

EXCHANGE PROGRAMME - BEST PRACTICES

This document is designed to retain and improve the high level of quality of the EJTN exchange programme. Listed below are the Network's expectations to ensure a successful and productive exchange. These guidelines for participants, organisers and tutors relate to organisational matters and the content of the programme. The collection of best practices is based on years of experience gathered by Network members.

Participants

- shall take due care when applying to take part in the EJTN exchange programme. In particular, they shall communicate their professional experience and specialisation precisely, so the host can take this into account when drafting the programme;
- shall be realistic about their language skills. If necessary, they shall participate in language trainings offered by EJTN or other providers to acquire the requisite proficiency level;
- shall be fully aware that allocation to an exchange is binding and that participants are entitled to withdraw only in exceptional and unforeseen circumstances, at the earliest possible stage;
- shall get in touch with the contact person in the host country as soon as possible;
- shall make proper preparations for the exchange. In aid of this, EJTN provides reports from earlier exchanges in the host countries. In cooperation with EJTN and other bodies, EJTN supplies information on the host country's judicial system;
- shall obey the national law and national rules of conduct of the host country while on exchange. Any violation of the host country's rules/law might lead EJTN to stopping the exchange;
- shall fully take part in the work programme that is organised by the host. If there is a fringe programme, they shall give best endeavours to attend this as well;
- shall, during the exchange, be ambassadors for the sending nation's judicial system and share with judges/prosecutors of the host court knowledge about their own judicial system;
- shall work with EJTN's secretariat on all organisational matters in a full and timely fashion.

Organisers

- shall get in touch with participants immediately after allocation and follow the 'Guidelines for Tutors';
- shall notify participants as soon as possible of the organisational framework of the exchange. Participants would benefit from timely information on location as well as start date and end date of the exchange. Experience has shown that suggestions for travel or accommodation are often appreciated;
- shall try to take into account, when drafting the programme, the career, speciality and language information listed on the application form. Notwithstanding this, it remains the objective of the exchange programme to provide a general insight into the judicial system of the host nation. It will not always be possible to dovetail this to the participant's individual background;
- shall select tutors for individual exchanges whose professional competence, personality and language skills work in favour of a successful exchange;
- shall, when organising group exchanges, opt for a balanced combination of general information on the host nation's judicial system and the opportunity to share expertise with the host nation's practitioners;
- shall, when putting together the programme for both individual and group exchanges, take into consideration the suggestions listed in the Annexe;
- shall supply participants with a draft programme in writing, well ahead of the start of the exchange;
- shall, early on, supply any documents that might help participants to prepare for the exchange.

Tutors

- shall regard the exchange as an opportunity to showcase their country's judicial system whilst benefiting from the experience of their visiting colleagues (ie. it is recommended to organise a session allowing the foreign visitor to present its own judicial system to his/her counterparts in the host court);
- shall let participants share the daily work as much as possible and integrate them into the team of the visited institution;
- shall observe the 'Guidelines for Tutors' as well as the suggestions for a successful programme listed in the Annexe.

Annex

Experience shows that an exchange is viewed as highly productive every time the visitors are given an insight into the host nation's judicial system that is as realistic and practice-oriented as possible. This includes real-life trials and original case files. Institutions outside the judicial structures are often visited to gain a broader overview of how things are done in the host nation. The list below shows a number of options for making the exchange profitable:

This is what participants have regarded as particularly profitable:

- preparation, visit and review of court hearings together with a practitioner of the host country
- Access to and discussion of trial documents
- Dialogue with various practitioners
- Visit to courts and prosecutor's offices at all levels and across all branches of the judicial system
- Information on judicial structures, court hierarchy and the principles of procedural and substantive law in the host nation
- Overview of ethics and deontology and disciplinary matters
- Information on settlements, mediation and alternative dispute resolution
- Information on how EU instruments are applied in the host nation, i.e. European Arrest Warrant and Mutual Legal Assistance in civil and criminal matters.

Activities appreciated in particular by participants in exchanges that focus on criminal law have included:

- Police or prosecution service 'ride-alongs', including investigation on the spot and house searching
- Insight into the work of (investigative) magistrates
- Sitting in on witness interviews

During group exchanges, these activities have proved successful:

- Team handling of real case files
- Face-to-face interviews with host nation practitioners
- Case studies, mock trials
- Interactive elements, such as presentations by the participants of how cases are handled in the home country
- AIAKOS groups: information on initial training, appointment of judges and prosecutors and judicial careers

Beside courts and prosecutors' offices, visits to these institutions have been seen as being particularly productive:

- Correctional facilities
- Police
- Forensic science service
- Parole and probation offices
- Psychiatric Hospitals, drug counsellors,
- Representatives of other legal professions (i.e. attorneys, public notaries)
- Legal Faculties of local universities
- EJN contact points
- International institutions such as ECJ, ECHR, ICC, EUROJUST
- Local government representatives
- Legal conferences

A supporting fringe programme helps promote after-work exchange and serves to introduce participants to the culture of the host nation. Resulting personal contacts have regularly been rated as particularly valuable.