperation in criminal matters covering topics such as extradition, EAW, European investigation order, transfer of criminal proceedings, requests for preliminary rulings as well as fundamental rights of persons involved in criminal proceedings. Particular attention is paid on the special rules for reviewing criminal offences committed by persons not proficient in the Bulgarian language (*5 hrs.*). The mandatory initial training of candidates for junior judges does not include individual topics related to the application of the civil limb of the ECHR and EU law.

The curriculum for candidates for junior prosecutors includes topics related to international cooperation in the pre-trial phase of criminal proceedings and the ECtHR

¹ Curricula for the mandatory initial training of candidates for junior judges, junior prosecutors and junior investigating magistrates are included as *Annexes Nos. 1(a), 1(b) and 1(c)* to the report.

² *Annex No. 1* to the report contains information about NIJ specialized training on the application of the ECHR in the framework of the mandatory initial training.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

case-law regarding constituting accused persons. Special attention is paid to the topic of effective investigation under the ECHR and ECtHR case-law (4 hrs.). The curriculum for candidates for junior investigating magistrates includes a separate module (20 hrs.) on legal and practical aspects of human rights protection.

- + Ethics training – The curriculum on ‘Ethical challenges in the work of judges, prosecutors and investigating magistrates’ was updated and supplemented in the academic 2018-2019. The training is a *hybrid* one, combining a one-month distance learning followed by a face-to-face meeting with the trainers. The training course covers topics related to the ethical principles and professional morale; magistrates’ due and accepted behaviour – from collegial solidarity to compliance with ethical norms; ethics and professional responsibility vis-à-vis the public pressure for efficiency of the judiciary; practical challenges before the professional morale – ethical principles and norms as part of the magistrates’ professionalism.
- + Training on topics related to preventing conflicts of interest and countering corruption – The general course on ‘Ethical challenges in the work of judges, prosecutors and investigating magistrates’ covers topics related to the integrity and independence of magistrates, corruption practices and conflicts of interest. Furthermore, the issue of countering corruption is integrated horizontally in a series of criminal law training courses included in the curriculum for mandatory initial training of junior magistrates, in particular those dealing with crimes against the economy and bribery.

1.2. Mandatory induction training (Article 259, para 1 JSA) and mandatory qualification (Article 261, items 1 and 3 JSA)

a) General information about the organization of the specified forms of mandatory qualification in the NIJ (legal regulation, basic concepts)

- **The mandatory induction training** within the meaning of Article 249, para 1, item 2 and Article 259, para 1 JSA is designed for judges, prosecutors and investigating magistrates who are initially appointed in the judicial authorities. The training is mandatory and is conducted during the first year after magistrates’ appointment. A total of four curricula for induction training of judges and three curricula for training of freshly appointed prosecutors were updated in 2019. In accordance with the new curricula, the training of newly appointed judges and prosecutors is hybrid and includes both distance learning (*from two to four weeks*) and face-to-face training in the course of *one week*. The curricula aims to complement, broaden and deepen judges’, prosecutors’ and investigating magistrates’ knowledge on topics geared towards building hands-on skills for practicing the chosen magistrate profession. The curricula include lectures, work on actual cases and case files, case studies, drafting judicial acts, simulation games etc. The trainers are temporary trainers – magistrates of high professional and moral integrity and prominent representatives of the academia. The induction training seminars for newly appointed judges at district (first instance) level cover civil procedure, law of obligations, property law and property liquidation, labour law, and criminal law and procedure. The induction

training of newly appointed prosecutors at district level covers criminal law and procedure and forensic science.

Pursuant to Article 259, para 2 JSA, upon initial appointment to a position in the judicial authorities, judges, prosecutors and investigating judges are appointed a mentor for the first year after their entry into office.

- **Mandatory qualification of judges and prosecutors** is a mandatory training course for judges and prosecutors upon their promotion from district to regional level or their specialisation within the meaning of Article 261 JSA. It was introduced following decisions of the SJC (recorded under protocols Nos. 46/12.11.2008 and 26/19.06.2014). The aim of these programmes is to broaden and deepen magistrates' skills on topics related to their work on regional level or to their specialization. The training for judges promoted from district to regional level, includes courses on civil law and procedure and criminal law and procedure. The mandatory qualification of prosecutors includes criminal law and procedures modules. The mandatory qualification course upon initial appointment in the administrative courts covers topics in the area of administrative law and procedure. A separate module in the curriculum deals with the development of non-legal skills and competences required for occupying the position of administrative judge.

The curricula for promoted judges and prosecutors were updated and supplemented in 2019. Each training course combines distance learning (*over a period of four weeks*) and face-to-face training for a period of *one week*.

b) Scope, content and format of the training on fundamental rights and rule of law in the framework of the specified forms of mandatory qualification in the NIJ

- ✓ Issues relevant to fundamental rights protection, prevention of conflicts of interest and anti-corruption are horizontally integrated in the respective modules of the training courses in the framework of the mandatory induction training and mandatory qualification for the respective magistrate professions.
- ✓ For example, in the framework of the updated curriculum for training of judges promoted from district to regional level, issues related to fundamental rights protection are dealt with in the following training modules of the criminal law course: 'Judicial review of interference with fundamental human rights in the course of collecting and verifying evidence – CrimPC, CIA, ECA etc.'; 'Weighing up procedural rights of the accused person and of the victim in criminal proceedings – review of the EU directives on procedural rights and accents from the CJEU case-law'; 'Methods for hearing and interviewing minors' etc.
- ✓ The same approach is endorsed in the curriculum for mandatory qualification upon initial appointment in administrative courts, where issues relevant to the ethical challenges in the work of magistrates and human rights are dealt with in the framework of the module focusing on building non-legal skills and competences for occupying the respective position and in the modules on the administrative regime of the access to public information, protection against discrimination and protection of personal data, liability of

the State and municipalities for damage under Article 1 under the Liability of the State Act etc. The same applies to the rest of the curricula of the specified form of mandatory qualification in the NIJ.

2. Continuous training of magistrates

a) General information about the organization of the continuous training of magistrates in the NIJ (legal regulation, basic concepts)

The continuous training of magistrates is a right guaranteed by law and exercised in accordance with the JSA and the bylaws for its application, as well as the judicial training principles adopted by the European Judicial Training Network ('EJTN').

In the framework of the continuous qualification of judges, prosecutors and investigating magistrates, the Institute plans and conducts trainings on priority topics tailor-made to the specificities and needs of the respective target group. The trainings aim at maintaining and improving the magistrates' competence to effectively discharge their professional duties and at developing the managerial and organizational skills of the administrative heads in the judicial authorities. The trainings are organized at central and regional level, in the framework of the NIJ regional training programme, which takes into account the specific training needs of the various judicial bodies in the course of the proposed training activities.

The continuous judicial training organized by the NIJ is conducted largely by judges, prosecutors and investigating magistrates of high professional competence and authority in the professional community, trainers with methodological and social skills tailored to the specific needs of the participants in the learning process. Members of the academia or established experts in other areas may also serve as trainers in the framework of the continuous qualification of magistrates.

In accordance with the established good practices in the area of the European judicial training, the NIJ promotes active learning in learning, working and extra-curricular setting and develops face-to-face, distance, hybrid (mixed), on-the-job trainings and self-trainings.

Face-to-face trainings rely on innovative and inclusive approaches that are premised on the concept of stimulating learning environment.

E-learning is an innovative training method based on information and communication technologies, which is used in all training modes offered by the NIJ.

In addition, the Institute conducts training of trainers aimed at developing and upgrading teaching skills; carries out international exchange of magistrates through coordination of the

EJTN training activities and takes part in the implementation of international programmes and projects in the field of judicial training.

b) Scope, content and methodological aspects of the proposed training on fundamental rights and rule of law in the framework of the continuous qualification of magistrates

Reviewing the information provided about the relevant training activity on rule of law and fundamental rights protection (summarized in *Annexes Nos. 2 and 3* to the report), the Working Group has concluded that the application of ECHR and the Charter holds a strategic place in the curricula of the continuous training at the NIJ in this area.

The focus on ECHR in presenting the international standards of fundamental rights protection in the framework of the judicial training is justified by the need to ensure systemic and in-depth knowledge of the national law enforcement authorities about the ECtHR case-law as an important prerequisite for the correct understanding and application of the human rights protection standards laid down in the Convention in view of the evolutive (dynamic) approach that the Court has endorsed in interpreting its provisions.

The information provided to the Working Group about NIJ training activity allows to draw conclusions about the current curriculum of the Institute in the area of rule of law and fundamental rights protection (including subject matter, structure, training methodology etc.) and track down the trends and factors that have influenced the development of judicial training in this area.

The analysis of the presented data indicates that during the initial stage of NIJ training activity, *more general (introductory)* trainings were held in the framework of the continuous qualification of magistrates that aimed at introducing ECtHR and CJEU powers, work and procedural rules, in combination with *specialized seminars* focusing on the application of specific provisions of the Convention.

In the period 2013-2016, the Institute implemented its first large-scale project in the area of human rights training with the support of the Norwegian Financial Mechanism ('NFM') 2009-2014 – '***Increasing the capacity of the judiciary and training in the European Convention for the Protection of Human Rights and Fundamental Freedoms at the National Institute of Justice***'. The project aimed at enhancing the competence and knowledge of magistrates and judicial officers in the country on the principles and standards laid down in the ECHR and ECtHR case-law and their effective application on national level. A total of 35 *specialised trainings (including trainings of trainers)* on the application of ECHR provisions were carried out on national and regional level in the framework of the project, most of them face-to-face, that

enrich and build on the curriculum of the Institute in this area and ensure a balance between the reviewed topics in the area of the criminal, civil and administrative administration of justice.³

In accordance with the requirements set forth in Recommendation Rec (2004) 4 of the Committee of Ministers of the Council of Europe, in the last years the NIJ has been applying an integrated approach in the training of Bulgarian magistrates in the application of the provisions of the ECHR and the Charter and the case-law of the ECtHR and CJEU by combining *specialized trainings* in human rights with *horizontal integration of the topics covered* as an integral component of all legal disciplines in the area of criminal, civil and administrative administration of justice.⁴ *Specialised trainings* are offered on topical problems in the application of the ECHR and the Charter on national level, in case of legislative amendments, as well for presenting new trends or achievements in the case-law of the ECtHR and CJEU. The trainings offered by the NIJ in the area under examination are held in complementing formats – face-to-face, distance and hybrid (combining elements of the face-to-face and distance training) and are profiled in accordance with the procedural role, competence and professional experience of the participants.

Thematic discussions with the Bulgarian judges in the European tribunals (ECtHR and CJEU) and other prominent experts in the area of fundamental rights protection continued during the period under examination focusing on the interaction between the ECHR and the Charter in the context of the ECtHR and CJEU case-law. This training format gave rise to keen interest among the target groups of the NIJ, in particular among the magistrates at the higher levels of the judicial authorities.

Parallel to the trainings held, the NIJ coordinated the participation of Bulgarian magistrates (judges, prosecutors and investigating magistrates) in trainings organized by the EJTN and other partner institutions and organization on different topics relevant to the application of the ECHR, the Charter and other legal instruments for fundamental rights protection in the EU.⁵ Participation of national magistrates in international trainings on topics related to the application of EU law in the area of fundamental rights allows them to exchange experience and good practices with their counterparts from other EU Member States and to strengthen mutual trust and cooperation between them, thus contributing to the more effective application of the established protection standards on national level.

In addition to organizing trainings tailor-made to the training needs of the target groups in the area under examination, the NIJ renders targeted efforts to ensure a **supportive and well-resourced environment** for acquiring and upgrading knowledge, skills, competences and

³ Annex No. 2 to the report provides information about the topics of the trainings carried out in the framework of the project.

⁴ Annex No. 3 to the report contains information about the trainings held in the NIJ in the period from 1 January 2018 to 15 October 2020 in the framework of the continuous qualification of magistrates in the area under examination.

⁵ Item 6 of Annex No. 3 to the report contains information about the trainings organized by partner schools and other institutions during the period under examination.

disposition in the light of the European and international legal instruments in force in the area among representatives of the professional community taking into account their current workload. In the course of the implementation of the above-mentioned large-scale project focused on the application of the Convention,⁶ to ensure larger access to ECtHR case-law, selected judgments of the Strasbourg Court against other CoE Member States were translated and summarized and published in a digest distributed among the target groups and accessible online. A practical aid on the judicial protection of fundamental rights in Bulgaria was also elaborated under the project and a Bulgarian translation of a practical dictionary on humanitarian law and human rights was made. Both educational aids are consolidated in an accessible and user-friendly data base.

Two annual sessions of the Forum on Justice and Human Rights were held with the participation of representatives of the institutions and non-governmental organisations working in the area of human rights protection with a view to to finetune case-law and establish a sustainable platform for dialogue and exchange of information. These were followed by working meetings on human rights problems that allowed to continue the professional debate on the topic.

In accordance with the Institute's vision for enhancing the effectiveness of judicial training through its integration in working environment, in the framework of the projects "*Quality professional training for improving the effectiveness of justice*" and "*Innovative products and services in trainings conducted by the NIJ*" that were implemented by the NIJ in 2019 with the support of OP Good Governance co-funded by the EU through the European Social Fund ('ESF'), a total of 15 self-learning resources (manuals and aids) were elaborated to support magistrates and judicial officers in the discharge of their professional duties. The resources cover among others different aspects of fundamental rights protection in the EU and are used as study material in the mandatory initial and continuous trainings organized in the NIJ as well as an instrument for self-preparation accessible to Bulgarian magistrates 24/7 through the virtual reading room at the e-learning portal of the Institute.

In 2017 the NIJ obtained the right of distribution for a period of five years of the online edition the most authoritative work in the area of human rights 'Law of the European Convention on Human Rights' of O'Boyle, Harris, Bates, Buckley and Warbrick, which made it possible to provide online access to this work for all Bulgarian magistrates following registration in the e-learning portal of the Institute. The resource is further integrated as a study material in the mandatory initial training course for junior magistrates.

The NIJ follows this comprehensive and systemic approach in the training on the application of the ECHR and the Charter also in the implementation of the Institute's projects of the current NFM programme period – „*Modern learning environment for judges, prosecutors, investigating magistrates and other representatives of the professional community*” and

⁶Project "*Increasing the capacity of the judiciary and training in the European Convention for the Protection of Human Rights and Fundamental Freedoms at the NIJ*" funded under Justice Programme of the NFM 2009-2014.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „*Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals*“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

„*Preventing and suppressing violence against women and domestic violence*”. In the framework of these projects specialized trainings on priority topics in the area of rule of law and fundamental rights protection and accessible and up-to-date self-teaching resources in specific areas of law will be elaborated. In addition, an innovative model of judicial job training will be applied and the human rights forum (elaborated by the SJC with the support of the NFM 2009-2014) will be strengthened and upgraded to serve as a sustainable platform for exchange of information about ECHR application and the case-law of the Strasbourg Court. The implementation of the current activity of the Working Group which aims to ensure internal cohesion and sustainability of the NIJ curriculum and a synergy between the Institute’s training activities in the area of fundamental rights and rule of law plays a key role for strengthening the capacity of the national jurisdictions for the effective application of the established standards for fundamental rights protection in the EU.

II. Guiding principles for conducting and developing judicial training in the area of fundamental rights and rule of law

1. Principles and guidelines of judicial training drawn from Council of Europe acts

1. The requirements for training in the area of human rights and rule of law are set forth at **both University level and in the context of training** for professionals practicing in areas related to fundamental rights protection in **two founding acts**: Recommendation of the Committee of Ministers **Rec(2019)5⁷ of 16 October 2019** upgrading the earlier Recommendation of the Committee of Ministers **Rec(2004)4⁸ of 12 May 2004**.

1.1. Member States shall ascertain **adequate university education and professional training** concerning the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the case-law of the European Court of Human Rights (the Court). This means:

a) include such education and training as a component of the common curriculum of law, and as appropriate in other disciplines as optional courses for those who wish to specialize;

⁷ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168098396e>

⁸ <https://www.ohchr.org/en/resources/educators/human-rights-education-training/20-committee-ministers-recommendation-rec-2004-4-member-states-european-convention-human-rights>

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

b) include such education and training as a component of the preparation programmes of national examinations for access to the various legal professions and of the initial and continuous training provided to judges, prosecutors and lawyers;

c) include these topics in the initial and continuous professional training offered to personnel in other sectors responsible for law enforcement and to personnel dealing with persons deprived of their liberty.

1.2. The effectiveness of university education and professional training in this field shall **be enhanced** in particular by:

a) providing for education and training to be incorporated into stable structures –public and private – and to be given by persons with a good knowledge of the Convention concepts and the case-law of the Court as well as an adequate knowledge of professional training techniques;

b) establishing research centres for studying human rights law development and the case-law of national jurisdictions;

c) organizing awareness raising campaigns on the topic.

1.3. Principle recommendations have been formulated to **achieve these two sets of targets**. The following are the most noteworthy:

- Member States shall develop and shape **their own education programmes** implemented by trained teachers and trainers, taking into account the diversity and differences of the individual legal systems and the specific national situations, while ensuring that the standards of the Convention are fully presented;

- Education on the Convention and the case-law of the Court is included as a **mandatory subject** in the curricula of university law degrees and where appropriate of other disciplines;

- Ensure setting up **permanent structures** for university education and professional training in this field by **specially-qualified teachers and trainers** for the different target groups.

2. Recommendation of the Committee of Ministers Rec(2000)19 of 06/10/2000 and the **Explanatory Memorandum** to it are instrumental in establishing the training standards particularly for prosecutors.⁹

2.1. The Committee of Ministers views **prosecutors' professional training** as both their right and duty. The training should be both preliminary (prior to their appointment and as a prerequisite for it) and on a regular basis.

⁹ https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016804be55a

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

Member States are expected to take effective action to ensure that prosecutors receive adequate professional training, with a special focus on certain topics, including the **legal defence of accused persons, victims and witnesses and the guarantees for fundamental rights and freedoms under the ECHR, in particular those set forth in Articles 5 and 6 ECHR.**

2.2. Furthermore, training should include **specific issues or specific areas**, taking into account crime trends and international legal cooperation in criminal matters and should be combined with **prosecutors' specialization.**

2. References and recommendations for judicial training in acts adopted by consultative bodies of the Council of Europe

1. Training of prosecutors from the perspective of the Consultative Council of European Prosecutors

The training of prosecutors is an important topic according to the Consultative Council of European Prosecutors (CCPE)¹⁰ that has been addressed in almost all opinions adopted so far.

1.1. This applies first and foremost to the opinions **on specific aspects of the prosecutorial profession** – cf. for example Opinion No. 1 (2007); Opinion No. 5 (2010);¹¹ Opinion No. 8 (2013); Opinion No. 10 (2015);¹² Opinion No. 11 (2016); Opinion No. 14 (2019).

1.2. Another group of opinions makes also references to the training of prosecutors. These opinions concern **more general topics** outlining in general the role of prosecution services in a democratic society, their contribution in the administration of justice and their interaction with the court, the need for prosecution services to win the trust of the general public and enjoy public confidence, including as a guardian of fundamental human rights, especially as regards vulnerable participants in legal proceedings.

Opinion No. 4 (2009) of the CCJE, jointly adopted by the CCJE and the CCPE,¹³ deserves a special mention. It contains the so-called Bordeaux Declaration and clearly indicates

¹⁰ <https://www.coe.int/en/web/ccpe/opinions/adopted-opinions>

¹¹ Section 19: “Prosecutors should have the necessary and appropriate means to exercise their competences with juveniles or these means should be attributed to other competent services in charge of juveniles. In particular, a system of recruitment, appropriate training as well as necessary staff, means and specialised services should be provided to them. Moreover, member States should consider setting up specialised units or officers for juvenile delinquency”.

¹² Recommendation (i.): “Prosecutors and investigative bodies should have proper training, as appropriate, both as regards the law and the most modern techniques of the investigation”.

¹³ This opinion of the CCPE has been adopted jointly with the Consultative Council of European Judges and is identical with Opinion No. 12 (2009) of the CCJE.

that issues pertaining to the professional training of judges and prosecutors should be regarded identically and that joint training for judges and prosecutors should be encouraged.¹⁴

Opinion No. 9 (2014) containing the so-called Rome Charter specifically underscores that “[T]he highest level of professional skills and integrity is a pre-requisite for an effective prosecution service and for public trust in that service. Prosecutors should therefore undergo appropriate education and training with a view to their specialization”. The recommendations made in this context concern: a) similar guarantees in terms of the status and conditions of service of judges and prosecutors, namely regarding recruitment, training, career development, salaries, discipline and transfer (s. 53); autonomous character of the institution organizing the professional training of magistrates (s. 58); measures for regular, objective and effective training, including joint training for judges and prosecutors on a permanent basis after their appointment; mandatory training in the *constitutional and other legal protection of persons involved in legal proceedings and human rights and freedoms as laid down by the Convention for the Protection of Human Rights and Fundamental Freedoms*.

Opinion No. 12 (2017) of the CCPE may also be considered to fall down in this group of opinions due to its relation between human rights protection and the proper treatment of vulnerable persons involved in legal proceedings, which is the central topic. Thus, recommendation No. 9 specifies that “[P]rotection of rights of victims and witnesses, particularly when vulnerable, as well as an adequate approach to various types of victims/witnesses, should be part of the initial and in-service training programmes of prosecutors, in order to become a significant component of their professional knowledge and culture.”

2. Training of judges according to the Consultative Council of European Judges

Training of judges according to the Consultative Council of European Judges (CCJE) holds a special place in the CCJE opinions as compared to those of the CCPE.

2.1. In view of the large number of CCJE opinions, it is a clearly expressed trend to present basic principles of the work of judges by summarizing them in synthesizing acts such as the **Magna Carta of Judges** adopted on the occasion of the 10th anniversary of the CCJE in 2010. Section 8 of the Magna Carta of Judges contains the essentials about the judicial training of judges presented as a basic prerequisite and a guarantee for their independence and professionalism. It envisages that “[I]nitial and in-service training is a right and a duty for judges. It shall be organised under the supervision of the judiciary. Training is an important element to safeguard the independence of judges as well as the quality and efficiency of the judicial system”.

¹⁴ Cf. item 10 of the Bordeaux Declaration.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

2.2. Furthermore, the CCJE clearly chooses to review issues pertaining to judicial training not only horizontally, integrating them in opinions on different other topics, but to single them out in **individual topical opinions**. This approach is evident in:

2.2.1. Opinion No. (2003) on appropriate initial and in-service training for judges on national and European levels. Its basic recommendations concern the following:

- the training of judges should be made a **mandatory component** in regulating legislatively the status of judges, where the State shall ensure the means and entrust it to a body of the judiciary;
- the **initial training** of judges in the beginning of their career shall be mandatory, with adequate duration, and shall ensure broad knowledge on national and international law, European law, ethics, court administration, information technologies, social studies etc.;
- **in-service training** of judges shall rely on participation on a voluntary basis;
- judicial training shall be **adequately assessed** as regards its content and efficiency.

2.2.2. These issues regarding the requirements in relation to the training of judges are further elaborated in **Opinion No. 9 (2006) of the CCJE** on the role of national judges in ensuring effective application of international and European law. Importantly, the main messages concern Member States' duty to ensure:

- they pay particular attention and secure earmarked funds for the training of judges in international and European law where this function is entrusted to an independent body (outside the control of the executive);
- judges obtain preliminary (including outside the framework of professional training) good knowledge on international and EU law and case-law of the international tribunals and the CJEU; these topics should be adequately included in the law faculties' curricula;
- ample space to international and European law in the curricula for initial and continuous training of judges, including through recourse to the opportunities for international cooperation of national training institutions;
- access to all required annotated and indexed information in the area of international and European law, including the case-law of the international and European tribunals, with translation where available;
- promote foreign language acquisition among judges.

2.3. In addition to the Magna Carta of Judges and the opinions addressing specifically the training of judges, other opinions have incidentally dealt with these issues as well as far as those were relevant to the main topic. Examples include:

a) **Opinion No. 6 (2004) of the CCJE** which features the role of the court in raising general public awareness and the need for citizens to be acquainted with the functions of the court through adequate educational programmes, for which disseminations judges shall.¹⁵ The opinion underscored the significance of the training in mediation and restorative justice and of possible venues that it is carried out under judicial review.¹⁶

b) **Opinion No. 7 (2005) of the CCJE** on Justice and Society which underscores the usefulness of having judges undergo training in public relations,¹⁷ the support for training programmes in non-discrimination and equality.¹⁸

c) **Opinion No. 11 (2008) of the CCJE** on the equality of judicial decisions. The CCJE expressly underscores the need of high quality legal training as a prerequisite for starting a judicial career as well as of targeted continuous training for improving judges' professional skills including on non-legal matters, such as ethics and organizational capacity.¹⁹

d) **Opinion No. 12 (2009) of the CCJE** on the relations between judges and prosecutors whose major contribution shall be to develop concepts for the promotion of joint trainings of magistrates from different professions and the continuous training during the entire career span. As mentioned above, this opinion was adopted jointly with the CCPE and is identical to Opinion No. 4 of the CCPE reviewed in the context of the acts of the CCPE.

e) **Opinion No. 21 (2018) of the CCJE** preventing corruption among judges looks into the effective training in ethical issues as an instrument for affirming guidelines and rules for ethic conduct that minimizes corruption risks among the judicial community.²⁰

f) **Opinion No. 23 (2020) of the CCJE** on the role of associations of judges in supporting judicial independence offers important references as regards adequate providers/factors of judicial training. Association of judges²¹ are considered such, both in analysing needs and

¹⁵ Cf. recommendation A.2 of Opinion No. 6 (2004) of the CCJE.

¹⁶ Cf. s. 143 and s. 159 of Opinion No. 6 (2004) of the CCJE.

¹⁷ Cf. recommendation A.5 and s. 20 of Opinion No. 7 (2005) of the CCJE.

¹⁸ Cf. recommendation B.3 and s. 28-29 of Opinion No. 7 (2005) of the CCJE C.

¹⁹ Cf. recommendations C. and D. as well as s. 16-17 of Opinion No. 11 (2008) of the CCPE.

²⁰ Cf. recommendations E. and F. of Opinion No. 21 (2018) of the CCJE.

²¹ Cf. s. 5 of the conclusions and the recommendation in Opinion No. 23 (2020) of the CCJE.

formulating recommendations to the ‘basic’ training provider, and in developing individual training programmes.²²

3. Judicial training, including in the area of fundamental rights protection and rule of law from the perspective of the EU and the EJTN

The European Judicial Training Strategy 2021-2024

The European Judicial Training Strategy for the period 2021-2024 that was communicated from the European Commission (EC) to the European Parliament (EP), the Council, the European Economic and Social Committee and the Committee of the Regions on 2 December 2020²³ provides basic reference points for assessing progress so far and determining future developments.

1. Acknowledging the positive impact of judicial training on the application of EU law, the introductory part of the document sets forth an essential objective, namely that judicial training remains high on the EU agenda and is **further strengthened**, especially in areas related to:

- upholding rule of law and countering attacks on fundamental rights in some Member States (MS);
- exponential digitalization of societies;
- prospects of EU membership for the Western Balkans.

2. In the context of this introductory remarks, the Strategy presents and assesses the **emerging EU law training needs** in the following areas:

2.1. Promoting a common rule of law culture

The intrinsic connection between **rule of law and ensuring effective judicial protection** is underscored, thus making an implicit recommendation as regards the content of judicial training.

2.2. Upholding fundamental rights

The focus here is on the need to ensure effective application of the **Charter** and from dedicated training on the application of the Charter, combining/incorporating training on the Charter and on specific rights such as data protection into training modules on various areas of EU law.

²² Cf. s. 33 of the reasons in Opinion No. 23 (2020) of the CCJE.

²³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0713>

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

2.3. Upscaling the digitalization of justice

The Strategy reiterates the need for justice professionals to **improve their digital skills and knowledge**. Use of digital tools and technologies in daily practice, including in cross-border proceedings is required to ensure adequate protection of individuals' rights and personal data in the digital space.

2.4. Keeping pace with developing EU law

Further to the direct application of EU law, the Strategy underscores the need of adequate judicial training to allow justice professionals to **keep up to date with the development of EU law**.

Combating terrorism, organised crime (including trafficking in human beings, firearms and illicit drugs), preventing and countering radicalisation leading to violent extremism and fighting money laundering remain key training *topics*.

In functional terms attention is focused on working with victims and protecting the rights of vulnerable persons; identifying abusive litigation; specialized trainings on rights of children, the rights of people with disabilities and adaption of justice systems to these groups; the specific challenges faced by victims of gender-based violence and non-discrimination.

2.5. Equipping practitioners to address new challenges

The Strategy underscores the interlinks between the new social, health, geopolitical and other factors that have a huge impact on the lives of people and societies and require or cause a targeted legal reaction, which is why they have to be included in the judicial training. Examples for such factors in addition to the COVID-19 pandemic are the new forms of terrorism and violent extremism, cybercrime, and challenges in employment and labour law.

3. Outlining the necessary components of judicial training, the Strategy makes a distinct recommendation that it should go beyond EU law and legal education and be multidisciplinary in nature. Special attention is paid to be the need to the training in 'judgecraft' which includes judicial conduct, resilience, unconscious bias, case and courtroom management, and leadership.

As regards the non-legal knowledge and skills which are essential for practicing the profession of magistrate, judicial training should ensure that justice professionals have at least basic competences in the area of cognitive sciences, psychology, anthropology, economics and cognitive linguistics as well as – and certainly not last – in foreign languages, especially those working on cross-border cases.

4. In determining the **judicial training target groups**, the Strategy logically focuses on the basic (magistrate) professions – judges, prosecutors and investigating magistrates, relying on joint (mixed) formats. In addition, the Strategy envisages EU law training for court and prosecution office staff, lawyers, notaries and bailiffs and other justice related professions such as prison staff and probation officers, mediators, court experts, insolvency practitioners, and legal interpreters/translators.

5. To secure **high-quality, effective judicial training**, the Strategy requires attentive monitoring of the training needs from the perspective of both national and European stakeholders, and extended access to training for as large as possible audiences. It **recommends specifically to the training providers** to:

- Follow the recommendation in Advice for training providers²⁴ and the EJTN Handbook on judicial training methodology²⁵;
- Organise cross-border training activities every year for at least 5% of all judges and prosecutors and encourage new participants to attend;
- Provide practical and accessible e-learning prioritizing ‘capsule’ (short, tightly-focused) training to address professionals’ immediate needs in the context of a concrete case;
- Evaluate every training activity on the basis of participants’ satisfaction, increased competence and, where relevant, impact on their performance.

6. A special focus is laid down in the Strategy on **boosting judicial training for young practitioners**. Initial training here plays a key role. This is why training providers are expected to:

- Ensure that every initial training curriculum includes modules on EU law;
- Include the EU acquis on the rule of law and on the EU Charter of Fundamental as standard components of the initial judicial training offer for new practitioners;
- Provide for every future or newly appointed judge and prosecutor to take part in a cross-border exchange in the course of their initial training;
- Make legal language courses a standard component of the initial training offer.

7. As regards the major issue of **distributing the responsibility** for building an effective and comprehensive judicial training system, the Strategy relies on sharing commitments and coordinating efforts among member States, training providers, national and European justice

²⁴ <https://e-justice.europa.eu/fileDownload.do?id=9f252d82-8ef4-4f6e-b562-372f9fa50096>

²⁵ <http://www.ejtn.eu/Methodologies--Resources/Training-Methods>

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

professions' organisations, and the EU. The **national stakeholders** have primary responsibility. As regards the application of EU law, however, the Strategy recommends using networks of **EU law experts** to be consulted when the need arises.

The Strategy underscores the **unique role of the European Judicial Training Network and its nine judicial training principles**²⁶ - in view of its capacity to coordinate national training activities on EU law and develop cross-border training for judges and prosecutors. The Strategy reiterates the need to establish judicial training partnerships with the diverse **organisations of justice professionals** as well as with the **major EU level actors**.

Furthermore, and in view of the enlargement perspectives, the Strategy recommends cooperation with the **candidate countries and potential candidates** for EU membership, mostly through their national training institutions, for the familiarization with EU's judicial culture.

III. The experience of the Norwegian National Courts Administration and training in human rights and rule of law in Norway

In the course of project implementation, the Working Group members had ample opportunity to exchange regularly experience with experts at the Norwegian National Courts Administration (being NIJ partner under the project) in relation to the organization, structure, scope and methodology of judicial training in Norway, including in the area under consideration.

This section of the report integrates information and good practices that were presented in the framework of the virtual exchange of experience with experts from the partner institution and other Norwegian institutions competent in the area of fundamental rights protection that was held on 24 June 2021, the study visit to Norway carried out in the period 14-18 November 2021, *Mr Øystein Ramseng's* report on the judicial training in Norway as well as the presentation of the Programme based on self-reflection for Mentoring Judges' Performance in the Courtroom (Peer-to-Peer Tutoring) made by appellate judge *Mr Carl August Heilmann*.

1. How judicial training in Norway is organised

The Norwegian National Courts Administration (NCA) is a governmental agency based in Trondheim that is responsible for the management and operations of the courts of justice of Norway. It was established in 2002 with the aim of contributing to strengthening the independence of the courts of justice in the country. The NCA performs purely administrative

²⁶ <http://ejtn6r2.episerverhosting.com/en/Judicial-Training-Principles/>

Contract N2BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

functions and has no competence as regards judicial processes or the appointment of judge²⁷ and other judicial positions in the court system. A significant part of the NCA operation is focused on training and the application of other methods for developing the competences necessary for judges' performance in the courtroom.

NCA has established two competence committees to keep a running dialogue with judicial authorities and receive up to date information about their training needs, and take needs-based decisions regarding new training programmes, competence plans and strategies – one for judges and one for administrative personnel in the courts. The competence committee for judges comprises of representatives from all court instances and the Judges' Association. Both committees are administered by NCA, who also participates in all meetings.

The competence committee for judges and NCA share responsibility and cooperate closely in the area of judicial training in Norway: (1) the Committee gives advice to NCA on what programmes and projects should be developed and implemented in order to develop and update judges' competences based on the identified training needs of the respective target groups; (2) NCA in turn gives advice to the committee on learning design and methods for each project and is responsible for funding and implementation of all projects.

Both NCA and the Competence committee for judges execute a significant independence in their work with judicial training, taking into account nevertheless guidelines from the Ministry of Justice (for example, for elaborating a specialized training programme in the area of child welfare and legal mediation) and the priorities in strategic plans for the courts in Norway.

2. Trends in judicial training development

According to data presented by the experts of the partner institution, the last six to eight years have brought some major changes in how judicial training is looked upon in Norway. Thus, the classic approach applied for decades where training was synonymous to monologue lectures was replaced by a modern approach inspired by the work and experience of the UK Judicial College. The competence strategy for the courts and NCA adopted in 2015 was instrumental for that change. The strategy provides guidelines and sets priorities for training focused on developing the competences of all groups of justice professionals.²⁸

A relatively new trend in recent years influenced by the experience of the UK Judicial College is the special attention that NCA pays to training geared towards developing the knowledge, skills and competences required for practicing the profession of judge that is denoted by the term "*judge craft*". From methodological perspective, this training focuses on active sharing of experience, individual reflection and reflection in groups, group work, and discussions and practical case works.

²⁷ Judges in Norway are nominated by the Judicial Appointment Board, and officially appointed by the Norwegian Council of State.

²⁸ The elaborated competence profiles for judges are taken into account in the selection and evaluation of judges in Norway.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

The aftermath of the COVID-19 pandemic has brought important changes as regards the use of modern technologies in the courts of justice of Norway, including for training purposes. In 2020 alone, and in the framework of just a few months, NCA managed to reorganize and transfer a large part of its training programmes on digital platforms (chiefly through the use of video conferencing systems), and to make a better use of these systems in judicial training (i.e. not only for lectures but also for discussions, group work, debates and role modelling). On the basis of their experience in this area, NCA has prioritised e-learning as a an important complementing element of judicial training and envisages to focus their efforts towards a more effective integration of new technologies in the training process.

3. Key elements in judicial training in Norway

The key elements in judicial training conducted by the Norwegian National Courts Administration are as follows:

- **Introductory programme for new judges** – The programme is mandatory for all newly appointed judges and consists of five modules, each of three days duration, completed during the first year as judge. The modules focus on the role as judge; judicial mediation and reviewing cases involving children; civil proceedings; developing skills and competences required for performing the profession of judge (the so-called *judge craft*); and criminal proceedings.

New judges take part in this training programme upon invitation from NCA. After completing the first training module, new judges are put automatically on the participants list for the four following modules of the introductory programme.

The overall objective of the programme is to give new judges a solid basis for fulfilling their role both inside and outside the courtroom. The programme focuses mostly on judge craft and procedural law and targets material law only to a small degree. From methodological perspective, the introductory programme relies on varied learning methods.

- **Introductory programme for assistant judges** – This programme is mandatory for all newly appointed assistant judges and consists of two modules, each of four days duration , completed during the first year following their appointment. The modules focus on developing competences in the main areas of law such as civil and criminal proceedings, judgment writing, probation, law of obligation, bankruptcy, assessment of children's interests and needs in reviewing cases involving children, mediation and evidence assessment during trial and court conference.

Like the introductory programme for new judges, the training programme for assistant judges aims at preparing them to effectively perform their functions; it has the same focus and integrates varied learning methods.

- **Annual judge seminars** are a component of the continuous training of judges in Norway. These two-day seminars are held annually and are designed only for

representatives of this target group. The seminars are not mandatory, but all judges are “expected” to participate. The training programme is usually split in two parts: current topics of special interests are reviewed during day 1, and judge craft during day 2. Special sessions are also held for judges serving in different instances. All judges can propose topics and cases to be included in the programme.

During the COVID-19 pandemic the annual seminar was held online through videoconferencing and was thus squeezed to one day. Records of the seminar are accessible on the internal e-training platform.

- **Other *ad hoc* training programmes and seminars for judges focusing on specific topics** (EU law, protection of the rights of children involved in judicial proceedings etc.). These training activities are another form of continuous qualification of judges. They are organized where necessary in cooperation with specific courts. In the course of the exchange of experience with experts from the Norwegian judicial training agency, a specific example was provided, namely the pilot training programme for developing competences in the area of judicial mediation, elaborated by NCA upon recommendation of the Ministry of Justice. Accounting for the important role of mediation for reducing civil cases and related costs, this new training programme aims at improving the quality of the mediation services provided by the court. The programme consists of three training modules, each of three days duration, and integrates varied learning methods.
- **Programme for Mentoring Judges’ Performance in the Courtroom based on self-reflection (Peer-to-Peer Tutoring)** – The mentorship programme is an element of the training focused on developing skills and competences for practicing the profession of judge. It aims at ensuring judges’ quality management of court hearings. Tutoring is given by a group of judges with special training in this. A video recording (usually about an hour and a half) from a real court hearing with the judge in focus is done. The training session focuses on reviewing and analysing the video recording. Tutoring sessions are usually done the same day as the recording and take typically about an hour and a half. The judge and the tutor watch the video record together and discuss what good management of cases is and identify areas where the judge might have a potential for improvement. Basically tutoring sessions do not touch upon issues related to the subject matter of the case.

Peer-to-peer tutoring is voluntary, thus participants are highly motivated. Some of the immediate advantages of this programme are the opportunity for participating judges to rationalize their behaviour in court and how it influences the communication with the parties and other persons involved in judicial proceedings, and to improve their leadership skills. Viewed more broadly, judges’ behaviour in court (including their diligence and integrity in the administration of justice) as an intrinsic part of the guarantees for fair trial in reasonable time and respect for the rights of the parties in the proceedings contributes significantly to strengthening the public trust in the work of the court.

- **Study leave for judges** – Every fourth year judges in Norway may be granted a one

month paid study leave. The study leave shall be used for professional development and updating of knowledge within relevant areas of law or judicial process. The study leave should benefit both the judge and the court.

Interested judges must apply for study leave and provide information in advance about the training. Planning must be done in consultation with the head of the court. After the study leave the judge must send a report both to the NCA and to the head of the court.

Interested judges are entitled to reimbursement of some of the incurred related costs.

- **Podcast for judges** – This is an initiative of a group of judges at Oslo District Court who produce podcasts for judges for educational purposes. Some 20-25 podcasts with 45 to 60 minute duration have been published so far. They are freely accessible on all major platforms with such content. Judges choose the topics themselves, but often these are linked to topics of current interest (for example trials of substantial public interest). Guests are often invited (including other judges, academics from universities, lawyers, politicians etc.) to participate in the podcasts, for interviews and discussions.
- **Professional exchange with neighboring countries** – In order to stimulate interaction and cooperation between the Nordic countries, exchange study visits are organized for judges from different countries in the region. The arrangement is specifically for judges on study leave and it is expected that exchange visits contribute to judges' competence both professionally and personally.

A typical exchange visit lasts two or three days. A contact person is appointed at the receiving court. The visiting judge should specify in advance the topics of interest. Upon return, they shall share their experience with their colleagues.

- **Use of case-based films** – NCA have in cooperation with judges produced several films for training purposes in the courts. The films show dramatized situations from different types and stages of judicial proceedings (trials, hearings, interrogation etc.). Examples of topics covered by these films are the experience of children in parental dispute in court, court conference, use of experts in court etc.

In court a group of judges (and in some cases administrative staff if that is relevant) watch the film together and have a session afterwards with reflection and discussion.

Written guides are made for each film on how to arrange a session in court. For some of the films the courts are also offered follow-up seminars.

The Norwegian experts consider this training modality to be effective and requiring minimal costs.

4. Judicial training in rule of law and fundamental rights protection in Norway

A special attention has been paid in the course of the professional exchange with experts from the partner institution on the training in human rights conducted by the Norwegian National Courts Administration in view of the immediate relevance of this issue to the task of the

It appears from the data presented that rule of law and fundamental rights protection are covered only briefly in judicial training in Norway, and mainly in the introductory programmes for new judges where it accounts for roughly five pct. of the training content. Issues relevant to fundamental rights are reviewed in the framework of the judicial training not individually and in a broad context, but with a focus on specific issues related to the rights of the Sami people (an ethnic minority in Norway) or multicultural issues. Some topics regarding the ECHR are also discussed.

Issues pertaining to the rule of law and fundamental rights protection are subject to discussion at the seminars in the framework of continuous training of judges or when there are specific cases of interest. Examples are the allegations against Norway before the ECtHR regarding child welfare and in particular parents' right to contact with children in foster care and forced adoption, and a huge social security scandal where several persons were wrongly sentenced to imprisonment for social security fraud.

The mechanism adopted by the Norwegian authorities (and in particular the judicial system in the country) for the elimination of established inconsistencies with ECHR standards on national level deserves special attention in this context. Shortly after the Strasbourg Court has established a violation by the Norwegian State, the following action is taken: (1) the Supreme Court²⁹ gives guidelines as to what measures should be taken to bring the Norwegian legislation and practice in line with the requirements of the ECtHR, and (2) elaborates free e-training resources and legal summaries to inform national judges about the findings and conclusions of the ECtHR made in the respective judgment (the electronic format in this case provides fast, convenient and non-expensive access to the up to date information for a broad audience). This approach can be recommended as a good practice that can be applied in the beneficiary country since it provides timely guidelines and focused *ad hoc* training tailored to current training needs.

Another specific training measure in the area under observation is the study tour to ECtHR and CJEU, which is organized every year for judges from Norway. The study tours to the two tribunals aims to acquaint judges with their practice and work. They last four days and some 25 judges take part. The study tour starts with a short preparatory seminar in Oslo before departure. The aim is to ensure similar level of knowledge of the participants and opportunities for effective interaction and exchange among them. Since as a rule participants in the study tours do not know each other, efforts are made to create an informal atmosphere that will enhance communication between them and stimulate their proactive participation.

Participants in the study tours to the ECtHR and CJEU attend hearings in the tribunals and take part in lectures and discussions with judges from the respective courts where they discuss topics of general interest and more current ones related to the case-law of the Strasbourg and Luxembourg Courts.

The purpose of the study tours is to encourage judges to integrate the perspective of fundamental rights protection in their immediate work, thus they cannot be considered an

²⁹ The Supreme Court of Norway is the highest judicial instance in all types of cases and where necessary acts as Constitutional Court in the absence of such.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

exhaustive training activity. It has been further clarified that study tours are related to substantial time and costs and that due to budgetary limitations no study visits will be organized the following year.

The approach adopted by the NCA in the area under consideration is premised on a number of specificities related to the legislation, case-law, judicial system and scope of university education in Norway. Several key factors have been outlined in the course of the exchange of experience that explain why there is no specialized judicial training in fundamental rights protection in Norway: (1) ECHR standards and ECtHR case-law are completely integrated in the Norwegian legislation and case-law (this makes it much easier for national judges who are not required to acquire systemic and comprehensive knowledge about the case-law of the Strasbourg Court); (2) fundamental rights protection is a major component of the curriculum in law studies in Norwegian universities and is horizontally integrated in all legal subjects, which is a prerequisite for a highly efficient university education and professional competence of the practicing legal professionals; (3) judges in Norway have a significant practical experience that is required by law as a prerequisite to be appointed in the judiciary.³⁰

5. Professional training of prosecutors

The Prosecuting Authority in Norway is partially integrated in the system of police, and prosecutors do not hold a magistrate status. The Prosecuting Authority is organized on three hierarchical levels: (1) Director of Public Prosecutions and supporting staff of senior prosecutors; (2) the Regional Public Prosecution Offices – 10 in number; and (3) prosecutors working in the system of the police (in the 12 police regions), the so-called police prosecutors – usually experts at the beginning of their career who investigate minor crimes. Police prosecutors are administratively subject to the respective head of the police (head of the respective police directorate); however, police prosecutors are guided in their investigative work by the instructions and guidelines provided by the head of the Prosecuting Authority and the regional prosecutors.

Both courts and the Prosecuting Authority in Norway are administratively subject to the Ministry of Justice. However, there is no cooperation between the two systems, not when it comes to training.

Prosecutors working in the system of the police are competent to lead the investigation of all criminal offences committed in Norway and de facto participate in the reviewing of almost 90% of all cases. Substantial resources are earmarked for their training in order to uphold the rule of law and legitimacy of the Prosecuting Authority.

From year 2000 there has been a three-part basic training for new prosecutors in the police (implemented usually during the first year after appointment): (1) on local level – 100 hours of in-service training under supervision of a higher-ranking authority; (2) on regional level – one week of training together with regional public prosecutors; and (3) on central level – three weeks of training at the Police University College.

No examination is held after completing the basic training, however a year later the local

³⁰ Legal professionals with not less than 10 years of professional experience are appointed judges in Norway.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

chief of the police together with the regional attorney general carries out an assessment of every new prosecutor. If the training is completed, and the person has prosecuted a minimum of 10 main hearings in court concerning criminal offences punishable by imprisonment of more than one year, extended prosecution competence can be assigned.

The Police University College offers a further education programme of 30 ECTS credits for prosecutors working in the police, as well as a course focused on interrogation.

Changes in the training curricula for prosecutors working in the police are envisaged during this year aiming at improving the quality of investigation. The newly elaborated training programme will be administered by the Police University College in close cooperation with the Director of Public Prosecutions. It will comprise of the following components: (1) training (locally and online) organized immediately after prosecutors have been appointed and focusing on organizational understanding and digital systems; (2) mandatory training organized during the first year and focusing on the work of the prosecution, the role of the prosecutor, investigation and investigation management skills, each component bringing 15 ECTS credits, as well as (3) voluntary training during the second and third year following appointment for development and upgrading of the necessary skills and competences.

IV. Conclusions and recommendations of the Working Group as regards training in human rights and rule of law at the NIJ

Proper understanding and consistent application of the European and international standards for fundamental rights protection requires that national magistrates and other justice professionals are equipped with systemic and in-depth knowledge about the universal and regional human rights legal instruments applicable on national level, as well as about the *acquis* and modern trends in the case-law of European and international tribunals competent in this area. Effective judicial training in the area of rule of law and fundamental rights protection requires a comprehensive and integrated approach to be applied in the different modalities for professional qualification offered by the NIJ where individual Convention and Charter rights are reviewed not in isolation but rather in the context of the Bulgarian Constitution and are integrated horizontally as an intrinsic part of the legal disciplines taught in the area of civil, criminal and administrative law. At the same time the lack of systemic specialized education in human rights in the framework of the university education³¹ generates certain systemic deficits in the preparation of national lawyers in this area, which need to be overcome in the course of the professional training provided by the National Institute of Justice and other professional associations of lawyers in the country.

³¹ The findings of the Working Group are supported further by the information in the Report on the assessment of human rights education in Bulgarian universities drawn up under the project ‘Enhancing the National Capacity for the Effective Implementation of the Judgments of the European Court of Human Rights’ implemented by the Litigation before the ECtHR Directorate with the Ministry of Justice with the support of Justice Programme under NFM 2014-2021.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

The need to provide systemic training in the area of rule of law and fundamental rights protection has been confirmed by the analysis of the results of the survey conducted for the purposes of this report where the training needs of Bulgarian magistrates for the application of the ECHR and CFR³² have been studied.

In view of the above, the Working Group members recommend the following:

- ✓ NIJ curricula should include practical basic training in fundamental rights,³³ which subsequently is upgraded in accordance of the magistrate's profile and position in the judicial system.
- ✓ This induction training should be integrated in the NIJ curricula of mandatory initial and continuous training and conducted taking into account the specificities and training needs of the target groups of each of these forms of professional qualification offered by the NIJ. In this way all magistrates will have the opportunity to enhance their qualification in the area of human rights, regardless of their professional experience or how they have been appointed initially in the bodies of the judiciary.
- ✓ The approach for *integrating horizontally* topics related to the rule of law and fundamental rights protection under the ECHR, CFR and other relevant international legal instruments should be expanded. These topics should be an integral part of the learning materials for all legal disciplines in the area of criminal, civil and administrative law. In addition, a mechanism should be in place for continuously monitoring compliance with this requirement.

1. Recommendations as regards mandatory initial and induction training in the NIJ

The topics related to the rule of law and fundamental rights protection, and in particular application of the ECHR, are included in the curricula for training of candidates for junior magistrates and are taught in the modules on constitutional law and specialized modules on the application of the ECHR. They are further integrated horizontally in the legal disciplines taught in the mandatory initial training (including in the curricula on civil and criminal law and procedure).

Considering the above, the Working Group recommends expanding the specialized training on human rights of candidates for junior magistrates by including an **introductory practical human rights course** focusing on the application of the ECHR, Charter and relevant case-law, which will ensure basic and uniform knowledge in this area.³⁴ The proposed training has to present in a systemic way the basic concepts of the legal instruments for human rights

³² The summary results of the survey indicate that 58 pct. of the interviewed have only basic knowledge in the area of rule of law and fundamental rights protection or do not have any knowledge in this area; 31 pct. estimate their knowledge to be good, while only 5 pct. – in-depth.

³³ A draft curriculum elaborated by the WG is enclosed as *Annex No. 9* to the report.

³⁴ This basic training in fundamental rights protection should be envisaged for all candidates for junior magistrates regardless of their professional orientation and should be conducted where appropriate in mixed format.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

protection, the scope and application of the Convention and the Charter and interplay between them, and to review the fundamental rights enshrined therein (including scope, guarantees and remedies) in national context. As a component of the professional training offered by the NIJ, the course must make considerable number of references to selected case-law of the ECtHR, CJEU and national jurisdictions so as to provide trainees with guidelines and an authoritative source of legal argumentation in their work in this area.

The WG views on the content of the introductory course in human rights, its structure and approximate tuition hours are reflected in the draft curriculum enclosed as Annex No. 9 to the report.

It is recommended that candidates for junior magistrates be offered comparable selections of topics and tuition hours in the area of human rights and application of the ECHR and CFR standards.³⁵ According to the WG, the curriculum should include not only lectures but an interactive part (discussions) and case-work as well. Candidates for junior prosecutors and candidates for junior investigating magistrates may and should be trained following identical curriculum, and the envisaged thus far four tuition hours for the first group and 24 tuition hours for the second one³⁶ should be set at an identical number of tuition hours for both groups, closer to the time allotted in the curriculum for junior investigating magistrates (approximately 20 tuition hours).

As regards candidates for junior judges, the topics covered in the training of junior prosecutors and junior investigating magistrates should be included in their curriculum (following appropriate concision and adaptation) as well, thus covering the criminal legal dimension related to the application of the ECHR and CFR standards. Furthermore, the complete lack of civil law topics in the training of candidates for junior judges should be overcome, and such topics should be included earmarking a comparable to the criminal law topics number of tuition hours.

The mandatory initial and induction training in human rights and application of the ECHR and CFR for the different categories of magistrates at the NIJ should envisage a substantial part of the topics to be presented before mixed audiences comprising representatives of the different magistrate profession,³⁷ which will contribute to the uniform level of human rights knowledge in the context of the national law and practice.

2. Recommendations as regards the continuous training of magistrates

³⁵ Annex No. 10 to the report reflects the WG views on the scope of the specialized training in human rights for candidates for junior magistrates and how it correlates with the rest of the training.

³⁶ Currently (cf. an overview in Annex No. 1), the specialized training in the application of the ECHR conducted by the NIJ for candidates for junior magistrates is of different duration: four tuition hours for candidates for junior prosecutors, 10 tuition hours for candidates for junior judges and 24 for candidates for investigating magistrates.

³⁷ An exception should be made for practical work (exercises, case studies etc.), which will be more efficiently conducted in small groups.

The training in the framework of the continuous qualification of magistrates should aim at covering the standards and fulfilling the criteria for occupying the respective positions in the different levels of the judiciary, i.e. it should aim at meeting the **general criteria** for education, organization, discipline and ethical conduct of magistrates.

It should be in compliance with the **international norms, principles and requirements** relevant to magistrates that have been established mostly in acts of the European Union and Council of Europe, including their consultative bodies,³⁸ and the good practices of individual Member States.

The training programmes for improving magistrates' qualification in the area of fundamental rights and rule of law should be **general**, for all magistrates, and **specific**, according to the positions occupied by the magistrates, their functions and level in the administration of justice in the judicial system. Furthermore, although the training aims to promote supranational standards in the area of human rights and rule of law, it should nevertheless be in line with the national legal regulation, in particular the appraisal criteria and training curricula. At the same time, where certain gaps are established in the training calendar or it needs to be upgraded, there should be a mechanism in place for including new training topics and determining appropriate training modalities (which contribute to improving the effectiveness of the training), thus covering all aspects of the preparation for the respective magistrate profession, in line with the modern European requirements and practice.

The **existing basic training** in these topics allows to systematically upgrade the specialized training in human rights and rule of law. The annual programmes should provide training related to the basic application of the ECHR and CFR, i.e. a general presentation of the Convention and Charter and basic judgments of the ECtHR and CJEU regarding their application. Next, it is necessary to elaborate trainings in the application of specific Convention and Charter provisions, including relevant case-law, taking into account their applicability in the individual branches of national law³⁹ (civil, criminal, family, administrative law etc.). These two levels should be established as a model in the permanent training programme at the NIJ.

In a more focused way, trainings should be envisaged where necessary regarding **specific problems in the application of national legal provisions** (material or procedural) and their compliance with the respective ECHR and CFR provisions and standards set forth in the case-law of the ECtHR and CJEU, paying particular attention to the ECtHR judgments against Bulgaria, preliminary rulings and judgments of the CJEU related to the guarantees for fundamental rights.

Studying the problems in the application of ECHR and CFR and ways to overcome these should be done in an integrated manner, in the framework of specialised trainings on the

³⁸ Reference is made here mostly to the Consultative Council of European Judges and Consultative Council of European Prosecutors.

³⁹ A model curriculum for training in the application of Article 6 ECHR, respectively Article 47 CFR (right to a fair trial) is enclosed as *Annex No. 11* to the report. It reflects WG view about the second level of basic training in human rights.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

application of the Bulgarian legislation where specific aspects in the context of its compliance with the established case-law on the application of the Convention and Charter are also covered.

Even in these cases, however, a good preliminary knowledge of the supranational legal framework set forth by the Council of Europe and European Union as regards guarantees for fundamental rights and rule of law will doubtlessly be needed.

2.1. Recommendations as regards the content of trainings

In the framework of the continuous qualification, the National Institute of Justice should continue to conduct trainings focusing on strengthening the capacity of national magistrates and other representatives of the professional community to effectively apply in their work the Convention and Charter human rights standards. To this end the thematic scope of the trainings offered at the NIJ should be expanded in accordance with the evolutive (dynamic) approach endorsed by the ECtHR in interpreting ECHR provisions in the light of the changing conditions and the evolution in the understanding of the fundamental rights content and protection.

2.1.1. As regards all magistrates

❖ Topics important for all magistrate communities:

- ❑ **Basic training** for acquiring knowledge and skills for the effective and consistent application of the European standards for fundamental rights protection through integrated introduction to the ECHR and CFR, respectively the legal acts of the Council of Europe and EU law. Introduction to the relevant case-law of the ECtHR and CJEU should be the second level of the basic training in ECHR and CFR.

The basic training course of the continuous training of magistrates in human rights could follow the proposed curriculum for basic training of the candidates for junior judges⁴⁰ after necessary adaptations made in view of the specificities of the audience and the methodological requirements of the training proposed in the framework of the continuous qualification.

- ❑ **Specialised training** in application of the ECHR and CFR from the perspective of the Bulgarian legislation. The training shall include:⁴¹
 - ✓ Differences in fundamental rights protection according to the ECHR and CFR. Specificities in the application of the ECHR and CFR;
 - ✓ Common aspects of the right to a fair trial;
 - ✓ Specific rights and procedural guarantees for their application such as the right to take part in person in the trial; right to information; right to translation and interpretation; right to access to a legal counsellor; right to legal aid; right to appeal; right to an effective remedy etc.;

⁴⁰ Cf. Annex No. 9.

⁴¹ The list is exemplary to serve only as an illustration.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

- ✓ Procedural guarantees for fundamental rights with a focus on the presumption of innocence;
- ✓ Right to privacy;
- ✓ Rights of the child;
- ✓ Right to freedom of expression and to receive and communicate information (hate speech, hostile speech; social media) – general considerations, proportionality of the intervention;
- ✓ Civil law aspects of the rule of law principle;
- ✓ Liability of the state for damage to legal and natural persons where a violation of the ECHR and EU law has been established.

❑ **Other topics of importance for all magistrates:**

- ✓ Specialised trainings on how ECHR and EU law influence the procedural laws continues to be of importance in view of the dynamics in the Bulgarian law making, on the one hand, and the role of the case-law of the ECtHR and CJEU for the direct application of EU and Convention law by the national court.
- ✓ Problems related to fundamental rights protection should continue to be included in the integrated trainings in the different areas of administration of justice. Training in international legal cooperation which is suitable for mixed audiences is important both in the area of civil and criminal law. EU legal acts should be included which regulate: the European arrest warrant; European investigation order; European protection order; recognition of sentences, transfer of sentenced persons, as well as the other instruments for cooperation, including the recognition of judicial decisions based on the principle of mutual recognition and the related case-law. Parallel to that it would be necessary and useful to present the work of the European structures (including EU bodies) set up to support the international cooperation and coordinate jurisdictions.
- ✓ The application of the *Ne bis in idem* principle and the competition between criminal and administrative criminal liability for the same act continues to be of importance for mixed audiences in view of the comprehensive case-law of the ECtHR and CJEU, the interpretative work of the Supreme Court of Cassation and the subsequent legislative amendments to the CrimPC. The training should cover judgments of the ECtHR against Bulgaria and the up-to-date case-law of the CJEU in order to prevent future judgments establishing violations of the State of this principle.
- ✓ Hate crimes and crimes involving a discriminatory element receive increasing public attention and hence require better compliance with ECHR standards (respectively growing demand for training). This is why this topic should be included permanently in the NIJ training calendar for all magistrates. The topic is suitable for mixed audiences. Where possible representatives of other professional communities may be included in the trainings such as investigating police officers and lawyers, which would allow to identify problems from different perspectives.

- ✓ Topics related to the protection of victims of crime and other vulnerable persons involved in judicial proceedings, protection of victims of violence and discrimination, rights of the children and rights of persons with disabilities as well as how to work with victims are important for mixed audiences.
- ✓ Taking into account the national organization of the judiciary and the distribution of competences among magistrates, the topic of the role and place of the prosecution office (the prosecutor) for the rule of law and the pan-European norms and principles relevant to prosecutors and their role in a democratic society should be presented as a common topic.
- ✓ Presence and behaviour in the media of representatives of the judiciary and development of communication skills⁴² should be included in the general training curricula as a method to guarantee the right to a fair trial and fundamental rights protection under the ECHR. This could be achieved by including a general topic such as ‘The judiciary and general public. Developing communication skills. Working with the media – practical aspects’.
- ✓ To ensure instrumentally a fair trial and guarantee the rights of the persons involved in judicial proceedings and to enhance the credibility of the judiciary, topics should be considered related to the prevention of professional stress and burnout; the risk of unbalanced behaviour at work as a result of emotional breakout; techniques and skills for managing stress at work; ethical standards in the relations between magistrates, judicial officers and parties to proceedings in the context of the burnout syndrome.⁴³
- ✓ The notion of reasonable time is of huge importance as an element of the right to a fair trial and the protection of fundamental rights under the ECHR, all the more so as it is relevant to all actions of the magistrates.
- ✓ The issue of due compensation is particularly acute in connection with violations of fundamental rights protected by the ECHR and the Constitution and laws of the country. Training on this topic should help magistrate not only distinguish between different hypotheses but also make a proper assessment what is a ‘fair’ compensation.
- ✓ Training on determining the scope of application of EU law is particularly important in civil cases where the link between the Union provision and the dispute under review is indirect, and also in cases where the dispute falls in areas where the EU in principle has no competence. Cases where the applicable national provisions should be applied and interpreted in line with the relevant EU norms pose particular difficulties in practice and appropriate training to address this issue would be extremely useful.

2.1.2.Specialised topics for the individual professional communities

⁴² Regardless of the differences in their areas of administration of justice, magistrates should build comparable capacity for communicating with the general public.

⁴³ The training model of the Norwegian National Courts Administration incorporating the understanding that the behaviour of the judge in the courtroom is part of the fair trial guarantees within the meaning of the ECtHR is suitable to adapt and use.

To ensure sustainable judicial training, the specificities of the individual professional communities undergoing training in the NIJ should be taken into account, including judges, prosecutors, investigating magistrates and other categories of trainees under Article 249 JSA. This requires structuring specialized trainings for each individual category.

❖ **Topics of priority for judges:**

These trainings aim at building on the knowledge gained in the course of the general training programmes. Therefore topics pertaining to fundamental rights protection should be integrated in the respective area of administration of justice (including civil/criminal/administrative law and procedure). The following points of departure should be particularly taken into account:

- ✓ The founding case-law of the ECtHR and CJEU together with judgments where the basic principles of work of these courts are established should be summarized in a designated training course.
- ✓ Applying the principle of proportionality is of particular importance in disputes concerning fundamental rights where the court must review various competing rights to strike a balance in every individual case where restriction of rights is legally admissible. Standards to ensure such balance for each of the fundamental rights have been established in the case-law of the ECtHR and CJEU and all magistrates should know them in detail, including their update. This issue is particularly difficult and to some extent overlooked, thus the elaboration of study materials and a permanent distance training course on the topic if the minimum required number of participants is recruited would be a significant contribution of the NIJ for improving the fundamental rights protection in Bulgaria.
- ✓ Fundamental rights protection under the ECHR and CFR is directly related to the adversarial nature of judicial proceedings which guarantees that the case will be resolved on the basis of carefully collected evidence and means of proof. Therefore, the use of evidence obtained in violation of some fundamental rights protected by the ECHR and how it affects the fairness of both civil and criminal procedure continues to be relevant.
- ✓ Transfer of jurisdiction of cases reopening criminal proceedings to the appellate courts requires specialized training in order to overcome the contradictory case-law in the different judicial districts on the application of this extraordinary method for revising final judicial acts. Focus in these trainings should be on the violations of Convention and Charter rights as grounds for reopening the cases.
- ✓ Practical problems related to the individual stages of the trial also deserve to be the subject of specialized trainings for judges. One such topic is the pre-trial hearing and the substantial procedural violations established during such a pre-trial hearing. The issue about the fundamental rights protected by the ECHR and CFR that should determine the future development of the criminal proceedings should also be integrated in this training.
- ✓ Amending charges in the trial phase has always raised a lot of questions. This topic is undoubtedly closely related to the fundamental rights protected by the Convention and the

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

Charter, thus how this procedural institute affects the fairness of the trial should be included in the training.

- ✓ The growing importance of the special investigative means as a source of material evidence in criminal cases should be acknowledged, thus how they affect fundamental rights protected by the ECHR and CFR should be an integral part of the training, which should provide guidelines about their lawful use to guarantee the fairness of the trial. This topic would be suitable for mixed audiences as well since civil judges must be aware of the rules for recourse to special investigative means in order to award compensation under Article 2, para 1, item 7 of the Liability of the State Act for wrong use of such means.
- ✓ In view of the introduction of e-justice, electronic evidence is gaining importance. Use of such evidence in civil and criminal proceedings should be considered in the context of the fundamental rights protected by the Convention and the Charter and integrated in the training on the introduction of new technologies in the area of justice. It is important for the civil administration of justice in particular to consider trainings clarifying new notions such as electronic address for notifications under the CPC, verification of service of documents, electronic record, electronic payment of fees, electronic signature and how to use it to verify valid procedural actions and to draft judicial acts electronically.
- ✓ Protection of fundamental rights under the ECHR and CFR is directly related to the adequacy of punishments imposed on persons held liable for the perpetration of crimes. This topic should be integrated in the specialized training so that judges acquire in-depth knowledge about the applicability of the Convention and EU law in determining the individual liability.
- ✓ Protection of personal data is a topic of significant importance for all magistrates, regardless of the specific area of law they practice in. It continues to be topical further due to the growing public interest in the protection of this fundamental rights following the entry into force of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation, GDPR). The Bulgarian legislation provides for different procedural means for the protection of natural persons' personal data. Therefore specialized trainings for judges reviewing such disputes is highly necessary. These need to focus on the content of the GDPR and on the case-law of the CJEU, which continues to be of relevance even though it has been formed prior to the entry into force of the General Regulation. Introducing from an academic perspective the acts of the Personal Data Protection Commission, their nature and judicial review of these acts would be beneficial for judges from administrative courts, and judges from district courts reviewing criminal and civil cases.
- ✓ The same approach of mixed trainings for judges from administrative courts and judges from district courts reviewing criminal and civil cases is suitable for trainings in the area of anti-discrimination with a focus on the work of the Commission for Protection against

Discrimination and on the disputes concerning the right to a defence under CPC and CrimPC so that uniform standards for protection against discrimination are established regardless of the path selected by the parties to exercise their rights.

- ✓ The express legal regulation of the liability for violations of EU law (including violations of the fundamental rights provided for in the CFR) is relatively new, which presupposes certain difficulties in the formation of the initial case-law on its application. Thus, it would be appropriate to conduct continuous trainings for judges from the administrative and civil courts to introduce them to the case-law of the Court of Justice of the European Union, Supreme Administrative Court and Supreme Court of Cassation, which is still relevant even after the express regulation of these legal relations. In addition, procedural issues which are expressly regulated and should not create any difficulties should also be included, together with suitable examples of effectively reviewing judicial disputes in this area.
- ✓ The protection of the right to property under Article 1 of Protocol No. 1 to the ECHR is growing in importance in a world full of crises and challenges. Thus, issues such as admissible intervention by the State in the peaceful enjoyment of property, conditions, applicable principles, State obligations, objectives and prerequisites for lawful State intervention need to be tackled.
- ✓ The right to privacy under Article 8 ECHR is extremely topical in the context of the notion of gender, the legal status of transsexual persons, change of data in civil status records, challenging acknowledgement of the child, fatherhood, discrimination of single mothers in their access to social benefits, execution of court orders concerning custody, and search and seizure. This requires not only to include the topic in the different training modules but also to update regularly the information presented therein.
- ✓ Effective means for the award of compensation in case of violations of fundamental rights under the State Liability Act and the Obligations and Contracts Act could also be defined as a priority topic for training of judges.
- ✓ Significantly, trainings on the scope of the obligation under Article 267(3) TFEU for courts and tribunals to make a reference for a preliminary ruling should continue. The issue is relevant for all judges, especially those who act as last instance. Trainings in this area should focus on the general notions regarding the criteria and formulation of the preliminary questions to the CJEU as well as on the exceptions to that obligation, taking into account the considerations of the Court in *judgment of 6 October 2021 in case C-561/19, Consorzio Italian Management, EU:C:2021:799*, which partially upgrades the Court's former considerations in *judgment of 29 February 1984 in case 77/83, CILFIT, ECLI:EU:C:1984:91*. The issue of the application of the Charter in practice remains unclear, and this also requires elaboration of training modules.

❖ Priority topics for prosecutors and investigating magistrates:

The selection of topics, similar to the ones for judges, builds on the basic level provided by the general training programmes. The focus here falls on the specific role of the prosecutor under Bulgarian law and on areas where from practical perspective the exercising of prosecutor's powers is problematic as regards ECHR and CFR standards. Thus, the following topics should be present in the training programmes for prosecutors:

- ✓ More detailed presentation of the pan-European norms and principles relevant to prosecutors and their role in guaranteeing the rule of law in a democratic society;
- ✓ Criminal liability in pre-trial proceedings and status of the suspected or accused person according to the ECHR and CFR standards and the Bulgarian CrimPC. Guaranteeing the rights of suspected persons at the earliest possible stage of their participation in criminal proceedings (Article 6 § 3 ECHR);
- ✓ Remand in custody and other supervision measures in pre-trial proceedings and guaranteeing the rights of the persons on whom they are imposed. Guaranteeing the right to life and prohibition of inhuman and degrading treatment of imprisoned persons (Articles 2, 3 and 5 ECHR);
- ✓ Effective investigation and compliance with the ECHR and CFR standards in performing investigative measures. Use of means for the collection and verification of evidence in line with the case-law of the ECtHR (Articles 2, 3, 6 and 8 ECHR);
- ✓ Use of special investigative means upon request of the prosecutor;
- ✓ Effective investigation and criminal prosecution of acts of police violence and criminal offences committed by law enforcement officials, including in prisons;
- ✓ Planning and conducting emergency and initial investigative measures and their coordination with police detention operations;
- ✓ Planning and conducting initial investigative measures involving sites and persons related to protected information (legal secrecy, notary records, journalists' sources of information);
- ✓ Reasonable time of criminal proceedings. Compliance with the case-law of the ECtHR as regards the start of criminal proceedings, reasonable time and factors contributing to excessive duration of the investigation;
- ✓ Right to defence and to legal aid. Specific problems of the pre-trial proceedings;
- ✓ Defence and procedural guarantees for victims of crime in criminal proceedings, including the right to compensation for damage;
- ✓ Procedural guarantees for the protection of the rights of vulnerable and minor persons suspected or accused, victims or witnesses in the framework of criminal proceedings;
- ✓ ECHR requirements as regards serving time in prison (this topic may be linked to remand in custody and the execution of supervision measures in criminal proceedings);
- ✓ Problems in the identification, qualification and investigation in pre-trial proceedings of hate crimes, crimes involving a discriminatory element and acts of domestic violence;
- ✓ Criminal law problems related to the freedom of expression (Article 10 ECHR) and criminal law protection against hate speech, slander, libel and defamation, and violation of

legally protected. Securing the exercise of the right to lodge a complaint or signal to bodies of criminal proceedings;

- ✓ Effective investigation and criminal prosecution of crimes against person's sexual integrity. Forced marriages (Article 177-178 of the Criminal Code) and the right to marry (Article 12 ECHR);
- ✓ Trafficking in human beings, abduction and sale of children.

2.2. Recommendations as regards the training methodology

Trainings in rule of law and fundamental rights protection that address the current training needs of the NIJ target groups is but only one of the prerequisites for effectiveness of the proposed training activities. Choice of appropriate methodology for presenting the study content is essential, too. Judicial training methodology should take into account the specificities of the administration of justice profession, including magistrates' and other justice professionals' considerable workload and preoccupation with court hearings and other professional engagements that substantially prevent them from participating in conventional training activities. Thus, the NIJ should step up efforts to build a supportive and well-resourced learning environment by providing Bulgarian magistrates and other justice professionals with *adequate and accessible* learning resources (for training, extracurricular activities and work) that will ensure opportunities for acquiring systemic in-depth knowledge and exchanging up-to-date information and experience in the area under consideration, while accounting for their current workload. The Working Group recommends in particular that practically oriented online accessible self-study resources be elaborated as an effective method for judicial training (including in the area under consideration); a working model for in-service judicial training be set up; flexible training formats be used based on the achievements in the area of the information and communication technology that ensure 24/7 access to study materials and opportunities for continuous professional debates; access be ensured to up-to-date and systemic information about the case-law of the ECtHR and CJEU; easily accessible digital library be set up with key word search engine etc.

The experience of the Norwegian National Courts Administration would be helpful here. Some of their training methods could be applied in the training in human rights in Bulgaria, including *ad hoc* training programmes and seminars for magistrates focusing on a specific priority topic related to EU law, rule of law or fundamental rights protection, in cooperation with specific bodies of the judiciary; use of podcasts and/or videos/films based on specific cases with educational purpose; organizing study visits for magistrates from different countries in the region on an exchange basis etc.

2.2.1. Recommendations as regards the training format

Technological progress allows for differentiation of the format of the trainings proposed by the NIJ. Parallel to the traditional face-to-face ones, trainings organized in hybrid or online modality are gaining popularity recently following the 2020 and 2021 years of pandemic when the advantages of the e-training methodology stood out significantly. At the same time classic forms of training preserve their advantages and should therefore remain an integral part of the NIJ training calendar in the mid- and longer-term.

❖ Face-to-face training

- ✓ International training programmes such as the EJTN and programmes of the CoE and other international organisations are important as they provide opportunities for exchange of information and networking. They also allow for international experts to take part in national trainings, hence they should be preserved as a training modality. Mutual acquaintance of magistrates from different Member States further facilitates international cooperation in various legal matters.
- ✓ Conducting effective face-to-face trainings is conditional on guaranteed access to timely prepared and translated sources of information – European acts, case-law of the ECtHR and CJEU, analyses and academic literature that serve as a basis for magistrates' preparation. The NIJ has built capacity to that end and it should be fully utilized.
- ✓ Other forms of providing information about ECHR and CFR law would continue to be of importance as they allow to put forward for discussion issues related to fundamental rights and rule of law. Therefore, the NIJ should continue its well established tradition to hold public lectures, meetings and discussions with judges (current and former ones) from the ECtHR and CJEU as well as other experts and organise online discussion fora.
- ✓ The tradition of convening conferences and round tables to discuss issues pertaining to the application of Convention and EU law by national law enforcement authorities, ECtHR and CJEU judgments in cases against Bulgaria and the mechanisms for overcoming the established violations should be preserved.

❖ Distance or hybrid (mixed) training modalities

- ✓ Hybrid or mixed training modality integrating online and face-to-face participation is appropriate for the second-level basic training in ECHR and CFR as well as for the specialized training in the application of the Convention and the Charter through the prism of national legislation. These trainings should start with an introductory face-to-face part formulating the training objectives and methods. A final face-to-face meeting is also recommended to assess the results achieved and receive feedback from the trainees.
- ✓ Judicial trainings on specific issues or such of limited scope could be conducted entirely electronically. These trainings are an integral part of the NIJ training calendar, e.g. use of special investigative means in the context of ECHR and EU law; electronic evidence and fundamental rights protected under the Convention and Charter law etc. The NIJ

significant experience in this area should be used to decide on the appropriate modality of the respective trainings.

2.2.2. Recommendations as regards trainings' target groups

The target group of every specific training should be determined according to the major topic and the scope of magistrates and/or representatives of other professional communities for whom it may be of interest. Depending on the identified training needs, pursued training objectives and the preferred methodology, judicial trainings may be organized for different target groups:

- ✓ Trainings for specific target groups, tailor-made to their procedural role/function and acknowledging the specificities of the work of the individual professional communities (judges, prosecutors, investigating magistrates etc.). The trainings mentioned in section 2.1.2 are a case in point;
- ✓ Trainings for mixed audiences organized on issues relevant to all magistrate communities (such as the one specified in section 2.1.1). This approach is particularly useful in forming sustainable understanding of the fundamental rights guarantees in the different types of proceedings since approaching problems from different viewpoints could give a better perspective of reaching a uniform understanding and uniform criteria for the application of the respective legal norms and thus for aligning the case-law. Mixed audiences allow to clearly speak out problems and reconsider the divergencies that appear in the work of the different bodies in the application of the standards set forth in the ECHR and CFR.
- ✓ Centralised trainings relevant to all professional communities should also be held (cf. section 2.1.1) as well as trainings designated for individual communities but nevertheless focusing on issues of national relevance.
- ✓ Regional trainings related to established problems in the case-law of individual judicial regions should be organized (e.g. where a series of judgments finding identical violations have been ruled). Such trainings may be held for mixed audiences (with the participation of representatives of different professional communities) or may be specialised for an individual professional community.
- ✓ Conferences, round tables, public lectures and discussions should be held involving magistrates from all professional communities as well as jointly with representatives of other professional occupations relevant to law enforcement or foreign experts.

2.3. Mechanism for upgrading and building on the established methodological framework

The NIJ training calendar should be in line with the dynamic developments in law enforcement and in particular the evolutive understanding of fundamental rights and their

protection as reflected in the ECtHR and CJEU case-law. Thus, building on the existing training programmes should be based on:

- A comparative review of good European practices for training in human rights and rule of law

To that end the following in particular need to be taken into account:

- ✓ The guiding principles and recommendations relevant to judicial training in the area under consideration as set forth in strategic acts of the European Union and the Council of Europe, including their respective consultative bodies;
 - ✓ Curricula of the European Judicial Training Network;
 - ✓ Curricula of the schools for training of magistrates in the Member States;
 - ✓ Curricula of training in human rights for practicing lawyers of the Council of Europe and ECtHR;
 - ✓ Other international programmes for training in human rights and rule of law.
- Studying the experience in human rights training of partner organisations in the framework of bilateral exchange programmes (e.g. joint participation in the implementation of projects, exchange visits of magistrates etc.)
 - Feedback from participants in trainings of a particular modality.

The analysis of the feedback received from trainees provides useful information about the focal points a training should address, its modality, suggestions for other topics, training formats and audiences to be included in new programmes on relevant issues.

- Conducting regular consultation by questionnaires, surveys etc. among magistrates and representatives of other professional communities as regards the current problems in practice (national and international), training needs and suggestions for specific training topics, audiences and formats.
- Organise on a regular basis debates with representatives of the professional community to discuss the latest judgments of the ECtHR and CJEU in cases concerning Bulgaria. This will allow different viewpoints to be expressed, thus enhancing the development of national case-law on the contested issues.
- In addition to debates, panel discussions are another interactive method for training the target groups – work in smaller groups, each discussing a specific case, where the solution is the sum of the conclusions and findings of the smaller groups. This approach could be appropriate for discussing examples of direct references to ECHR or EU law due to gaps in national law where the court is seized with a request to grant protection of a specific right.
- The NIJ should assign analyses of ECtHR and CJEU judgments against Bulgaria to prominent specialists in the respective fields to inform the professional community.

- The NIJ should consider compiling file records of all ECtHR and CJEU judgments against Bulgaria, organized according to an appropriate criterion in the planned shared learning spaces.

MEMBERS OF THE WORKING GROUP

ACTIVITY No. 1:

(signature)

Galina Toneva, chairperson of Second Criminal Division in the Supreme Court of Cassation,

(signature)

Iliana Papazova-Markova, judge in the Supreme Court of Cassation,

(signature)

Donka Gencheva-Chakarova, judge in the Supreme Administrative Court,

(signature)

Bozhidar Dzhambazov, prosecutor in the Supreme Prosecution Office of Cassation,

(signature)

Sava Petrov, prosecutor in the Supreme Prosecution Office of Cassation,

(signature)

Milena Kotseva, director of MoJ Litigation before the ECtHR Directorate,

(signature)

Maria Dimitrova, government agent in MoJ Litigation before the ECtHR Directorate,

(signature)

Zlatka Stefanova, attorney-at-law in the Sofia Bar,

(signature)

Konelia Kirilova, Programme Manager in NIJ and coordinator of the Working Group

PROGRAMME

MANDATORY INITIAL TRAINING FOR CANDIDATES FOR JUNIOR JUDGES AT THE NIJ

I. Training in civil law and procedure

Thematic distribution of training content (topics and number of tuition hours)

Topic	Title	No. of tuition hours
<p><i>Section I</i></p> <p>CIVIL PROCEDURE</p>		
Topic 1	Bringing an action. Progress of the application. Admissibility and regularity check. Types of actions.	5 hrs.
Topic 2	Sum in dispute. Exclusive and geographical jurisdiction. Jurisdiction disputes. Stamp duties. Registration of the application.	2,5 hrs.
Topic 3	Court registry. Administration and processing of cases на текущ доклад	2,5 hrs.
Topic 4	Subpoenas and communications.	2,5 hrs.
Topic 5	Legal representation and legal aid.	2,5 hrs.
Topic 6	Preparing and scheduling the first court hearing.	5 hrs.



Topic 7	First court hearing	10 hrs.
Topic 8	Record. Time limits. Extension and resumption of time limits. Court settlement. Amending and repealing rulings by the court that has issued them.	5 hrs.
Topic 9	Deviations from the regular development of the adversary proceedings	25 hrs.
Topic 10	Proof and means of proof.	25 hrs.
Topic 11	Issuing a judicial act. Judgment. Judgment acknowledging the action. Examination of the case by the court panel.	20 hrs.
Topic 12	Interim measures.	5 hrs.
Topic 13	Appeal proceedings and complaint. Response and cross-appeal.	15 hrs.
Topic 14	Order for payment procedure.	15 hrs.
Topic 15	Challenging the actions of the bailiff.	5 hrs.
Section II CIVIL LAW		
Training module “Property law”		
Topic 16	Possession. Possessory actions.	10 hrs.
Topic 17	Land development plans. Cadastral parcel and cadastral map. Action under Article 53, para 2 of the Cadastre and Land Register Act.	5 hrs.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Topic 18	Means for purchase of real property and other rights in rem over real estates. Restitution.	10 hrs.
Topic 19	Protection of property.	5 hrs.
Topic 20	Condominium. Housing and building cooperative.	5 hrs.
Trading module „Labour law”		
Topic 21	Labour rights.	15 hrs.
Trading module „Contract law”		
Topic 22	Invalid transactions. Actions seeking to declare contracts null and void	5 hrs.
Topic 23	Action seeking to declare a preliminary contract a definitive one	5 hrs.
Topic 24	Actions under Articles 134 and 135 of the Obligations and Contracts Act	5 hrs.
Topic 25	Actions seeking rescission of a contract for maintenance and care	5 hrs.
Topic 26	Action seeking repeal of donation.	2,5 hrs.
Topic 27	Effects of breach of contract. Objections for unimplemented contract. Lien.	5 hrs.
Topic 28	Tort.	5 hrs.
Topic 29	Actions in case of failure to perform a works contract.	5 hrs.
Topic 30	Unjust enrichment. Acts performed without due authority.	5 hrs.
Topic 31	Actions under the State Liability Act.	2,5 hrs.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Norway
grants



Trading module „Company law”

NATIONAL INSTITUTE
OF JUSTICE

Topic 32	Company law. Types of commercial transactions. Conclusion, performance and non-performance of commercial transactions. Bill of exchange. Promissory note. Insurance. Bank loans. Consumer protection. Leasing.	20 hrs.
Trading module „Family law and other special proceedings ”		
Topic 33	Matrimonial proceedings. Types of matrimonial proceedings.	10 hrs.
Topic 34	Proceedings under the Child Protection Act.	2,5 hrs.
Topic 35	Proceedings for imposing protection measures against domestic violence	2,5 hrs.
Trading module „Juridical partition”		
Topic 36	Juridical partition.	20 hrs.
Section III		
GENERAL COURSES		
Topic 1	Forensic expert opinions	6 hrs.
Topic 2	Other types of expert opinions. Tasks of the Research Institute of Forensic Science and Criminology with the Ministry of Interior. Ballistic expert opinions. Trace evidence.	6 hrs.
Topic 3	Forensic psychiatric and psychological expert opinions – Part I and Part II	12 hrs.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Topic 4	Hearing minors. Methodology for interviewing minors.	3 hrs.
Topic 5	Ethical challenges in the work of the judge, prosecutor and investigating magistrate – distance learning and face-to-face lecture	6 hrs. face-to-face meeting
Topic 6	European Union Law – distance learning and face-to-face meeting	3-week distance course 6 hrs. face-to-face meeting
Topic 7	Protection of classified information and personal data protection	3 hrs.
Topic 8	Working with texts in accordance with modern grammar rules – distance learning and face-to-face meeting	3 hrs. face-to-face meeting

II. Training in criminal law and procedure

Thematic distribution of the training content (topics and number of tuition hours)

Topic	Title	No. of tuition hours
<p><i>Section I</i></p> <p>CRIMINAL PROCEDURE</p> <p>MODULE 1</p>		

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Norway		
GENERAL		
Topic 1	Types and registry of criminal cases	10 hrs.
Topic 2	ECHR and ECtHR case-law as a source for the application of the CrimPC	10 hrs.
MODULE 2		
<i>„Pre-trial proceedings. Judicial review in the pre-trial proceedings”</i>		
Topic 3	Pre-trial proceedings	10 hrs.
Topic 4	Judicial review of the legality of supervision measures. <i>Judicial acts – types, structure and content. Appellate proceedings.</i>	30 hrs.
Topic 5	Judicial review in case of interference with fundamental human rights in the course of collecting and verifying evidence. <i>Judicial acts – types, structure and content</i>	5 hrs.
Topic 6	Judicial review as regards termination and suspension of criminal proceedings by the prosecutor under Articles 243 and 244 CrimPC. <i>Judicial acts – types, structure and content. Appellate proceedings.</i>	5 hrs.
INTERNSHIP WITH DUTY JUDGE AT DISTRICT COURT – 1 WEEK		
MODULE 3		
<i>Ordinary judicial proceedings</i>		
Topic 7	Court. Types of judicial acts. Judicial proceedings – general rules, principles and parties	15 hrs.
Topic 8	Submission to court and preparatory actions for review of the case in court. Pre-trial	20 hrs.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Norway	hearing	
Topic 9	Judicial hearing – proceed with a case. Judicial inquiry	20 hrs.
Topic 10	Special investigative means	5 hrs.
Topic 11	Requalification of the indictment. Procedural actions of the parties and the court in case of requalification of the indictment. Grounds for terminating judicial proceedings. Grounds for terminating and suspending criminal proceedings.	5 hrs.
Topic 12	Oral statements of the parties and last word of the defendant. Grounds for reopening judicial inquiry	2,5 hrs.
Topic 13	Judicial record. Drawing up judicial records and essential elements. Correction of the judicial record.	2,5 hrs.
Topic 14	Proceedings under Article 270 and Article 68, para 7 CrimPC	5 hrs.
Topic 15	Ne bis in idem	5 hrs.
Topic 16	Conviction. Structure and content of the conviction. Types of convictions	12,5 hrs.
Topic 17	Proceedings under Article 306, para 1, items 2, 3 and 4 CrimPC	2,5 hrs.
<p style="text-align: center;">MODULE 4</p> <p style="text-align: center;">„Special rules – Part V CrimPC. Other proceedings falling within the competence of the district court</p>		
Topic 18	<i>Expedited proceedings. Accelerating criminal proceedings. Special rules for reviewing cases concerning criminal offences committed by persons non-proficient in the Bulgarian language.</i>	5 hrs.



Topic 19	Expedited procedure in first-instance proceedings. Plea-bargaining.	10 hrs.
Topic 20	Exemption from criminal responsibility and imposing administrative sanctions. Special rules for reviewing cases concerning criminal offences committed by minors.	5 hrs.
Topic 21	Proceedings under the Healthcare Act and Article 89 of the Criminal Code.	5 hrs.
Topic 22	Proceedings under the Juvenile Delinquency Act, the Decree for Combatting Petty Hooliganism and the Protection of Public Order during Sporting Events Act. Proceedings under Administrative Violations and Sanctions Act.	10 hrs.
INTERNSHIP IN DISTRICT COURT – 1 WEEK		
MODULE 5 Appellate proceedings		
Topic 23	Appellate proceedings under Chapter XXI CrimPC.	15 hrs.
Topic 24	Appellate proceedings under Chapter XXII CrimPC.	5 hrs.
MODULE 6 International cooperation in criminal matters. Proceedings under subsidiary application of the CrimPC		
Topic 25	Extradition. European arrest warrant.	5 hrs.
Topic 26	European investigation order. Proceedings for recognition, enforcement and dispatch of confiscation or forfeiture decisions and decisions for imposing financial sanctions. Proceedings for recognition, enforcement and dispatch of judicial decisions and	5 hrs.



Norway grants	<i>probation decisions with a view to supervision of probation measures and alternative sanctions. European protection order.</i>	
Topic 27	Transfer of sentenced persons. Recognition and enforcement of foreign court sentences. Transfer of criminal proceedings	5 hrs.
Topic 28	<i>Decisions where the court acts with subsidiary jurisdiction. Parallel criminal proceedings. Requests for preliminary rulings in criminal matters.</i>	5 hrs.
INTERNSHIP IN DISTRICT COURT – 1 WEEK		
<p style="text-align: center;">Section II</p> <p style="text-align: center;">CRIMINAL LAW</p> <p style="text-align: center;">MODULE 7 „Основни институти на наказателното право”</p>		
Topic 29	Criminal offence. Basic elements of the criminal offence. Stages of the crime.	5 hrs.
Topic 30	Complex crimes – accomplices, aggregate form of criminal activity. Second offence. Proceedings for imposing one total punishment under the terms and procedure of Articles 23 and 25 of the Criminal Code	5 hrs.
Topic 31	Criminal liability – determining penalties. Statutory time limitations. Amnesty. Rehabilitation and judicial rehabilitation proceedings.	5 hrs.
MODULE 8 Some types of criminal offences		

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Topic 32	Crimes against the person – homicides.	5 hrs.
Topic 33	Crimes against the person – bodily injuries	5 hrs.
Topic 34	Crimes against the person – crimes against the sexual integrity. <i>Trafficking in human beings.</i>	5 hrs.
Topic 35	Crimes against the person – libel and defamation.	5 hrs.
Topic 36	Crimes against property – theft, robbery, misappropriation	5 hrs.
Topic 37	Crimes against property – material concealment, destruction and damage to property, fraud, extortion, breach of trust	5 hrs.
Topic 38	Forgery of documents.	5 hrs.
Topic 39	Public order offences, breach of public peace – unwarranted exercise of rights, hooliganism.	5 hrs.
Topic 40	Transport offences.	5 hrs.
<p style="text-align: center;">Section III</p> <p style="text-align: center;">GENERAL COURSES</p>		
Topic 1	Forensic expert opinions	6 hrs.
Topic 2	Other types of expert opinions. Tasks of the Research Institute of Forensic Science and Criminology with the Ministry of Interior. Ballistic expert opinions. Trace evidence.	6 hrs.
Topic 3	Forensic psychiatric and psychological expert opinions – Part I and Part II	12 hrs.
Topic 4	Hearing minors. Methodology for interviewing minors.	3 hrs.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Topic 5 Norway grants	Ethical challenges in the work of the judge, prosecutor and investigating magistrate – distance learning and face-to-face lecture	6 hrs. face-to-face meeting
Topic 6	European Union Law – distance learning and face-to-face meeting	3-week distance course 6 hrs. face-to-face meeting
Topic 7	Protection of classified information and personal data protection	3 hrs.
Topic 8	Working with texts in accordance with modern grammar rules – distance learning and face-to-face meeting	3 hrs. face-to-face meeting

Annex No. 1b

P R O G R A M M E

MANDATORY INITIAL TRAINING FOR CANDIDATES FOR JUNIOR PROSECUTORS AT THE NIJ

Thematic distribution of training content (topics and number of tuition hours)

Topic	Title	No. of tuition hours

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Norway
grants

Section I



The prosecutor at the pre-trial stage of criminal proceedings

NATIONAL INSTITUTE
OF JUSTICE

Topic 1	<p>Preliminary actions</p> <p>1.1. Initiation and progress of prosecution case-files. Competence to review case-files</p> <p>1.2. Gathering sufficient information to initiate pre-trial proceedings</p>	6 hrs.
Topic 2	Work with the Unified Information System	3 hrs.
Topic 3	<i>Information systems in the judiciary – UISCC. Technological system of interaction with the institutions. Query regime. Becoming familiar with a forum</i>	3 hrs.
Topic 4	Refusal to initiate pre-trial proceedings – ruling, <i>ex officio</i> review, appeal and consequences	6 hrs.
Topic 5	<p>Initiation of pre-trial proceedings</p> <p>5.1. Initiation of pre-trial proceedings based on the general procedure with an order of the prosecutor. Launch of investigation in urgent cases.</p> <p>5.2. Launch of fast-track proceedings. Initiation of criminal proceedings by the prosecutor for crime of private nature.</p>	6 hrs.
Topic 6	The concept of “supervising prosecutor”. Grounds and procedure for recusal of the supervising prosecutor	2 hrs.
Topic 7	Timeliness of investigation	2 hrs.
Topic 8	Methods and means for prosecution supervision over the investigation: reporting cases to the supervising prosecutor; researching cases; formulating written instructions, etc.	4 hrs.



Norway grants Topic 9	Victim. <i>Legal entity which suffered damages. Status and rights at the pre-trial proceedings</i>	3 hrs.
	9.1. Victim. Status and rights at the pre-trial proceedings 9.2. <i>Legal entity which suffered damages. Status and rights at the pre-trial proceedings</i>	
Topic 10	The accused person at the pre-trial proceedings	3 hrs.
Topic 11	Defence at the pre-trial proceedings	3 hrs.
Topic 12	Status of a witness. Means of protection	3 hrs.
Topic 13	Subject matter and burden of proof	1 hr.
Topic 14	Evidence and evidentiary means	1 hr.
Topic 15	Legal regime of exhibits	2 hrs.
Topic 16	Means of proof – questioning, confrontation. Tactics of questioning and confrontation	6 hrs.
Topic 17	Means of proof – inspection and certification; judicial review	6 hrs.
Topic 18	Means of proof – search and seizure; judicial review	6 hrs.
Topic 19	Means of proof – identification, investigative experiment. <i>Procedural rules to assign expert examinations</i>	6 hrs.
Topic 20	Means of proof – special surveillance means	4 hrs.
Topic 21	Investigative actions taken personally by the prosecutor	3 hrs.
Topic 22	Coordination of the prosecutor with operational search authorities	1 hr.
Topic 23	Actions to summon people, service of writs of summons, notices and papers in the course	1 hr.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Norway	of investigation	
Topic 24	Change in competence in the course of investigation	2 hrs.
Topic 25	Methodological assistance in the course of investigation by superior prosecution offices. Exercise of special supervision	5 hrs.
Topic 26	Joining and splitting pre-trial proceedings	6 hrs.
Topic 27	Specifics in the investigation of crimes committed by minors	6 hrs.
Topic 28	International cooperation at the pre-trial stage – sending and executing requests for legal aid under the European Convention on Mutual Assistance in Criminal Matters of 1959 and under the Convention under Article 34 TEU (Convention 2000)	4 hrs.
Topic 29	International cooperation at the pre-trial stage – transfer of criminal proceedings	2 hrs.
Topic 30	International cooperation at the pre-trial stage – issuance of a European Arrest Warrant	2 hrs.
Topic 31	Status and functions of Europol, the European Judicial Network, Eurojust and the European Anti-Fraud Office	4 hrs.
Topic 32	<i>Procedure for video conferencing</i>	<i>4 hrs.</i>
Topic 33	Procedural actions for criminal prosecution of the accused person	1 hr.
Topic 34	Constituting a person as an accused person. ECtHR case-law	2 hrs.
Topic 35	Serving the act to constitute an accused person	1 hr.
Topic 36	Amendments to the charges in the course of investigation	4 hrs.
Topic 37	Criminal prosecution <i>in absentia</i>	4 hrs.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Topic 38	Remand measures – signature and bail	2 hrs.
Topic 39	Remand measures – house arrest and detention in custody	6 hrs.
Topic 40	Other measures of procedural coercion	6 hrs.
Topic 41	Completion of investigation	1 hr.
Topic 42	Actions of the prosecutor after the completion of the investigation – tactics of researching a case. Rules of assess evidentiary materials	3 hrs.
Topic 43	Material procedural violations <i>43.1. Material procedural violations related to the rights of subjects in the process</i> <i>43.2. Material procedural violations related to actions of investigation</i>	8 hrs.
Topic 44	Resolving a case with an indictment: prerequisite to draw up one, form and content; material violations made in the drawing up of indictments	16 hrs.
Topic 45	Resolving a case with a proposal under Article 78a of the Criminal Code and application of Article 218b PC	10 hrs.
Topic 46	Concluding a settlement to resolve a case at the pre-trial stage	6 hrs.
Topic 47	Terminating criminal proceedings <i>47.1. Terminating criminal proceedings under Article 243, para 1 CrimPC</i> <i>47.2. Terminating criminal proceedings under Article 243, para 3 CrimPC</i> <i>47.3. Judicial review of the order of the prosecutor to terminate criminal proceedings. Ex officio review of the order of the prosecutor to terminate criminal proceedings</i>	14 hrs.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Topic 48	Suspending criminal proceedings	3 hrs.
Topic 49	Reopening criminal cases	3 hrs.
<p style="text-align: center;">Section II</p> <p style="text-align: center;"><i>The trial stage of criminal proceedings and the function of the prosecutor: proceedings under the general rules and proceedings under special rules. Special proceedings</i></p>		
Topic 50	Preparation for a court hearing	3 hrs.
Topic 51	Procedural actions of the prosecutor until the trial is allowed to proceed. <i>Organisational hearing</i>	6 hrs.
Topic 52	<i>Civil claim in criminal proceedings</i>	3 hrs.
Topic 53	<p>Actions of the prosecutor during the court trial</p> <p>53.1. <i>Actions of the prosecutor in relation to questioning the defendant and the questionings of the witnesses</i></p> <p>53.2. <i>Actions of the prosecutor in relation to assigning, hearing and admitting expert examinations, serving exhibits and other judicial investigative actions</i></p>	12 hrs.
Topic 54	Amending the charges in a court hearing	4 hrs.
Topic 55	Specifics of procedural actions during fast-track trials	4 hrs.
Topic 56	Concluding a settlement in a court hearing	6 hrs.
Topic 57	Prosecutor's plea	16 hrs.
Topic 58	Prosecution appeals against first-instance convictions. The concept of "relevant	6 hrs.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Norway	prosecution appeal”	
Topic 59	Prosecution appeals against other first-instance judicial acts	4 hrs.
Topic 60	Initiating and taking part in proceedings under Article 306 CrimPC	6 hrs.
Topic 61	<i>Accelerating criminal proceedings</i>	3 hrs.
Topic 62	Appeal proceedings	2 hrs.
Topic 63	Cassation proceedings	1 hr.
Topic 64	Reopening criminal cases	3 hrs.
Topic 65	Actions related to executing effective judicial acts. Issuance of a EAW with respect to convicted persons. Postponing execution	6 hrs.
Topic 66	Cumulating and grouping penalties. Deducting the preliminary detention by means of an order of a prosecutor	6 hrs.
Topic 67	Proceedings in relation to the execution of punishments – pre-term release, substitution of a punishment, suspension of execution	2 hrs.
Topic 68	Applying coercive medial measures – substantive prerequisites and procedure	3 hrs.
Section III		
Other powers of the prosecutor		
Topic 69	Mandatory treatment under the Health Act	6 hrs.
Topic 70	Supervision over the execution of punishments and the work of penitentiary bodies	2 hrs.



Norway grants Topic 71	Participation of the prosecutor in judicial proceedings with grounds under the Liability of the State Act, the Administrative Violations and Sanctions Act, the Child Protection Act, the Protection against Domestic Violence Act, the Family Code	12 hrs.
Topic 72	General powers of the prosecution office outside criminal proceedings	8 hrs.
<p style="text-align: center;">Section IV</p> <p style="text-align: center;">Substantive matters</p>		
Topic 73	Guilt, public danger and circumstances excluding them	6 hrs.
Topic 74	<i>Statute of limitation</i>	4 hrs.
Topic 75	<i>Rehabilitation</i>	4 hrs.
Topic 76	Criminal activities of multiple persons	4 hrs.
Topic 77	<i>Stages of criminal activities – preparation and attempt</i>	2 hrs.
Topic 78	<i>Continuing crime</i>	4 hrs.
Topic 79	Multiple crimes 79.1. Aggregation 79.2. Recidivism	6 hrs.
Topic 80	Setting punishments under Articles 54-58a of the Criminal Code. <i>Mitigating and aggravating circumstances</i>	4 hrs.
Topic 81	Application of the legal concepts under Articles 66-69a of the Criminal Code (conditional sentencing), Articles 70-73 of the Criminal Code (release on probation)	4 hrs.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Topic 83	Bodily injury. <i>Crimes under Article 144, para 3 and Article 127 of the Criminal Code.</i>	12 hrs.
Topic 83	The crime under Article 183 of the Criminal Code – <i>peculiarities from a substantive aspect and a procedural aspect</i>	6 hrs.
Topic 84	Crimes against gender integrity. <i>Comparison and distinction from the crime under Article 191 of the Criminal Code</i>	6 hrs.
Topic 85	Crimes against the citizens' political rights	6 hrs.
Topic 86	Crimes against property – <i>theft and robbery</i>	6 hrs.
Topic 87	Crimes against property – <i>embezzlement while in office and misappropriation</i>	6 hrs.
Topic 88	<i>Crimes against property – destruction and damage and concealment</i>	6 hrs.
Topic 89	Crimes against property – fraud <i>89.1. Ordinary fraud</i> <i>89.2. Documentary fraud</i>	12 hrs.
Topic 90	Crimes against the excise regime	6 hrs.
Topic 91	Crimes against justice <i>91.1. Incrimination and perjury</i> <i>91.2. Other crimes against justice – crimes while in office against justice, personal concealment, prison break, etc.</i>	10 hrs.
Topic 92	Documentary crimes <i>92.1. Documentary crimes under Articles 308-310 of the Criminal Code</i>	12 hrs.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Norway	<i>92.2. Documentary crimes under Articles 311-319 of the Criminal Code</i>	
Topic 93	Arbitrary actions	4 hrs.
Topic 94	Hooliganism	6 hrs.
Topic 95	<i>Crimes against governance order</i>	6 hrs.
Topic 96	<i>Crimes under Article 324 and Article 326</i>	6 hrs.
Topic 97	Crimes against transport <i>97.1. Crimes under Articles 343-343a of the Criminal Code. Application of Article 348b of the Criminal Code</i> <i>97.2. Unauthorised taking of a vehicle for use</i> <i>97.3. Other crimes against transport – Article 343b of the Criminal Code</i> <i>97.4. Other crimes against transport – Article 343c of the Criminal Code</i> <i>97.5. Other crimes against transport – Article 344 – Article 345 of the Criminal Code</i>	26 hrs.
Topic 98	Crimes with the object of narcotic substances	6 hrs.
Topic 99	Crimes committed in a way posing general danger and with means posing general danger	4 hrs.
Topic 100	<i>Crimes against sport</i>	3 hrs.
Topic 101	Crimes against the forestry estate (Article 235 and Article 236 of the Criminal Code)	6 hrs.
Topic 102	Untypical computer crimes	6 hrs.



Norway
grants

Section V

General courses



NATIONAL INSTITUTE
OF JUSTICE

Topic 1	Constitutional foundation of the judiciary	3 hrs.
Topic 2	<i>Administrative criminal law (Administrative Violations and Sanctions Act)</i>	6 hrs.
Topic 3	Image of the magistrate. The judiciary and the media	4 hrs.
Topic 4	Ethical challenges in the work of the judge, prosecutor and investigating magistrate – distance learning and face-to-face lecture	6 hrs. face-to-face lecture
Topic 5	<i>Communication skills of prosecutors</i>	3 hrs.
Topic 6	Forensic psychiatric expert opinions	5 hrs.
Topic 7	Forensic psychological expert opinions	5 hrs.
Topic 8	Forensic medical expert opinions	5 hrs.
Topic 9	<i>Autotechnical and complex forensic medical and autotechnical expert opinions</i>	5 hrs.
Topic 10	Ballistic and traceological expert opinions	4 hrs.
Topic 11	Chemical expert opinions	2 hrs.
Topic 12	European Union law – distance learning	Distance training – 3 weeks; 6 hrs. face-to-face meeting
Topic 13	ECHR – effective investigation in the ECtHR case-law	4 hrs.
Topic 14	Protection of classified information and personal data protection	6 hrs.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Topic 15	Judicial rhetoric	3 hrs.
Topic 16	Working with texts in accordance with modern grammar rules – distance learning and a face-to-face meeting	3 hrs. face-to-face lecture

Annex No. 1c

PROGRAMME

MANDATORY INITIAL TRAINING FOR CANDIDATES FOR JUNIOR INVESTIGATING MAGISTRATES AT THE NIJ

Thematic distribution of training content (topics and number of tuition hours)

Topic	Title	No. of tuition hours
<p><i>Section I</i></p> <p><i>Structure, status and functions of the prosecution as a judicial authority (9 hrs.)</i></p>		

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Norway grants Topic 1	Status of the prosecution under the Constitution of the Republic of Bulgaria and the JSA. Relations among individual prosecution units. Hierarchy and subordination in the prosecution institution	3 hrs.
Topic 2	Work with the Unified Information System	3 hrs.
Topic 3	Information systems in the judiciary – UISCC. Technological system of interaction with the institutions. Query regime. Becoming familiar with a forum	3 hrs.
<p style="text-align: center;">Section II</p> <p style="text-align: center;">Criminalistics (19 hrs.)</p>		
Topic 4	Main concepts of criminalistics. Criteria to distinguish the mechanism of crime. Version. Crime scene	10 hrs. /5+5/
Topic 5	Criminalistic expert opinions: Forensic dactyloscopic expert opinion; Forensic expert opinion on prints of a foot and a shoe; Forensic expert opinion on teeth marks; Forensic expert opinions on traces of breaking and entering (marks of tools and items); (Traceological); Forensic expert opinion on locking devices. (Traceological); Forensic expert opinion on means of transport. (Traceological); Forensic expert opinion on identifying a whole based on its parts; Forensic ballistic expert opinion; Forensic expert opinion on handwriting; Forensic expert opinion on a technical examination of a document; Forensic expert opinion on written speech (expert opinion on authorship); Criminalistic video analysis; Forensic expert opinion to identify a person based on physical characteristics reflected in a photograph. (expert opinion on facial identification); Forensic odorological expert opinion; An expert opinion on a situation (reconstruction); Forensic ballistic expert opinion	9 hrs. /3+6/



Norway
grants



NATIONAL INSTITUTE
OF JUSTICE

Section III

Substantive matters (9 hrs.)

Topic 6	Guilt, public danger and circumstances excluding them	3 hrs.
Topic 7	Criminal activities of multiple persons	3 hrs.
Topic 8	Aggravated criminal activities – continuing and continued crime, multiple crimes	3 hrs.

Section IV

Criminal procedure law (107)

Topic 9	Procedural prerequisites to launch an investigation. Content of the concept of “sufficient information”. Initiation of pre-trial proceedings by a prosecutor. Status of the supervising prosecutor	3 hrs.
Topic 10	Timeliness of investigation. Evidence gathered outside the term of investigation. Case-law under Article 234, para 7 CrimPC	3 hrs.
Topic 11	Actions under Article 212, para 2 CrimPC. Notifying the prosecutor	5 hrs. /3+2/
Topic 12	Measures of procedural coercion. Operational independence of the investigating authority	5 hrs. /3+2/
Topic 13	Determining the subject matter of investigation and planning. Building versions	6 hrs. /3+3/
Topic 14	Evidence and evidentiary means	4 hrs. /2+2/
Topic 15	Status of a witness. Questioning of a witness by a pre-trial authority. Questioning of a witness before a judge. Questioning of a witness with a secret identity. Questioning of a	6 hrs. /3+3/

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Norway	witness with an interpreter or a sign-language interpreter	
grants		
Topic 16	Victims in criminal proceedings. Drawing up a protocol to notify a crime victim pursuant to Article 6, para 1 of the Support and Financial Compensation to Crime Victims Act. Service of a crime victim right forms	6 hrs. /3+3/
Topic 17	Means of proof: Questioning and confrontation, recognising persons and items	6 hrs. /3+3/
Topic 18	Means of proof: Inspection and certification	6 hrs. /3+3/
Topic 19	Means of proof: Search and seizure	6 hrs. /3+3/
Topic 20	Means of proof: Investigative experiment	6 hrs. /3+3/
Topic 21	Additional actions of investigation: assigning individual actions of investigation pursuant to Article 108 CrimPC. Assistance from other authorities under Article 218 CrimPC. Drawing up applications under Article 159 CrimPC and Article 215 JSA. Rules of correspondence	8 hrs. /3+5/
Topic 22	Accused persons in pre-trial proceedings. Summoning and defence. Constituting one as an accused person. Report under Article 219 CrimPC. Serving the order to constitute an accused person. Remand measures and other measures of procedural coercion	10 hrs. /6+4/
Topic 23	Notice pursuant to the Ordinance on the Procedure for the Performance and Recording of Police Registration. Obligation to notify under Article 60, para 3 CrimPC	3 hrs.
Topic 24	Proceedings <i>in absentia</i> . Appointment of <i>ex officio</i> defence	3 hrs.
Topic 25	Service of investigation. Scope of persons for summoning. Report under Article 226, para 1 CrimPC.	3 hrs. /2+1/
Topic 26	Completing the investigation. Material procedural violations	3 hrs.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Norway grants Topic 27	Suspending criminal proceedings under Article 25 CrimPC. Actions initiated pre-trial proceedings when for the same act, which is a crime, there are completed administrative criminal proceedings	3 hrs.
Topic 28	Work with classified information	3 hrs.
Topic 29	Special rules for investigations in pre-trial proceedings for crimes committed by minors. Questioning witnesses who are minors or underage persons. Rights of the child in the Bulgarian criminal procedure. International acts on the protection of the rights of the child	9 hrs. /6+3/
<p style="text-align: center;"><i>Section V</i></p> <p style="text-align: center;"><i>Forensic expert opinions (18 hrs.)</i></p>		
Topic 30	Legal provision for the assignment and performance of forensic expert examinations. Specifics. Assigning an expert examination. Expert witnesses and remuneration. Act to assign an expert examination. Performance of an expert examination. Expert opinion. Assessment of the expert opinion. Additional and repeated expert opinion.	3 hrs.
Topic 31	Forensic financial and economic expert opinions: Forensic accounting expert opinion. Forensic financial and economic expert opinion. Forensic commodity expert opinion	3 hrs.
Topic 32	Forensic technical expert opinions: General forensic technical expert opinion; Forensic autotechnical expert opinion; Expert opinion in the event of aviation accidents; Forensic technical expert opinion in the event of shipping accidents; Technical expert opinion in the course of investigation of crime related to railway transport; Forensic fire and technical expert opinion; Forensic construction technical expert opinion; Forensic explosives and technical expert opinion; Forensic phototechnical expert opinion; Forensic computer technical expert opinion; Forensic expert opinion on mobile devices	3 hrs.

Norway grants Topic 33	Forensic biological, botanical and zoological expert opinions: Forensic botanical expert opinion; Forensic biological expert opinion of soil; Forensic zoological expert opinion; Expert opinion on insect larvae and eggs.	3 hrs.
Topic 34	Forensic expert opinions on materials and substances: Forensic chemical expert opinion of narcotic substances; Forensic chemical expert opinion on metals and metal items; Forensic chemical expert opinion on petroleum products and lubricants; Forensic chemical expert opinion on paints and varnishes; Forensic chemical expert opinion on medicines and medicinal products; Forensic chemical expert opinion on polymer materials.	3 hrs.
Topic 35	Forensic agricultural expert opinions: Forensic environmental expert opinion; Forensic agrotechnical expert opinion; Forensic veterinary and medical expert opinion. Other forensic expert opinions: Art expert opinion; Linguistic expert opinion; Expert opinions in investigations of floods.	3 hrs.
	Section VI International cooperation in criminal matters (25 hrs.)	
Topic 36	Application scope for the provision of international legal assistance. Forms of international legal assistance. Comparative analysis of the forms of legal assistance.	4 hrs.
Topic 37	International acts providing for legal assistance in criminal matters.	5 hrs.
Topic 38	International legal assistance via sending/executing requests for legal assistance. Legal instrument. Scope of legal assistance. Sending materials containing classified information. European Investigation Order Act.	6 hrs.
Topic 39	Joint investigation teams. Legal instruments for the application of the principle of mutual recognition of judicial acts. Legal assistance in accordance with bilateral treaties for mutual assistance in criminal matters.	6 hrs.



Norway grants	Status and functions of Europol, Eurojust, the European Judicial Network, the European Anti-Fraud Office. Status and functions of the European Public Prosecutor's Office.	4 hrs.
	Section VII <i>Legal and practical aspects of the protection of human rights (20 hrs./15+5)</i>	
Topic 41	Significance of the case-law of the European Court of Human Rights as a source of law with specific impact on the procedural regulations and tactical organisation of the activities related to investigating crime. European standards for the activities of investigation.	5 hrs.
Topic 42	European standard for effective investigation. Systematising the requirements of the European Court of Human Rights applied in the assessment of investigations carried out by the State in criminal cases.	5 hrs.
Topic 43	Impact of the case-law of the European Court of Human Rights on the main matters resolved at the initial state of investigation (initiation of pre-trial proceedings, independence of the investigating authorities, building and verifying investigation versions and planning the investigation).	5 hrs.
Topic 44	Tactical rules for the activities of investigation with a view to applying them in a manner which is in line with the European standards.	5 hrs.
	Section VIII <i>Methods and tactics of investigating individual types of crimes (136 hrs.)</i>	
	Methods and tactics of investigating crimes against the personality (25 hrs.)	
Topic 45	Investigation of intentional murder (Articles 115-119 of the Criminal Code). Circumstances to be proven in the process of investigation. Planning and building	9 hrs.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Norway grants	versions, inspection of a crime scene, gathering exhibits. Assignment of expert opinions. Activities related to proving the perpetrator's guilt, psychological profile. Constituting an accused person.	
Topic 46	Investigation of murders due to negligence (Articles 122-124 of the Criminal Code). Application scope and distinction from other elements, determining statutory actions and activities, standard normative provisions and reflecting them in orders to constitute an accused person. Interaction with the authorities of the Ministry of the Interior, Civil Protection, fire safety services, etc.	6 hrs.
Topic 47	Investigation of other crimes against the personality: Insult and slander (Articles 146-148 of the Criminal Code). Crimes against gender integrity (Articles 149-156 of the Criminal Code).	4 hrs.
Topic 48	Investigation of trafficking in human beings (Articles 159a-159b of the Criminal Code). Palermo Convention. Crime under Article 159b of the Criminal Code. Crime under Article 159c of the Criminal Code. Procedure to grant status of special protection to a victim of trafficking. Questioning witnesses (victims of the trafficking). Parallel financial investigation. Defence versions. Procedural strategies. Extra-procedural strategies.	6 hrs.
Topic 49	Methods and tactics of investigating crimes against intellectual property (15 hrs.) Investigation of crimes against intellectual property – Articles 172a-174 of the Criminal Code. Computer crime. Cyber crime as a business service. Investigation in the Darknet. “Black files” and use of crypto currencies. The crime instrument used by cyber criminals – “money mules”.	15 hrs.



Norway grants Topic 50	Methods and tactics of investigating crimes against property (18 hrs.) Specifics in the investigation of theft under Articles 194-197 of the Criminal Code. Clarifying the circumstances from the subject of proof, identifying the object, the subject, the objective and objective aspect of the act. Investigation versions, planning the investigation, means and instruments to commit an act: inspection, questioning of witnesses, raising and filing charges, assigning expert opinions.	3 hrs.
Topic 51	Fraud under Articles 209-212 of the Criminal Code.	3 hrs.
Topic 52	Investigation of embezzlement while in office and appropriation under Articles 201-206 of the Criminal Code. Hypotheses. Establishing the quantum of damage caused. Means of embezzlement. Search and seizure and voluntary hand-over. Questioning and assigning expert opinions, confrontations. Raising charges.	6 /3+3/ hrs.
Topic 53	Investigation of documentary crimes under Articles 308-318 of the Criminal Code. Building versions as to the manner of committing an act. Technical means and tools used to commit a crime. Expert opinions, questioning.	6 hrs.
Topic 54	Methods and tactics of investigating crimes against the economy (24 hrs.) General economic crimes – Articles 219-220 of the Criminal Code. Subject of the crime. Elements of the incriminating act. Results of the crime. Existence of grounds excluding liability. Compensation for damage	3 hrs. /2+1/
Topic 55	Crimes in individual branches of economy – Articles 231-232 of the Criminal Code; Articles 235-236 of the Criminal Code; Articles 237-238 of the Criminal Code; Article 235 of the Criminal Code	3 hrs. /2+1/



Norway grants	Crimes against the customs regime – Article 242 of the Criminal Code; legal provisions, national legislation. Community legislation. Case-law. Interpretative judgment No. 1 of 21 January 2015 of the Supreme Court of Cassation in interpretative case No. 1/2014, General Assembly of the Criminal College. Administrative proceedings.	6 hrs. /4+2/
Topic 57	Crimes against the money and credit system – Articles 243-252 of the Criminal Code.	3 hrs.
Topic 58	Crimes against the financial, tax and social security system – Article 253 of the Criminal Code and Articles 255-260 of the Criminal Code. Characteristics of the crime “money laundering”. Subject of the crime under Article 253 of the Criminal Code, incriminated acts. Criminal and legal characteristics of related parties (natural persons and legal entities). Nature and essence of tax relations. Correspondence of the national legislation to the international acts. Regime of forfeiture of property. Financial investigation	6 hrs. /4+2/
Topic 59	Specifics of the investigation of crimes against creditors – Articles 227b-227f of the Criminal Code.	3 hrs.
	Methods and tactics of investigating crimes against the work of state authorities, public organisations and persons performing public functions (12 hrs.)	
Topic 60	Crimes against the order of governance – Articles 269-270 of the Criminal Code and Articles 277a-278b of the Criminal Code	3 hrs.
Topic 61	Crimes in office – Article 282 of the Criminal Code. Characteristics of the crime: object, subject and distinction of the object of the crime under Article 282 of the Criminal Code and Article 212 of the Criminal Code (relations with regard to property). The concepts of “adverse consequences” and “damages”.	3 hrs.
Topic 62	Crimes against justice – Articles 286-293 of the Criminal Code and Articles 293a-300 of the Criminal Code. Actions to establish the claims and facts presented by the perpetrator.	3 hrs.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Norway grants	Bribe – Articles 301, 302 and 304 of the Criminal Code. Analysis of the legislative amendments, action to prove the crime.	3 hrs.
	Methods and tactics of investigating crimes against transport and other crimes posing general danger (42 hrs.)	
Topic 64	Specifics in the investigation of arson – Article 330 of the Criminal Code: definitions, main indications of arson, indirect elements to establish arson. Search, finding easily flammable liquids and fuel liquids. Taking samples from fires for physical and chemical expert opinions. Quantity, mass of samples taken. Packaging and transporting the samples. Finding residuals of special flammable tools.	6 hrs. /3+3/
Topic 65	Specifics in the investigation of explosions – Article 333 of the Criminal Code. Methods to assess the crime scene of a bomb attack and relevant investigation. Methods to identify, gather and store evidence. Steps to secure and seal the crime scene. Criminology of explosions and significance of the related criminological disciplines. Procedures to assess evidence in order to identify the perpetrators. Storing and transporting the equipment for work on bomb sites.	6 hrs. /3+3/
Topic 66	Methods and tactics to investigate crimes related to transport – Articles 340-346 of the Criminal Code. Elements of the crimes under Article 342 of the Criminal Code and Article 343 of the Criminal Code: incriminated action, criminal breach of the traffic rules. Road Traffic Act – main concepts and characteristics. Preserving the scene of an accident. Reconstruction of traffic accidents. Types of traffic accidents based on the mechanism of coming into being. Main stages of the mechanism of coming into being of road and traffic accidents. Initial steps, static and dynamic inspection	9 hrs. /4+5/
Topic 67	Crimes against the environment – Article 349 of the Criminal Code, Article 349a of the Criminal Code, Articles 352-352a of the Criminal Code, Articles 353-353d of the Criminal Code	6 hrs. /3+3/
Topic 68	Crimes against the use of atomic energy for peaceful purposes – Articles 356l-356m of the Criminal Code	3 hrs.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021



Topic 69	Crimes against information which is state secret and against foreign classified information – Article 357 – Article 360 of the Criminal Code	3 hrs.
Topic 70	Investigation of crimes under Articles 108a-109 of the Criminal Code. High-risk searches (seizures, techniques). Logical sequence of questioning	6 hrs. /3+3/
Topic 71	Special rules for the investigation of crimes committed by and against Bulgarian nationals abroad. Investigation of crimes committed by foreign nationals in Bulgaria	3 hrs.

Annex No. 1d

REFERENCE INFORMATION

About the specialised training on the application of the ECHR held by the NIJ during the mandatory initial training

CLASS 2019-2020

CANDIDATES FOR JUNIOR JUDGES:

ECHR and the case-law of the ECtHR as a source for the application of the CrimPC – 10 hrs.

CANDIDATES FOR JUNIOR PROSECUTORS:

ECHR – effective investigation in the case-law of the European Court of Human Rights – 4 hrs.

CANDIDATES FOR JUNIOR INVESTIGATING MAGISTRATES:

The accused person in pre-trial proceedings. Procedural actions of the criminal prosecution of the accused person. Serving the act to constitute an accused person. Constituting an accused person. ECtHR case-law – 4 hrs.

Significance of the case-law of the European Court of Human Rights as a source of law with a specific impact on the procedural provisions and tactical organisation of the activities of investigating crimes. European standards as regards the actions of investigation – 8 hrs.

ECHR – effective investigation in the case-law of the European Court of Human Rights – 4 hrs.

European standard of effective investigation. Systematising the requirements of the European Court of Human Rights, application in the assessment of investigations carried out by the State in criminal cases – 8 hrs.

Impact of the case-law of the European court on the main matters resolved at the initial stage of investigation (initiation of pre-trial proceedings, independence of the investigating authorities, building and verifying investigation versions and planning the investigation) – 4 hrs.

CLASS 2020-2021

CANDIDATES FOR JUNIOR JUDGES:

ECHR and the case-law of the ECtHR as a source for the application of the CrimPC – 10 hrs.

CANDIDATES FOR JUNIOR PROSECUTORS:

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

ECHR – effective investigation in the case-law of the European Court of Human Rights – 4 hrs.

CANDIDATES FOR JUNIOR INVESTIGATING MAGISTRATES:

The accused person in pre-trial proceedings. Procedural actions of the criminal prosecution of the accused person. Serving the act to constitute an accused person. Constituting an accused person. ECtHR case-law – 4 hrs.

Significance of the case-law of the European Court of Human Rights as a source of law with a specific impact on the procedural provisions and tactical organisation of the activities of investigating crimes. European standards as regards the actions of investigation – 8 hrs.

E ECHR – effective investigation in the case-law of the European Court of Human Rights – 4 hrs.

European standard of effective investigation. Systematising the requirements of the European Court of Human Rights, application in the assessment of investigations carried out by the State in criminal cases – 8 hrs.

Impact of the case-law of the European court on the main matters resolved at the initial stage of investigation (initiation of pre-trial proceedings, independence of the investigating authorities, building and verifying investigation versions and planning the investigation) – 4 hrs.

Annex No. 2

REFERENCE INFORMATION

about the specialised training in human rights under the project “*Increasing the capacity of the judiciary and training in the ECHR at the National Institute of Justice*” implemented with the support of the Norwegian Financial Mechanism 2009-2014

in the period February 2013 – 2016

2013

1. Training of trainers “Guarantees for a fair trial in criminal proceedings – Article 5 and Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms – criminal legal aspects”, 02-04.12.2013

2014

1. First Justice and Human Rights Forum, 24-26.03.2014
2. Distance training with two face-to-face meetings “Family law and human rights”, 22.04-18.06.2014
3. Working meeting on the topic “Criminal, civil and administrative-legal aspects of the right to personal liberty and security”, 28-30.04.2014
4. Training of trainers “Protection of the right to life. Guarantees for protection against inhuman and degrading treatment (Article 2 and Article 3 ECHR)”, 08-10.05.2014
5. Seminar “The right to freedom of movement (Article 2 of Protocol 4, Article 1 of Protocol). Status of asylum seekers in Bulgaria. International legal protection”, 12-14.05.2014
6. Training of trainers “Guarantees for the right to private and family life (Article 8 of the Convention and Article 5 of Protocol 7 to the Convention). Guarantees for the protection of the right to freedom of thought, conscience and religion (Article 9 and Article 11 of the Convention)”, 14-16.05.2014
7. Seminar “Guarantees for the protection of the right to personal liberty and security (Article 5); Right to a fair trial in criminal proceedings (Article 6)”, 19-21.05.2014
8. Training of trainers “Guarantees for a fair trial in civil proceedings (Article 6 of the Convention). Guarantees for the protection of the right to possession (Article 1, Protocol 1 of the Convention. Right to freedom of movement”, 21-23.05.2014
9. Seminar “Right to respect for private and family life (Article 8 and Article 5 of Protocol 7) – administrative-criminal and criminal-legal aspects”, 04-06.06.2014
10. Seminar “Guarantees for a fair trial in civil proceedings (Article 6). Content of civil rights according to the Convention. Criteria to determine the right to court; scope of judicial review”, 09-11.06.2014

11. Seminar “Guarantees for protection of the right to freedom of thought, conscience and religion. Guarantees for the right to free assembly and association (Article 9 and Article 11 of the Convention)”, 16-18.06.2014
12. Seminar “Guarantees for protection of the right to possession (Article 1, Protocol 1, ECHR). Limits to the right of the State to intervene in the right to possession”, 23-25.06.2014
13. Seminar “Domestic violence – international framework. Current ECtHR case-law. Practical problems in the application of the Protection against Domestic Violence Act”, 30.06-02.07.2014
14. Seminar “Guarantees for the protection of personal liberty and security (Article 5); Right to a fair trial in criminal proceedings (Article 6); Connection with Article 13 ECHR”, 07-09.07.2014
15. Seminar “Case-law of the European Court of Human Rights under Article 3 and Article 8 of the Convention as regards the conditions and regime to serve the punishment of deprivation of liberty”, 14-16.07.2014
16. Pilot seminar “International humanitarian law”, 17-19.09.2014
17. Seminar “Guarantees for the protection of the right to freedom of expression (Article 10 of the Convention)”, 24-26.09.2014
18. Seminar “Guarantees for a fair trial in the proceedings in civil and commercial cases (Article 6 of the Convention). Administration and reasonable time in insolvency cases”, 29.09-01.10.2014
19. Seminar “Guarantees for protection against discrimination (Article 14 and Protocol 12). Protection of the right of vulnerable groups”, 08-10.10.2014
20. Seminar “Domestic violence – international legal framework and current ECtHR case-law”, 20-22.10.2014
21. Seminar “Guarantees for the protection of personal liberty and security (Article 5); Right to a fair trial in criminal proceedings (Article 6); connection to Article 13 ECHR”, 19-21.11.2014

2015

1. Seminar “Guarantees for protection of the right to possession (Article 1, Protocol 1, ECHR). Limits to the right of the State to intervene in the right to possession”, 31.03-02.04.2015
2. First Justice and Human Rights Forum, 20-22.04.2015
3. Seminar “International law, national law and human rights”, 12-14.05.2015
4. Working meeting “Criminal, administrative and civil aspects of the protection of human rights. Perspectives to the national legislation and EU law”, 19-21.05.2015
5. Seminar “The systemic place of the ECHR in the Bulgarian legal framework. Obligation to provide domestic remedies. Application of the ECtHR case-law in the every-day case-law of the national courts in civil and administrative proceedings”, 26-28.05.2015
6. Seminar “The right to freedom of movement – interaction between EU law and Protocol 4 to the ECHR”, 03-05.06.2015
7. Seminar “Guarantees for protection against discrimination (Article 14 ECHR and Protocol No. 2 to the Convention)”, 17-19.06.2015

8. Seminar “Conditions to serve the punishment of deprivation of liberty and the mechanisms of the Liability of the State Act as an effective remedy in the light of Article 13 ECHR. Substantive and procedural aspect of Article 3 of the Convention”, 24-26.06.2015
9. Seminar “The systemic place of the ECHR in the Bulgarian legal framework. Obligation to provide domestic remedies. Application of the ECtHR case-law in the every-day case-law of the national courts in criminal proceedings”, 08-10.07.2015

2016

1. Seminar “Effective investigation in criminal cases in accordance with the ECHR standards. Evidence and evidentiary means. Use of special surveillance means as evidentiary means”, 25-27.01.2016
2. Seminar “Specific matters of real law. Cadastre and regulation. Special status of certain categories of land. Domestic remedies for the right to property”, 8-10.02.2016
3. Seminar “National administration of justice in accordance with the ECHR standards for case hearing and resolution in a reasonable time. Measures of procedural coercion in criminal proceedings”, 22-24.02.2016
4. Seminar “Obligation to provide domestic remedies in accordance with the Convention. Review of the case-law under the Liability of the State Act”, 07-09.03.2016

Annex No. 3

Training at the NIJ on matters related to the rule of law and the protection of fundamental rights held within the continuous training of magistrates in the period 01.01.2018 – 15.10.2020

1. Rule of law, combating corruption, judicial ethics

A public lecture of Judge Alexander Arabadzhiev, ECJ, on the topic “The principles of rule of law and mutual trust among the Member States in European Union law”, 30.09.2019

E-training “Conflicts of interest – administrative legal aspects”, 06-30.11.2018

Centralised training “Types of corruption crimes. Specifics of the subject of proof and ensuring evidence. Bribe. Crimes while in office related to violations of the Public Procurement Act”, 11-13.04.2018

Centralised training “Matters of the disciplinary practice under the Ministry of the Interior Act. Uncovering crimes committed by MoI staff”, 22-23.03.2018 – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Regional training “Code of Ethics of Magistrates and Judicial Staff”, 02.11.2018, Lovech RD – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Regional training “Judicial ethics. Overcoming professional stress and dealing with conflict situations”, 02-03.07.2020, Dobrich Administrative Court

“Training for administrative heads” held in three editions under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG, respectively:

- on 17-19.10.2018 – for newly appointed administrative heads;
- on 07-09.11.2018 – for newly appointed administrative heads at Prosecution authorities;
- on 12-14.06.2019 – for administrative heads of courts

E-training “Disciplinary powers of the administrative heads of courts”, 21.04-08.05.2020 – under the project “Justice of the 21st Century – Development of the Professional Competence and Integrity of Magistrates and Judicial Staff” OPGG

Centralised training “Challenges in the work of investigating magistrates after the appointment under Article 243 JSA”, 15-16.10.2019 – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Centralised training “Challenges in the work of prosecutors after the appointment under Article 243 JSA”, 15-16.10.2019 – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Centralised training “Challenges in the work of district judges after the appointment under Article 243 JSA”, 22-23.10.2019 – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

E-training “Development of a competence for effective performance of the judges’ professional duties”, 21.04-08.05.2020 – under the project “Justice of the 21st Century – Development of the Professional Competence and Integrity of Magistrates and Judicial Staff” OPGG

Training “Prevention of professional stress and burnout. Risk of unbalanced behaviour at the work place related to emotional breakdown. Becoming familiar with techniques and skills to handle and manage stress at the work place. Ethical standards in the relations among magistrates, court staff and parties to cases in the context of the burnout syndrome”, 13-14.09.2019 – for judges and court staff from the Burgas Appellate Region – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Training “Communication skills and application of the Communication Strategy of the Judiciary 2014-2020” (Part I), 28-29.06.2018 – for members and staff of the administration of the Supreme Judicial Council

Training “Communication skills and application of the Communication Strategy of the Judiciary 2014-2020” held in two editions under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG, respectively:

- on 09-11.07.2018 – for the judges from the appellate regions of Varna, Burgas and Veliko Tarnovo designated as media contacts;
- on 10-12.10.2018 – for prosecutor spokespersons and Public Relations experts in the Prosecution authorities from the appellate regions of Varna, Burgas and Veliko Tarnovo

Mixed-form training “The Supreme Judicial Council and the media”, 16-17.05.2019 – for members of the Supreme Judicial Council and inspectors at the Supreme Judicial Council Inspectorate

Training “The judiciary and the media”, 27-29.03.2019 – for judges designated as media contacts from the appellate regions of Plovdiv and Sofia and prosecutor spokespersons – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

E-training “Development of communication skills. The judiciary and the media”, 15.04-08.05.2020 – under the project “Justice of the 21st Century – Development of the Professional Competence and Integrity of Magistrates and Judicial Staff” OPGG

Centralised training “Work with the media. Practical aspects”, 14-15.11.2019 – for judges designated as media contacts and prosecutor spokespersons – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

E-training “The judiciary and the society – timely information”, 21.04-20.05.2020 – under the project “Justice of the 21st Century – Development of the Professional Competence and Integrity of Magistrates and Judicial Staff” OPGG

Regional training “Mechanisms of successful communication in emergency and crisis situations in judicial authorities”, 25.10.2019, Varna Appellate Region – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Centralised training “Institutional image, publicity in the work of the administrative courts and work with the media”, 10-12.04.2019 – jointly with the Supreme Administrative Court under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

Centralised training “Implementing the Media Strategy of the Judiciary“, 13.11.2019 – for judges designated as media contacts and prosecutor spokespersons – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

E-training “Supervision for legality in an emergency situation. Criminal elements and challenges to the pre-trial authorities during the emergency situation”, 08-21.06.2020 – under the project “Justice of the 21st Century – Development of the Professional Competence and Integrity of Magistrates and Judicial Staff” OPGG

2. Specialised training in human rights

Centralised training “Impact of the European Convention for the Protection of Human Rights and Fundamental Freedoms and EU law on the procedural laws”, 26-28.06.2019 – jointly with the Supreme Administrative Court under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

Regional training “Application of the European Convention on Human Rights by the national court”, 09.02.2019, Sofia District Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

3. Problems related to the protection of fundamental rights integrated in training in criminal law and procedure

Freedom: Protection in the case of involuntary removal, expulsion and extradition

Centralised training “International cooperation in criminal matters. EWA. Transfer of criminal cases. EIO. Recognition and execution of a European Arrest Warrant for defence in criminal cases issued in another Member State”, 23-25.04.2018 (training under Catalogue +)

Centralised training “EU instruments for mutual recognition of acts issued in proceedings of criminal nature – practical aspects” (held in two editions, respectively on 10-12.12.2018 and 17-19.04.2019) – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Centralised training “International cooperation in criminal matters. Eurojust. European Judicial Network. European Investigation Order. European Arrest Warrant”, 26.09.2019 – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Centralised training “Current substantive and procedural matters related to the criminal prosecution of organised crime and corruption crimes. European Investigation Order. European Arrest Warrant. Extradition”, 20-21.06.2019 – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Regional training “International cooperation in criminal matters”, held in four editions under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG, respectively:

- on 02.11.2018 – for Burgas DC;
- on 29.03.2019 – for Lovech RC;
- on 06-07.06.2019 – for Veliko Tarnovo RC, including a *module on the European Investigation Order*;
- on 04.10.2019 – for Razgrad RC.

Regional training “International instruments of cooperation in criminal matters”, 04.10.2019, Plovdiv RC – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Regional training “Eurojust. European Judicial Network. European Investigation Order”, 09.10.2020, Sofia City Prosecutor’s Office

Justice: Right to effective remedies and to a fair trial

Training “Best practices: forms of communication, work with the media. Adversarial nature and fairness in the criminal procedure when using evidentiary materials obtained in a breach of certain fundamental rights protected by the ECHR”, 18-19.10.2019 – for judges in criminal cases from the Plovdiv Appellate Region

Regional training “Effective investigation in criminal cases in accordance with the ECHR standards. Evidence and evidentiary means” held respectively:

- on 01.06.2018 – for Burgas RC under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG;
- on 07-08.11.2019 – for Veliko Tarnovo Appellate Court, including modules on *electronic evidence in criminal proceedings* and the *use of special surveillance means as evidentiary means* – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

E-training “Evidence and evidentiary means in criminal procedure – specific situations in the case-law (part one)”, 02-17.12.2019 – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG (*including training modules on the use of special surveillance means – procedure to be allowed, inclusion and assessment of the results*)

E-training “Practical problems for proof in criminal procedure”, 16.03-03.04.2020 – under the project “Justice of the 21st Century – Development of the Professional Competence and Integrity of Magistrates and Judicial Staff” OPGG (*including the use of special surveillance means and their admissibility in criminal procedure*)

Regional training “Evidence and evidentiary means. Electronic evidence in criminal procedure. Use of special surveillance means as evidentiary means. Current problems in the application of the CrimPC”, 05.07.2019, Pazardzhik RC – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

E-training “Crimes against individual economic branches”, 30.01-28.02.2018 – the training also deals with matters related to *gathering and assessing evidence; use of special surveillance means in cases under Article 234 of the Criminal Code* – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Regional training “Proof in criminal and civil procedures”, 02.06.2018, Sofia DC – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Regional training “Procedural violations in criminal procedure”, 08.11.2019, Gabrovo RC – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Regional training “Procedural violations in pre-trial proceedings. Practical matters related to the proceedings in criminal cases in line with the ECHR standards”, 15.06.2018, Pazardzhik RC – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Regional training “Practical problems related to organisational hearings. Procedural violations which can be grounds for repeal or reopening. Practical advice for work with the media”, 08.06.2018, Plovdiv DC – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

E-training “Organisational hearing under the CrimPC” (held in two editions, respectively on 01-30.11.2018 and 15.10-05.11.2019) – under the projects “Innovative Products and Services in the Training Provided by the NIJ” and “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Regional training “Material violations of procedural rules in criminal procedure”, 28.06.2019, Kyustendil RC – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

E-training “Amending the charges in criminal proceedings” (held in two editions, respectively on 02-30.04.2018 and 18.03-12.04.2019) – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

E-training “Individualisation of grave crimes: long-term deprivation of liberty, life imprisonment and life imprisonment without commutation” (held in two editions, respectively on 24.04-22.05.2018 and 15.10-19.11.2019) – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

Training “Practical problems related to reopening criminal proceedings. The crime of fraud under the Criminal Code”, 11-12.10.2019 – for judges from the Sofia Appellate Region – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

E-training “Pre-term release on probation” (held in two editions, respectively on 20.03-10.04.2018 and 13.05-03.06.2019) – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

E-training “Contemporary aspects of probation. Standards and procedures in its implementation”, 22.10-03.12.2019

“Round table discussion on the execution of the judgments in the groups of cases S.Z. and Kolevi concerning the systemic problem of ineffective criminal proceedings in Bulgaria and the absence of guarantees for independence of the criminal prosecution against the Prosecutor General”, 20-21.06.2019 – organised by the Council of Europe in cooperation with the MoJ and the NIJ

Justice: Presumption of innocence and right to defence

E-training course with a start and end online meeting “Procedural guarantees in criminal proceedings and the rights of victims”, 25.06-15.09.2020 – under the project “HELP in EU II” co-funded by the EU and the Council of Europe, implemented by the Council of Europe

E-training “Special rules for minors. Questioning of minors”, 12.11-09.12.2019 – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

Regional training “New amendments to the procedural laws” (civil and criminal aspects), 10.02.2018, Sofia DC – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Training “Current problems in the application of the CrimPC as regards the amendments adopted through the Act to Amend the CrimPC, State Gazette, issue 63, effective as of 05.11.2017” held respectively:

- on 22.02.2018 – as centralised training;
- on 19-20.04.2018 as regional training for Targovishte RC, including a module on *procedural violations in criminal proceedings* – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG;
- on 20.04.2018 as regional training for Varna DC – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG;
- on 01.06.2018 as regional training for Montana RC – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG;
- on 22.06.2018 as regional training for Gabrovo RC; the training programme also included *matters related to the amendments to the Criminal Code* – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG;
- on 22.06.2018 as regional training for Blagoevgrad RC – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG;
- on 29.06.2018 as regional training for Plovdiv Appellate Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG;

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

- on 29.06.2018 as regional training for Razgrad RC – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG;
- on 06.07.2018 as regional training for Lovech RC, including a module on the *procedural violations at the pre-trial and trial stages* – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG;
- on 28.09.2018 as regional training for Haskovo RC – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Regional training “Practical problems in the work on criminal cases in relation to the amendments to the CrimPC and the Criminal Code, promulgated in the State Gazette, issue 7/22.01.2019”, 28.06.2019, Plovdiv Appellate Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Justice: Prohibition of ne bis in idem or double jeopardy

Training “The principle *ne bis in idem* in EU law. Review of the case-law of the European Court of Justice” held respectively:

- on 02.11.2018 – as centralised training under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG;
- on 22.03.2019 – as regional training for Burgas Regional court, with an additional module on the application of the *ne bis in idem* principle in the event of conflict between the criminal administrative liability of a person for the same act – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Public lecture by Yonko Grozev, ECHR: “The application of the *ne bis in idem* principle in the event of conflict between criminal and administrative-criminal liability with respect to a person for the same act. Review of the case-law of the ECJ and the ECHR”, 03.05.2018

Regional training “Money laundering. Application of the *ne bis in idem* principle”, 26.10.2018, Veliko Tarnovo Appellate Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Equality: Non-discrimination (cultural, religious and linguistic diversity)

Centralised training “Terrorism. Contemporary aspects of the investigation of terrorism. Coordination among the structures related to the investigation of terrorism”, 30-31.10.2019 – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Joint training for police officers and prosecutors on establishing and working on hate crime, 22-23.01.2018 – under the project “Building a Comprehensive Criminal Justice Response to Hate Crime” of the OSCE, Office for Democratic Institutions and Human Rights, jointly with the Supreme Cassation Prosecutor’s Office

Regional training “Hate crime” – under the project “Building a Comprehensive Criminal Justice Response to Hate Crime” of the OSCE, Office for Democratic Institutions and Human Rights, jointly with the Supreme Cassation Prosecutor’s Office, held respectively:

- on 13-14.02.2018 – for prosecutors and investigating police officers from the Veliko Tarnovo Appellate Region;
- on 27-28.02.2018 – for prosecutors and investigating police officers from the Plovdiv Appellate Region.

Equality: Non-discrimination (Equality between men and women)

E-training “Criminal aspects of domestic violence” (held in three editions in the period, respectively 15.05-15.06.2018, 01-25.04.2019 and 27.04-28.05.2020) – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

Dignity: Prohibition of slavery and forced labour (connection Non-discrimination – Equality between men and women)

E-training “Criminal legal regime of trafficking in human beings – general provisions”, 16.06 - 21.07.2020 – under the project “Justice of the 21st Century – Development of the Professional Competence and Integrity of Magistrates and Judicial Staff” OPGG

4. Problems which are relevant to the protection of fundamental rights integrated in training in administrative law and procedure

Centralised training “Administrative acts under the Management of Funds from European Structural and Investment Funds Act and judicial procedure to contest them”, 31.05-02.06.2018 – jointly with the Supreme Administrative Court under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

Centralised training “Ensuring compliance of the financial management and control system in the administrative courts with regard the amendments to the regulatory framework in the Republic of Bulgaria”, 06-08.06.2018 – for judges and court staff from administrative courts – jointly with the Supreme Administrative Court under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

Centralised training “Public procurement management”, 20-21.06.2018 – for judges and court staff from the Supreme Administrative Court – jointly with the Supreme Administrative Court under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

Freedoms: Personal data protection

E-training “European standards of personal data protection” (held in two editions respectively in the period 10-18.05.2018 and 15-21.04.2019) – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

Training “Current highlights in personal data protection in the context of the General Data Protection Regulation” (held as a centralised training in two editions, respectively on 14.05.2018 and 05.07.2018), the second edition – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Regional training “Application of the General Data Protection Regulation”, 18.05.2018, Dobrich Administrative Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Training “Current highlights in personal data protection in the context of Directive (EU) 2016/680” (held as a centralised training in two editions, respectively on 28.05.2018 and 15.10.2018), the second of which – for administrative heads at the Prosecutor’s Office and prosecutors – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Training “The new regulations in the area of personal data protection” held under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG, respectively:

- on 17.05.2018 – as a regional training for Silistra Administrative Court;
- on 11.09.2018 – as centralised training

Regional training “Current highlights in personal data protection”, 19.06.2018, Sofia City Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Centralised training “The right to personal data protection in the work of administrative courts”, 12-14.06.2018 – jointly with the Supreme Administrative Court under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

E-training “Gathering, processing and storing data from e-devices. Main characteristics. Problems in relation to Article 8 ECHR and personal data protection”, 13.10-06.11.2020 – under the project “Justice of the 21st Century – Development of the Professional Competence and Integrity of Magistrates and Judicial Staff” OPGG

Citizenship: Election rights

Regional training “Problems with the application of the Election Code”, 03-04.10.2019, Lovech Administrative Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Regional training “Local elections”, 10-11.10.2019, Razgrad Administrative Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Solidarity: Environmental protection

E-training “Challenges of the Aarhus Convention in law enforcement” (held in two editions respectively in the period 03-13.11.2018 and 05-19.11.2019) – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

Centralised training “EU policy for the environment. EU law on environmental protection and environmental impact assessment”, 12-14.03.2019 – jointly with the Supreme Administrative Court under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

Justice: Right to effective remedies

Centralised training “Obligation to provide domestic remedies pursuant to the Convention. Review of the case-law under the Liability of the State Act. Liability of the State for damage resulting from violations of EU law”, 26-28.03.2018

Regional training “Current problems in proceedings under the Liability of the State Act. Grounds for claims. Analysis of the case-law. Liability of the State for damage resulting from violations of EU law. Obligations to provide domestic remedies pursuant to the Convention”, 22.06.2018, Pazardzhik RC – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

E-training “Liability of the State for damage resulting from violations of EU law and the Liability of the State Act – link, application and perspectives”, 15-25.04.2019 – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

E-training “Judicial review of acts issued by the National Expert Medical Commission and other authorities of expert medical examination”, 20.03-10.04.2018 – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

E-training “Liability of medical specialists and medical institutions in administrative justice”, 03-12.10.2018 – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

E-training “Appealing refusals for entry in the Commercial Register – problems with claims for compensation for damages”, 01-15.10.2018 – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

➤ *in relation to the right to liberty and security*

E-training “Rights arising from Article 5 of the European Convention on Human Rights and their protection as per Article 2 (1) (2) of the Liability of the State Act”, 06-27.11.2018 – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

➤ *in relation to the prohibition of torture*

Training “Problems in proceedings under the Execution of Punishments and Detention in Custody Act” held in two editions under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG, respectively:

- on 20-21.04.2018 as a regional training for Haskovo Administrative Court;
- on 01-02.11.2018 as a regional training for Veliko Tarnovo Administrative Court

Centralised training “The new proceedings before administrative courts in view of the amendments to the Execution of Punishments and Detention in Custody Act. Special prevention and general compensatory instrument”, 17-19.05.2018 – jointly with the Supreme Administrative Court under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

Mixed-form training “Current problems in the case-law in the application of the Execution of Punishments and Detention in Custody Act after the amendments to the law, promulgated in the State Gazette, issue 13 of 07.02.2017”, 26.03-10.05.2019 – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Freedom: Right to asylum

Centralised training “Practical seminar on refugee law – gathering information about the country of origin of asylum seekers”, 04-05.07.2018

E-training with a cross-border face-to-face meeting (Thessaloniki) “The right to asylum in light of the ECHR” (HELP Programme, project “HELP in EU”), 11.12.2018 – 15.02.2019

Freedom: Right to possession

Regional training “Alienation of private property for the construction of public property sites. Deadlines. Regulation for land plots in line with the rules of Article 16 of the Urban Planning Act. Matters of assessment and compensation for owners affected during alienation”, 06.07.2018, Varna Administrative Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

E-training “Legal effect of the plan for newly formed properties”, 20.11-03.12.2018 – under the project “Innovative Products and Services in the Training Provided by the NIJ”

Regional training “Contesting administrative acts under the Urban Planning Act and the Cadastre and Property Register Act”, 18-19.04.2019, Shumen Administrative Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

5. Problems related to the protection of fundamental rights integrated in training on civil law and procedure

Regional training “Current case-law of the ECtHR in civil and criminal cases”, 18.11.2019, Burgas RC – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Freedom: Freedom of economic initiative

Centralised training “Forms of restricting competition. Administrative and judicial proceedings under the Competition Protection Act. Review of the case-law”, 23-25.01.2019 – jointly with the Supreme Administrative Court under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

Centralise training “Misleading advertising as a form of unfair competition under the Competition Protection Act. ECJ case-law under Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising”, 18-20.03.2019 – jointly with the Supreme Administrative Court under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

E-training “Main challenges in exercising the right to claim compensation for damage resulting from anti-trust violations”, 01-28.06.2020 – under the project “Justice of the 21st Century – Development of the Professional Competence and Integrity of Magistrates and Judicial Staff” OPGG

Equality: Non-discrimination (equality between men and women)

Centralised training “Current trends in proceedings in cases related to domestic violence”, 25.06.2020 – the programme includes *civil and criminal aspects*

Freedom: Right to possession

E-training “Current questions related to the application of the laws on restoring ownership over real estate properties” (held in three editions, respectively in the period 23.01-26.02.2018, 08.10-05.11.2019 and 23.09-30.10.2020), the first two – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG, and the third one – under the project “Justice of the 21st Century – Development of the Professional Competence and Integrity of Magistrates and Judicial Staff” OPGG

E-training “Indirect judicial control over restitution acts”, 26.11-10.12.2018 – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

Solidarity: Consumer protection

Regional training “Problems in law enforcement in relation to consumer protection”, 26.10.2018, Haskovo Regional Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Centralised training “Consumer protection. ECJ case-law. Collective claims under the Civil Procedure Code. Inequitable clauses in contracts”, 30-31.10.2018

Regional training “Inequitable clauses in loan contracts”, 12.10.2018, Montana Regional Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Regional training “Problems of consumer protection in loan contracts and the mandatory case-law”, 22.11.2019, Burgas Appellate Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Regional training “Current questions in relation to consumer disputes”, 16.11.2018, Plovdiv Regional Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Training “Best practice: forms of communication, work with the media. Current problems with the application of the Consumer Protection Act in civil and commercial disputes (consumer protection,

inequitable clauses in consumer contracts). Review of the current case-law”, 18-19.10.2019 – for judges in civil and commercial cases from the Plovdiv Appellate Region

Regional training “Powers of the court in execution and claim proceedings in relation to inequitable clauses in consumer contracts”, 13.02.2020, Sofia DC

Regional training “Obligation of the court to monitor *ex officio* for the inequitable nature of contractual clauses in execution proceedings and in disputes between the parties related to loan contracts – substantive and procedural matters”, 25.10.2019, Blagoevgrad RC – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Freedom: Right to work

E-training “Current questions in labour law. Specifics during the state of emergency and the emergency epidemic situation”, 15.06-10.07.2020 r. – under the project “Justice of the 21st Century – Development of the Professional Competence and Integrity of Magistrates and Judicial Staff” OPGG

Freedom: Freedom to express an opinion / Protection of private and family life (connection Non-discrimination)

Public lecture of the Bulgarian judge on the ECHR Yonko Grozev on the topic of “Liability for untrue, degrading information and hate speech. Balance between the freedom of expression and the protection of private life in the ECHR case-law”, 20.02.2019

Freedom: Protection of private and family life

E-training “Direct application of Article 8 ECHR in administrative, civil and criminal proceedings”, 05.04-14.05.2018 – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

E-training “Property relations between spouses. New elements in EU law. Current problems related to the protection of the rights of children and parental responsibility. Proceedings under Article 127a of the Family Code” (held in two editions, respectively in the period 15.11-06.12.2019 and 01-29.05.2020) – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG

Centralised training “International civil procedure – family disputes”, 27-28.06.2019 – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Regional training “International legal cooperation in civil cases for divorce, legal separation, parental responsibility and support. The Brussels IIA Regulation, Rome III and Council Regulation 4/2009. Hague Protocol of 2007 and other applicable legal instruments”, 18-19.10.2018, Veliko Tarnovo Regional Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Regional training “Cases with an international element under the Family Code”, 15.11.2018, Lovech District Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Equality: Rights of the child

Training “Specifics of the participation of children in civil proceedings. Recognition and prevention of violence against children. Parental alienation syndrome” (UNICEF), 17-18.10.2018 – for judges hearing civil cases from the Varna Appellate Region

Regional training “Forensic psychological expert examinations of children. Parental alienation syndrome. Conduct of the judge in proceedings involving children who are victims of domestic and sexual violence”, 29.10.2018, Burgas Regional Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Conference “Bulgarian Justice for Children Thirty Years after the Convention on the Rights of the Child” organised by the Bulgarian Centre for Non-Profit Law, 28-29.11.2019

Justice: Right to effective remedies (connection Right to possession)

Regional training “Executive proceedings. Problems of executive procedure”, 05.10.2018, Smolyan Regional Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Regional training “Problems of executive procedure and contesting the actions of bailiffs”, 31.10.2018, Sofia City Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

Regional training “Securing public receivables. Forced execution. Protection against forced execution”, 09-10.11.2018, Blagoevgrad Administrative Court – under the project “Quality Professional Training to Enhance the Efficiency of Justice” OPGG

E-training “Substantive liability of bailiffs”, 10-20.07.2020 – under the project “Justice of the 21st Century – Development of the Professional Competence and Integrity of Magistrates and Judicial Staff” OPGG

6. Training organised by foreign partners with the participation of Bulgarian magistrates (in chronological order)

1. “Protection of fundamental rights and application of the European Arrest Warrant” (EIPA), 15-16.01.2018, Luxembourg – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG;
2. “Application of EU instruments in criminal justice” (EJTN), 01-02.02.2018, Brussels;
3. “Application of EU instruments criminal justice” (EJTN), 22-23.02.2018, Brussels;
4. “Ethics for judges and prosecutors – comparative standards in the judiciary” (EJTN), 26.02-02.03.2018, Wustrau;

5. "European law of asylum" (EJTN), 08-09.03.2018, Helsinki;
6. "Conflict of laws and different aspects of protection in the application of fundamental rights" (EJTN), 15-16.03.2018, Thessaloniki;
7. "Application and effect of the Charter of Fundamental Rights of the EU" (EJTN), 19-20.03.2018, Vienna;
8. "Professional ethics and prevention of corruption" (EJTN), 05.04.2018, Riga;
9. "Application of EU instruments in criminal justice" (EJTN), 05-06.04.2018, Prague;
10. "Judicial response to terrorism in the context of the Charter of Fundamental Rights of the EU" (National School for the Judiciary), 12-13.04.2018, Paris;
11. "Procedural guarantees in criminal cases" (EMCO), 16-17.04.2018, Vilnius;
12. "Annual seminar on European law of immigration" (Academy of European Law), 03-04.05.2018, Brussels – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
13. "European law of asylum and migration" (EIPA), 17-18.05.2018, Luxembourg – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
14. "Deontology of magistrates" (Judicial Training Institute), 23.05.2018, Brussels – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
15. "Gathering and admissibility of evidence in the fight against terrorism: challenges and best practice" (EJTN), 28-29.05.2018, Cracow;
16. "European Convention for the Protection of Human Rights" (National School for the Judiciary), 28.05-01.06.2018, Paris – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
17. "Encrypted data and self-incrimination" (Academy of European Law), 28-29.05.2018, Rome – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
18. "Asylum: ECtHR case-law" (Academy of European Law), 04-05.06.2018, Strasbourg – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
19. "European civil procedures in family cases" (EJTN), 11-12.06.2018, Thessaloniki;
20. "Gathering evidence in criminal matters" (EIPA), 12-13.06.2018, Luxembourg – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
21. "Protection of the financial interests of the EU" (EJTN), 18-19.06.2018, Riga;
22. "Human rights and access to justice in the EU" (EJTN), 26-27.06.2018, Bucharest;

23. “Thematic language training in EU law in human rights” (EJTN), 02-06.07.2018, Lisbon;
24. “European environmental law” (EJTN), 09-10.07.2018, Trier;
25. “Trafficking in human beings” (EJTN), 06.09.2018, Prague;
26. “Management skills for administrative skills” (Judicial College, England), 12-14.09.2018, Northampton – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG;
27. “Language seminar in data protection” (EJTN), 12-14.09.2018, Kromeriz;
28. “Independence of judges in a professional and social context” (Academy of European Law), 14.09.2018, Paris – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG;
29. “Procedural guarantees in criminal cases in the EU” (EJTN), 17-18.09.2018, Paris;
30. Internet training “Establishing and investigating criminal activities in trafficking in human beings – trafficking in human beings and cyber investigation” (EJTN – CEPOL), 17.09-12.10.2018, Budapest;
31. “Application of the European anti-discrimination law for practising lawyers” (Academy of European Law), 24-25.09.2018, Trier;
32. “European labour law” (EJTN), 24-25.09.2018, Lisbon;
33. “Training of trainers in human rights” (EJTN), 24-26.09.2018, Strasbourg;
34. “Code of Ethics and the role of judicial staff at courts and prosecutor’s offices” (Judicial Training Institute Belgium), 26.09.2018, Brussels – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG;
35. Training of trainers “Access to justice for Roma women” (Council of Europe, JUSTROM Programme), 26-28.09.2018, Strasbourg;
36. “Human rights and access to justice” (EJTN), 26-28.09.2018, Strasbourg;
37. “Ethics in the judiciary” 27-28.09.2018, Malta – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG;
38. “Thematic language training in human rights” (EJTN), 01-05.10.2018, Barcelona;
39. “Family cases with a cross-border element” (EJTN), 01.10.2018, Lublin;
40. “Financial investigations and forfeiture of illegal assets in relation to trafficking in human beings” (EJTN – CEPOL), 01-05.10.2018, Amsterdam;
41. “Observing rule of law in practice: the key role of judges and prosecutors” (EJTN), 02-03.10.2018, Brussels;

42. “Annual seminar on EU law in consumer protection” (Academy of European Law), 11-12.10.2018, Trier – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG;
43. “Challenges in the profession of the prosecutor” (National School of the Judiciary), 15-19.10.2018, Paris – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG;
44. “Language training in competition law” (EJTN), 17-19.10.2018, Vienna;
45. “Personal data protection in the judiciary” (Academy of European Law), 18-19.10.2018, Vienna – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG;
46. “Annual seminar in criminal law in the EU” (Academy of European Law), 18-19.10.2018, Madrid – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG;
47. “Annual seminar in European law on asylum” (Academy of European Law), 18-19.10.2018, Trier – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG;
48. “Personal data protection in the judiciary” (EJTN), 18-19.10.2018, Vienna;
49. “Prison and detention” (National School for the Judiciary), 22-26.10.2018, Paris – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG;
50. “EU law on environmental impact assessments” (418DV115) (Academy of European Law), 22-24.10.2018, Sofia;
51. Conference “The Charter of Fundamental Rights – aspects at the national level”, 23-24.10.2018, Vienna;
52. “European cooperation in criminal cases” (EJTN), 24-26.10.2018, Lublin;
53. “Annual seminar on European law in family law” (Academy of European Law), 25-26.10.2018, Trier – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG;
54. “Convention on the Rights of the Child and techniques for interviews” (Maltese Judicial Institute), 26.10.2018, Malta – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG;
55. “Independent judges – guarantors of rule of law” (EJTN), 29-30.10.2018, Lisbon;
56. “International thematic language training in family law” (EJTN), 05-09.11.2018, Sofia;
57. “International legal cooperation in criminal cases – combating trafficking in arms and drugs” (EJTN), 14-17.11.2018, Omsenie;
58. “Trafficking in human beings” (National School for the Judiciary), 19-23.11.2018, Paris – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG;

59. "Hate crimes" (Maltese Judicial Training Committee), 23.11.2018, Malta – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
60. "Hate speech and restricting the freedom of speech in social media" (Academy of European Law), 26-27.11.2018, Trier – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
61. "Corruption: uncovering, prevention and punishment" (National School for the Judiciary), 26-30.11.2018, Paris – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
62. "Basics of European competition law" (Academy of European Law), 26-27.11.2018, Sofia;
63. "Thematic language training in asylum law and refugee law" (EJTN), 26-28.11.2018, Scandicci;
64. "Current case-law of the European Court of Justice – the last year in the work of the Court" (EIPA), 06-07.12.2018, Luxembourg – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
65. "The case-law of the European Court of Human Rights in criminal law" (Academy of European Law), 06-07.12.2018, Strasbourg – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
66. "Prosecutors and their key role for the rule of law" (EJTN), 10-11.12.2018, Bucharest;
67. "Applying the principles enshrined in Article 102 of the Treaty on the Functioning of the European Union (TFEU)" (Academy of European Law), 13-14.12.2018, Dusseldorf;
68. "The profession of a judge" (EJTN), 13-14.12.2018, Stockholm;
69. "Observing rule of law in practice: the key role of judges and prosecutors" (EJTN), 29-30.01.2019, Brussels;
70. "The judge's profession and ethics" (Academy of European Law), 04-05.02.2019, Trier;
71. "Human rights and access to justice" (EJTN), 05-06.02.2019, Zagreb;
72. "Consumer protection in the EU" (EJTN), 06-07.02.2019, Omsenie;
73. "Environmental law" (EJTN), 15.02.2019, Brussels;
74. "Current problems of criminal law in the EU" (EJTN), 20-22.02.2019;
75. "Independence and accountability in the judiciary and effective legal protection" (EJTN), 26-27.02.2019, Brussels;
76. "Thematic language training in judicial cooperation in criminal cases" (EJTN), 11-15.03.2019, Bucharest;

77. "Trafficking in human being from the point of view of asylum" (EJTN), 11-13.03.2019, Madrid;
78. "Conflicts of law/multiple protection of human rights" (EJTN), 14-15.03.2019, Ljubljana;
79. "The victim in criminal procedure" (National School for the Judiciary), 18-20.03.2019, Paris – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
80. "European labour law" (Academy of European Law), 21-22.03.2019, Trier;
81. "Combating terrorism and its funding sources" (EJTN – CEPOL), 25-29.03.2019, Amsterdam;
82. "Status, professional ethics and responsibilities of judges and prosecutors" (National School for the Judiciary), 25-29.03.2019, Paris – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
83. "Personal data protection in the EU" (Academy of European Law), 28-29.03.2019, Brussels – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
84. "Thematic language training in judicial cooperation in civil cases" (EJTN), 01-05.04.2019, Barcelona;
85. "The child between the past and the present" (EJTN), 01-02.04.2019, Slovenia;
86. "Rule of law – practical aspects. Independence and accountability of the judiciary and effective legal protection" (EJTN), 04-05.04.2019, Scandicci;
87. "Communication in the court room" (EJTN), 04-05.04.2019, Bucharest;
88. "Procedural guarantees in criminal cases" (EJTN), 08-09.04.2019, Malta;
89. "Combating terrorism" (EJTN), 10-11.04.2019, Madrid;
90. "Application of the Charter of Fundamental Rights of the EU before the national courts" (EJTN), 11-12.04.2019, Vienna;
91. "Direct application of the ECHR by the national courts" (EJTN), 11-12.04.2019, Bucharest;
92. "Cross-border cases of abduction of children" (EJTN), 06-08.05.2019, Lublin;
93. "Parental responsibility in the EU" (EJTN), 09-10.05.2019, Bucharest;
94. Closing conference "Rule of Law" (EJTN), 13-14.05.2019, Luxembourg;
95. "Thematic language training in judicial cooperation in criminal cases" (EJTN), 13-17.05.2019, Bordeaux;
96. "Cross-border support obligations in the EU" (EJTN), 15-16.05.2019, Lisbon;
97. "Human rights" (EJTN), 17.05.2019, Vilnius;
98. "The profession of a judge" (EJTN), 23-24.05.2019, Split;

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

99. "Environmental law of the EU" (EJTN), 27-28.05.2019, Trier;
100. "Temporary protection measures" (EJTN), 29-31.05.2019, Scandicci;
101. "European law in the area of family law" (EJTN), 06-07.06.2019, Brussels;
102. "Thematic language training in judicial cooperation in asylum law and refugee law" (EJTN), 10-12.06.2019, Vilnius;
103. "Personal data protection" (EJTN), 13-14.06.2019, Sofia;
104. "Rule of law in the EU" (Academy of European Law), 24-28.06.2019, Trier – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
105. "European criminal law" (Academy of European Law), 24-28.06.2019, Trier – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
106. "Detention of persons who have lodged applications for international protection" (EJTN), 26-27.06.2019, Malta;
107. Summer school "Legal and linguistic course in human rights" (EJTN), 01-05.07.2019, Brussels;
108. "Thematic language training in judicial cooperation in family law" (EJTN), 01-05.07.2019, Lublin;
109. "Management and communication skills" (EJTN), 02-03.07.2019, Berlin;
110. "Procedures in civil cases in the EU" (EJTN), 10-11.07.2019, Thessaloniki;
111. "Public procurement" (EJTN), 15-16.07.2019, Trier;
112. Summer language school "International cooperation in family law" (EJTN), 26-30.08.2019, Cracow;
113. "Thematic language training in judicial cooperation in civil cases" (EJTN), 26-30.08.2019, Bucharest;
114. "Combating terrorism – foreign fighters" (EJTN – CEPOL), 09-12.09.2019, Trier;
115. "Support obligation in cases with an international element" (EJTN), 11-13.09.2019, Lublin;
116. "Freedom of speech" (EJTN), 12-13.09.2019, Bucharest;
117. "Business and human rights: environment, employment, healthcare" (EJTN), 16-18.09.2019, Scandicci;
118. "Investigation of crimes against humanity and their impact on refugees" (EJTN), 18-20.09.2019, Nuremberg;
119. "Language seminar in data protection" (EJTN), 18-20.09.2019, Sofia;
120. "Terminating the right to international protection" (EJTN), 19-20.09.2019, Malta;

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

121. "Training in human rights" (EJTN), 23-25.09.2019, Strasbourg;
122. "European law of asylum" (EJTN), 30.09-01.10.2019, Thessaloniki;
123. "Human rights and access to justice - II" (EJTN), 08-09.10.2019, Strasbourg;
124. "Personal data protection" (EIPA), 09-10.10.2019, Maastricht – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
125. "Current case-law of the European Court of Human Rights in tax law" (Academy of European Law), 10-11.10.2019, Strasbourg – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
126. "Language training in competition law" (EJTN), 14-16.10.2019, Vienna;
127. "Social media; the balance between freedom of speech and private life" (National School for the Judiciary), 17-18.10.2019, Paris – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
128. "EU law in asylum and migration" (Academy of European Law), 17-18.10.2019 Trier – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
129. "The profession of a judge" (EJTN), 22-23.10.2019, Barcelona;
130. "Procedural guarantees in criminal cases" (EJTN), 28-29.10.2019, Paris;
131. "Access to justice for people with disabilities" (Academy of European Law), 13-15.11.2019, Sofia;
132. "Criminal justice in the EU 2019" (Academy of European Law), 14-15.11.2019, Lisbon – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
133. "National judges and anti-trust law in the digital era" (Hungarian Competition Protection Commission), 16-17.11.2019, Budapest;
134. "Trafficking in human beings" (National School for the Judiciary), 18-22.11.2019, Paris – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
135. "Corruption: uncovering, prevention, combating" (National School for the Judiciary), 18-22.11.2019, Paris – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
136. "Thematic language training in human rights" (EJTN), 25-29.11.2019, Wustrau;
137. "Introduction to EU law in asylum and migration" (EIPA), 28-29.11.2019, Luxembourg – under the project "Innovative Products and Services in the Training Provided by the NIJ" OPGG;
138. "The profession of a judge" (EJTN), 02-03.12.2019, Riga;
139. "Rights of victims in the EU" (EJTN), 03-04.12.2019., Brussels;

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

140. “Competition law in the EU” (EJTN), 10-11.12.2019, Brussels;
141. “International family law” (National School for the Judiciary), 11-13.12.2019, Paris – under the project “Innovative Products and Services in the Training Provided by the NIJ” OPGG;
142. “Human rights protection” (EJTN), 20-24.01.2020, Trier;
143. “Domestic violence” (EJTN), 31.01.2020, Lisbon;
144. “Anti-trust law in the EU” (EJTN), 02-03.03.2020, Bucharest;
145. “Protection of persons with mental disabilities in judicial proceedings (EJTN), 03-04.03.2020;
146. Mixed-form training “HFR/2020/01 Rule of Law “Rule of law: The judge’s independence – a guarantee for rule of law” (EJTN), 05-06.03.2020, Sofia;
147. “Children in the context of domestic violence (EJTN), 06.03.2020, Lisbon;
148. Webinar “Procedural guarantees in criminal cases” (EJTN), 17.04.2020;
149. Webinar “Public procurement in the EU” (EJTN), 27-28.04.2020;
150. Webinar “Thematic language training in criminal law” (EJTN), 11-15.05.2020;
151. Webinar “Consumer protection” (EJTN), 13-14.05.2020;
152. Webinar “European law in the area of equality” (Academy of European Law), 14-15.05.2020;
153. Webinar “European law in the area of asylum” (EJTN), 14-15.05.2020;
154. Webinar “Summer language school in family law” (EJTN), 25-28.05.2020;
155. Webinar “Gathering and admitting evidence in the area of combating terrorism. Challenges and best practice” (EJTN), 02-03.06.2020;
156. Webinar “International labour law” (EJTN), 04-05.06.2020;
157. Webinar “Application of the European anti-discrimination law” (Academy of European Law), 04-05.06.2020;
158. Webinar “Right to a fair trial. Current ECHR case-law” (EJTN), 04-05.06.2020;
159. Webinar “Legal and language training in human rights” (EJTN), 08-12.06.2020;
160. Webinar “Personal data protection” (EJTN), 08-09.06.2020;
161. Webinar “Ethics, bias and evidence” (EJTN), 11-12.06.2020;
162. Webinar “Country of origin” (EJTN), 25-26.06.2020;

163. Webinar “Thematic language training in refugee law” (EJTN), 01-03.07.2020;
164. Webinar “Summer school for junior magistrates in legal cooperation in criminal cases” (EJTN), 27-30.07.2020;
165. Webinar “Application of the EU law to combat discrimination” (Academy of European Law), 28-29.09.2020;
166. E-training “Prevention of radicalisation” (Council of Europe), 28.09-31.12.2020 – under the project “Prevention of radicalisation, judicial response to terrorism and international cooperation in criminal cases” implemented under the HELP Programme of the Council of Europe jointly with JIT with the financial support of the EU

Annex No. 4

SUMMARY RESULTS

of the Needs Assessment for the Bulgarian Magistrates in Relation to the Application of the ECHR and the CFR

Number of questionnaires filled out: 136

1. Position in the judiciary

Row labels	Number of survey participants based on
------------	--

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

	position in the judiciary
Prosecutor	40
Prosecutorial Assistant	10
Investigating magistrate	11
Judicial Assistant	14
Judge	50
(empty)	
Total	125

2. Type of institution

Row labels	Total number of participants based on type of institution
Prosecution Office	63
Court	67
(empty)	
Total	130

3. Court

Row labels	Total number of participants from courts
Administrative Court	9
Appellate Court	5
Supreme Administrative Court	1
Regional Court	23
District Court	28
Specialised Criminal Court	1
(empty)	
Total	67

4. Prosecution

Row labels	Total number of participants from Prosecution Offices
Appellate Prosecution Office	2
Appellate Specialised Prosecution Office	1
Supreme Cassation Prosecution Office	3
Regional Prosecution Office (Sofia City PO) / Regional Investigation Department at RPO/Sofia City PO	22
District Prosecution Office	35
(empty)	
Total	63

5. Professional experience in the judiciary

Row labels	Total number of participants based on their professional experience in the judiciary
Over 25 years	12
From 0 to 5 years	24
From 15 to 25 years	52
From 5 to 14 years	2
From 5 to 15 years	41
(empty)	
Total	131

6. Have you taken part in training organised by the NIJ on matters related to rule of law and fundamental rights protection and, in particular, the application of the ECHR, the CFR and the relevant case-law of the ECtHR and the ECJ?

Row labels	Total number of participants who responded to the question
Yes	47
No	82
(empty)	
Total	129

7. Please specify the NIJ area of work in which the training you attended was organised:

Row labels	Total number of participants who responded to the question
Introductory training upon initial appointment to judicial authorities	2
Mandatory initial training	4
Continuous training of magistrates	43
(empty)	
Total	49

Did the training meet your training needs in the said area?

Scale: 1 – it did not, 5 – it did to the fullest;

8. Subject scope / content

Row labels	Total number of participants who provided an evaluation of the subject scope / content of the training offered by the NIJ
2	2
3	13
4	11
5	22
(empty)	

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

Total	48
--------------	-----------

9. Practical applicability

Row labels	Total number of participants who provided an evaluation of the practical applicability of the training offered by the NIJ
2	8
3	8
4	16
5	16
(empty)	
Total	48

10. Opportunities provided for discussion and exchange of professional experience

Row labels	Total number of participants who provided an evaluation of the opportunities for exchange of experience in the training offered by the NIJ
1	3
2	8
3	6
4	12
5	20
(empty)	
Total	49

11. Adequacy/effectiveness of the training methodology used

Row labels	Total number of participants who provided an evaluation of the training methodology used by the NIJ
1	1
2	1
3	12
4	15
5	19
(empty)	
Total	48

12. Clarifying comments for the evaluation:

It's been a long time since the last training and I don't remember well but, as a whole, the training has always been at a very high level.
A great partial orientation is necessary.
The training was in English and it was organised with the help of the NIJ and the EJTN and it was held in Brussels.
The training was useful. I think that seminars and webinars in this area should be held regularly.
The training was a long time ago.
I have no comments.
(empty)

13. How would you evaluate your level of knowledge in the area of rule of law and fundamental rights protection

Row labels	Total number of participants who responded to the question
I have basic knowledge	67
I have good knowledge in the area	40
I have in-depth knowledge in the area	7
I am unable to say	8
I have no knowledge in this area	8
(empty)	
Total	130

14. Do you need introductory training on the application of the ECHR, the CFR and other EU law provisions of relevance to rule of law and fundamental rights protection, respectively the relevant case-law of the ECtHR and the ECJ?

Row labels	Total number of participants who responded to the question
Yes	100
No	30
(empty)	
Total	130

15. Please specify the topics/matters you find important to be discussed in introductory training in the specific thematic area:

In the area of criminal law and procedure.
All matters related to the right to defence of accused persons in the course of criminal proceedings.
Civil aspects in the application of the ECHR, case-law of the ECtHR in setting just satisfaction for violations of rights under the Convention.
Duplication of criminal and administrative criminal proceeding, detention, etc.
ECHR, CFR – essence and main provisions, problems and case-law.
Competition between EU law and national law on a specific matter.

The absence of basic knowledge in these topics in a prerequisite to hold such seminars.
Criminal prosecution and guarantees for the rights of the parties to the procedure.
Violations of Article 5 and Article 6 ECHR.
Main provisions in relation to the application of the ECHR and the CFR.
Fundamental case-law of the ECtHR and the ECJ.
Which procedure should be applied in the case of an application for compensation for acts, omissions and/or statements of the Customs Agency – as an application under Article 1 of the Liability of the State Act or under Article 2c of the Liability of the State Act inasmuch as the customs authorities apply EU law because, pursuant to Article 3 (1) (a) TFEU, the customs union falls within the exclusive competence of the Union. Which violation of EU law is to be deemed sufficiently material – what are the criteria to determine it as such (sufficiently material). Specifics when determining the so called “reasonable” time to hear and resolve the case.
More practical application, case-law (2 responses)
Rights and violations of rights, criminal elements in this regard.
Human rights in criminal proceedings.
EU law.
Right to a fair trial; right to privacy; right to possession.
Case-law of the ECtHR and the ECJ, structure of the courts, effect of the CFR.
Case-law of the ECtHR in cases regarding violations of rights and freedoms protected under the Convention.
Court’s case-law in relation to violations of Article 5 and Article 6 of the Convention.
Case-law of the ECtHR under Article 6 and Article 8.
Application of the ECtHR and the CFR. Case-law.
The <i>ne bis in idem</i> principle in parallel proceedings for the same offence held in different States and in the cases when one set of proceedings has been completed.
Distinguishing between the ECHR and the CFR and applicability in our national law.
In my opinion, there is no access to appropriate training materials in Bulgarian in relation to the overall discussion of the application of the ECHR and the CFR. The existing text books are either obsolete or targeted at specific issues and, hence, do not allow for the creation of an overall idea of the matter. There is no comprehensive discussion of the case-law of the ECtHR and the ECJ in cases from Bulgaria. I think a study manual should be published, spanning 300-400 pages, to present in depth and concisely the rights within the meaning of the ECHR and the CFR from the point of view of the doctrine, the most important case-law of the respective courts and the case-law in cases from Bulgaria.
Fair trial.
Relationship between the European Investigation Order and the ECHR within the reasonable time, when is it more appropriate to apply the one, and when the other. EIO when an act requires preliminary approval by the court.
Relationship between the competence of the ECtHR and the ECJ as regards human rights – EU citizens.
A comparison between the Bulgarian legislation and EU law in this area and what the main differences in law enforcement are.
Permanently diverse Bulgarian case-law with the ECtHR and the ECJ. How the other States which have ratified the ECHR and the FR have overcome certain partial problems.
Chronology of statutory sources.
Article 6 ECHR.
I cannot say (2 responses)
I have no suggestions.

(empty)

16. Do you need specialised training in the application of specific provisions of the ECHR, the CFR and other relevant EU law provisions, respectively specific aspects of rule of law and fundamental rights protection in the national context?

Row labels	Total number of participants who responded to the question
Yes	104
No	24
(empty)	
Total	128

17. Please specify the topics/problems with respect to which you believe you need training:

Current case-specific applicability of the provisions in the national cases.
Types of rights, criminal elements.
Everything in the area of EU law.
Matters related to the time of coming into being of the figure of the accused person, related right to defence, types of violations in this regard committed before a person is constituted as an accused person – in the course of a preliminary inspection, detention for a period of 24 hours, etc.
Guaranteeing rights in criminal proceedings.
Guarantees for the right to free expression under Article 10 ECHR.
Actions of investigative authorities.
Access to court and fair trial; inviolability of personal and family life; rights of the child and the supreme interest of the child; right to express an opinion and its relation to the rights of any persons affected by statements.
ECHR and CFR.
When and in which cases is the Bulgarian law applied, is it mandatory in all cases and when is EU law applied directly.
Parallel proceedings in different States.
I need information about the case-law related to rule of law and ECHR.
Discussion of cases to which the Republic of Bulgaria has been a party to at the ECtHR, respectively violations of ECHR were found and convictions were rendered. The analysis should be targeted at future avoidance of restricting the rights to a fair trial and the other specific rights set out in the Convention.
On all matters.
On different specific topics.
The said topic.
Indicated under the previous question.
Right to a fair trial; right to private life; right to possession.
Right to a fair trial, to defence, to equality of the parties.
ECJ case-law.
Court's case-law in relation to the application of Article 5 and Article 6 of the Convention.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

Practical application of the ECHR and the CFR.
Application of the ECHR and the CFR by a Bulgarian judge.
Application of the Bulgarian law with that of the European Union.
Application of the ECHR by judicial authorities. Analysis and main elements.
Duration of detention in custody as grounds to amend a remand measure.
Diverse case-law.
Freedom of expression.
Specific aspects in the proceedings under the Execution of Punishments and Detention in Custody Act in the context of fundamental rights protection.
Specific aspects of rule of law and relevance of the fundamental rights under the ECHR to the national legislation.
Relationship between the competence of the ECJ, the ECtHR and the national courts.
Article 4, Article 5 and Article 6 ECHR.
Article 6 ECHR.
Article 3, Article 6 ECHR.
Article 5 and Article 6 ECHR.
I cannot say.
I have no specific suggestions.
(empty)

18. What are your recommendations on how to increase the quality and effectiveness of the training held at the NIJ in the area of rule of law and fundamental rights protection:

Focus on the practical orientation of the rule-of-law principle.
If held online, the seminars should be half a day only because, after that, they become highly inefficient. I have noticed that the seminars organised by EPA in the past (epidemic) year have been in the mornings only.
At the NIJ, this matter is taught by Attorney-at-Law Zlatka Stefanova who has in-depth knowledge and does an excellent job. I could recommend that other specialists be involved as well: for example, Ivaylo Tsonkov, Ph.D., who is familiar in detail with the case-law of the ECtHR.
Inclusion of foreign lecturers, as well as university professors.
All courses I have attended have been at the necessary level.
All judges need to attend mandatory training on fundamental human rights with an emphasis not only on the doctrine but also on the application of the case-law of the ECtHR.
Practical orientation as regards application.
Not online training but in-person ones (4 responses)
Continue to hold training in the same vein.
Examine which the most frequent contradictions in the case-law with the ECHR and the CFR are. Give practical guidance on how to overcome the existing diverse case-law.
Comment on specific cases from experience.
Provide case-law from courts of other EU Member States.
Hold training on the case-law of the courts and summarise new case-law either in digests or in seminars.
Discuss and analyse the cases where the State was conviction of breaches of rights and freedoms.
To ensure a better effectiveness of the training, it should be held in person.
Scrutiny and an increased amount of knowledge, innovation.
The specific topic should be covered in depth in the training.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

Maybe lecturers from Supreme Court of Cassation level.
There is no doubt about the quality of the training held at the NIJ; the effectiveness could be boosted through organising online training.
I have none because I have not taken part in any training. Maybe creation of a manual in relation to the application of the said international acts.
I have none; I have taken part in international seminars on the topic with the assistance of the NIJ and, in this regard, they do a perfect job.
Training involving both theoreticians and practitioners in the respective field.
Illustrating the lectures with specific examples from experience.
Better advance preparation and practical orientation.
At least minimal knowledge would be a good start.
More frequent and more detailed training.
Practically oriented training – becoming familiar with key judgments, including how to search in the case-law of the ECJ.
Lectures led by lecturers with experience and with specific practical orientation.
Holding periodic training.
Holding more in-person training; the training should be practically oriented and not have the lecturers make an overview of the historical development of the problem.
Work on presentations. Presenting key judgments in the field and their application by the national jurisdictions in justice delivery.
Regular training at the local level.
In view of the amount and the significance of the case-law of the ECtHR and the ECJ, I would recommend regular training on such topics.
The seminars should be longer.
A manual should be published (I have described it in my response to 6.1) and, in addition to introductory training on the application of the ECHR and the CFR, training should be held on specific matters in relation to problems arising in Bulgaria.
Regular training should be organised.
Participation of Prof. Semov as a lecturer as well as of his “students” and colleagues.
I have no recommendations (3 responses)
I have no recommendations as I have not taken part in such training (3 responses)
(empty)

Annex No. 5

Guiding Principles to Conduct and Develop Judicial Training in the Area of Fundamental Rights and Rule of Law

I. Principles and guidelines on judicial training identified in acts of the Council of Europe

1. The requirements for the training in the area of human rights and rule of law are set **both at the university level and at the professional level** of practitioners in areas related to fundamental rights protection. This is done in **two underlying acts** – Recommendation of the Committee of Ministers **Rec(2019)⁴⁴ of 16 October 2019** adopted in furtherance of the earlier Recommendation of the Committee of Ministers **Rec(2004)⁴⁵ of 12 May 2004**.

1.1. Member States should ensure **adequate university education and professional training** in the content and the systems of the European Convention on Human Rights (ECHR, the Convention) and the case-law of the European Court of Human Rights (ECtHR, the Court). This means that:

a) they are included as a component of the common core curriculum of law and, as appropriate, of other disciplines, and optional specialisations;

b) they are included as a component of the programme of national examinations for access to the certain professions and of the initial and continuous training provided to judges, prosecutors and lawyers;

c) the topics are introduced in the initial and continuous professional training for other law-enforcement officers and officials responsible for detention centres.

1.2. The increase in effectiveness of university education and professional training in the field should be attempted through:

a) creation of stable structures (public and private) of training providers whose representatives should not only have a good knowledge of the Convention concepts and the case-law of the Court but should also master adequate training techniques;

b) setting up centres to study the development of law in human rights and research the case-law of national courts;

⁴⁴<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168098396e>

⁴⁵<https://www.ohchr.org/en/resources/educators/human-rights-education-training/20-committee-ministers-recommendation-rec-2004-4-member-states-european-convention-human-rights>

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

c) organising awareness-raising campaigns.

1.3. To achieve these two groups of goals, principle recommendations have been elaborated and the following deserve to be emphasised:

- expectation that the Member States will develop and form their **own national training programmes** led by prepared trainers who take into account the diversity and differences in individual legal systems and are adequate to the specific national circumstances while they also ensure full coverage of the ECHR standards.

- teaching Convention matters and the Court's case-law is to be a **mandatory part** of the university curriculum in the training in law and, where possible and appropriate, in other specialties as well.

- encouragement to build **sustainable systems with the involvement of specially trained lecturers and trainers** for different audiences.

2. As regards the prosecutor's profession, a special place in setting the training standards is accorded to the **Recommendation of the Council of Ministers (2000)19 of 6 October 2022 and the Explanatory Memorandum for it⁴⁶**.

2.1. The Committee of Ministers of the Council of Europe considers the **professional training of prosecutors** both as their right and their obligation. The training should be organised in advance (before appointment and as a condition for it) as well as permanently.

States are expected to take effective measures so that prosecutors may obtain adequate professional training with a special focus on certain topics, including **legal defence of accused persons, victims and witnesses and guaranteeing fundamental rights and freedoms under the Convention and, in particular, those laid down in Article 5 and Article 6 ECHR⁴⁷**.

2.2. In addition, the training is to cover **specific matters or be in specific areas** taking into account the development of crime and the international legal cooperation in criminal cases and to combine with the **prosecutors' specialisation**.

II. References and recommendations to judicial training in act of consultative bodies of the Council of Europe

1. From the point of view of the Consultative Council of European Prosecutors (CCPE)⁴⁸, the **training of prosecutors** is an important topic touched upon in almost all opinions adopted so far.

⁴⁶ https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016804be55a

⁴⁷ Items (b) and (c) are highlighted given the close connection of these two training areas with the project topic.

⁴⁸ <https://www.coe.int/en/web/ccpe/opinions/adopted-opinions>

1.1. First, this holds true for the opinions **dedicated to a specific aspect or a topic of prosecutorial work** – see, for example, Opinion No. 1 (2006)⁴⁹; Opinion No. 5 (2010)⁵⁰; Opinion No. 8 (2013); Opinion No. 10 (2015)⁵¹; Opinion No. 11 (2016); Opinion No. 14 (2019).

1.2. There is also another group of opinions with references to the training of prosecutors in which the Council has dealt with **more general topics** outlining the role of prosecutors in democratic societies, their contribution to the administration of justice in interaction with the court, the need for prosecution offices to deserve and rely on public trust, including as an advocate of fundamental human rights – especially for vulnerable participants in the process.

Special mention should be made of CCPE Opinion No. 4 (2009) which sets out the so called Bordeaux Declaration and provides clear arguments that, as regards professional training, judges and prosecutors need to be treated in an analogous way and that joint training is to be encouraged⁵².

Opinion No. 9 (2014) laying down the so called Rome Charter emphasizes the message that *the highest level of professional skills and integrity is a prerequisite for an effective prosecution service and for public trust in that service. Prosecutors should therefore undergo appropriate education and training with a view to their specialisation.* In this regard, recommendations are made for: a) similar guarantees as regards their status, conditions of service, training, career development, salaries, discipline and possibilities for transfer of judges and prosecutors (Section 53); autonomous character of the institution in charge of organising such training (Section 58); measures for regular, objective and effective training while seeking joint forms, where training should accompany a prosecutor's career after appointment; mandatory inclusion of the *constitutional and other legal protection of persons involved in legal proceeding and human rights and freedoms as laid down by the Convention for the Protection of Human Rights and Fundamental Freedoms.*

CCPE Opinion No. 12 (2017) can also be considered in this group based on the connection with the protection of human rights and appropriate treatment of the vulnerable participants in the process, which it deals with. According to its Recommendation No. 9, *“Protection of rights of victims and witnesses, particularly when vulnerable, as well as an adequate approach to various types of victims/witnesses, should be part of the initial and in-service training programmes of prosecutors, in order to become a significant component of their professional knowledge and culture.”*

⁴⁹ Recommendation (i): Prosecutors and investigative bodies should have proper training, as appropriate, both as regards the law and the most modern techniques of the investigation iques.

⁵⁰ Paragraph 19: *“Prosecutors should have the necessary and appropriate means to exercise their competences with juveniles or these means should be attributed to other competent services in charge of juveniles. In particular, a system of recruitment, appropriate training as well as necessary staff, means and specialised services should be provided to them. Moreover, Member States should consider setting up specialised units or officers for juvenile delinquency.”*

⁵¹ Recommendation (i): *“Prosecutors and investigative bodies should have proper training, as appropriate, both as regards the law and the most modern techniques of the investigation.”*

⁵² See Section 10 of the Bordeaux Declaration.

2. When dealing with the topic of **training for judges, the CCJE has taken a slightly different approach** in comparison to the CCPE.

First, given the higher number of opinions adopted by this Council, there is a more tangible attempt to send messages which synthesise main principles about the work of judges and in the opinions already adopted. Such a succinct position is presented with the adoption of the so called **Magna Carta of Judges** at the tenth anniversary meeting of the Council in 2010. In one of the seven parts of this relatively brief document, a summary of the most important aspects of the first ten opinions adopted, the training of judges is presented as a premise – an important guarantee for their independence and professionalism. According to Section 8 of the Magna Carta of Judges, *“Initial and in-service training is a right and a duty for judges. It shall be organised under the supervision of the judiciary. Training is an important element to safeguard the independence of judges as well as the quality and efficiency of the judicial system.”*

Furthermore, the CCJE clearly opts to consider these matters (judicial training) not only horizontally, by ties to the different topics of its opinions dedicated to aspects of the work and relations of judges and courts, but also to elevate them to an independent (main) subject on which the Council focuses completely. This choice also determines the succinct presentation of the CCJE messages (in addition to the Magna Carta of Judges referred to above) again in two groups. One group combines the opinions in which judicial training is in itself the main subject of discussion; the other group is made up of relevant references to the training needs, requirements and standards in the context of different “sectoral” and “functional” aspects of the work of judges and courts.

2.1. First group of messages from CCJE opinions dedicated specifically to judicial training

2.1.1. A fundamental document among the acts in the first group is **Opinion No. 4 (2003)** on the appropriate initial and in-service training for judges at national and European levels. As is obvious, at a relatively early stage of its work, the CCJE decided to focus its attention on the requirements and expectations of the training of judges, including from the point of view of seeking guarantees for independence and impartiality in accordance with the requirements of the Convention for the Protection of Human Rights and Fundamental Freedoms. After a detailed argumentation, in its opinion the CCJE **sets out clearly several groups of recommendations**.

The first one is that the training of judges should be elevated as a **mandatory element** in the statutory provisions for their status while the States should commit at the highest level to ensure organisation and control of the training of judges by entrusting them to a judicial authority or another independent (of the executive) body which does not take in the decision making process as regards the appointment or promotion of judges⁵³.

⁵³ See Parts I and II of CCJE Opinion No. 4 (2003).

The second group of recommendations deal with the **initial training** of judges at the beginning of their career and the programmes which provide it. There are clear requirements for: this training should be mandatory for newly appointed judges; it needs to provide wide-ranging knowledge on national and international law, ethics, administration of courts, information technology, social sciences, etc.; its duration should be such as to prevent formal training; it needs to be pluralist in order to strengthen the impartiality of the judge and to boost the judge's social awareness⁵⁴.

Special attention is accorded to how the training of judges is to be held **in-service without taking the judges away from work**. According to the CCJE opinion, the application of this method should be: based primarily on the voluntary participation of judges; in line with specific needs; encouraged actively; based on programmes allowing for the participation of representatives of different levels and professions in the judiciary making it possible to exchange experience and achieve common insights⁵⁵.

The next group of recommendations deals with the need to **assess** the judicial training from the point of view of its content and results and with the requirements for the assessment. According to the CCJE, this includes: regular assessment of the training programmes and methods; use of feedback from the trainees; avoidance of qualitative assessment of the judges based on their participation in training (unless when the initial training is part of the recruitment of the most suitable candidates for appointment).

Several general recommendations are given regarding the **training in international and EU law** with an emphasis on the direct applicability of the ECHR, other conventions of the Council of Europe and the EU Treaty. They have been elaborated further in a following CCJE act and, therefore. They will be presented below.

2.1.2. The further elaboration of the CCJE positions on the matters of training in EU law takes the form of **CCJE Opinion No. 9 (2006)** on the role of national judges in ensuring an effective application of international and European law. The nature of the connection to the previous Opinion No. 4 (2003) is clarified explicitly with the note that, as regards the requirements for initial and in-service training for judges at national and European levels, the considerations developed in 2003 continue to apply.⁵⁶ Special emphasis is laid that the development of European integration and globalization necessitate respective changes in judicial training, practice and even institutional culture⁵⁷. In view of the essential nature of the matter concerning judicial training in the application of international and EU law, it makes up the **subject matter of the first Part (A)** of the summary of recommendations and conclusions in the Opinion under discussion. According to the CCJE:

⁵⁴ See Sections 26-28 of CCJE Opinion No. 4 (2003).

⁵⁵ See Section 37 of CCJE Opinion No. 4 (2003).

⁵⁶ See (6) of the Introduction to CCJE Opinion 9 (2006).

⁵⁷ See (2) of the Introduction to CCJE Opinion 9 (2006).

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

a) States need to pay special attention and allocate funds for the training of judges in international and EU law and this function should be entrusted to an independent body (outside the control of the executive) responsible for the training of judges.

b) Acquiring advance (including through extra professional training) good knowledge of international law, EU law and case-law of the international courts and the ECJ is a conditions to practice the profession of a judge which appointees should meet before they take up their duties⁵⁸. To this end, the CCJE has expressed its opinion clearly that these topics need to included appropriately in the curricula of law faculties.

c) Training in international and European law should play a relevant role in the initial and in-service training of judges, including through the use of the possibilities offered by the international cooperation between national judicial training institutions. Encouragement is provided to engage trainers from the judiciary⁵⁹.

d) Judges should have at their disposal all the necessary information, suitably indexed and annotated, on international and European law. States are obligated to guarantee free access to the judgments of international and European courts, including in translations. The translations for the needs of the court need to be funded outside the costs for their ordinary work.

e) Appropriate measures, including through subsidies, should encourage foreign language education for judges.

2.2. Second group of messages from CCJE opinions related to judicial training

In addition to the two opinions discussed above which are dedicated to judicial training (in general and with an emphasis on international and EU law), the matters of judicial training have been touched upon in other opinions inasmuch as they are relevant to the topic of discussion. Given the targeted acts in the first group, it is noted that the intensity of these horizontal references to the topic of training are fewer in comparison to those in the CCPE opinions. Some of the total of 24 CCJE opinions adopted so far do not touch on the matters of judicial training, mention them briefly or make only general references. This is why the group should include those CCJE opinions on different topics defined in terms of sector or function which make **more essential references** to the judicial training of the representatives of legal professions. These are:

a) **CCJE Opinion No. 6 (2004)** on fair trial within a reasonable time and judge's role in trials taking into account alternative means of dispute settlement. Above all, it considers the role of the court as a factor to increase the public awareness and the need for the citizens to become familiar with the functions of the court through appropriate educational programmes where the judges will

⁵⁸ When appropriate, it is recommended to introduce tests on the application of the international norms in the competitions to be appointed to the profession– See Section 13 of the Opinion.

⁵⁹ See Section 14 of CCJE Opinion No. 9 (2006).

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

assist in popularizing them⁶⁰. The Opinion emphasizes the significance of training in mediation and restorative justice as well as the need to conduct it under the control of the court⁶¹.

b) **CCJE Opinion No. 7 (2005)** on justice and society. It refers to the previous opinion as regards the educational role of the court while it also emphasizes the need for the judges to receive training as to relations with the public⁶². Furthermore, the CCJE explicitly voices its support for any initiatives which include training programmes in non-discrimination and equal treatment organised by the court for judges and court staff (in addition to such programmes organised by lawyers and for lawyers)⁶³.

c) **CCJE Opinion No. 11 (2008)** on the quality of judicial decisions. Inasmuch as the quality of a judicial act is a function of the professional background and the experience of the judge issuing it, the CCJE expressly emphasizes the need for high-quality legal training as a condition for a career start as a judge and targeted in-service training to improve one's professional skills, including on matters outside the specific legal area, including ethics and organisational capacity⁶⁴. The recommendations pay special attention to the multi-disciplinary training as a means and a factor for the development of a culture of professionalism, independence, ethics and fairness⁶⁵.

d) This group must also include **CCJE Opinion No. 12 (2009)** on the relations between judges and prosecutors whose main contribution is the development of the concepts to encourage joint training of magistrates from different professions and continuous training throughout one's career. As already noted, this opinion was adopted jointly with the CCPE and also makes up CCPE Opinion No. 4 presented in detailed in Section 1.2.1 above.

e) **CCJE Opinion No. 21 (2018)** on preventing corruption among judges also deals with the effective training on ethical matters as a means of strengthening rules and guidelines of ethical behaviour which minimize corruption risks among the judges' community. The training of judges is once again elevated to the mandatory statutory (regulatory) framework the States need to ensure – including as a means of preventing corruption⁶⁶.

f) **CCJE Opinion No. 23 (2020)** on the role of associations of judges in supporting judicial independence, albeit with brief references, offers an important message for adequate training providers. Based on an analysis of the practices in Member States, the CCJE comes to the conclusion that the associations of judges can play an important role in training and strengthening ethical behaviour among judges and – including in this way – contributing to the necessary judicial

⁶⁰ See Recommendation A.2. of CCJE Opinion No. 6 (2004).

⁶¹ See Section 143 and Section 159 of CCJE Opinion No. 6 (2004).

⁶² See Recommendation A.5 and Section 20 of CCJE Opinion No. 7 (2005).

⁶³ See Recommendation B.3 and Sections 28-29 of CCJE Opinion No. 7 (2005).

⁶⁴ See Recommendations C and D as well as Sections 16-17 of CCJE Opinion No. 11 (2008).

⁶⁵ See Recommendation F of CCJE Opinion No. 11 (2008).

⁶⁶ See Recommendations E and H of CCJE Opinion No. 21 (2018).

reforms⁶⁷. This can take place both in the form of needs analyses and recommendations to the “main” training providers and in developing own training programmes and ensuring qualified trainers which the CCJE clearly welcomes⁶⁸.

III. Judicial training, including in the areas of fundamental rights protection and rule of law, from the point of view of the European Union (EU) and the European Judicial Training Network (EJTN)

From the point of view of setting out specific messages and requirements, identifying priorities and placing them in the current time framework, there first needs to be a summary presentation of the **European Judicial Training Strategy for 2021 – 2024 (“the Strategy”)** communicated by the European Commission (EC) to the European Parliament (EP), the Council, the European Economic and Social Committee and the Committee of the Regions on 2 December 2020.⁶⁹

1. Alongside the positive evaluation of the impact of judicial training on the application of EU law since the Lisbon Treaty and the achievement of the goals in the previous European Judicial Training Strategy for 2011 – 2020, the introduction of this document sets out the main goal – judicial training should remain high on the EU agenda and be **further strengthened**, especially in areas related to:

- preserving rule of law and combating attacks against fundamental rights in certain Member States (MS);
- growing digitalisation of societies;
- prospects of EU expansion with the accession of States from the Western Balkans.

2. In the context of the above introduction, the Strategy presents and assesses the **emerging needs for training in relation to the EU law** which are to be met with a flexible approach. According to the Strategy, they are in the following areas which necessitate respective actions from (national) training providers and the EC:

2.1. *Judicial training to promote a common rule of law culture*

An emphasis is placed on the essential connection between **rule of law and ensuring effective legal remedies for judicial protection** and the role of practicing specialists in the field of justice (magistrates) and the need for them to be up to date with the achievements in the area of EU law and the fast developing case-law of the Court of Justice of the European Union (ECJ). In this way, an implicit recommendation is made about the content of judicial training.

2.2. *Upholding fundamental rights*

⁶⁷ See Section 5 of the conclusions and recommendations of CCJE Opinion No. 23 (2020).

⁶⁸ See (33) of the rationale of CCJE Opinion No. 23 (2020).

⁶⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0713>

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

The main emphasis here is the need for effective application of the **EU Charter of Fundamental Rights (CFR)** – in a manner which will transform the fundamental rights it lays down from an abstract concept into content and reality in people’s every-day lives. This is why it stresses the need for specialised training on the application of the CFR and combining/including the training on the CFR and on specific rights (personal data protection) in training modules dedicated to different areas of EU law when applicable.

2.3. Upscaling the digitalisation of justice

The Strategy emphasizes the need for practicing specialists in the area of justice to boost their **knowledge in the field of digitalization** and artificial intelligence and to adjust the use of accessible tools to the new realities (an appropriate example is the adaptation of systems to the COVID-19 pandemic). The use of new tools, including in cross-border proceedings, is related to the need to ensure adequate protection of human rights and of personal data in the digital space.

2.4. Keeping pace with developing EU law

According to the Strategy, in addition to the direct application of EU law, the adequate judicial training should make it possible for practitioners to be up to date with the **development of EU law**. Any new legislation and CJEU case-law developments necessitate training if they are to have the intended effects and justice professionals are to have the requisite knowledge and skills. Special reference is made to the growing instruments for EU cross-border judicial cooperation and to the setting up of the European Public Prosecutor’s Office (EPPO).

In terms of subject matter, priorities remain combating terrorism, organised crime (including trafficking in human beings, firearms and illicit drugs), preventing and countering radicalisation leading to violent extremism and fighting money laundering.

In terms of function, attention is directed to working with victims of crime and, more specifically, the adequate response to the needs of those who are most vulnerable; recognizing abusive litigation (claims); and using the available tools to address it. Specialised training is needed as regards the rights of children, the rights of people with disabilities and adaptation of justice systems to these groups, the specific challenges faced by victims of gender-based violence, equality and non-discrimination. It is also emphasized that these topics need to be covered in other courses based on subject matter.

2.5. Equipping practitioners to address new challenges

The Strategy emphasizes the link between the new social, health, geopolitical and other factors which have a massive impact on the lives of people and societies, necessitate or prompt a targeted legal response and, hence, need to be covered by judicial training. The examples listed include, alongside the COVID-19 pandemic, the new forms of terrorism and violent extremism, cybercrime, changes in employment and labour law. A positive example is drawn from the training on matters related to granting asylum during the previous immigrant wave.

3. When outlining the **necessary components of judicial training** (training of specialists in the area of justice), the Strategy clearly sends the message that this training needs to go beyond the boundaries of EU law and university legal education and to encourage the acquisition of multi-disciplinary competences. Special attention is paid to the need to teach “judge craft” which includes judicial conduct, resilience, unconscious bias, case and courtroom management, and leadership.

As regards the non-legal knowledge deemed to be a necessity in the practice of magistrate professions, judicial training must provide at least basic competences in the areas of behavioural sciences, psychology, anthropology, economics and cognitive linguistics and, last but not least, development of legal language skills and knowledge in foreign languages, especially for those working on cases with cross-border elements.

4. When determining the **target groups for training**, the Strategy naturally focuses on the main (magistrate) professions – judges, prosecutors and investigating magistrates setting the ambitious goal to encompass in training the core group (up to 65% of the judges and prosecutors). It also envisages the development of joint training materials and joint training sessions for prosecutors, judges and investigating magistrates. In this context, it welcomes the productive cooperation between the EJTN and the European Union Agency for Law Enforcement Training (CEPOL). Traditionally, the Strategy envisages that the judicial training will be targeted, although not as intensely, at staff of courts and prosecution offices, lawyers, notaries and bailiffs.

However, alongside this, attention is paid to including professionals from other professions related to justice in judicial training – prison staff and probation officers are also identified as target audiences. Account is taken of the need for judicial training to also cover mediators, court experts (expert witnesses), liquidators and receivers, providers of written and oral legal translation.

On the backdrop of the ambitious goals to cover the said groups of trainees, the main expectations for action and contribution are set towards training networks, notably the EJTN, as well as the European Penitentiary Training Academies Network (EPTA) and the Confederation of European Probation (CEP).

1.5. While seeking to ensure **effective and good quality activities of judicial training**, the Strategy relies on a careful needs analysis – both at the national level and at the European level. It emphasises the need to resume in-person training when the sanitary situation allows for it and to combine it with online training hybrid forms using new technologies. Effectiveness and good quality are also associated with expanding the access to training for as broad audiences as possible; the specific **recommendations to providers** come down mostly to:

- following the recommendations developed in the Advice for training providers⁷⁰ and the Handbook on judicial training methodology in Europe⁷¹ created by the EJTN;

⁷⁰ <https://e-justice.europa.eu/fileDownload.do?id=9f252d82-8ef4-4f6e-b562-372f9fa50096>

⁷¹ <http://www.ejtn.eu/Methodologies--Resources/Training-Methods>

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

- covering in cross-border training activities at least 5% of the target audience of judges and prosecutors annually, while including new participants;
- offering practical and accessible to all learners e-learning relying mainly on short and targeted forms in line with specific and immediate needs;
- evaluating the training activities from the point of view of the satisfaction and increased competences of the participants and, when possible, from the point of view of their impact on the trainees' work.

These guidelines envisage that the EC should (to the extent possible) introduce and use a common form to evaluate the training supported by the EU and also build a central information registry for training activities of judicial specialists⁷².

6. A special focus of the Strategy is **boosting judicial training for young practitioners in the area of justice**. It relies mainly on the initial training to build their understanding about the nature and the role of EU law in the national legal systems, the EU *acquis* as regards rule of law and fundamental rights protection and to support the trainees in getting an idea about their role as European magistrates. This is why, the following is expected of training providers:

- ensure that every initial training curriculum for (candidates for) junior magistrates includes modules on EU law;
- EU *acquis* on the rule of law and on the CFR are to be a mandatory element of initial judicial training. The same holds true for teaching 'judgecraft';
- every future (newly appointed) judge or prosecutor must take part in cross-border exchange in the course of initial training with recommendations to use the EJTN AIAKOS programme as a standard component;
- legal language courses need to become a standard component of the initial training offer.

7. As for the main matter of **how to allocate the responsibilities** for building an effective and comprehensive system of judicial training, the Strategy relies on shared commitments and coordination of the efforts among: Member States; training providers; national and supranational organisations of justice professions in the EU. The main commitment lies with the **national component** – national training providers, justice ministries, judicial councils, prosecution offices which need to guarantee that the training programmes offered meet the needs. In terms of the application of EU law, the Strategy refers to the use of networks of **EU law experts** who will be consulted, if necessary, without breaching the judicial independence and to the **support expected from the EC**.

⁷² It is envisaged that this will take place based on the European training platform which will be included in the European e-Justice portal and will offer access to self-study materials on EU law to those who are interested - https://e-justice.europa.eu/content_european_training_platform-37158-en.do

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

Special note and encouragement is made of the **unique role of the EJTN and its nine principles of judicial training**⁷³. The Network is regarded as the organisation with the best capacity to coordinate the national training activities for judges and prosecutors in EU law, on matters with cross-border elements and exchange while the said nine principles are a measure of good practice as regards judicial training globally.

The Strategy highlights the need to establish partnerships for judicial training with diverse **organisations of legal professions** and with the **main institutional factors at EU level** – such as the Academy of European Law (ERA) and the European Institute of Public Administration (EIPA). The first one is considered to help with improving the training in EU law by disseminating training materials among its members and by exchanging best practice. The Strategy views the ERA и the EIPA as a source of support to consolidate the improvement of the exchange of knowledge in EU law.

Furthermore, also in view of the possibilities for EU expansion, the Strategy draws a bridge for cooperation and dissemination of the Union's legal culture towards EU membership **candidate States or potential candidates**. The main purpose is to improve the functioning of their legal systems and the response to the needs for training in rule of law and EU *acquis*, and to encourage democracy and strengthen the principles of rule of law and fundamental rights protection as necessary prerequisites for EU accession. Special attention is paid to the need to continue and intensify the cooperation with the **States from the Western Balkans** and their national judicial training providers.

⁷³ http://www.ejtn.eu/PageFiles/15756/Judicial%20Training%20Principles_BG.pdf

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

REPORT on the Judicial Training in Norway

(drawn up by Mr. Øystein Ramseng, Expert at the Norwegian Courts Administration)

Table of content

Abstract	130
1. Introduction	131
2. How Judicial Training in Norway is Organised	131
2.1. About the Norwegian Courts Administration	131
2.2. Responsibilities for Judicial Training.....	131
2.3. The Competence Strategy	132
2.4. Competence Profile for Judges.....	132
3. Learning Philosophy in Judicial Training	136
3.1. From Old Style to Modern.....	136
3.2. Use of Learning Technology	137
4. Key Elements in Judicial Training	137
4.1. Introductory Program for New Judges	138
4.2. Introductory Program for New Assistant Judges.....	138
4.3. Annual Judge Seminars.....	138
4.4. Peer to Peer Tutoring	139
4.5. Study Leave for Judges	139
4.6. Podcast for Judges.....	139
4.7. Nordic Exchange	140
4.8. Use of Case-based Films	140
4.9. Other Seminars and Training Programs	140
5. Rule of Law and Human Rights in Judicial Training	140
5.1. Training in Rule of Law and Human Rights.....	140

5.2. Study Tour to ECHR and ECJ	141
6. Training of Prosecutors 141	
6.1. The Organising of the Prosecuting Authority	141
6.2. Training of Prosecutors in the Police.....	143
6.3. New training program	143

Abstract

Responsibility for judicial training is basically a cooperation between a Competence committee for judges and the Norwegian Courts Administration (NCA). This gives a good dialogue with the courts regarding their needs for training initiatives, and anchoring of decisions regarding new training programs, competence plans and strategies. The Competence committee for judges and NCA executes a significant independence in their work with judicial training, but must nevertheless take into account some guidelines, mainly from the Ministry of Justice and priorities in strategic plans for the courts of Norway.

As part of an ongoing work with restructuring of the courts, a working group in April 2021 presented suggestions for detailed competence profiles for all groups of employees in the courts, also judges. Each profile is specified on: Education (specifically on subjects and level), Experience (specified and quantified), Knowledge (position specific knowledge, acquired through education and experience), Skills (1. specifically for employee group, 2. transverse skills for all employees, differentiated on level), Personal traits (transverse traits for all employees).

The last 6-8 years has brought some major changes in how we look upon learning in the Norwegian courts. In short we have moved from a very classical approach where training was synonymous with (monologue) lectures, and to a pedagogical platform with five guiding principles: 1) Process focus, 2) Learning outcomes defines methods, 3) The workplace is an important arena for learning, 4) Managers responsibilities for learning in their courts, 5) The employees' role as the main manager of his/her competence.

When it comes to judicial training specifically, we have adopted the expression «judge craft» from the UK Judicial College. Our materialization of this is that training should consist of three basic focuses: Get knowledge, train skills, challenge attitudes. On the practical side «judge craft» training is implemented by emphasizing four key elements: 1) Active sharing of experiences, 2) Reflection, individually and in groups, 3) Group work, 4) Discussions and practical case works.

The key elements in judicial training in Norway are:

- *Introductory program for new judges.* A continuous, ongoing and mandatory program with five modules, each of three days duration, completed during the first year as judge. The program focuses on judge craft and procedural law.
- *Introductory program for new assistant judges:* Two modules, each four days, completed during one year.
- *Annual judge seminars:* A two-days seminar each year where all judges are «expected» to participate. The program is usually split in two major parts so that day 1 is for current topics of special interest and day 2 emphasizes judge craft.
- *Peer to peer tutoring:* Tutoring is voluntary. A session is based on a video recording from a real court hearing. The judge and the tutor watch the movie together and discuss what good process management is and where the judge has a potential for improvement.
- *Study leave for judges:* Every fourth year judges can be granted a one month paid study leave. The study leave shall be used for professional development and updating knowledge within relevant areas of law or judicial process.

- *Podcasts for judges*: A group of judges at Oslo District Court produce podcasts for judges, up to now around 20-25 podcasts. The podcasts are often linked to topics of current interest, like a trial with large public interest.
- *Nordic exchange*: In order to stimulate increased interaction and cooperation between the Nordic countries it is established an arrangement for exchange visits across borders for judges. A typical exchange visit is to a court in another country of 2-3 days duration.

1. Introduction

This report is prepared by the Norwegian Courts Administration for the Ministry of Justice in Bulgaria. The report gives an overview of how judicial training in Norway is organised and the key elements in this training.

On request from Bulgaria we have also included a brief presentation of how training of prosecutors is organised. This training is completely independent from the judicial training due to the sharp separation between prosecuting authorities and the courts.

2. How Judicial Training in Norway is Organised

2.1 About the Norwegian Courts Administration

The Norwegian Courts Administration (NCA) was established in 2001 in order to strengthen the independence of the courts. Several administrative tasks were moved from the Ministry of Justice and to this new organization.

Today NCA has five departments: Legal development and legislation work, Human resources and communication, Information and technology, Innovation and courts development, Economy and governance.

A quite significant part of NCA's work is within the areas of training and other methods for competence development in the courts

2.2 Responsibilities for Judicial Training

NCA has established two competence committees for the purpose of

- keeping a running dialogue with the courts regarding their needs for training initiatives
- anchoring decisions regarding new training programs, competence plans and strategies

One committee is for judges, with representatives from all court instances and the Judges' Association. The second committee is for administrative personnel in the courts. Both committees are administered by NCA, who also participates in all meetings.

When it comes to judicial training it is basically a division of labour between the Competence committee for judges and NCA:

- The committee gives strong advises to NCA on what programs and projects that should be developed and implemented
- NCA gives strong advises to the committee on learning design and methods for each project. NCA is also responsible for funding and implementation of all projects.

However, in practice it is a very close cooperation between the committee and NCA, with several joint meetings per year with open discussions focused on development work.

The Competence committee for judges and NCA executes a significant independence in their work with judicial training, but must nevertheless take into account some guidelines:

- Guidelines from the Ministry of Justice. In recent years the ministry has asked NCA to pay special attention to training in e.g. child welfare and legal mediation.
- Priorities in strategic plans for the courts of Norway

2.3 The Competence Strategy

In 2015 a new competence strategy for the courts and NCA was decided: «Guidelines and Priorities for Future Training Schemes». The strategy included a future analysis, discussions about overall budgets and funding, outlines of a pedagogical platform and guidelines for what measures that should be given priority. The strategy also included a two-step description – initial training (first year) and continued training – of measures for each groups of employees in the courts and NCA.

For judges the following key measures were pointed out:

Initial training

- Local introduction
- National introduction program for new judges

Continued training

- Annual seminars for judges
- Other national programs
- Nordic and other international programs
- Local and regional programs
- Study leaves

An important aspect of the strategy is that it didn't define content, methods and implementation, apart from a description of an overall pedagogical platform. So these are topics for continuous assessments.

The competence strategy is relevant and used as a guideline for competence work in the courts.

In chapter 3 we will go in some details on the pedagogical platform and in chapter 4 we will look in more detail on the different training measures for judges.

2.4 Competence Profile for Judges

As part of a comprehensive and ongoing work with restructuring of the courts, a working group in April 2021 presented suggestions for detailed competence profiles for all groups of employees in the courts:

- Judges in district courts and appeal courts
- Judges in land subdivision courts
- Assistant judges in district courts, appeal courts and land subdivision courts

Contract N2BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

- Investigators
- Caseworkers/clerical staff in district courts and appeal courts
- Caseworkers/clerical staff in land subdivision courts
- Engineers/surveyors in land subdivision courts
- Managers with personnel responsibility

This is the first time such a work is carried out.

The suggestions for competence profiles are based on an analysis of what changes and challenges the courts will face towards 2025. Numerous factors were highlighted, among others: structural changes/reorganization of the courts, national coordination of some tasks, changes in the tasks of the courts, specialization of judge work, delegation of tasks from judges to clerical staff, digitization of work process and external factors.

A joint template is used for each competence profile:

- *Education*: Specifically on subjects and level
- *Experience*: Specified and quantified
- *Knowledge*: Position specific knowledge, acquired through education and experience
- *Skills*: 1) Specifically for employee group, 2) transverse skills for all employees, differentiated on level
- *Personal traits*: Transverse traits for all employees

This is the competence profile for judges in district courts and appeal courts:

Education	<ul style="list-style-type: none"> • Master degree in law, with good exam results.
Experience	<ul style="list-style-type: none"> • Minimum ten years of varied professional practice as lawyer. 1 to 3 years of experience as assistant judge will be an advantage.
Knowledge	<ul style="list-style-type: none"> • In general a high level in law, in particular within core law areas like process law, criminal law and important areas within private law. • Increasingly good insight in EU law and other international law.
Skills	<ul style="list-style-type: none"> • Good skills in continuously gaining insight in new areas of law and in use of available legal sources – both national and international. • Good skills in exercising discretion, where several legal and other factors are weighted against each other. • Good skills when it comes to working fast and making decisions. • Good skills in administrating complex trials which involve several parties and co-workers in the court. • Good skills in listening and taking care of parties in a trial during case preparation and court hearings.

	<ul style="list-style-type: none"> • Good skills in trustworthy performance in a trial. • Good skills in writing precise and good decisions. • When it comes to the transverse skills (see below) all are necessary for judges. For several of these skills a level of 3 or 4 will be necessary. For others level 1 or 2 can be sufficient.
Personal traits	<ul style="list-style-type: none"> • All the transverse personal traits are necessary for judges, and it should be strong assessment on each. In addition two traits should be highlighted in particular: <ul style="list-style-type: none"> – High ethical standard and integrity – Humbleness and respect for the role of the judge

Transverse Skills

All together 17 transverse skills were defined for employees in the courts:

- Decision and implementation
- Quality awareness
- Process and project management
- Analysis and problem solving
- Case processing
- Self-management
- Application of digital tools in work
- Information security
- Conversion and flexibility
- Teamwork and cooperation
- Norwegian as working language
- English as working language
- Communication
- Personal development work
- Guidance of co-workers and parties in a trial
- Intercultural understanding
- Service orientation

Each transverse skill is described on four levels. It will be necessary with an individual assessment as to what level is sufficient for a group or an individual employee. An example: Judges who will work with areas of law where international laws are of large importance will need a level 4 in English as working language. For other judges level 2 or 3 may be sufficient here. And in general judges don't need a very high level on application of digital tools in work, even though they should be updated on common use.

Here are two examples of level descriptions for transverse skills:

	Level 1	Level 2	Level 3	Level 4
Self-management	<ul style="list-style-type: none"> - Has low independence in work and need some support - Need support in order to stay focused on targets and results in work 	<ul style="list-style-type: none"> - Has limited independence in work, but performs well with known tasks - May need some support in order to stay focused on 	<ul style="list-style-type: none"> - Shows satisfying independence in work - Has a satisfying focus on targets and results in work - Performs well when it comes 	<ul style="list-style-type: none"> Shows very strong independence in work - Has a strong focus on targets and results in work - Is very good at planning work and using time

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

	- Need support in order to plan work and use time and resources effectively	targets and results in work - May need some support in order to plan work and use time and resources effectively	to planning work and using time and resources effectively	and resources effectively
--	---	---	---	---------------------------

	Level 1	Level 2	Level 3	Level 4
English as working language	- Understands simple texts in English - Can use English orally and in writing for simple social communication	- Understands common subject texts in English - Can use English orally and in writing for common administrative communication	- Understands main features in laws and legal subject texts in English - Can use English in writing for a simple dialogue about legal issues - Can use English orally for a simple dialogue about legal issues.	- Has a very good understanding of laws and legal subject texts in English - Can use English in writing very well for dialogue about legal issues - Can use English orally very well for dialogue about legal issues.

Personal Traits

Seven personal traits were defined, common for all employees in the courts:

- Strong support of the values of the courts and of their social mission
- Transparency and honesty
- Respect and care for co-workers
- Respect for external parties in the court
- Loyalty to the organisation
- Independence
- Engagement and willingness to work

Each personal trait was given a brief further description in the report, e.g. for *Transparency and honesty*:

- Is transparent and honest about progress in one's work, about work environment and about need for help, guidance and support from managers and co-workers

- Is honest about own limitations relative to work assignments and processes
- Provides factual and constructive feedback to managers and co-workers when necessary

As mentioned above judges should have a strong assessment on each personal trait.

Use of the competence profiles

The competence profiles for judges are already in use. The committee that gives recommendations to the government on appointment of judges have a policy document for considering applicants. The competence profiles for judges was based on this document, but went into more details on several points. The recommended profiles are now being integrated in the policy document.

Furthermore, NCA are now working to find out how the competence profiles should be used in recruitment for other groups of employees and in employee interviews where future personal tasks and development are discussed.

3. Learning Philosophy in Judicial Training

3.1 From Old Style to Modern

The last 6-8 years has brought some major changes in how we look upon learning in the Norwegian courts. For decades we followed a very classical approach where training was synonymous with (monologue) lectures. But inspired by the Judicial College in United Kingdom, which was a pioneer for the modern approach to judicial training, and general domestic and international trends, a quite rapid conversion were implemented in the Norwegian courts.

The most important platform for this change was the competence strategy of 2015 (see point 2.3) which defined an overall pedagogical platform for all training in the courts. In short this platform established five guiding principles:

- *Process focus*: Learning is a process which, through several steps, develops competence. Each training measure should be composed by several elements, each targeted at different didactical purposes: Motivation, overview, transfer of knowledge, activation, building of skills and reflection. Active sharing of experiences is an important part of this.
- *Learning outcomes defines methods*: The defined learning outcomes, target group and the peculiarities of the current subject should guide what methods that are used in each program/course/etc. Skills training should be given high priority.
- *The workplace as an arena for learning*: The workplace is an important arena for learning, through informal individual and group-based processes. Workplace learning is about both facilitation (meeting places, forums etc in order to discuss work and professional subjects) and specific measures (study visits in other courts, peer-to-peer guidance, use of mentors and establishment of communities of practice).
- *The role of the manager*: Managers are challenged in two ways: 1) Strategic level: Assess how the competence needs in the organisation will change, and how one can meet these changes. 2) Operative level: Planning in dialogue with the individual employee, creating arenas for sharing of experiences, motivating employees to develop their competence, follow up of measures, and take into use new competences employees have developed.

- *The employees' responsibilities:* With increasing complexity and more rapid changes in working life each employee must – of self-interest – see oneself in the role as the main manager of his/her competence.

When it comes to judicial training specifically, we have adopted the expression «judge craft» from the UK Judicial College. Our materialization of this is that training should consist of three basic focuses:

- Get knowledge
- Train skills
- Challenge attitudes

On the practical side «judge craft» training is implemented by emphasizing four key elements:

- Active sharing of experiences
- Reflection, individually and in groups
- Group work
- Discussions and practical case works

3.2 Use of Learning Technology

Compared to other public businesses in Norway the courts have been very slow when it comes to use of new technology for training purposes. From 2015 to 2020 we implemented a few e-learning programs, mainly in software training. Some experiments were also implemented, among others with use of social media platforms. Furthermore, the IT infrastructure was poor, without ability to send video and sound through the internal networks.

However, the Corona pandemic in 2020 brought important changes for the courts. During only a few months we were able to transfer a major part of our training programs to digital platforms, mainly video conference systems similar to Teams and Zoom. We have two important experiences from this:

- A large majority of the employees, from all groups and ages, easily became comfortable with this type of distance learning. And even though many have expressed that «something is lost» when we can't meet face to face, they still see video conferences and other types of e-learning as important supplements in future training.
- We have been able to quite fast move from simple use of video conference systems – for lectures only – to a more advanced use – discussions, group work, debates and even role plays.

In addition to use of video conference systems we have also implemented a simulation-based training program for managers, on how to handle difficult conversations with employees.

All in all we expect that the courts will continue to have an increasing focus on use of technology in training. We are not likely to be «the great innovators», but hopefully we will develop more in line with comparable organisations.

4. Key Elements in Judicial Training

4.1 Introductory Program for New Judges

The introductory program is a continuous, ongoing program where new judges simply begin with the next module offered. The program is mandatory for all new judges and consists of five modules, each of three days duration, completed during the first year as judge:

- Module 1: The role as judge
- Module 2: Judicial mediation + Cases involving children
- Module 3: Civil cases
- Module 4: Judge craft
- Module 5: Criminal court proceedings (judges in land subdivision courts attend an alternative module)

Judges do not have to apply for the program. NCA invites a new judge to the first module arranged and one is automatically put on the participants list for the four following modules.

The overall objective of the program is to give new judges a solid basis for fulfilling their role both inside and outside the courtroom. The program does to a small degree target material law, but the focus is mostly on judge craft and procedural law.

Varied learning methods are emphasized.

4.2 Introductory Program for New Assistant Judges

The national introductory program for new assistant judges consists of two modules, each four days, completed during one year:

- Module 1: Training within basic areas like criminal and civil proceedings, judgement writing, probate law, bankruptcy law and debt law.
- Module 2: Training in legal assessments within child law, mediation and evidence assessment during trial and court conference.

The introductory objective is mandatory for all new assistant judges. The overall objective of the program is to give new judges a solid basis for filling the role both inside and outside the courtroom. The program does to a small degree target material law, but the focus is mostly on judge craft and procedural law.

Varied learning methods are emphasized.

4.3 Annual Judge Seminars

Every year a two-days judge seminar is arranged. The program is usually split in two major parts so that day 1 is for current topics of special interest and day 2 emphasizes judge craft. There are also special sessions for judges in district courts/ appeal courts and judges in land subdivision courts respectively. All judges can propose topics and cases for the program.

The seminar is not mandatory, but all judges are «expected» to participate. The seminar is open for all judges and constituted judges, but not assistant judges.

During the Corona pandemic the seminar has been arranged online, via video conference system, and reduced to one day. The seminars are recorded and published on an internal platform.

4.4 Peer to Peer Tutoring

Peer to peer tutoring is quality assurance of judges' management of court hearings, and therefore a part of the work with development of the judges' skills and attitudes.

Tutoring is given by a group of judges with special training in this. A video recording – usually about an hour and a half – from a real court hearing with the judge in focus is done. The tutoring sessions is usually done the same day as the recording and takes typically about an hour and a half.

The judge and the tutor watch the movie together and discuss what good process management is and where the judge might have a potential for improvement. The tutoring session does to a small degree focus on the realities in the case.

Peer to peer tutoring is voluntary, and you have to apply for that. So those who are given tutoring are usually highly motivated for that.

The learning outcomes from the tutoring should be:

- Increased insight in one's own leadership behaviour in court and how it influences the communication with the other parts in the court
- An opportunity to improve one's own leadership behaviour in court

4.5 Study Leave for Judges

Every fourth year judges can be granted a one month paid study leave. The study leave shall be used for professional development and updating of knowledge within relevant areas of law or judicial process. The study leave should benefit both the judge and the court.

One must apply for study leave and describe in detail what it includes. Planning must be done in consultation with the head of court. After a study leave the judge must send a report both to the Norwegian Courts Administration and to the head of court.

One can also apply for coverage of certain costs, e.g travel expenses.

4.6 Podcast for Judges

Two years ago a group of judges at Oslo District Court took initiative to produce podcasts for judges. Up to now around 20-25 podcasts have been published. A typical podcast is around 45-60 minutes long. The group behind the podcasts decides the topics themselves, but often they are linked to topics of current interest, like a trial with large public interest. Here are some examples of podcast titles:

- Sentencing in drug cases
- The judges' behaviour in court
- Penalty and follow-up of juveniles
- What is good judicial mediation

Guests are often invited to participate in the podcasts, for interviews and discussions: Other judges, academics from universities, lawyers, politicians etc.

The group does all production of the podcast themselves. The podcasts are available on all major platforms for podcast publishing.

4.7 Nordic Exchange

In order to stimulate increased interaction and cooperation between the Nordic countries it is established an arrangement for exchange visits across borders for judges. Such visits should contribute to judges' competence both professionally and personally.

The arrangement is specifically for judges on study leave.

A typical exchange visit is to a court in another Nordic country (Norway, Sweden, Denmark, Finland), of 2-3 days duration. A contact person is appointed at the receiving court. The visiting judge should in advance report on particular topics one would like information about or discuss.

One is expected to share experiences with co-workers in Norway upon return.

4.8 Use of Case-based Films

NCA have in cooperation with judges produced several films for training purpose in the courts. In a court one gathers a group of judges (and in some cases also administrative staff if that is relevant), watch the film and have a session afterwards with reflection and discussions. In some films there are also stop-points along the way to discuss a special scene for instance.

Written guides are made for each film on how to arrange a session in a court.

Professional actors are used and the films show dramatized situations from trials, judicial hearing, interrogation etc. The films have been quite popular among judges. Here are some examples of film titles:

- The voice of the child in parental dispute in court
- The court conference
- Use of experts in court

For some of the films the courts are also offered follow-up seminars arranged locally.

4.9 Other Seminars and Training Programs

In addition to the arrangements described in point 4.1 to 4.8 NCA – sometimes in cooperation with specific courts – arranges other ad hoc seminars and training program for judges.

5. Rule of Law and Human Rights in Judicial Training

5.1 Training in Rule of Law and Human rights

Rule of law and human rights are only briefly covered in judicial training, and mainly in the Introductory program for new judges (see point 4.1). These themes are not reviewed in a broad sense, but with focus on special issues regarding the Sami people (an ethnic minority in Norway) and multicultural issues. Some topics regarding the European Convention on Human Rights are also discussed.

Otherwise rule of law and human rights are subject to discussion at seminars etc when there are specific cases of current interest. An example is the recent convictions against Norway at ECHR regarding child welfare (parent's rights to contact with children taken over by foster parents, and forced adoption). Another example is a large social security scandal we have had, where several people incorrectly were sentenced to prison for social security fraud.

5.2 Study Tour to ECHR and ECJ

Every year the Norwegian Courts Administration arranges a four day study tour for judges to the European Court for Human Rights in Strasbourg and the European Court of Justice in Luxembourg. Around 25 judges participate every year.

The study tour starts with a little seminar in Oslo before departure, to prepare themes that will be discussed at ECHR and ECJ. Both themes of general interest and more current interest are covered, through lectures from and discussions with judges at these courts.

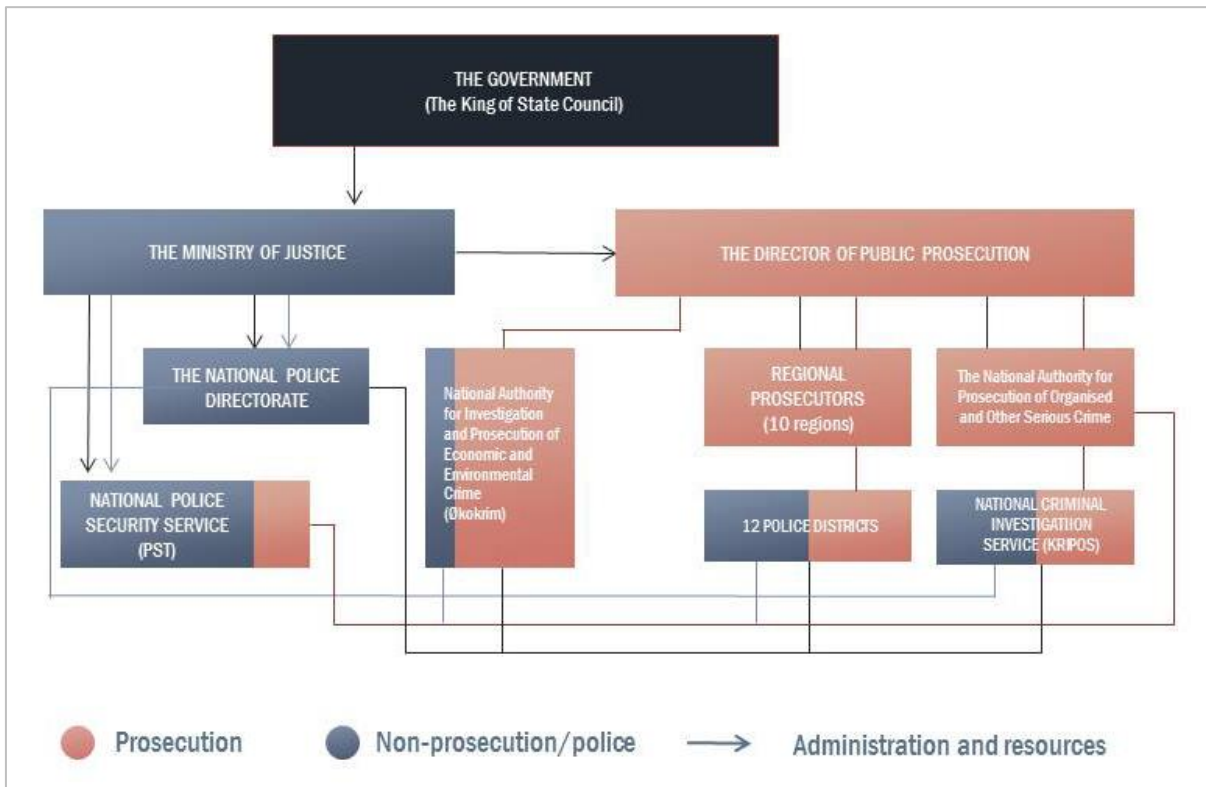
6. Training of Prosecutors

6.1 The Organising of the Prosecuting Authority

The Prosecuting Authority is organised on three levels:

- The Director of Public Prosecutions (DPP)
- The Regional Public Prosecution Offices (PPO)
- The Prosecuting Authority in the Police

Here is an overview of the organisation (source: [The Director of Public Prosecutions](#)):



Both the Prosecuting Authority and the courts are administratively subject to the Ministry of Justice. However, it is no cooperation of any kind between the two systems, nor when it comes to training.

6.2 Training of Prosecutors in the Police

The Prosecuting Authority in the Police heads investigation in all criminal cases, and decides around 90 percent of these cases. In order to maintain rule of law and legitimacy of the prosecuting authorities, significant resources are used on training.

From year 2000 and up to now there has been a three-part basic training for new prosecutors in the police, normally implemented during the first year after appointment:

- Part 1, locally: 100 hours of training on place of employment, where each new prosecutor also is assigned a supervisor.
- Part 2, regionally: One week of training together with regional public prosecutors.
- Part 3, central: Three weeks of training at the Police University College.

There is no final exam for this training.

After 12 months the local chief of police together with the regional attorney general carries out an assessment of every new prosecutor. If the training is completed, and the person has prosecuted a minimum of 10 main hearings in court with a penalty frame of more than one year, extended prosecution competence can be assigned.

The Police University College offers a further education programme on 30 ECTS credits for police prosecutors, and a course in arranged interrogation.

6.3 New training program

From 2022 the training of police prosecutors will be changed, largely due to the attention the Director of Public Prosecutions has paid to the quality in investigations in recent years. The new training program will be administered by the Police University College in close cooperation with the Director of Public Prosecutions. Here is a draft for the new training program:

«ONBOARDING»	YEAR 1	YEAR 2	YEAR 3
Locally and online	15 ECTS credits Mandatory	15 ECTS credits Voluntary	15 ECTS credits Voluntary
<ul style="list-style-type: none"> • Organizational understanding • Training in digital systems 	<ul style="list-style-type: none"> • Agency knowledge • Investigation • Investigation management for prosecutors • The role of the prosecutor 	<ul style="list-style-type: none"> • Investigation • Investigation management for prosecutors 	<ul style="list-style-type: none"> • The role of the prosecutor • Investigation methods • Investigation management for prosecutors

Further details can be given about the new training program.

Annex No. 7

**Summary presentation
of the self-reflection based mentorship programme regarding the work of judges in court
rooms (Peer-to-Peer Tutoring)**

from Mr. Carl August Heilmann, Appellate Court Judge

Brief summary of introduction of «selfreflection»-program for judges in Norway
15th of april 2021 – digital meeting/appeal judge Carl August Heilmann

Intro

The program is a narrow part in the whole program to educate and reeducate Norwegian judges. Our efforts aimed at judges are mainly divided in two parts:

1. A mandatory program for all new judges. Consists of 4 to 5 seminars over 2 – 3 days during a period of approx two years
2. Continuing yearly seminars to update knowledge and skills needed for judges

In addition to this we offer all judges the possibility to participate in a project which focuses on court behavior. The method is first of all based on “self reflection”. The judges are filmed “in action” in real cases, and by seeing yourself you can point out how you can lead the hearings in an even better way.

Historical view

Ten – fifteen years ago the media in Norway focused on judges behavior. There was a discussion between media, other parties and judges themselves. The issue was how it could be possible to achieve even better conditions for everyone present in the court room. The government had already established an organ for complaints against judges (Tilsynsutvalget), and the experience from their work showed that it was needed to do something. This gave birth to the idea of how to focus on and improve the judges appearance in court hearings.

From idea to action

Some experienced judges were hired to create and implement a program. The main issue was – and still is – to create an atmosphere in the courtroom which is good for all parties involved. The creators of the method had the idea that they could achieve better court behavior among the judges through “self reflection”. By seeing yourself the judge can see what they do right and what they can do better.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

The method ought to be simple and not time-consuming for the judge.

Background

In a nutshell the importance of the project can be summarized as follows:

- ✓ a good and calm atmosphere in the courtroom is necessary to avoid nervous and uncomfortable parties, among them: defendants, witnesses and lawyers
- ✓ relaxed parties will give us better, more specific and more truthful explanations
- ✓ correct use of law based on correct facts give correct decisions
- ✓ the feeling of being heard/treated in the right manner creates respect for the judge and his/her decisions
- ✓ respect for our decisions gives respect for the court and the legal system
- ✓ the right to a fair trial is a founding belief in security of law and human rights
- ✓ comfortable parties give can lead to faster and more effective court hearings

The method in brief

Firstly we have an agreement with the leader of the court. We presume that the leader recommends participation from all the courts judges. Our experience is that the judges obey this “recommendation”. But – in the theory – the participation is voluntarily.

1. The “self reflection” program starts with a conversation with the judge before the hearings. This will last approx fifteen minutes. We want to know what is most important for the judge while leading the hearings.
2. We have prepared the filming in the courtroom. We prefer penalty cases also with lay judges. It is our aim to appear anonymously. Until now we have used a simple, but sufficient, camera. Nowadays the cell phone may be good enough.
3. We start the filming while the judge is entering the room. The filming lasts about one hour, and includes how the judge behaves at the opening of the hearings and how he interacts with the parties, including the defendant and witnesses.
4. After the filming we will leave the courtroom and look at the film for ourselves.
5. After the hearing is done we look at the film together with the judge in short sequences. It is important the judge reacts instinctively to what he/she sees without interference. If needed we can steer the conversation briefly into matters we want to discuss. But it is important that we do not tell the judge what is wrong or what is right, unless he/her asks or it is of great importance.
6. After the talk the film will be deleted, so no one else will be able to see the footage. We have an absolut “duty of silence”. The film, our conversation and our knowledge of the judge, shall – and can – not be used for anything else or by anybody else. This is strictly between the judge and the mentor(s).

7. Time used by the judge will at maximum two hours!

Our experience

During the years we have been through this program with approx 450 judges and been to every court in the country. No one has complained, although no one likes to be filmed or hear his/her own voice in the beginning. Afterwards people are very satisfied and say that they have learned a lot. The plan in Norway now is to incorporate this method into the mandatory program for every new judge, but is important also to reach experienced judges. All of us have developed bad habits over the years, more or less.

Some highlights of what judges have mentioned repeatedly after seeing their own behavior on the video:

- ✓ misuse of authority
- ✓ intimidating/stressful/impatient bodylanguage or tone of voice
- ✓ lack of politeness
- ✓ need to decrease stress
- ✓ use of too difficult words and phrases
- ✓ impatience

We evaluate the method continuously to improve. During the corona period we have been “out of business”, but we will start up as soon as possible. And we will adjust to the increased use of digital systems.

Our staff consists of 4-5 mentors who in periods are travelling around Norway. However, we want to educate more new mentors through training in 2-3 days seminars. Every new mentor will start up his/her work as a co-mentor together with an experienced mentor. The special challenge in mentoring is to ask the right questions in a right way so the mentored person does not feel insecure. We all have to focus on “self reflection”; we shall not try to convince anybody about our own point of views. The mentors shall not tell the judge what is wrong or right, but only help the judge by learning more about him/herself.

Bosnia Herzegovina

We are good on our way to implementing the program in Bosnia-Herzegovina. We have had a delay because of the corona situation, but will start up again in June or in the autumn. Our experience is that it is best if training takes place “on the spot”. We have done some training by digital meetings though, which to some extent is possible if needed.

Bulgaria

Based on our common experiences from the courtroom it would be very interesting to cooperate with you about this mentoring project. It must, of course, be adjusted to your conditions, but I think that

will be possible. And I am sure we can have an both-way advantage of this and learn from each other.

Manual for mentoring Judges Performance in the Courtroom

1. Preparatory talk in the judges' office – 5-10 minutes

- ✓ Briefly on why we do this: It gives the judge an opportunity to become a better leader in court. The tools are observation and structured mentoring. Gradually the judge understands better how the performance is perceived by the parties. If the judge discovers areas of his/her leadership that is not optimal, he/she can choose to adjust the behavior to create more confidence and better communication.
- ✓ Inform on practical issues on taping in court and mentors information to the parties before the judge enters (telling them about the taping, why we do it, that we see the tape in a closed meeting with the judge after the court proceedings and then delete it).
- ✓ Short description of your role as a mentor (help the judge to see and reflect, ask questions instead of giving answers).
- ✓ The judge reflects on the two issues he/she has been asked to consider: How would you say a good judge should behave? Which areas of your behavior do you want in particular to work with?

2. Taping the judges' behavior in court

- ✓ Check camera, batteries and memory card, and bring camera, tripod and extra cables to the courtroom. Do not sit too far from the judge and the parties, avoid taping towards a sunny window behind the judge. As the parties enter, introduce yourself and give brief information on the purpose of the camera. Mention that you will delete the tape after your conversation with the judge. Be sure that you have enough time to be ready to tape when the proceedings starts! (You should not miss taping the first appearance of the judge(s) in the room.)
- ✓ Use the pause-button to avoid parts of the proceedings where the judge is passive. Be present until you have between 30-45 minutes of tape.

3. Starting the mentoring

- ✓ Warming up: How was it to be taped? Did the taping affect your behavior?
- ✓ Describe briefly how you will proceed: See a short sequence of the tape, mentor asks the judge to describe the behavior you have seen. Both good behavior and not so good behavior. (Most judges tend to focus on the behavior they do not like. Help them to see the positive parts!) Remember to remind the judge of the behavior that he/she in particular wanted to work with. Total duration: Max. 1 ½ hour.

4. The mentoring process

- ✓ One way to go on, is to say that you will show the first 3-5 minutes of the tape, to let the judge get used to seeing and hearing him-/herself, and let him/her get a first general impression of the performance. Run tape and ask how it was to see and hear, and ask for first impression, both positive and negative.
- ✓ Say that you will now go back to the beginning of the tape and show short pieces.
- ✓ Typical questions to let the judge describe the behavior:
 - Describe the first impression that you create her?
 - What is it in your behavior that creates that impression?
 - What effect does your language/choice of words have? Who are you talking to?
 - What is the effect of the non-verbal communication (body language)? Be specific, choose from:
 - Glance
 - Hands
 - Facial expressions
 - Voice
 - Attitude
 - Other characteristics
 - Continue to show short pieces of the tape, use open questions and follow up-questions
- ✓ Other questions the mentor may use
 - Open questions
 - What do you think about your behavior here?
 - Which impact does it have that you do it like this?
 - Could you have done this in a different way?
 - Open, but more directed or hypothetical questions
 - What do you think about the way you address that person?
 - What could you have done her to create more speed/progress?
 - What do you believe the parties are thinking her?
 - Is your attitude here facilitating or evaluating?
 - What do you hope to achieve by doing ... (examples)?
- ✓ Other advices
 - Always ask the judge also to describe the “good” behavior, not only the parts that could be better. Confirm with your opinion if you agree. Give genuine praise for good behavior!
 - Be patient! Ask one question at the time and wait for answer.
 - Do not be afraid of silence. If the silence lingers, ask what the judge is thinking now. Important insight often comes during silence.

- Do not join the judge if he/she dismisses problematic issues with a joke or a laugh. Lead him/her gently to reflect on consequences of the behavior he/she has not thought of, and help him to consider changes.
- Take your time and move slowly from tape-piece to tape-piece in the beginning. Later you can help the judge to see how patterns repeat themselves, and you can move faster.
- Let the judge reflect on how the behavior seem to fit with his/her thoughts on ideal behavior from the preparatory talk. Remind the judge of behavior that he/she in particular wanted to evaluate.
- If the judge after your questions do not see behavior that needs to be discussed, you must say what you see.
- Your opinion on behavior is secondary to the judges. The judge learns more by telling than by hearing. But, if the judge do not have more to say, you should point out to the judge behavior that you find it helpful for the judge to adjust, and let the judge reflect on your opinion.
- If the judge in your opinion is too self-critical, do not stop him/her; tell him/her to say more. However, in the end, say how *you* evaluate the behavior that the judge do not like to see. In addition, discuss with the judge if he/she may be too self-critical.
- What if the judge's behavior is all good, in both the judge's and your opinion? You can let the judge describe what makes it good. Make him/her imagine alternative situations to widen his/her choice: "What if the witness had started to cry/ become aggressive? What would you have done/said?" Confirm that the behavior was good, and join his/her pleasure of being a really good leader in court.

5. Ending the mentoring

- ✓ Ask the judge to reflect and make notes for 5 minutes on what in the behavior he/she evaluates as good and what he/she wants to adjust
- ✓ Let the judge reflect openly from his/her thoughts/notes, and add some of your own opinions.
- ✓ Remind the judge that you will have a new session in about 3 months, and a last one in a year.
- ✓ Any questions or comments? (Do not let ending remarks last too long ...)

Annex No. 8

**REPORT FROM A STUDY VISIT
UNDER ACTIVITY 1:**

**“Establishing a framework for sustainable judicial training on fundamental rights and rule of law”
of the project**

**“Modern learning environment for judges, prosecutors, investigating magistrates and other legal
professionals”, NFM 2014-202**

held in the period 14-18 November 2022 in Oslo, Norway

By virtue of Orders No. LS-12-113/03.11.2022 of the Minister of Justice, No. 817/02.11.2022 and 818/02.11.2022 of the President of the Supreme Court of Cassation, No. RD-06-259/02.11.2022 and RD-06-260/02.11.2022 of the Prosecutor General, No. 0788/02.11.2022 of the President of the Varna Appellate Court and No. ChR-07-32/02.11.2022 of the NIJ Director, we were seconded to take part in a study visit to research best practices at the Norwegian Courts Administration and other Norwegian institutions with competence in the area of fundamental rights protection in implementation of Activity 1 “Establishing a framework for sustainable judicial training on fundamental rights and rule of law” under the project “Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals” implemented with support from the Justice Programme of the Norwegian Financial Mechanism 2014-2021.

Our study visit was held in the period 14-18 November 2022 in Oslo and gave us the opportunity to become familiar with the organisation of the judicial system and the prosecution in the Kingdom of Norway, with the role of the court, the public prosecution and other competent Norwegian institutions ensuring the rule of law and the protection of fundamental rights in the host country, with the university and professional training offered in the field, and to exchange experience and best practices in the area under discussion in relation to the implementation of Project Activity 1.

Our visit began at the Norwegian Centre for Human Rights under the Faculty of Law at the University of Oslo. The Centre conducts research and teaching activities in the area of fundamental rights and international humanitarian law and is the host of several international programmes focused in this area. The Norwegian Centre for Human Rights enjoys international recognition as a leading institution in the research of fundamental rights and is responsible for publishing The Nordic Journal of Human

Rights⁷⁴. Experts at the Centre teach human rights and international humanitarian law to students of law and other specialties at the University of Oslo; the two-year master's programme "Theory and practice of human rights" developed and held by the Centre has also established itself.

In its overall work, the Norwegian Centre for Human Rights applies a multidisciplinary approach dealing with the philosophical, historic, sociological and other aspects of fundamental rights.

Prof. Gentian Zyberi, professor of international law and human rights at the University of Oslo, familiarised the participants with the subject scope and the organisation of the training in human rights offered in the context of higher legal education in Norway. Prof. Zyberi emphasized that the protection of fundamental rights was a mandatory component of the curriculum of law students and that the said topic was integrated horizontally in the legal disciplines studied. University education in Norway is practically oriented and ensures a possibility for the acquisition of research skills through participation in legal clinics, moot trials, summer schools of 5-6 weeks which are accessible to all students who are interested in the topic; participation is tied to receiving credits in the study process.

Prof. Zyberi clarified that in Norway there was no cooperation established among universities, judicial authorities and the Norwegian Courts Administration but he identified the internship programme of the Norwegian Centre for Human Rights as a useful toll of interaction with other institutions in the country. A good example he referred to is the project LOVData implemented at the University of Oslo in which students research and systematize information about more complex cases related to the protection of fundamental rights in an online data base which is to be used by practicing lawyers (the summary version of the data base is freely accessible; the extended version is available for payment).

In his capacity of an expert taking part in the implementation of the current project of the Procedural Representation of the Republic of Bulgaria before the European Court of Human Rights Directorate of the Ministry of Justice funded under the NFM 2014-2021 which includes a component targeted at reforms of the university training in human rights in Bulgaria, *Prof. Zyberi* shared his impressions and recommendations regarding the subject scope and the methodology of teaching the said topics in the course of higher legal education in the beneficiary country. He expressed the opinion that the training in fundamental rights in our country was focused on the protection system laid down in the ECHR and, therefore, targeted efforts were needed to further the knowledge of students and practicing lawyers as regards the subject scope and the effect of the international instruments of protection set out in the field. In his presentation, *Prof. Zyberi* also emphasized the main recommendations included in the evaluation report for the teaching of human rights at Bulgarian universities (drafted under the above pre-defined Ministry of Justice project), including the need for (1) horizontal integration of the topic under discussion in the curricula of higher education institutions (especially for the speciality "law"), and (2) development and introduction of master's and Ph.D. programmes focused on the protection of fundamental rights in universities in Bulgaria; he emphasized that their implementation would be beneficial to ensure greater systematicity and comprehensiveness of the training at university level. A discussion was also held about the close connection and the mutual impact of university and professional education in human rights and their significance for the professional background of practicing lawyers in the area.

Ms. Susanne H. Flølo from the team of the Norwegian Centre for Human Rights familiarised the participants in the visit with the electronic training course developed by the Centre on the application of the principles of effective interviews, investigation and information gathering in the context of criminal

⁷⁴ *The Nordic Journal of Human Rights* has an important place in the research, analyses and debates regarding fundamental rights in the Scandinavian Region.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

proceedings, also called Mendez Principles⁷⁵. The application of these principles facilitates the work of investigating authorities and ensures that they have accurate, reliable and understandable information in relation to the investigation, while it also ensures respect for the rights of the suspect/accused person/detained person during interrogations and contributes to increasing the public trust in the work of the police. The training in question aimed at strengthening the capacity of the investigating authorities and ensuring fair and effective administration of justice is included as a mandatory component in the training programme of the Police Academy in Norway and is freely accessible to all interested parties in a self-study form.

Ms. Zenia-Marie Chrysostomidis and Mr. Aksel Tømte, respectively head and team member of the International Department of the Norwegian Centre for Human Rights, presented the work of the department. The activities of the said unit of the Centre are targeted at promoting fundamental rights in an international context and are funded on the basis of an agreement with the Ministry of Foreign Affairs of Norway. The International Department of the Norwegian Centre for Human Rights cooperates, at the institutional and academic levels, with a number of countries in Asia (mainly Indonesia, China and Thailand) as well as individual countries from Africa and Europe and works closely with the UN contracting authorities, including the UN Human Rights Committee.

In the afternoon session on the first day of the study visit, *Mr. Tron Gundersen, judge on the first-instance court in Søndre Østfold*, familiarised the participants with main aspects of the criminal and civil proceedings in Norway.

The regulatory framework for the proceedings in criminal cases in the Kingdom of Norway is contained in the Criminal Procedure Act of 1981, the Courts Act, the Constitution, the ECHR, the rules for ethical behaviour of the magistrates, etc. *Judge Gundersen* clarified that, unlike many countries where criminal proceedings are the subject matter of detailed legal provisions, in Norway, in accordance with the established traditions, the proceedings in criminal cases are more flexible and are not subject to overregulation with the judge having a substantial margin of consideration. He also emphasised that the Norwegian criminal justice system is aimed at rendering accurate and timely judgments in cases and noted that speed of the proceedings did not always have a negative impact on the quality of judicial acts and that delayed justice could be equated with the lack of judicial protection.

Mr. Gundersen made an overview of the more important reforms in the proceedings in criminal cases from the past years (including removal of the legal concept of court jury, introduction of a mechanism to filter applications subject to cassation control, expanding the possibility for the judge to access documents related to the investigation, ensuring a broader possibility to reject evidence, etc.) and clarified that they were all aimed at increasing the effectiveness of the system of criminal justice, ensuring the necessary procedural guarantees for rights protection and better use of resources.

In his presentation, he also outlined the specifics of criminal proceedings in Norway, including:

- The proceedings in criminal cases in the host country involve *court assessors* nominated by the community *who are members of the court panel* (the concept of *court jury* has been removed in Norway);
- Even though the criminal proceedings include a pre-trial stage, the figure of the investigating judge does not exist in Norway;

⁷⁵ *The Mendez Principles* are rules based on science, law and ethics which set out minimum international requirements for humane interrogations by investigating authorities. They envisage that every action of an investigation should be based on conducting respective research and talks with the investigating authorities.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „*Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals*“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

- The judge has a significant margin of consideration (broad discretionary powers) and bears full responsibility for the development of the proceedings. In Norway, there is no specialisation of judges;
- A typical feature of the proceedings in criminal cases is the principle of continuity of the court hearing after the case is allowed to proceed on the merits which envisages that the judge does not have the right to hear another case before the current ones is completed;
- Free legal aid is provided in most criminal cases in Norway. Over the past years, there has been a tendency towards expanding the rights of crime victims and focusing the proceedings on them;
- The Prosecution Office in Norway is partly integrated in the police system. As a possible deficiency of this approach, *Judge Gundersen* identified the possible lack of objectivity in holding an investigation;
- No record taking secretaries take part in court hearings in Norway. When a case is heard, the judge takes personal notes (the parties do not have access to them) which the judge takes into account when rendering the judgment. *Mr. Gundersen* noted this circumstance as a deficiency of the system and clarified that, over the past years, there had been a tendency for a change (to introduce a court staff member who will support the work of the judge) but the reforms had been postponed for financial reasons;
- In general, the proceedings in criminal cases apply two main procedures, respectively in the event of admitting/not admitting guilt, and a special simplified procedure – if the defendant is absent. In accordance with recommendations given by the Norwegian Parliament in this regard, the trial stage of the simplified proceedings in criminal cases in Norway ends within 30 days and, in all other cases, within 90 days.

The procedure for hearing civil cases in Norway is provided for in the Civil Proceedings Act of 2005 which envisages a much more active role for the court.

As a rule, only civil cases with a greater material interest (more than EUR 25,000) are subject to hearing by the courts. All other civil case are heard by a Conciliation Board made up of non-professional judges (*lay judges*) who perform a filtering function. *Judge Gundersen* clarified that the participation of lay judges contributed significantly towards speeding up the proceedings in civil cases and facilitating the access of parties to the desired judicial protection of their rights due to the economy of funds.

As a rule, the proceedings in civil cases in Norway ends within 6 months of initiation.

A relative innovation which is applied ever more widely in the host country in the past years is the application of mediation to civil cases. The mediation procedure is voluntary and the agreement reached between the parties is not subject to appeal. According to the information provided by *Mr. Gundersen*, approximately 30-40% of the civil disputes in Norway are referred to mediation and most of them (approximately 80-90%) are resolved in this procedure. An additional incentive for the broad use of the concept of mediation is the high value of the attorney services in the host country which, according to the presenter, is more of an obstacle to the access to justice for the parties.

In the morning session on the second day of the visit, the Bulgarian delegation met with *Mr. Jørn Lasse Refsnes*, judge on the first-instance court in *Sogn og Fjordane*, who familiarised the participants with the methods of work of the Norwegian judges when the cases they heard dealt with matters related to

the protection of fundamental rights. Also discussed were matters related to judicial training in the said area as held in the host country.

Mr. Refsnes began his presentation with an overview of the structure and organisation of the work of the judiciary in Norway and clarified that, in the country, there are 23 first-instance courts with general competence, 6 appellate courts and a Supreme Court. The Norwegian judge noted that there is no Constitutional Court in the country and, therefore, the specific competence of the CC is exercised by the Supreme Court (in its capacity of a supreme judicial instance) in the course of the ordinary judicial proceedings. He also emphasised that the judicial system in Norway (and, in particular, the Supreme Court) enjoyed a high level of public trust and that the Norwegian judges had substantial freedom of consideration (broad discretionary power).

The first-instance court in the host country sits in panels of 1 judge and 2 assessors in criminal cases and 1 judge in civil cases.

As main sources of law in Norway *Judge Refsnes* referred to the statutory provisions, the preparatory documents drafted in the different stages of the criminal process (which can serve as an important source of legal argumentation), judicial precedent. The sources of legal information are accessible for use by practising lawyers in a number of electronic data bases (<https://lovdata.no>, <https://rettsdata.no>, <https://juridika.no>).

The proceedings before the court in Norway developed fully electronically. Several years ago, the host country completed the process of overall digitalisation of the judicial proceedings and cases (also impacted favourably by the consequences of the pandemic); at present, files for cases are not maintained and stored as hard copies (unless for older cases).

As regards the specialised training in human rights, *Judge Refsnes* clarified that such training was not offered in the context of professional judicial training in Norway. At the same time, due to the specifics of the judiciary in the host country⁷⁶, most acting judges did not attend specialised training focused on the ECHR during their university studies either because they completed their higher education in the 1990s when the curriculum did not include such a specific course.

Judge Refsnes emphasised a number of reasons justifying this approach (respectively, the absence of specialised training focused on the protection of fundamental rights in Norway), including: (1) the standards set out in the ECHR and the case-law of the ECtHR are fully integrated in the Norwegian law and case-law (this circumstance significantly facilitates the work of the national judges and does not require that they should acquire systematic and in-depth knowledge about the case-law of the Court in Strasbourg); (2) the judges in Norway have substantial practical experience required by the law as a prerequisite for their appointment as judges.

In addition, *Judge Refsnes* clarified that in the cases concerning matters related to the protection of fundamental rights, the parties' lawyers were expected, through their procedural actions, to draw the judge's attention to these matters so that they could be taken into account in the judgment.

In conclusion, the Norwegian judge summarised that there was no difference in principle in the work methods of judges in Norway and their Bulgarian colleagues in hearing such cases. Through a specific example (issuance of a conviction by the ECtHR in *Strand Lobben and others v. Norway*), he illustrated the actions taken by the Norwegian authorities to eliminate the discrepancy found between the national law and case-law with the ECHR standards, including: (1) after the Court in Strasbourg rendered

⁷⁶ In Norway, lawyers with not less than 10 years of professional experience may be appointed as judges.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

the said conviction, the Supreme Court, in several of its judgments, provided guidance on the necessary measures to be taken in order to align the Norwegian judicial system to the ECtHR requirements, and (2) freely accessible electronic training resources and legal papers were developed aiming to familiarize the national judges with the ECtHR findings and motivation in the judgment referred to above.

Ms. Mette Jenssen, President of the Appellate Court in Borgarting, familiarized the participants in the Bulgarian delegation with the goals and methodology of the study visit to the ECtHR and the ECJ organised annually by the Norwegian Courts Administration for judges in Norway. The visit to the two courts aims to familiarise them with their case-law and work; it lasts 4 days; and it is attended by approximately 25 judges.

The study visit begins with a short preparatory seminar in Oslo before leaving which aims to ensure a similar level of knowledge of the participants and a possibility for effective interaction and exchange of experience among them. Since, as a rule, the judges who take part in the study visit do not know one another, efforts are made to create an informal atmosphere to facilitate the communication among them and their pro-active participation.

The participants in the study visit attend sessions of the ECtHR and the ECJ and take part in lectures and discussions with judges on the two courts organised on site during which they discuss both more general topics and current questions on the case-law of the Court in Strasbourg and the Court in Luxembourg.

Ms. Jenssen pointed out that the study visit aimed to motivate the judges taking part in it to integrate the perspective related to the protection of fundamental rights in their immediate work and, hence, it could not be regarded as a sufficient training measure. She also clarified that the measure in question was related to significant investment of time and funds and, due to budget constraints, it would not be repeated the following year.

At the end of the second day of their study visit, the Bulgarian delegation visited the District Prosecution Office in Oslo where the participants met with *Ms. Trude Elisabeth Sparre, Senior Prosecutor and Deputy Head of the said district structure*. *Ms. Sparre* familiarised the participants with the structure, its powers and the organisation of the work of the prosecution in the host country.

The Deputy Head of the District Prosecution in Oslo emphasised that, in a similar way to Denmark, the prosecution in Norway was partly integrated in the police system. The Criminal Procedure Act envisages that the prosecution institution is independent and objective in performing the powers delegated to it by law. It is organised in the following main hierarchical levels: (1) head of prosecution and support staff of senior prosecutors; (2) regional prosecutions – 10 offices; and (3) prosecutors working in the police system (in 12 police regions), the so called *police prosecutors* – usually experts in the beginning of their careers who investigate non-complex crime. They are under administrative subordination to the respective police head (head of the police region they work in) but, in their investigative activities, they are guided by the instructions and guidance given to them by the head of prosecution and regional prosecutors.

Ms. Sparre clarified that prosecutors in the host country did not have the status of magistrates. In her presentation, she discussed in detail the powers of the prosecution head and regional prosecutors. As per the subject competence outlined, the head of prosecution in Norway leads and represents the prosecution institution, sets the goals and priorities for its development, issues guidelines and directions, bears responsibility for the quality of the investigation carried out by the police, issues approvals for charges to be raised for the gravest crimes (punishable by deprivation of liberty for more than 21 years) and maintains the charges in cases heard by the Supreme Court, has the right to propose new legislation

and to amend the law, interacts with the Ministry of Justice and the National Police Directorate, etc.

The obligation of the regional prosecutors can be summarised in the following areas: (1) in relation to criminal proceeding – they take a decision about criminal prosecution for crimes for which the minimum penalty envisaged is deprivation of liberty for 6 years; they review and render decisions on complaints against actions and statements of the police; they raise and maintain charges for the gravest crimes before the court; (2) professional guidance for the police which includes inspections as regards the quality of investigation and decisions taken by police authorities to raise charges, as well as training for prosecutors working in the police system; and (3) external activities, including interaction with courts, drafting consultative opinions on the legislative process, preparation of articles and other legal papers, presentations, etc.

The prosecutors working in the police system are competent to lead investigation on all cases concerning crimes committed in Norway and *de facto* take part in the hearing of about 90% of the cases.

Ms. Sparre also presented briefly the work of the Regional Prosecution in Oslo clarifying that it was the largest in Norway (32 senior prosecutors work there); it handles the criminal prosecution in approximately 50% of all cases.

During the third day of the study visit, the participants had the opportunity to become familiar with the work of the Norwegian National Human Rights Institution (NHRI). The Bulgarian Delegation visited the NHRI and met with *Mr. Petter Wille, special advisor and former director*.

Mr. Wille noted that the National Human Rights Institution was one of the 119 national institutions with competence in this area, also working globally, and one of the 89 such institutions accredited to be in full compliance with the *Paris Principles*⁷⁷ as regards the independence and effectiveness of the NHRI (respectively holders of Status A).

The Norwegian National Human Rights Institution was set up by virtue of law in 2015. It has its headquarters in Oslo and a regional office in Kautokeino. It is led by a Management Board and a Director; its staff is made up of about 20 people (mainly lawyers, some of whom at fixed contracts) and interns.

The NHRI of the host country has a broad mandate and its main mission is to perform systematic activities targeted at encouraging and protecting the fundamental rights in Norway in accordance with the requirements of the Norwegian Constitution and the protection standards laid down in the ECHR and the conventions adopted by the UN in this area. Within its statutory competence, the Norwegian NHRI contributes to strengthening the application and protection of the fundamental rights in the host country through: (1) monitoring and drafting of annual and thematic reports about the situation related to the protection of human rights in Norway; (2) advice for the Norwegian Parliament and Government, the Government of the Saami⁷⁸ and other public authorities and private parties on the matter from the area under discussion; (3) dissemination of information about human rights; (4) promotion of teaching,

⁷⁷ **The Principles relating to the Status of National Institutions (“Paris Principles”)** were adopted by the UN National Assembly by virtue of Resolution No. 48/134 of 20.12.1993; they are a foundational document providing for the international grounds to create NHRI and they set out minimum standards as regards their work along with international criteria for their accreditation (including a clear and broad mandate based on the international standards for the protection of fundamental rights; independence of the executive guaranteed by the law or the constitution; pluralism, including as regards their composition; sufficient resources; adequate powers for investigation, etc.).

⁷⁸ The Saami are the indigenous people in the northern part of the Scandinavian Peninsula, currently an ethnic minority in Norway.

training and research activities in the said area; (5) facilitating the interaction between public authorities and civil society; (6) active participation in the international cooperation to promote and protection the fundamental rights.

Mr. Wille clarified that, in Norway, there was no mechanism to lodge, respectively hear individual applications by the NHRI.

The Norwegian Human Rights Institution prepares and submits to the Parliament an annual report on its work.

The former NHRI Director also made a general overview of the situation related to the protection of fundamental rights in Norway. He clarified that the international standards set out in the ECHR and four of the key conventions adopted by the UN in the area (ICCPR, ICESCR, CRC and CEDAW) were integrated fully in the Norwegian legislation through the adoption of the Human Rights Act in 1999; pursuant to § 3 of this Act, they take precedence over any contradicting norms of the domestic law. After its amendment in 2014, the Norwegian Constitution⁷⁹ ensures protection of a wide range of civil and political rights as well as of certain economic, cultural and social rights. In Norway, there are also well functioning mechanisms of monitoring and hearing individual applications in relation to the protection of the fundamental rights, including the Parliamentary Ombudsman and the other national Ombudsmen (on the matters of equality, child protection, healthcare), the personal data protection institution, the national courts, etc.

Mr. Wille clarified that, so far, the ECtHR had issued a total of 67 convictions against Norway and pointed out the following as problem areas related to the protection of fundamental rights in the host country: human rights in the context of refugee and immigrant law; resorting to “isolation” while serving the penalty of deprivation of liberty; services related to providing care for children and the right to family life as relevant to the supreme interest of the child; and violence against women and children.

In the afternoon session on the last day of the study visit, the participants had the opportunity to meet *Mr. Øystein Ramseng, Senior Consultant at the Norwegian Courts Administration*, and to become familiar with the organisation and the key elements of judicial training in the host country.

The Norwegian Courts Administration (NCA) was set up in 2001 in order to contribute to strengthening the independence of the courts in Norway. Immediately after its establishment, certain administrative tasks were transferred from the Ministry of Justice to the new institutions. A significant part of the NCA work in the area of training is focused on the area of training and applying other methods to develop the necessary work competences in the courts. The said institution also exercises administrative powers as well as powers related to the management of resources and the development of technology in the judiciary, innovation, etc.

In order to maintain an ongoing dialogue with the courts and to receive up-to-date information about their training needs and in order to take needs-based decisions about the development of new training programmes, plans for the development of competences and strategies, the NCA has set up two Competence Committees – respectively for judges and for administrative staff at courts – which support the work in this area. The Competence Committee for judges includes representatives of all judicial instances and of the Association of Judges. The two Committees are managed by the NCA and experts from the said institution take part in all of their meetings.

In the area of judicial training in Norway, the Competence Committee for judges and the

⁷⁹ It was adopted on 4 November 1814.

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „*Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals*“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

Norwegian Courts Administration exercise shared competence. More specifically: (1) the Committee advises the NCA on the matter of what training programmes and projects need to be developed and implemented to boost and build on the competences of judges based on the training needs identified for the said target group; (2) on its part, the NCA advises the Committee on the appropriate training methodology and design for every project proposed and bears responsibility for financing and implementing them. *Mr. Ramseng* clarified that, in practice, there was very close cooperation between the Competence Committee for judges and the NCA and, to this end, at least several joint meetings were held every year to discuss proposals for new initiatives in the area of judicial training along with the necessary steps to implement them.

He also emphasised that both the NCA and the Competence Committee for judges enjoy significant independence when it comes to their work in the area of judicial training. In their activities, they also take into account the guidelines provided by the Ministry of Justice (for example, to develop a specialised programme dedicated to child welfare or legal mediation) and the priorities laid down in the strategic plans of the courts in Norway.

The expert on the matter of judicial training pointed out that a new strategy for competences in the judiciary in Norway was adopted in 2015; it provides guidelines and sets priorities for training focused on the development of competences. As a component of the overall process of restructuring the courts in the host country, in April 2021 a working group of experts proposed detailed profiles of competences for all groups of professionals working in judicial authorities (including judges from the different court instances, assistant judges, different categories of court staff and administrative heads). The proposed competence profiles are based on an in-depth analysis of the changes and challenges the courts in Norway will face in 2025 and their elaboration takes into account a number of factors, including the expected structural changes (reorganisation) of the courts and the changes in the tasks they perform, the coordination of certain tasks at the national level, the specialisation of the judges' work, the delegation of certain tasks by judges to court staff, the digitalisation of the working process and certain external factors.

All profiles contain the following components: 1/ *education* (specified by subject matter and level); 2/ (*professional*) *experience* (specified by type and length); 3/ *knowledge* (specific to a position, acquired through training and experience); 4/ *skills* (including specific skills for the respective staff category and skills of importance to all people working in judicial authorities, differentiated as per their levels); and 5/ *personal characteristics* (of importance to all people working in the judiciary).

The competence profiles of judges build on and detail the main positions set out in a document about the policies for their selection adopted by the Judicial Appointments Board of Norway. The competence profiles are integrated in the said document and are taken into account in the selection and appraisal of judges in the host country.

Mr. Ramseng noted that, in the past 6-8 years, Norway had seen a significant change in the vision of judicial training; as a result, the classic approach to training judges based on monotonous lectures applied for years was replaced with a more modern approach inspired by the work and experience of the UK Judicial College. A key role for the said change in accorded to the competence strategy adopted in 2015 which introduced an overall teaching platform for professional training of all people working in the judiciary based on the following guiding principles:

- *Process focus* – Learning is a process which, through several steps, develops competence. Each training measure should be composed of at least several elements, each targeted at different didactical purposes, including motivation, overview, transfer of knowledge, activation, building of skills and reflection. Active sharing of experience is an important part of the process;

- *Learning outcomes defines methods* – The defined learning outcomes, target groups and peculiarities of the subject matter being taught should serve as starting points to determine the appropriate methodology for the respective programme. Professional training should be targeted at developing skills;
- *Focus on learning at the workplace* – Learning at the workplace is considered to be an important component of professional training (it is a kind of continuous training which takes place in an informal setting and is characterised by high efficiency). This type of learning requires appropriate conditions (appropriate premises, equipment, creation of online discussion forums for continuing professional debates and exchange of experience, etc.) as well as specific measures (study visits, mentor support, etc.);
- *Focus on the role of administrative heads in the training process* – It is essential in the following ways: (1) at a strategic level – the head needs to assess the changes that will come about in the necessary competences for work in the judicial authority the head leads as well as what actions are to be taken in response to the new challenges; and (2) at an operational level – planning the development, respectively building on the necessary competences in a dialogue with the respective staff members, motivation to develop the competence and creation of conditions for actual use of the newly acquired skills and knowledge by the staff member;
- *One's responsibility for professional development* – In the contemporary complex and dynamic work environment, it is essential for every person working in the judiciary to think of themselves as “head” of their own competence.

Mr. Ramseng also clarified that, inspired by the experience of the UK Judicial College, in the past years the NCA had paid special attention to the training aimed at developing the knowledge, skills and competences to practice the profession of the judge summed up as “*judge craft*”. From a methodological point of view, this training focuses on active experience sharing, individual and group reflection, group work, research and talks about practical cases, and discussion.

During his presentation, the NCA representative made a systematic overview of the key elements of judicial training in Norway, including:

- **Introductory programme for new judges** – The programme is mandatory for all new judges and consists of 5 training modules, each with a duration of 3 days held during the first year of one's appointment as a judge. The modules are dedicated respectively to the role of a judge, court mediation and hearing cases involving children, proceedings in civil cases, development of skills and competences to practice the profession of a judge (so called *judge craft*), and proceedings in criminal cases.

The new judges do not need to apply to be included in the training programme – they receive an invitation from the NCA and, after the end of the first module, they automatically become participants in the next modules of the introductory programme.

The purpose of the introductory programme is to ensure solid background for the new judges to perform the powers assigned to them both in the court room and outside the court. The programme is focused mainly on the development of skills and competences to practice the profession of the judge and procedural law; to a very small extent, it deals with matters of substantive law. From a methodological point of view, the introductory training makes use of diverse training methods.

- **Introductory programme for new assistant judges** – The programme is mandatory for all new assistant judges and consists of 2 training modules each with a duration of 4 days held during the first year of appointment. The modules included in the training are focused on the development of competences in main areas of law such as civil procedural law and criminal procedural law, drafting of judgments, probation, obligation law, insolvency, assessment of the interests and needs of children when cases with the involvement of children are heard, mediation and assessment of evidence at the trial stage and during judicial conferences.

In a similar way to the introductory programme for judges, the introductory programme for assistant judges aims to prepare them to perform effectively the functions assigned to them, it has the same focus and integrates diverse training methods.

- **Annual seminars for judges** – They are a component of the training the maintain the continuous qualification of judges in Norway. They are held annually only for representatives of the said target group and last 2 days. Participant in the annual seminars is not mandatory but there is an expectation that all judges will join in. The training programme is usually divided in two parts; the first day is dedicated to current matters which are of special interest; the second day focuses on building on the skills and competences to practice the judges' profession. Specialised sessions are also held for judges from different instances who have the opportunity to suggest topics and case studies to be included on the agenda.

During the pandemic, the annual seminar was held online through a video conferencing system and was reduced to 1 day. Recordings of the seminar are available for use in an internal electronic training platform.

- **Seminars focused on a specific topic** (EU law, protection of the rights of children taking part in judicial proceedings, etc.) are also a form of continuous qualification for judges. *Mr. Ramseng* familiarised the participants in the visit with the pilot training programme targeted at developing the competences in the area of judicial mediation developed by the NCA upon a recommendation of the Ministry of Justice. Taking into account the important role of mediation to reduce the number of civil cases and the costs for such proceedings, the said new training programme aims to improve the quality of the services provided by the court in this area. The programme consists of 3 training modules, each with a duration of 3 days, and integrates diverse interactive training methods.
- **Mentorship for judges in the court room based on self-reflection (Peer-to-Peer Tutoring)** – The mentorship programme is a component of the training targeted at developing skills and competences to practice the judges' profession and aims to ensure quality performance of the function of the judge as regards the management of a court hearing. Mentorship is provided by a group of judges who have attended special training in this regard. For the purposes of training, a part of a court hearing is recorded (approximately an hour and a half) which is used to monitor the work of the judge. The training session is based on a review and analysis of the recording; it is held on the same day and is about 1-1.5 hours. The judge and their mentor watch the recording of the court hearing and discuss matters related to good case management, respectively they identify areas in which the judge has a potential to improve their work. As a whole, the training session does not touch upon matters related to the details of a case.

Becoming part of the mentorship programme is voluntary which ensures the high motivation level of the participants. The advantages of the programme include the opportunity for the participating judges to think about their conduct in the court room and its impact on the communication with the other parties in the process as well as the possibility they have to

improve their leadership skills in this regard.

- **Study leave for judges** – Every fourth year, the judges in Norway are eligible for a one-month paid study leave. This leave must be used to build on one's professional competence and refresh one's knowledge in relevant areas of substantive and procedural law. The use of the leave should be beneficial to both the respective judge and the court the judge works at.

An interested judge needs to submit an application to use the study leave they are entitled to and to provide advance information about the manner in which the judge envisages to have the training. The use of the leave must be planned by the judge following consultation with their administrative head; after its completion, the respective judge must prepare and submit a report to the NCA and the administrative head.

The interested judge also has the right to request reimbursement of some of the costs incurred in relation to using the leave.

- **Podcasts for judges** – An initiative of a group of judges from the first-instance court in Oslo who, on their own, make podcasts⁸⁰ for judges for training purposes. So far, approximately 20-25 podcasts have been recorded, each of 45-60 minutes, which are freely accessible for use in all of the main platforms which provide such content. The judges who prepare them choose the topics themselves; they usually concern current problems/questions about the application of the law (for example, a case of significant public interest). Guests are often invited on the podcasts (including other judges, university professors, lawyers, politicians, etc.) who give interview or take part in discussions on a chosen topic.
- **Professional exchange with neighbouring countries** – In order to promote the interaction and cooperation among the Scandinavian countries, exchange study visits are organised for judges from different countries in the region. This training measure is aimed especially for judges who use study leave and it is expected to contribute to increase one's personal and professional competence.

The average duration of a study visit is 2-3 days; when it is organised, a contact person at the host court is designated. The judges who take part in the study visit needs to identify the topics they are interested in in advance; upon their return, they share the experience they have gained with their colleagues.

- **Use of films based on cases for training purposes** – The NCA together with judges has created several films which present fictionalised situations related to different types and stages of judicial proceedings (court hearing, questioning, etc.) so that they may be used in a working environment. The following were given as examples of topics of study films: the experience of a child in a judicial dispute regarding parental rights, judicial conference, use of experts in court and others.

A training session includes joint viewing of a study film by a group of judges, if the topic is relevant by court staff as well, at the work place which is then followed by a session of group reflection and discussion of the topic presented.

Each film is accompanied by guidelines in writing with instructions as to how to organise a training session on site at the court. Follow-up seminars at the respective court are organised

⁸⁰ Audio or video files available for automatic download from the internet.

Contract N2BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

for some of the films.

Mr. Ramseng described this training method as one which required minimum costs. On his presentation, he paid special attention to the training on human rights conducted by the Norwegian Courts Administration.

The Norwegian training expert emphasised that the topics related to rule of law and fundamental rights protection were touched upon briefly in the training programmes offered to increase the qualification of judges and, mainly, in the introductory programme for new judges in which they made up approximately 5% of the learning content. He also clarified that in the framework of judicial training, the matters of relevance to fundamental rights were discussed not in isolation and in a more general context but with a focus on specific problems related to the rights of the Saami (as an ethnic minority in Norway) or multicultural matters. Subject of review and discussion are also topics related to the application of the ECHR.

Matters within the scope of rule of law and fundamental rights protection are also discussed during seminars held for the continuous qualification of judges when specific cases arise. Examples are the charges raised against Norway before the ECtHR in relation to the welfare of children and, in particular, the right of parents to contacts with children placed in foster care and involuntary adoption, as well as a large scandal related to the system of social security in which several persons were inaccurately sentenced to deprivation of liberty on the account of fraud with social funds.

A specific training measure in the area under discussion that *Mr. Ramseng* pointed out is the study visit to the ECtHR and the ECJ organised annually for judges from the host country (information about it is presented on page 6 of the report).

As a whole, the study visit gave us the opportunity to become familiar with and discuss with the Norwegian experts the peculiarities of the system of fundamental rights protection in the host country and the university and professional training offered in this area. We also had the opportunity to become familiar with the work of the Norwegian Courts Administration and to exchange experience, knowledge and best practices in the area of judicial training, including in the specific area identified.

Last but not least, the content shared by our Norwegian colleagues in their presentations and in the discussions held during the study visit will be taken into account by the working group in its work on preparing the report presenting the framework of sustainable judicial training in the area of fundamental rights and rule of law.

APPENDIX:

Study visit agenda

Participants in the study visit:

(signature)

Lada Paunova, Vice President of the Supreme Court of Cassation
and Head of Criminal College,

(signature)
Iliana Papazova-Markova, Justice, Supreme Court Of Cassation,

(signature)
Bozhidar Dzhambazov, Prosecutor, Supreme Cassation
Prosecutor's Office,

(signature)
Sava Petrov, Prosecutor, Supreme Cassation Prosecutor's Office,

(signature)
Rositsa Toncheva, Justice, Varna Appellate Court,

(signature)
Milena Kotseva, Director, MoJ Litigation before the ECtHR
Directorate,

(signature)
Kornelia Kirilova, NIJ Programme Manager and Working Group
Coordinator

28.11.2022

Annex No. 9

DRAFT PROGRAMME

FOR INTRODUCTORY TRAINING ON THE TOPIC: PROTECTION OF HUMAN RIGHTS

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

(Annotation)

The protection of human rights has gained essential significance in the constitutional theory and practice of the European States after the Second World War. This has resulted in new communication dynamics between constitutional and ordinary courts, between the legislature and the executive, on the one hand, and the judiciary, on the other hand, and a strong mutual impact between supranational (European Court of Human Rights and European Court of Justice) and national courts in this area.

In the modern European State at the end of the XXth century and the beginning of the XXIst century, human rights are not simply principles enshrined in founding documents or starting points in political programmes and ideologies. Their scope and limitations have been analysed and regulated by legislators, they are the subject matter of review by national courts, constitutional, supreme and ordinary ones, and they are a main topic as well as a point of tension in the dialogue between national and supranational courts. In this sense, to determine the scope of the rights, their proportionate restriction and juxtaposition to categories such as public interest, rights of others and national security, is a necessity which has made a deep mark on the Bulgarian legal system too.

This course aims to provide only basic theoretical knowledge about the protection of fundamental rights. It is mainly practically oriented and aims to systematise knowledge of theory and practice on matters of special importance or matters which come up most frequently in the Bulgarian application of the law. Therefore, the course does not purport to be exhaustive and leaves trainers the freedom to decide how to present the individual topics.

The course structure follows the catalogue of rights in the European Convention of Human Rights. The reason is that, over the years, the European Court of Human Rights has amassed substantial case-law in Bulgarian cases and, in this way, it has compensated to a certain extent the lack of a direct access of the citizens to the Constitutional Court. Many judgments have prompted important reforms in the national setting, strengthened the democratic processes and resulted in better protection of the rights of the Bulgarian citizens. However, this structure does not turn the present course into one in international law. On the contrary, the rights are placed in the national context while the case-law of the ECtHR and the EJC suggested aimed to serve as a guiding point and an authoritative source of legal argumentation to define a certain right, its restriction and protection in the Bulgarian context. This is why the suggested sample case-law includes judgments of the ECtHR and the ECJ as well as relevant judgments of Bulgaria's Constitutional Court, Supreme Administrative Court and Supreme Court of Cassation.

The course starts from the principle position that the protection of human rights must take place within the national State and the supranational courts are only a following and possible benchmark. A central place is accorded to the matters of subsidiarity, proportionality, constitutional identity and the main role of the national courts for the protection of rights. In the context of the right to life and the prohibition of inhuman treatment, the course emphasises the powers of the investigating authorities and the prosecutor to conduct an effective investigation if someone's life has

been taken or in the event of attacks against bodily integrity, the rights of persons deprived of liberty and the obligations of the State when deporting foreigners. The right to freedom has its national specifics reflected in the context of detention based on suspicions of crime, detention of minors and underage persons, of foreigners and persons seeking protection. The discussion of the right to a fair trial highlights several questions about the right to a trial within a reasonable time, the obligation to provide motivation for judicial acts, the presumption of innocence and the right to a lawyer. In a practical aspect, an overview is made of several important questions about the respect for the right to privacy and family life, of association, of peaceful enjoyment of possessions and others.

Finally, the course offers young magistrates an opportunity to discuss topical questions such as the interaction between the supranational and national courts, the possibilities for references for preliminary rulings to the ECJ and the practical possibilities to expand the access to the Constitutional Court. Young magistrates are also provoked with questions about the boundaries between political and legal debates and the interaction of the court with the legislature.

Protection of Human Rights Programme – Introductory Training

60 hours

1. Human rights protection in an international and a national aspect. International standards and constitutional identity. Principle of subsidiarity

The concept of human rights and providing for them.

Development of the theory of human rights in the international context; civil, political and other rights.

The Bulgarian Constitution and the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) – comparison of the main texts, place of the Convention in the legal order, a particular set of norms for right protection.

The Charter of Fundamental Rights of the European Union (CFR) – legal essence and scope of application.

Principle of subsidiarity – leading role of the State in rights protection; the concept of the State's margin of appreciation; the concept of constitutional identity.

Democracy, rule of law and human rights.

Sources of information about the ECtHR case-law. Working with the HUDOC system.

ECtHR case-law on the interpretation, application and comparison of general principles of law, the ECHR and the CFR:

HASSAN v. THE UNITED KINGDOM (coe.int), 29750/09, § 101;

DEMİR AND BAYKARA v. TURKEY (coe.int), 34503/97, § 105;

SCOPPOLA v. ITALY (No. 2) (coe.int), 10249/03, § 105;

JAMES AND OTHERS v. THE UNITED KINGDOM (coe.int), 8793/79, § 60;

AL-ADSANI v. THE UNITED KINGDOM (coe.int), 35763/97, § 60;

ASSENOV AND OTHERS v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), 90/1997/874/1086, § 93;

TYRER v. THE UNITED KINGDOM (coe.int), 5856/72, § 31;

KRESS v. FRANCE (coe.int), 39594/98, § 70;

CHRISTINE GOODWIN v. THE UNITED KINGDOM (coe.int), 28957/95, § 75;

BAYATYAN v. ARMENIA (coe.int), 23459/03, § 102;

SERGEY ZOLOTUKHIN v. RUSSIA (coe.int), 14939/03, § 80

ECJ case-law on the same matters:

Opinion 2/13 of the Court (Full Court) of 18 December 2014, ECLI:EU:C:2014:2454 on the compatibility of the draft agreement for the accession of the EU to the ECHR with the Treaties.

Connection of the CFR with the ECHR:

Judgment of the Court (Grand Chamber) of 5 November 2019 in the case ECB v. Trasta Komercbanka and Others, C-663/17 P, C-665/17 P & C-669/17 P, ECLI:EU:C:2019:923; CURIA - Documents (europa.eu)

Judgment of the Court (Grand Chamber) of 24 October 2018 in the case XC and Others, C-234/17, ECLI:EU:C:2018:853, CURIA - Documents (europa.eu)

Judgment of the Court (Fifth Chamber) of 24 October 2019 in the case Belgische Staat, C-469/18 & C-470/18, ECLI:EU:C:2019:895, CURIA - Documents (europa.eu)

Connection of the CFR with the national constitutions of Member States:

Judgment of the Court (Grand Chamber) of 29 July 2019 in the case Funke Medien, C-469/17, ECLI:EU:C:2019:623, CURIA - Documents (europa.eu)

Judgment of the Court (Grand Chamber) of 29 July 2019 in the case Spiegel Online, C-516/17, ECLI:EU:C:2019:625, CURIA - Documents (europa.eu)

Judgment of the Court (Grand Chamber) of 29 July 2019 in the case Pelham and Others, C-476/17, ECLI:EU:C:2019:624, CURIA - Documents (europa.eu)

Opinion of Advocate General Bot in the case Melloni, C-399/11, ECLI:EU:C:2012:600, CURIA - Documents (europa.eu)

Opinion of Advocate General Bobek in the case Dzivev, C-310/16, ECLI:EU:C:2018:623, CURIA - Documents (europa.eu)

Connection of the CFR with the general principles of law:

Judgment of the Court (Sixth Chamber) of 8 May 2019 in the case PI, C-230/18, ECLI:EU:C:2019:383, § 56 and 57, CURIA - Documents (europa.eu)

National case-law:

Judgment No. 3/2004 of the Constitutional Court on the place of EU law

Judgment No. 3/2018 of the Constitutional Court on the Istanbul Convention

2. Place of the national court in rights protection. Principle of proportionality. Place of the investigating authorities and the prosecutor in rights protection.

Place and role of the court in the contemporary democratic State. Interaction with the legislature.

The principle of proportionality in fundamental rights protection in constitutional justice and administrative procedure. A fair balance between the requirements of public interest and the protection of fundamental human rights – essence.

Other matters related to the analysis of proportionality. The role of the investigating authorities and the prosecutor for the observance of the rights of accused persons and victims in cases concerning attacks against life and bodily integrity.

Sample ECtHR case-law

GRIFHORST c. FRANCE (coe.int), 28336/02

Animal Defenders International v. the United Kingdom

Handyside v. the United Kingdom

National case-law:

Judgment No. 10 of 23 July 2020 of the Constitutional Court – rights and their restriction in the conditions of a pandemic.

Judgment No. 17 of 11 April 2021 of the Constitutional Court (+a dissenting opinion) – competition of rights, proportionate restriction of the right to ownership.

Judgment No. 7 of 30 June 2020 of the Constitutional Court – motivation to judicial acts.

Case-law of the Supreme Administrative Court in applications against administrative acts for the demolition of illegal buildings infringing upon the right to a home of vulnerable groups.

Case-law of the Supreme Administrative Court in applications against orders for expulsion/involuntary taking to the border of foreign nationals who have established a personal and family life in Bulgaria

Civil courts – proportionate restriction of the freedom of speech due to respect for the right to privacy

3. Right to life. Definition of “life”, human dignity and end of life. Obligations of the State to guarantee and protect the right to life – constitutional framework, legislative framework, obligation to investigate and role of the investigating authorities, the prosecutor and the court.

A general overview. The obligation to guarantee the right to life through the adoption of an appropriate legislative and administrative framework. Regulation for activities posing a risk to life. Preventive actions. Medical aspects, obligation to clarify, informed consent. Abortion, euthanasia.

Regulation for activities posing a risk to life. Preventive actions. Criminal and civil remedies.

Concept of absolute necessity as regards the use of force. Procedural obligation to investigate. State’s obligation in the event of expulsion to a State where there is a risk for the death penalty to be imposed.

Sample case-law for the application of the right to life in matters of healthcare and social care:

CALVELLI AND CIGLIO v. ITALY (coe.int), 32967/96;

POWELL AND RAYNER v. THE UNITED KINGDOM (coe.int), 9310/81

WASILEWSKI v. POLAND (coe.int), 32734/96 – about the right to abortion

X v. THE UNITED KINGDOM (ARTICLE 50) (coe.int), 7215/75

VO v. FRANCE (coe.int), 53924/00

EVANS v. THE UNITED KINGDOM (coe.int), 6339/05

Other ECtHR case-law:

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

NACHOVA AND OTHERS v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), Applications Nos. 43577/98 and 43579/98) (Article 2 in conjunction with Article 14) – procedural obligation to investigate the causing of death due to possible racist motivation.

NENCHEVA AND OTHERS v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 48609/06) – lack of preventive action and ineffective investigation of the death of children with disabilities in a state institution.

ILIYA PETROV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 19202/03) – ineffective investigation of the death of a child who entered an unsecured switchyard and procedural obligation to investigate under Article 2 of the Convention .

DIMOVI v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 52744/07) – taking of life through force

RIBCHEVA AND OTHERS v. BULGARIA (coe.int), (Application No. 37801/16) – civil remedy in the event of death caused by a private person during a police operation.

O.D. c. BULGARIE (coe.int), (Application No. 34016/18) – potential violation of Article 2 in the event of expulsion

KOLEVI v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 1108/02) – the matter about the liability of the Prosecutor General.

4. Prohibition of torture and inhuman or degrading treatment or punishment. Obligation for effective investigation. Rights of persons deprived of liberty. Prohibition of extradition and expulsion in the event of actual risk of inhuman treatment.

Torture, inhuman or degrading treatment, Threshold of severity. Qualification criteria.

Obligation of effective investigation.

Inhuman and degrading conditions of detention: prisons, detention facilities, psychiatric hospitals, facilities for placement of foreigners. Remedies – Liability of the State Act, Execution of Punishments and Detention in Custody Act, etc.

Specificities of the national legal system – obligation to investigate and refusal to investigate. Points of discussion as to the powers of the prosecutor and the court when taking a decision to investigate

Sample ECtHR case-law:

MYUMYUN v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 67258/13), LENEV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int) (Application No. 41452/07), BEKIRSKI v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 71420/01 z.) – torture;

CASE OF NESHKOV AND OTHERS v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (1).pdf (*Applications Nos. 36925/10, 21487/12, 72893/12, 73196/12, 77718/12 and 9717/13*) – *conditions at places for deprivation of liberty and remedies*;

YANKOV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (*Application № 39084/97*) – *inhuman punishment*;

ANGELOVA AND ILIEV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (*Application No. 55523/00*) – *procedural obligation for effective and unbiased investigation*;

S.Z. – procedural obligation to investigate a case of rape.

M.G. v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (*Application No. 59297/12*) – *provisional violation of Article 3 in relation to the extradition of a foreign national*;

X AND OTHERS v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (*Application No. 22457/16*)

POSEVINI v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (*Application № 63638/14*) – *degrading treatment during search and seizure*.

Anzhelo Georgiev v. Bulgaria

National case-law:

Case-law of the Supreme Administrative Court as regards the application of Part Seven of the Execution of Punishments and Detention in Custody Act

Case-law of the administrative courts as regards the application of Part Six and Part Seven of the Execution of Punishments and Detention in Custody Act

Case-law of the Supreme Administrative Court as regards the liability of the Ministry of the Interior for degrading treatment during arrest or search and seizure (case-law cited in Posevini and Banevi v. Bulgaria)

5. Right to liberty and security. Deprivation of liberty – criminal and administrative aspects.

A general overview. Deprivation of liberty based on suspicion of crime – elements. Detention under the Ministry of the Interior Act. Detention by a prosecutor. The remand measure of detention in custody – guarantees.

Procedural guarantees. Urgency and extent of provision of the necessary information. The requirement for timeliness of being brought before a judge. The requirement for special efforts. Degree of reasonable suspicion in preliminary detention.

A legal remedy to contest the legality of detention. *Habeas Corpus*. Characteristics of judicial review. Re-hearing of detention over reasonable intervals.

Right to compensation. Specifics of the Bulgarian context – the remedy under Article 2, para 1, items 1 and 2 of the Liability of the State Act.

Detention of foreigners and people seeking protection.

Sample case-law of the ECtHR and the ECJ:

D.K. c. BULGARIE (coe.int), (*Requête no 76336/16*) – *detention at a crisis centre and a correctional boarding school*;

STANKOV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (*Application No. 68490/01*) – *detention at a psychiatric institution*;

LOLOVA-KARADZHOVA v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (*Application No. 17835/07*) – *detention while implementing the ruling of a court*;

CASE OF ZVEZDEV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (1).pdf, (*Application No. 477719/07*) – *cumulation of police and prosecution detention*;

STOICHKOV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (*Application No. 9808/02*), SVETOSLAV DIMITROV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (*Application No. 55861/00*) – *absence of a habeas corpus procedure in specific cases of detention*.

Kolev v. Bulgaria (judgment on admissibility) – *importance of the case-law of the national court as regards the protection of rights*

PETKOV AND PROFIROV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (*Applications No. 50027/08 and 50781/09*)

WINTERWERP v. THE NETHERLANDS (coe.int), (*Application No. 6301/73*, §39 – *restriction of liberty due to a mental disorder*;

HUTCHISON REID v. THE UNITED KINGDOM (coe.int), (*Application No. 50272/99*, §52 – *objectively proven illness which poses danger for the person/other people*;

M. v. GERMANY (coe.int), (*Application No. 19359/04*, §79 – *a person placed in a specialised institution/hospital*;

WITOLD LITWA v. POLAND (coe.int), (*Application No. 26629/95*, §61 – *restriction of liberty due to alcoholism or drug addiction*;

GUZZARDI v. ITALY (coe.int), (*Application No. 7367/76*, §9 – *detention of vagrants*;

ECJ case-law as regards the detention in transit zones and, generally, detention of people seeking protection:

Judgment of the Court of 5 June 2104 in the case Mahdi, C-146/14 PPU, ECLI:EU:C:2014:1320, CURIA - Documents (europa.eu)

Judgment of the Court (Grand Chamber) of 30 November 2009 in the case Said Shamilovich Kadzoev (Huchbarov, C-357/09 PPU, ECLI:EU:C:2009:741, CURIA - Documents (europa.eu)

Case-law under the EAW - C-642/20, C -206/20

National case-law

Judgment No. 11/2016 of the Constitutional Court regarding the detention at facilities for temporary placement of minors and underage persons

Case-law of the Supreme Court of Cassation under Article 2, items 1 and 2 of the Liability of the State Act

Case-law of the Supreme Administrative Court under Article 1 of the Liability of the State Act in the event of compensation sought for damage resulting from illegal detention by Ministry of the Interior staff.

6. Right to a fair trial. Civil and criminal aspects.

A general overview – civil and criminal aspect.

Concept of criminal charges. Administrative violation and crime. Presumption of innocence – specifics based on the ECtHR case-law. Right to a lawyer. Prohibition of double jeopardy.

Obligation of the court to note, to a sufficient degree, the arguments on which it bases its judgment and to render a decision on each argument adduced by the party.

Right to a trial within reasonable time. Procedure to provide compensation under the JSA and the Liability of the State Act. Reduction of penalty on account of excessive length of proceedings.

Sample case-law of the ECtHR and the ECJ:

ENGEL AND OTHERS v. THE NETHERLANDS (ARTICLE 50) (coe.int), Applications Nos. 5100/71; 5101/71; 5102/71; 5354/72; 5370/72) – criteria for “charges”;

DIMITROV AND HAMANOV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Applications Nos. 48059/06 and 2708/09) – reasonable time;

FINGER v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 37346/05) – reasonable time;

SIMEONOV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 21980/04) – right to defence lawyer;

GUTSANOV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 34529/10), ALEXEY PETROV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 30336/10), MASLAROVA v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 26966/10), POPOV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 39651/11) – presumption of innocence;

DIMITAR MITEV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 34779/09) – right to defence lawyer;

ZDRAVKO STANEV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 32238/04) – free procedural representation;
NEDELICHEV v. BULGARIA (coe.int), (Application No. 30543/13);
CHORBADZHIYSKI AND KRASTEVA v. BULGARIA (coe.int), (Application No. 54991/10);
STANKOV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 68490/01)

Judgment of the Court (First Chamber) of 11 November 2021 in the case Gavanozov, C-852/19, ECLI:EU:C:2021:902, CURIA - Documents (europa.eu) – European investigation order in criminal matters, Article CFR – Absence of legal remedies in the issuing Member State – Decision ordering searches, seizures and a hearing of a witness by videoconference;
Judgment of the Court (Tenth Chamber) of 21 October 2021 in the case ZX, C-282/20, ECLI:EU:C:2021:874, CURIA - Documents (europa.eu) – Directive 2012/13/EU – Right to information in criminal proceedings – Article 6(3) – Rights of suspects or accused persons to be informed of their rights – Articles 47 and 48 CFR;
Judgment of the Court (Fourth Chamber) of 16 December 2021 in the case HP, C-724/19, ECLI:EU:C:2021:102, CURIA - Documents (europa.eu) – European investigation order seeking to obtain traffic and location data associated with telecommunications, issued by a public prosecutor;
Order of the Court (Second Chamber) of 24 September 2019 in the case QR, C-467/19 PU, ECLI:EU:C:2019:776, CURIA - Documents (europa.eu) – Strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings.

National case-law:

Interpretative judgment of the Supreme Court of Cassation of 2015 (ne bis in idem)
Case-law of the Supreme Administrative Court in applications against detention orders
Case-law of the Supreme Court of Cassation to reduce the penalty if the right to a trial within reasonable time is breached

7. Right to respect for private and family life. Definition of private life. Personal data protection. Family. Right to self-determination. Best interest of the child.

Private life, family life, home and correspondence – concepts and practical aspects. Interference in the right and proportionality.

Removal from one's home: procedures under the State Property Act, the Municipal Property Act and the Urban Planning Act – prerequisites and striking a balance between individual interest and public interest.

Biological sex, legal certainty and right to self-determination. Dialogue or conflict between the national and the international case-law on the matter. The best interest of the child.

Contesting origin, parental contacts.

Search and seizure. Special surveillance means. Retaining traffic data.

Sample case-law of the ECtHR and the ECJ:

YORDANOVA AND OTHERS v. BULGARIA - [Bulgarian Translation] by the Bulgarian Helsinki Committee (coe.int), (Application No. 25446/06)

IVANOVA AND CHERKEZOV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 46577/15)

BEHAR AND GUTMAN v. BULGARIA (coe.int), (Application No. 29335/13),

BUDINOVA AND CHAPRAZOV v. BULGARIA (coe.int), (Application No. 12567/13) – discrimination and breach of private life;

Y.T. c. BULGARIE (coe.int) (Application No. 41701/16) – gender identity;

Z v. BULGARIA (coe.int), (Application No. 39257/17) – private life in conjunction with Article 3;

MINCHEVA v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 21558/03), ANEVA AND OTHERS v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), Application No. 66997/13 and 2 more) – parental contacts;

L.D. AND P.K. v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Applications Nos. 7949/11 and 45522/13) – contesting origin;

KOYCHEV c. BULGARIE (coe.int), (Application No. 32495/15);

GORANOVA-KARAENEVA v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 12739/05) – special surveillance means;

BOU HASSOUN v. BULGARIA (coe.int), (Application No. 59066/16)

Sample ECJ case-law:

Judgment of 14 October 2008, Grunkin u Paul, C-353/06, EU:C:2008:559, CURIA - Documents (europa.eu);

Judgment of 18 July 2006 in the case De Cuyper, C-406/04, ECLI:EU:C:2006:49, CURIA - Documents (europa.eu), Recueil, p. I-6947, § 39;

Judgment of in the case Nerkowska, C-499/06, ECLI:EU:C:2008:300,

Judgment of the Court of 8 June 2017 in the case Freitag, C-541/15 ECLI:EU:C:2017:432, CURIA - Documents (europa.eu);

Judgment of the Court (Grand Chamber) of 14 December 2021 in the case B.M.A., C-490/20, ECLI:EU:C:2021:1008, CURIA - Documents (europa.eu)

ECJ case-law regarding personal data protection:

Judgment of the Court (Grand Chamber) of 8 April 2014 in joined cases Digital Rights Ireland Ltd and others, C-293/12 and C-594/12, ECLI:EU:C:2014:238, CURIA - Documents (europa.eu)

Judgment of the Court (Grand Chamber) of 6 October 2015 in the case Maximillian Schrems, C-362/14, ECLI:EU:C:2015:650, CURIA - Documents (europa.eu)

Judgment of the Court (Grand Chamber) of 16 July 2020 in the case Facebook Ireland Ltd/Maximillian Schrems, C-311/18, ECLI:EU:C:2020:559, CURIA - Documents (europa.eu)

Judgment of the Court (Grand Chamber) of 2 October 2018 in the case Ministerio Fiscal, C-207/16, ECLI:EU:C:2018:788 CURIA - Documents (europa.eu)

National case-law

Judgment No. 23/27.03.20215 regarding provisions in the Electronic Communications Act (access to traffic data)

Judgment No. 15/17.11.2020 of the Constitutional Court regarding the access to traffic data in the conditions of a state of emergency

Judgment No. 15 of 26 October 2021 of the Constitutional Court regarding biological sex.

8. Freedom of thought, conscience and religion. Registration of religious organisations.

Religion, professing one's religion or convictions through public worship, training, religious ceremonies and rituals. Manner of professing.

Interference in the right and proportionality. Search and seizure in the premises of an organisation.

Registration of religious organisations.

Sample ECtHR case-law:

HOLY SYNOD OF THE BULGARIAN ORTHODOX CHURCH (METROPOLITAN INOKENTIY) AND OTHERS v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Applications Nos. 412/03 and 35677/04) – undue interference of the State, application of Article 46 of the Convention;

Bulgarian Old Calendar Orthodox Church and others;

Independent Orthodox Church and Zahariev – refusal for registration due to similar names, similar practices and rituals. Article 46 of the Convention

BOYCHEV AND OTHERS v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 77185/01) – search and seizure of items of worship;

METODIEV AND OTHERS v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 58088/08), GENOV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 40524/08) – undue refusal to register a religious denomination;

KARAAHMED v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 30587/13) – professing one's religion;
PAPAGEORGIOU AND OTHERS v. GREECE (coe.int), Applications Nos. 4762/18 and 6140/18) – religious training and education;
IVANOVA v. BULGARIA (coe.int), (Application No. 52435/99), EWEIDA AND OTHERS v. THE UNITED KINGDOM (coe.int), (Applications Nos. 48420/10, 59842/10, 51671/10 and 36516/10)

National case-law

Case-law of the Supreme Court of Cassation regarding the registration of religious denominations

Case-law of the Supreme Court of Cassation regarding the recognition of non-pecuniary damage of religious organisations (Jehovah's Witnesses)

9. Freedom of expression – general provisions, restrictions. Journalists and media. Hate speech. Insult, slander, incrimination.

A general overview. Scope of protection. Types of expression of opinion – political, civil, creative, commercial. Journalistic freedom, journalistic sources.

Justified interference. Legitimate aims. Obligations and responsibilities of people who express an opinion. Public figures and public servants. Slander and incrimination. Proportionality of interference.

Sample ECtHR case-law:

PENDOV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 44229/11) – detaining a server for the purposes of criminal proceedings;

BOZHKO v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 3316/04), KASABOVA v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 22385/03) – disproportionate penalties for journalists;

YANKOV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 39084/97) – inhuman penalty (shaving one's head) on the account of a prisoner's manuscript.

MARINOVA AND OTHERS v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Applications Nos. 33502/07, 30599/10, 8241/11 and 61863/11), ZDRAVKO STANEV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 32238/04) – cases for slander initiated by public servants as a result of reports submitted to them

KLEIN v. SLOVAKIA (coe.int), (Application No. 72208/01) – blasphemy

National case-law:

Judgment No. 4 of the Constitutional Court of 2019

Case-law of the civil courts in applications for damage ensuing from undermining one's reputation (ratio between the freedom of speech and the right to reputation)

10. Freedom of association. Associations and foundations. Political parties.

Types of association. Restrictions of the right and proportionality. Registration of legal entities with unpopular purposes.

Constitutional provisions and ECtHR case-law.

Sample case-law:

THE UNITED MACEDONIAN ORGANISATION ILINDEN AND IVANOV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 44079/98), THE UNITED MACEDONIAN ORGANISATION ILINDEN AND IVANOV v. BULGARIA (No. 2) - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 37586/04), STANKOV AND THE UNITED MACEDONIAN ORGANISATION ILINDEN v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Applications Nos. 29221/95 and 29225/95), TSONEV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 45963/99) – registrations of parties and non-profit associations with unpopular purposes.

THE UNITED MACEDONIAN ORGANISATION ILINDEN AND IVANOV v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 44079/98) – positive obligation for peaceful holding of a legitimate demonstration

11. Prohibition of discrimination – scope and provisions. Administrative and civil aspects. Criminal aspect – investigating racist motivation.

ECJ case-law on matters of discrimination: (in Bulgarian cases only due to the enormous overall volume)

Judgment of the Court (Second Chamber) of 9 March 2017 in the case Milkova, C-406/15, ECLI:EU:C:2017:198, CURIA - Documents (europa.eu) – a person with disabilities – public servant

Judgment of the Court (Second Chamber) of 21 October 2021 in the case TC and UB, C-824/19, ECLI:EU:C:2021:862, CURIA - Documents (europa.eu) – a blind person – court juror

Judgment of the Court (Grand Chamber) of 16 July 2015 CHEZ Razpredelenie Bulgaria AD, C-83/14, ECLI:EU:C:2015:480, CURIA - Documents (europa.eu) – electricity meters in urban districts with prevailing population from the Roma community.

In addition:

C-624/18 and C-625/18 and C-585/18 – regarding the selection conditions for justices on the Supreme Court of Cassation in Poland.

C-395/15 – prohibition of labour discrimination based on the criteria of temporary inability to work.

Sample ECtHR case-law:

PARASKEVA TODOROVA v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 37193/07)

ABDU v. BULGARIA - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int), (Application No. 26827/08)

BUDINOVA AND CHAPRAZOV v. BULGARIA (coe.int), (Application No. 12567/13)
Judgment of 11 May 2021 in the case Yocheva and Ganeva v. Bulgaria, Applications Nos. 18592/15 and 43863/15

YOHEVA AND GANEVA v. BULGARIA (coe.int), (Applications Nos. 18592/15 and 43863/15)

National case-law:

Practice of the Commission for Protection against Discrimination, case-law of the administrative and civil courts in the application of the Protection against Discrimination Act.

12. Right of a person to enjoy one's possessions peacefully.

Possession – essence and types. Legitimate expectations.

Interference in the peaceful use of possessions. Requirement for a “fair balance” and legitimate aim. Compensation.

Positive obligation to protect possessions. Deprivation of possession.

Control over use. Failure to implement an effective judgment granting rights.

Sample ECtHR case-law:

Judgment of 20 July 2021 in the case Stoyan Nikolov v. Bulgaria, Application No. 68504/11
STOYAN NIKOLOV c. BULGARIE (coe.int)

Judgment of 3 July 2021 in the case Todorov and Others v. Bulgaria, Application No. 50705/11 and 6 more TODOROV AND OTHERS v. BULGARIA (coe.int)

Judgment of 15 December 2020 in the case Ekoglasnost v. Bulgaria, Application No. 31678/17 NATIONAL MOVEMENT EKOGLASNOST v. BULGARIA (coe.int)

National case-law

Contract №BGJUSTICE – 2.001-0001/07.04.2020 under the project „Modern learning environment for judges, prosecutors, investigating magistrates and other legal professionals“, implemented with the financial assistance of the Justice Programme, Norwegian Financial Mechanism 2014-2021

Judgment No. 10/04.06.2021 of the Constitutional Court regarding the seizure of items belonging to a third party in the context of criminal procedure

Judgment No. 13/05.10.2021 of the Constitutional Court

Judgment No. 3 of 23 March 2021 – Road Traffic Act

Case-law of the Supreme Court of Cassation on the application of restitution law

Case-law of the Supreme Court of Cassation on the matters of civil confiscation

13. Other rights – right to education, participation in elections, freedom of movement.

14. Prohibition of double jeopardy – essence and manifestation in the case-law of the ECtHR and the ECJ. Provisions in Bulgaria.

Essence of the prohibition. Administrative and criminal liability. Interaction between the Administrative Violations and Sanctions Act and the Criminal Procedure Code. Prohibition of double criminal jeopardy and obligation to investigate (*Tsonyo Tsonev v. Bulgaria* (4)) – interaction and possible problems.

ECtHR case-law:

A and B v. Norway,

Velkov v. Bulgaria,

TSOYNO TSONEV v. BULGARIA (No. 2) - [Bulgarian Translation] by the Bulgarian Ministry of Justice (coe.int),

Tsonyo Tsonev v. Bulgaria (4)

ECJ case-law – legitimate aim and proportionality of the prohibition.

Judgment of the Court (Grand Chamber) of 20 March 2018 in the case Menci, C-524/15, ECLI:EU:C:2018:197, CURIA - Documents (europa.eu)

Judgment of the Court (Grand Chamber) of 7 May 2013 in the case Åkerberg Fransson, C-617/10, EU:C:2013:105, CURIA - Documents (europa.eu)

Judgment of the Court of 5 June 2012 in the case Bonda, C-489/10, EU:C:2012:319, CURIA - Documents (europa.eu)

National case-law:

Interpretative Judgment No. 3 of 22 December 2015 of the General Assembly of the Criminal College, Supreme Court of Cassation and the ECtHR case-law cited in it

15. Case-law of the ECtHR and the ECJ as a source of law or as a source of legal argumentation. Mandatory or recommended nature? Dialogue with the Constitutional Court and the ECJ and the national legislature.

Process of implementation of the ECtHR judgments. Examples of national judgments with references to the case-law of the two supranational courts. References for preliminary rulings. The extent to which the judgments of these courts bind the national court in a specific case. Analyse and discuss the possibilities for the courts to submit queries to the Constitutional Court (Article 150, para 2 of the Constitution, Article 15 JSA).

Annex No. 10

DRAFT PROGRAMME

FOR SPECIALISED TRAINING IN HUMAN RIGHTS WITHIN THE FRAMEWORK OF THE MANDATORY INITIAL TRAINING

- ✚ Training programme for candidates for junior prosecutors and junior investigating magistrates on topics related to the application of the ECHR standards in Bulgarian criminal proceedings**

I. General presentation of the Convention which includes:

1. ECHR and ECtHR case-law as sources of application of the CrimPC

(Historical overview and general analysis of the content of the Convention and its Protocols; its ratification and application in Bulgaria; ECtHR as an institution, significance and impact of its judgments on the national law; manner of becoming informed about the ECtHR case-law)

2. ECHR and CFR

(Significance and applicability of the Convention and the ECtHR case-law in EU law; general presentation of the CFR; connection and distinctions between the Convention and the Charter; impact of the Convention and the ECtHR case-law in the ECJ activities)

II. Review of the individual provisions which are relevant to the Bulgarian criminal law and procedure

1. The concept of “criminal charges” within the meaning of the Convention. Correspondence of the status of “accused person” and “defendant” in the Bulgarian criminal law to the Convention criteria and standards for criminal charges against a specific person.

2. Right to a fair trial (Article 6) – equality of the parties; motivation of judgments; publicity; independence and impartiality of the court; reasonable time for hearing a case; presumption of innocence; right of a person accused of committing a crime.

3. Right to liberty and security (Article 5) – content of the concepts of “deprivation of liberty” and “lawful detention”; criteria of admissibility for the deprivation of liberty; standards when applying measures of procedural coercion which include deprivation of liberty or restriction of liberty; rights of detained persons.

4. Right to life (Article 2) – substantive and procedural aspect; standards to guarantee them in accordance with the Convention requirements.

5. Respect for private and family life, for one’s home and for the secrecy of correspondence (Article 8)

6. Protection of possession (Article 1, Protocol 1)

7. Right to effective remedies (Article 13) and right to appeal (Article 2, Protocol 7) – instance and judicial review of the work of pre-trial authorities; contesting court acts.

8. Prohibition for double jeopardy – *ne bis in idem* (Article 4, Protocol 7)

9. Prohibition of torture, inhuman and degrading treatment or punishment (Article 3) – content of the concepts of “torture”, “inhuman treatment” and “degrading treatment”; substantive and procedural aspect of the prohibition.

10. No punishment without law (Article 7), repeal and prohibition of the death penalty (Protocol 6 and Protocol 13)

The draft programme for candidates for junior prosecutors and junior investigating magistrates envisages approximately a total of 20 hours of training; it is recommended that at least 1/3 of it be organised in the form of practical workshops.

Under the current programme, the matter is taught and the practical workshops take place within a total of 4 hours of training for candidates for junior prosecutors and 28 hours of training for candidates for junior investigating magistrates.

Training programme for candidates for junior judges on topics related to the application of the ECHR standards in Bulgarian criminal and civil administration of justice

I. Presentation of the ECHR and the CFR

- ECHR and CFR and the case-law of the ECtHR and the EU as sources of application of the CrimPC;
- Place of the national court for rights protection. Principle of proportionality;
- Presentation of the ECtHR as an institution, significance and impact of its act on the national law; significance and impact of the EU case-law in preliminary ruling on the national law;
- Manners of becoming informed about the ECtHR and EU case-law;
- Internal remedies for the rights granted by the ECHR.

II. Significance of the ECHR and the CFR and the judgments of the ECtHR and the ECJ for the interpretation and application of the substantive and procedural norms in the areas of criminal and civil law and the legislation related to them – provisions of the ECHR and the CFR which introduce express requirements and provisions which give rise to implicit requirements

1. Right to liberty and security – criminal, civil and administrative aspects

General overview. Deprivation of liberty based on suspicions of a crime – elements. Detention under the Ministry of the Interior Act. Detention by a prosecutor. Remand measure of detention in custody.

Procedural guarantees. Urgency and extent of provision of the necessary information. The requirement for timeliness of being brought before a judge. The requirement for special efforts. Degree of reasonable suspicion in preliminary detention.

A legal remedy to contest the legality of detention. *Habeas Corpus*. Characteristics of judicial review. Re-hearing of detention over reasonable intervals.

Right to compensation. Specifics of the Bulgarian context – the remedy under Article 2, para 1, items 1 and 2 of the Liability of the State Act.

2. Right to a fair trial

A general overview – civil and criminal aspect. Concept of criminal charges. Administrative violation and crime. Civil disputes. Access to court. Right to initiate a case, to claim damages and to obtain a judgment. Disproportionate restriction of the right to access to court. Statutory

elements, independent and impartial court. Presumption of innocence – specifics based on the ECtHR case-law and Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings. Right to a lawyer. Equality of parties. Publicity. One's right to remain silent and be free from self incrimination. Provocation for crime. Prohibition of double jeopardy. Obligation of the court to note, to a sufficient degree, the arguments on which it bases its judgment and to render a decision on each argument adduced by the party. Principle of adversary proceedings. Equality of remedies. Right to a trial within a reasonable time. Procedure to provide compensation under the JSA and the Liability of the State Act. Reduction of penalty on account of excessive length of proceedings. Timely execution of an effective judicial act.

3. Right to life

Definition of "life" and end of life. Obligation of the State to guarantee and protect the right to life – constitutional framework, legislative framework and role of the investigating authorities, the prosecutor and the court. Substantive and procedural aspects.

4. Prohibition of torture and inhuman or degrading treatment or punishment

Obligation for effective investigation. Rights of persons deprived of liberty. Prohibition of extradition and expulsion in the event of actual risk of inhuman treatment.

5. Right to respect for private and family life

Definition of private life. Search and seizure. Special surveillance means. Retaining traffic data.

Concept of "family life". Fundamental rights – to correspondence, name, reputation, gender identity. Interference in rights protected under Article 8

6. Right to freedom of expression and receiving information – general provisions, restrictions

Journalists and media. Hate speech. Insult, slander, incrimination. Proportionality of interference.

Prohibition of double jeopardy – essence and manifestation in the case-law of the ECtHR, the ECJ and the Supreme Court of Cassation. Provisions in Bulgaria – administrative-criminal and criminal liability. Interaction between the Administrative Violations and Sanctions Act and the CrimPC. Prohibition of double criminal jeopardy and obligation to investigate.

Professing one's religion or convictions. Recognition by the State of decisions of religious bodies.

7. Right to possession under Article 1, Protocol 1, ECHR

Concept of "possession". Interference of the State in the right to peaceful use of possessions. Principle of legality. Legitimate aim. Deprivation of possessions. Control in the public interest. Proportionality. Obligation for compensation.

8. Inheritance

The draft programme for specialised training for candidates for junior judges envisages a total of 25 hours of training; it is recommended that at least 1/3 of it be organised in the form of practical workshops.

Under the current programme, the matter is taught and the practical workshops take place within a total of 10 hours of training.

❖ Training methods:

The training methods must be complex and include:

1. Practically oriented lectures/presentations on the said topics;
2. Analytical overview of the relevant and significant ECtHR case-law, especially in cases against Bulgaria; if there is any, present also the case-law of the ECJ and the Bulgarian courts in relation to the application of the Convention;

Recommended case-law: Becoming familiar with judgments in cases against Bulgaria, e.g. Zvezdev, Petkov and Profirov, Gutsanovi, Maksim Savov, Petyo Petkov, Anzhelo Georgiev, S.Z., Y, Dimitrov and Others, Stoykov of 2015 and of 2020, Kormev, M.G., Posevini, Ilieva of 2019, Zhivko Gospodinov and Others, Prezhdarovi, Vetsev, Yordanova and Toshev, Marinova and Others, Nikolova and Vandova, Nikolova, Atanasova, Fileva, Mustafa, Simeonovi, Tsonyo Tsonev, Dimitar Mitev, Bonev, Dimitrov and Momin; and judgments in cases against other States, e.g. Salduz, Ibrahim, Dvorski, Bikov, Allen, Frucht, Mamedova, Karaman and others, judgments upon references for preliminary rulings and judgments of the Supreme Court of Cassation.

3. Resolving cases related to the different rights under the ECHR and discussions among the training participants

The training participants divide into small groups (of two or three) and receive tasks to motivate each of their conclusions about violations of a right under the Convention (or absence of a violation of a right under the Convention) with reference to at least three judgments of the ECtHR or of Bulgarian courts in which there are references to ECtHR case-law.

If possible, some discussions (e.g. those about the right to a fair trial, effective remedies, *ne bis in idem* and others) should be organised in mixed groups including representatives of all junior magistrates.

4. Moot trials based on case studies.

Annex No. 11

SAMPLE PROGRAMME

**FOR BASE TRAINING IN HUMAN RIGHTS WITHIN THE CURRENT QUALIFICATION OF
MAGISTRATES**

on the topic of “Right to a fair trial”

I. General aspects of a fair trial

1. Legal framework and institutional guarantees, including:

- Legal framework – Article 6 § 1 ECHR and Article 47 CFR – analysis of their application, interconnection, manifestation forms of their violations;
- Institutional guarantees for a fair trial – independence and impartiality of the court, criteria to assess the observance of the requirements at a national level.

2. Procedural guarantee, including:

- Fairness – adversary proceedings, equality of parties, motivation of the judicial acts;
- Publicity of the court trial and admissible exceptions; one’s right to be publicly and orally heard, right to defend oneself in person, right to attend the court hearing and to take an active part in the evidence gathering process.

II. Specific rights and procedural guarantees ensuring fairness of the trial

1. The presumption of innocence as an essential element of the right to a fair trial, including:

- Legal framework – Article 6, § 2 ECHR and Article 48, § 1 CFR; act of secondary EU law – Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings;
- Content of the presumption of innocence – unbiased approach to the accused person, evidentiary burden, public reference to guilt, presenting the suspect or the accused person;
- Effective legal remedies in the event of violation of the presumption of innocence – Article 13 in conjunction with Article 6 ECHR, Article 47 CFR, Article 4, § 2 and Article 10 of Directive (EU) 2016/343.

2. Specific rights of suspects or accused persons, including:

- Legal framework – Article 6, § 3 ECHR and acts of secondary EU law;
- Specific rights related to the information available to the accused person – right to information, right of the person to remain silent and be free from self incrimination, right to access to lawyer, right to legal aid, right to written and oral translation;
- Specific rights related to the participation of the accused person in the trial – right to question witnesses, right to attend the court hearing, right to appeal, right effective legal remedies.

3. Prohibition of double jeopardy or penalty – *ne bis in idem*

- Legal framework – Article 4 of Protocol 7 ECHR;
- Case-law of the ECtHR and the Supreme Court of Cassation of the Republic of Bulgaria

4. Defence in proceedings in European Arrest Warrant

- National legal framework;
- ECJ case-law.

Training methods

1. A lecture including an analysis of ECtHR judgments combined with a discussion on questions raised by the lecturer

Becoming familiar with judgments in cases against Bulgaria, e.g. Zvezdev, Petkov and Profirov, Gutsanovi, Maksim Savov, Petyo Petkov, Anzhelo Georgiev, S.Z., Y, Dimitrov and Others, Stoykov of 2015 and of 2020, Kormev, M.G., Posevini, Ilieva of 2019, Zhivko Gospodinov and Others, Prezhdarovi, Vetsev, Yordanova and Toshev, Marinova and Others, Nikolova and Vandova, Nikolova, Atanasova, Fileva, Mustafa, Simeonovi, Tsonyo Tsonev, Dimitar Mitev, Bonev, Dimitrov and Momin; and judgments in cases against other States, e.g. Salduz, Ibrahim, Dvorski, Bikov, Allen, Frucht, Mamedova, Karaman and others, judgments upon references for preliminary rulings and judgments of the Supreme Court of Cassation.

2. Resolving cases related to the different rights under the ECHR

The training participants divide into small groups (of two or three) and receive tasks to motivate each of their conclusions about violations of a right under the Convention (or absence of a violation of a right under the Convention) with reference to at least three judgments of the ECtHR or of Bulgarian courts in which there are references to ECtHR case-law.