

**THE COMPILATION OF MATERIALS
OF THE ONLINE INTERNATIONAL ROUNDTABLE
«MODERN DIGITAL AND HR TECHNOLOGIES IN THE
SELECTION OF CANDIDATES FOR JUDGES, ASSESSMENT
OF WORK AND PROMOTION OF JUDGES»**

NUR-SULTAN
2020

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PROGRAMME
ONLINE INTERNATIONAL ROUNDTABLE
«MODERN DIGITAL AND HR TECHNOLOGIES IN THE SELECTION OF CANDIDATES
FOR JUDGES, ASSESSMENT OF WORK AND PROMOTION OF JUDGES»

- 1.30 pm. – 2 pm. Registration of the participants, 2 pm. – 2.30 pm. Welcome speeches
- Talgat Donakov**, Chairman of the High Judicial Council of the Republic of Kazakhstan
- Gianni Buquicchio**, President of the Council of Europe's European Commission for Democracy through Law (Venice Commission)
- Marat Beketayev**,
Minister of Justice of the Republic of Kazakhstan
- Meirambek Taimerdenov**, Chairman of the judicial Collegium on civil cases of the Supreme Court of the Republic of Kazakhstan
- Rakhmet Mukashev**,
Member of the Constitutional Council of the Republic of Kazakhstan
- Nikolay Timoshin**, Chairman of the Higher Qualification Collegium of Judges of the Russian Federation
- Kholmumin Yodgorov**,
Chairman of the High Judicial Council of the Republic of Uzbekistan
- Elmira Baryktabasova**,
Chairperson of the Council for the Selection of Judges of the Kyrgyz Republic
- Yakup Beris**, UNDP Resident Representative in Kazakhstan
- 2.30 pm. – 2.45 pm. *Speakers:* Experts of the Venice Commission, Slavica Banic and George Papuashvili
Topic: Features of the selection and assessment tools for judges in the formation of administrative courts, international experience
- 2.50 pm. – 3.05 pm. *Speaker:* Deputy Director of the ENM of the French Republic, Ellie Renard
Topic: Framework of competence in the training of future judges and prosecutors of the French Republic
- 3.10 pm. – 3.25 pm. *Speaker:* President of the IX Committee of the Italian High Council for the Judiciary, Carmelo Celentano
Topic: Appointment and evaluation of judges and prosecutors in the CSM activities and regulation - Technologies and COVID-19
- 3.30 pm. – 3.45 pm. *Speakers:* Chief of Legislative Support Unit of the OSCE/ODIHR Konstantine Vardzelashvili, Expert in the field of public administration Francisco Cardona
Topic: International standards and practices in the appointment of judges and administration of administrative courts

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- 3.50 pm. – 4.05 pm. *Speaker:* Judge, Head of Area in the External and Institutional Relations Department of the Judicial School of Spain, José María Asencio Gallego
Topic: Application of digital technology in the selection of judges
- 4.10 pm. – 4.25 pm. *Speaker:* Member of the High Judicial Council of the Republic of Kazakhstan, Judge of the Supreme Court, Nurzhan Zholdasbekov
Topic: Use of modern HR technologies in the activities of the High Judicial Council
- 4.30 pm. – 4.45 pm. *Speaker:* Chairman of the Higher Qualification Collegium of Judges of the Russian Federation, Nikolay Timoshin
Topic: The role of the qualification collegiums of judges of the Russian Federation in the selection, promotion, assessment of the activities of judges and the peculiarities of the work of the collegiums in the context of the COVID-19 pandemic
- 4.50 pm. – 5.05 pm. *Speaker:* Chairman of the High Judicial Council of the Republic of Uzbekistan, Kholmumin Yodgorov
Topic: Uzbekistan's experience in the selection, training and promotion of judges using modern information and communication technologies
- 5.10 pm. – 5.25 pm. *Speaker:* Judge of the Supreme Court of the Republic of Kazakhstan, Secretary of the Commission for the quality of justice under the Supreme Court, Nuriya Sisenova
Topic: Professional assessment of judges
- 5.30 pm. – 5.45 pm. *Speaker:* Member of the Council for the Selection of Judges of the Kyrgyz Republic, Gulzhana Koshokova
Topic: Application of modern technologies in the selection of candidates for judicial positions in the Kyrgyz Republic
- 5.50 pm. – 6.05 pm. *Speaker:* Director of the training Centre of Judges under the Supreme Court of Tajikistan, Soleh Zavkizoda
Topic: Tajikistan's experience in the application of modern technologies in the process of selection and training of judges and candidates for the judicial positions
- 6.10 pm. – 6.25 pm. *Speaker:* Senior manager, Head of HR consulting group EY Kazakhstan, Nikolay Khan
Topic: Framework of competence for judicial positions
- 6.30 pm. – 6.45 pm. *Speaker:* Director for Business Development «Samruk-Kazyna» Corporate University, Vladimir Shikov
Topic: Competencies are important, but not sufficient. What and how should be evaluated for the selection of judges
- 6.50 pm. – 7.30 pm. Discussion

Summing up and closing the expert meeting

SPECIFIC MEASURES TO ENSURE THE INTEGRITY OF CANDIDATES IN ADMINISTRATIVE COURTS

As it has been mentioned in the report sent to the High Judicial Council of RK, administrative courts in some countries act as a separate branch of the judiciary where the assembly of Administrative judges has special functions, like in Poland and Austria, or functions related to the selection of judges in other countries. In other countries, the Administrative Courts act as chambers or collegiums in the general courts like in Georgia. There are also combined systems, where the administrative courts are separated from the general court system only on some levels of jurisdiction, for example in Estonia, where the first instance cases are decided by the separate administrative courts but ordinary courts act as the appeal instance.

However, usually, when judges are selected (be it Administrative or General Courts judge) the selection bodies use the objective criteria set out in the law. Basing the choice on the objective selection criteria can be seen as the most important measure to check the integrity of the candidates. On the other hand, the well-defined criteria raise public trust in the appointment procedure. Some countries, like Georgia, Lithuania, have these criteria listed in detail in relevant legal acts.

Administrative judges in Lithuania are selected using the criteria that are used for other judges as well. Persons seeking to become judges of a higher court shall be assessed according to: Record of work in the legal area; The nature and quality of the work; the professional activity (quality of legal work); the nature and quality of scientific-pedagogical work; professional competence and knowledge; knowledge of foreign languages; university education other than law; professional development and improvement (its intensity, purposefulness, validity); participation in expert activities (for example, in the process of drafting legal acts, expert evaluation of draft legal acts, participation in the activities of working groups, etc.); activities as a conciliator (mediator); research cooperation (does not apply to candidates with a doctorate in social sciences); the level of the candidate's current pedagogical duties and performed pedagogical activities; prepared scientific publications in peer-reviewed scientific publications; participation in public activities related to courts / justice; other activities of the candidate related to the acquisition and deepening of knowledge necessary for the work of a judge, etc. Personal competencies; constructiveness of the candidate's thinking, erudition; personality maturity, emotional balance, effectiveness, and objectivity of decision-making; duty and responsibility, the ability to effectively organize one's own and the work of others; communication and cooperation skills; strength and adequacy of motivation, the strength of professional identity, initiative, aspiration to learn and improve, activity in the legal/ judicial community.

In Georgia, a candidate for judge, including the administrative judge, shall be selected based on two basic criteria – good faith and competence. The characteristics of a good faith criterion shall be as follows:

- a) personal good faith, and professional conscience;
- b) independence, impartiality, and fairness;
- c) personal and professional behaviour;
- d) personal and professional reputation.

The characteristics of a competence criterion shall be as follows:

- a) knowledge of legal norms;
- b) ability of legal substantiation and competence;
- c) writing and verbal communication skills;
- d) professional qualities;
- e) academic achievements and professional training;
- f) professional activity.

It needs to be noted, that for the criteria to be effective there needs to be several procedural mechanisms in place. Firstly, each criterion should ideally be rated using the points system. Secondly, the activities related to the appointment of the judge or the act of denying to appoint of the relevant candidate on the position of a judge

should have the legal reasoning that is essentially stemming from the objective criteria set by the law. Thirdly it is important to have the appeal mechanism. For example, in Georgia if the candidate is denied they can go to the qualifications chamber of the Supreme Court with the appeal if they think that: e.g. a member of the High Council of Justice of Georgia was biased during the competition or his/her attitude was discriminatory etc;

After hearing the case, the Chamber of Qualification of the Supreme Court shall deliver one of the following decisions:

- a) to uphold the decision of the High Council of Justice of Georgia on refusing to assign the candidate for judge to the position of a judge;
- b) to revoke the decision of the High Council of Justice of Georgia on refusing to assign the candidate for judge to the position of a judge, and remit the case for a new investigation.

It is important to note, that usually the measures to check the integrity of the candidate along with the criteria are included in the procedure of selection. For example, in many countries the relevant selection body would look for information related to the candidate, that may include information about the honesty of the candidate, for example, if the candidate has any minor offenses, or if the candidate has unpaid financial responsibilities and so on.

The rule, not to appoint the persons who have been removed from their judicial position after the disciplinary procedures are quite common. In some countries it has special time terms, in others, it only extends to the candidates to the chairmen of courts, however, it needs to be said that these measures altogether constitute the adequate safeguards for the appointment of the worthy judges.

It needs to be noted, that initial training is an important element of integrity. Theoretical and Practical pieces of training are supposed to increase not only legal knowledge and competence but also the integrity of the candidate. The practical training element is very common around Europe. One example would be Ukraine where Before the appointment, there is the selection examination. Selection examination is conducted by the High Qualifications Commission of Judges of Ukraine in the form of anonymous testing to check the general theoretical knowledge of a candidate in law, their command of the official language of the country, personal moral and psychological qualities of the candidate.

There is an initial training requirement as well. Special training shall be conducted for twelve months (unless another term was determined by decision of the High Qualifications Commission of Judges of Ukraine) at the expense of the State Budget of Ukraine. The term of special training at the National School of Judges of Ukraine shall be added to the record of professional activity in the field of law.

Special training of candidates for the position of judge includes theoretical and practical training of a judge at the National School of Judges Ukraine and is carried out in accordance with the Program. The program is focused on quality training of candidates for the position judges before they perform the official duties of a judge.

The program includes theoretical and practical training; internship in local courts, study visits to the prosecutor's office, bodies that carry out pre-trial investigation, penitentiary service, executive services, law firms; control measures. The topics of the theoretical and practical part of the special training are combined in modules and blocks.

To sum up, the measures for the integrity of the candidate are (1) clear and objective appointment criteria; (2) relevant appointment procedures; (3) General requirements for candidates that can filter the candidate's integrity of which may be questioned and (4) initial training of the candidates. All these measures are actively used in the judicial appointment procedures around Europe. It needs to be noted that these measures should be as effective as possible, for example, the appointment procedure should have safety mechanisms like the legal reasoning of the decisions and the appeal mechanism.

COMPETENCE OF FUTURE JUDGES AND PROSECUTORS IN FRANCE

II.1 BASIC PRINCIPLES

At the General Assembly of the European Judicial Training Network on June 10, 2016, the institutions responsible for training judges and prosecutors from the 28 member states of the European Union solemnly adopted the nine fundamental principles of judicial training

Here are the first two principles:

1. *The Judicial training is a practical and interdisciplinary training aimed mainly at transmitting values and professional methods that complement those acquired during the course of legal education*
2. **Each judge and prosecutor must complete initial training before or during their appointment.**

You can copy and paste the following links to provide them with complete information

In French http://www.ejtn.eu/PageFiles/15756/Judicial%20Training%20Principles_FR.pdf

In English http://www.ejtn.eu/PageFiles/15756/Judicial%20Training%20Principles_EN.pdf

II.2. BASIC SKILLS

II.2.1 THINKING AT THE EUROPEAN LEVEL: DA VINCI project - 2011

(in English) http://www.cej-mjusticia.es/cej_dode/doc_users/doc/4_222_201327103538440.pdf

- Common values of judges and prosecutors (independence, integrity, impartiality, loyalty)
- Initial training should enable future magistrates to have extensive knowledge of applicable national and international law
- In addition, the training should also include training in ethics and subjects other than legal (business management, information technology, foreign languages, social sciences, alternative methods of conflict resolution)
- Training should include a practical aspect

For comparison at the European level: ¹

France - legal knowledge and competence 65%, non-legal skills 35%

Romania - legal knowledge and competence 90%, non-legal skills 10%.

Spain - legal knowledge and competence 90%, non-legal skills 10%.

II.2.2. Basic skills at the National School for the Training and Improvement of Judicial Officers (ENM)

II.2.2.1. Thirteen basic professional requirements for a judge

- Ability to define, apply, and enforce ethical rules
- Ability to analyze and generalize a situation or problem
- Ability to define, respect and guarantee the procedural framework
- Ability to adapt
- Ability to take an authoritative position or humility appropriate to the circumstances
- Ability to communicate, listen and exchange opinions
- Ability to prepare and conduct a hearing or judicial dialogue with respect for both parties
- Ability to reach agreement and reconciliation
- Ability to make decisions based on law and fact, established in context and common sense, and enforceable
- Ability to motivate, document, and explain a decision

¹ Source : Report on the Best European practices on initial training programs, Mrs Darta Mestere, Legal program director Latvian judicial training center, 2017

- Ability to consider national and international institutional conditions
- Ability to work in a team
- Ability to organize, manage, and implement innovations

Example for comparison: Denmark²

Integrity; Professionalism; Dynamism; Reliability; Influence on other people; Collaboration; focus on results; focus on development; global vision of the organization; Leadership potential.

II.2.2.2 Ways to transfer these skills in ENM

The APC (competency-based approach) is already included in the training tables for judges. The application of a skills-based approach to the initial training of judges by including it in training sheets and booklets is currently being discussed.

Active and practical methodology

- From 31 months of training - 21 months of observation or professional internship
 - introduction to jurisdiction course (1 week)
 - internship in the Investigative Department (2 weeks)
 - internship at a law firm (13 weeks)
 - judicial internship: initial training (39 weeks), then preparation for first duties (12 weeks)
 - court of appeal (1 week)
 - internships with regular judicial institution interlocutors: prison services (3 weeks, 2 indoors, 1 outdoors), youth judicial protection (1 week), bailiff (1 week)
 - opening an internship
- During the study period: my various teaching methods, areas of study, in the classroom, situations, at a distance, written works
- Coaching: the individualization of study

II.2.2.3 Methods for evaluating the acquisition of these skills

- Combination of different grades:
 - Final examinations
 - During the judicial internship, evaluation in a real situation (presiding over a court session, arguments, conducting court sessions in a civil case) by regional training coordinators (CRF) or assistant judge-evaluator (MEVA)
 - Final examinations (written or oral tests)
- Possibility of repeated training / inconsistencies

Some ideas of the best techniques:

- The presence of clear goals in the study program,
- Focus on the skills obtained
- Balance between legal and non-legal skills
- Focus on magistrate registration in his/her social context
- Promoting study in practice
- Individual monitoring of future judges during their training
- Providing opportunities for external internships
- Registration of grades throughout the course of training
- Study of foreign languages and popularization of foreign experience

² Idem - Source : Report on the Best European practices on initial training programs, Mrs Darta Mestere, Legal program director Latvian judicial training center, 2017

Carmelo Celentano

APPOINTMENT AND EVALUATION OF JUDGES AND PROSECUTORS IN THE CSM ACTIVITIES AND REGULATION – TECHNOLOGIES AND COVID-19

First of all, I would like to express the gratitude of the Italian Superior Council of the judiciary to the Chairman of the High Judicial Council of the Republic of Kazakhstan and to all the other Members of the Council, for the opportunity to take the floor in this interesting roundtable.

I bring you the warmest greetings of all "Consiglio Superiore della Magistratura" (Superior Council of the Judiciary), and in particular the greetings of the Vice President David Ermini, who delegated me as President of the IX commission, entitled to promote and take care of the international activities of the Council.

A warm greeting to all the participants.

I am disappointed that my participation in the round table will be limited due to urgent commitments, so my speak will be short enough to listen other contribution.

We know in general that the modernisation of all judicial administrations can be seriously improved through the correct use of Information and Communication Technologies, database and networking in Courts, with the development of better communication with the relative judicial training and professional development.

This is a trend whose goal is essentially to improve decision-making and productivity by: shortening the decision time; enabling a more efficient resolution of old cases; allowing effective planning of human resources employment in different Courts.

This kind of reforming process in Italy was in last months further improved, due to the need of facing covid-19 pandemic spreading.

The technologic approach used in the last years in civil Courts was useful not only to improve the performance, but to manage Human Resource during the pandemic distancing measures.

In many aspects the PCT (telematic civil trial) experience was exported and further implemented, as an example, to the Court of cassation.

So in this Court began an official testing phase for the deposit of documents and was developed a new stationery application for the management of telematic procedures of the documents filed digitally by the lawyers.

This application will allow the visibility of the electronic files to the judges who are members of the colleges of the Court of cassation and to the Attorney General, so that council chambers can be held without the presence of judges and the decisions can be taken remotely, via video conference.

This kind of approach in the use of technology was held also in the organisation and in the activities of the self government body CSM.

In this case it has too be clear that from many years the Council of the judiciary CSM developed a digital database platform to manage documents, files and procedures regarding judges and prosecutors, them careers an them appointment to directive functions.

Since the first years of the 2nd millennium the CSM adopted technologies oriented not only to the office automation and database technology, but also to the networking interconnection between the central selfgovernment decisions end the local distrectual councils.

It was soon clear that Office automation could have used mostly for document production, to increase the use of standard texts, but not to manage better the procedures involving the evaluation of the judges career. So, a Database technology was implemented to achieve an electronic personal file for each magistrate, judge or prosecutor, whose content was available for all pending procedures before the Council. In the meantime, all

these electronic information were available on a web based intranet. Networking technology was in their regard fundamental to communicate each other electronically, between Courts staff, including judges – distrectual councils – and the Council.

The principal example of this improved technological Human Resources management could be found in the case of the periodic evaluation of the professionalism of judges and prosecutors.

It has to be known, in fact, that the professionalism of judges, in its various profiles, is subject of repeated and in-depth checks during the entire lenght of their professional life. The delicacy of the functions performed by the magistrates requires to constantly verify that the attitudes evaluated at the beginning in the first selection remain throughout the judges's service period. In the Italian judicial system(Legislative Decree 160/2006 as amended by l. 111/2007), all magistrates are subject to evaluation every four years, until the seventh professionalism assessment, which intervenes at the twenty-eighth year of service.

It is evident that the activity in this regard has to face a huge amount of files, documents and evaluation parameters, because every four years hundreds of procedures has to be defined and hundreds of evaluation has to be done.

The procedure is extremely complex, because the evaluation covers the entire four-year period and is based on many evaluation parameters: independence, impartiality and balance; capacity; commitment; diligence; industriousness.

At the end of the evaluation period the judicial council acquires and evaluates: a) the information available at the Superior Council of the Judiciary and the Ministry of Justice also with regard to possible accounting and disciplinary findings, without prejudice to the autonomous possibility of each member of the judicial council to access all the documents that are in the public phase of the process to evaluate their use in the judicial council; b) the report of the magistrate on the work performed and what else he considers useful, including a copy of the deeds and measures that the magistrate considers to be subject to examination; c) the statistics of the work performed and the comparison with those of the other magistrates of the same office; d) the deeds and provisions drawn up by the magistrate and the minutes of the hearings in which the magistrate participated, selected on the basis of objective criteria established at the end of each year with the measures referred to in paragraph 3, if not already acquired; e) judicial and extrajudicial appointments with an indication of the actual commitment that they entailed; f) the report and the reports coming from the heads of the offices, which must take into account the specific situations represented by third parties, providing that they refer to specific facts concerning professionalism.

The judicial council may take information on specific facts reported by its members or by the managers of the offices or by the councils of the lawyers, giving prompt communication of the outcome to the magistrate concerned, who has the right to have copies of the documents, and may proceed to his hearing, which is always arranged if the magistrate requests it.

On the basis of these acquisitions, the distrectual judicial council formulates a reasoned opinion to the High Council for the Judiciary together with the documentation and the minutes of the hearings

All these phases procede through the electronic personal file, the intranet services, and documents and reports are digitally mastered, so that the final decisions of the CSM can be timely and accurate.

In the same way the Council manages via an intranet procedure all the cases the conferral of directive functions.

The appointment of magistrates at the top of the judicial offices is one of the most important and delicate prerogatives of the C.S.M., and technological ad IT approach is extremely useful to guarantee plenty of information to the the V commission and to the council.

Also in this case all the phases of the procedure are managed by IT and networking. The magistrate inserts the application and any useful documentation into the intranet, the distrectual judicial council complete the file with its evaluation data and, finally, the board electronically obtains a series of elements on the basis of which to express its final judgment.

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Obviously The choice is made on the basis of a competitive procedure which has the objective of comparing the aspirants on the base of knowledge sources and select, for each office to be covered, the most suitable candidate for aptitude and merit, having regard to the functional needs to be met and, where existing, to particular environmental profiles, so the human aspect of the procedure is fundamental in this regard.

Many of these digitally mastered evolutions of the data management, in recent years have been further improved, but the last year pandemic problems unexpectedly forced the Council to face the problem of self government decisions in absence.

To guarantee the participation to the meeting of the plenary assembly, the CSM modified the self regulation with the provision that the Committee of The Presidency can authorize the individual members at their request to participate in the meetings of the plenary assembly remotely via telematic connection.

This authorization is granted, by reason of the measures of limitation of freedom of movement imposed by regulatory acts to prevent the spread of Covid-19 infection, to the components affected by such limitations or that they represent to be in conditions of high epidemiological risk dependent on health conditions of personal or cohabiting family members.

The participation is implemented through the use of computer technologies such as to ensure identification audiovisual of each participant and the possibility of perception direct, visual and auditory in real time by all of every phase of the discussion, of all interventions e of voting expressions.

To those who participate remotely in the works of the plenary assembly, referring commissions or others board members collegial is allowed the knowledge of documents of each procedure by sending an electronically formed copy.

In this case the IT and networking technology during the pandemic era demonstrates that path already taken in the past has made it possible to tackle, in terms of efficiency, the particular conditions of difficulty in making decisions in person.

I stop here my summary contribution and thank you all for you attention.

INTERNATIONAL STANDARDS IN APPOINTING JUDGES

FRANCISCO CARDONA

OSCE

INTERNATIONAL EXPERT PUBLIC MANAGEMENT AND ADMINISTRATION

MODELS

- Civil service model : Recruiting fresh Law graduates
- Professional model: Recruiting experienced legal professionals (e.g. practising lawyers)
- Mix of both (e.g. Netherlands, Finland)
- Political : shared recruitment decisions between politicians and the judiciary (higher courts, constitutional courts, etc.)

CIVIL SERVICE MODEL

- Best fit for countries aiming at creating independent judiciaries in relatively recent transitional situations (it is prevalent in continental Europe)
- 3 basic features:
 1. Merit-based recruitment in which theoretical legal knowledge and the qualifications of candidates are central with a long induction training period
 2. Promotion through the ranks and scales based on seniority and evaluation of professional merits (especially continuous training and specialisation)
 3. Employment in the judgeship is for life if no disciplinary or penal action occurs.

CIVIL SERVICE MODEL

- Advantages:
 1. Strong merit-based management component even if MoJ may have sway in management
 2. Impartiality is the most valued professional characteristics
 3. Strong protection from political interference
- Disadvantages
 1. Legitimacy mostly based on expertise; social experience and economic understanding of legal situations is rather marginal
 2. Little empathy to socially sensitive situations
 3. Strong attachment to excessive legal formalism

INTERNATIONAL STANDARDS

- **UN 29 November 1985:**
 - To recruit individuals of integrity and ability with appropriate training and qualifications in law. Procedures shall prevent judicial appointments for **improper motives**
- **Rec. CoM CoE (2010)12 of 17 Nov. 2010**
 - To recruit based on objective criteria preestablished in law
 - **Merit** : qualifications, skills and capacity to adjudicate cases applying the law while respecting human dignity

PROPOSALS/RECOMMENDATIONS

- Use the civil service model: good academic background, stringent competitive examination, long induction training
- Use merit-based selection procedures, managed by independent non-political authorities, through pre-established impartial and transparent procedures and results challengeable before courts
- For imparting **administrative and penal justice**: Seek independent-minded individuals able to control the legality of the government decisions (including politicians, police and prosecutors)
- The role the constitution bestows to the judiciary within the public governance system, should inspire the profiling of judges (professional duties, knowledge and ethical competences)
- Distinguish selection (professional procedure of HRM under the majority purview of the judiciary, but not only) from the formal act of appointment and subject both to judicial review
- Introduce the checking of legal knowledge, prior experience, etc. but evaluate also the knowhow of candidates in their prospective role as a judge or magistrate who will be deciding on the life, the fortunes and well-being of his/her fellow citizens

USE OF MODERN **HR TECHNOLOGIES** IN THE ACTIVITIES OF THE SUPREME JUDICIAL COUNCIL

Nurzhan Zholdasbekov

Nur-Sultan

MAIN STRATEGIC DOCUMENTS

National plan "**100 specific steps**"

Address of the President of the Republic of
Kazakhstan to the People of Kazakhstan
"**Kazakhstan in a new reality: time for
action**"

Strategic development plan of the Republic
of Kazakhstan until 2025

POWERS OF THE COUNCIL



acceptance of **the qualification examination** for the judge's position



formation of **the candidate pool** for managing judicial offices



competitive selection for vacant judicial positions



consideration of **disciplinary cases** against judges

WORKING BODIES OF THE COUNCIL:

1

QUALIFICATION COMMISSION

acceptance of the examination in candidates for judges

2

COMMISSION FOR COMPETITIVE SELECTION OF JUDGES

selection of judges based on the competition results

3

COMMISSION ON THE CANDIDATE POOL

formation of the pool for managing judicial offices

4

JUDICIAL JURY

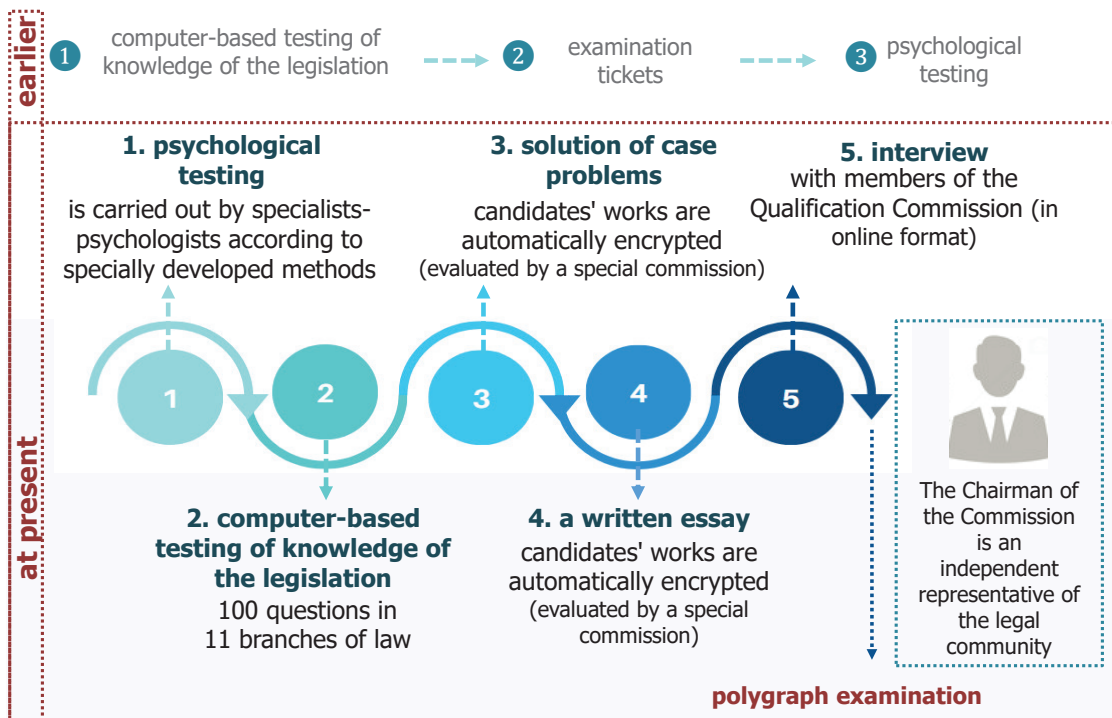
review of disciplinary responsibility of judges

5

EXPERT ADVISORY COMMISSION

consideration of issues related to improving the judicial system

CAPACITY EXAMINATION



FURTHER IMPROVEMENT OF THE EXAMINATION:

1 **reducing the time for retaking the examination**

6 months



3 months

2 **improving the practice orientation of testing**

3 **differentiated approach to passing the examination for experienced lawyers with more than 10 years of service**

11 LSI



8 LSI on testing

4 **optimization of passing the examination for experienced lawyers when participating in the competition for the positions of regional court judges**

5-stages



2 stages examination

COMPETITIVE SELECTION OF JUDGES

PARTICIPANTS OF COMPETITION:



**candidates who
passed the
capacity
examination**



**graduates of
the Academy
of Justice**



**current
and former
judges**

STAGES OF COMPETITIVE SELECTION

earlier:

1. Reception of documents of participants
- ↓
2. **Checking** for compliance with legal requirements
- ↓
3. Referral for **consideration of councils** on interaction with courts and **plenary sessions** of regional courts
- ↓
4. Approval of candidates at the **Council session**

at present:

- 1 • **RECEPTION OF DOCUMENTS OF PARTICIPANTS**
- 2 • **CHECKING FOR COMPLIANCE WITH LEGAL REQUIREMENTS**
- 3 • **AUTOMATED EVALUATION**
based on digitized criteria
- 4 • **COMPREHENSIVE EVALUATION**
conducted by the Competition Commission
- 5 • **ADDITIONAL EVALUATION OF CANDIDATES**
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FURTHER IMPROVEMENT OF THE SELECTION PROCEDURE:

1

increasing the attractiveness of working **in small and remote courts**

2

wide public coverage **of the procedure for selecting** judges

3

ensuring the efficiency of competitive procedures for the positions of regional court judges, **without compromising the quality of selection**

4

recruitment **of specialists** in the areas **of taxation, subsoil use, intellectual property, and corporate law**

As part of the improvement of the procedure for selecting candidates, **a Unified Framework of Competence for Judges** has been developed:



- at the initial stage, it includes **5 competencies**;
- developed on the initiative of the Council with the support of the UN Development Program

USE OF IT TECHNOLOGIES IN THE COUNCIL ACTIVITIES



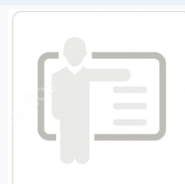
automated **system for evaluating candidates** in the competition



holding sessions of the Council and its working bodies in **an online format**



information system for accounting of judicial personnel



automated **document submission system**

operate

is being implemented

ADDITIONAL EVALUATION OF CANDIDATES

STUDY OF PUBLIC OPINION

- publication of the list of participants on the Council's website for feedback

MONITORING SOCIAL NETWORKS AND MEDIA

ADDITIONAL CHECKS THROUGH LAW ENFORCEMENT AND SPECIAL GOVERNMENT AGENCIES

- in relation to candidates from law enforcement and special agencies

CONSIDERATION OF THE OPINION OF THE LEGAL COMMUNITY

- sending the list of participants to the bar association

SURVEY OF COLLEAGUES USING THE 360 METHOD°

- anonymous survey

EVALUATION OF COMPETENCIES WITH THE INVOLVEMENT OF HR SPECIALISTS

- use of the assessment center, testing based on verbal and numerical tasks

STUDY OF VIDEO RECORDINGS OF TRIALS AND JUDICIAL ACTS

CONDUCTING TESTING FOR KNOWLEDGE OF THE LAW WHEN CHANGING THE JUDICIAL SPECIALIZATION

Nikolay Timoshin

THE ROLE OF THE JUDICIAL QUALIFICATION BOARDS OF THE RUSSIAN FEDERATION IN THE SELECTION, PROMOTION, EVALUATION OF JUDGES AND FEATURES OF THE BOARDS' ACTIVITIES IN THE CONTEXT OF THE COVID-19 PANDEMIC

Ladies and gentlemen, dear participants of the round table! Once again, please accept my sincere greetings on behalf of the Supreme Judicial Qualification Board of the Russian Federation.

The judge's position is one of the most important social factors in the administration of justice and forms its organizational basis. The judicial corps formation is specific due to the judge's special status. A key role in this multi-stage process in the Russian Federation is assigned to the judicial qualification boards.

The judicial qualification boards in Russia are bodies of the judicial community that are vested with state authority, including in matters related to the selection of candidates for judge's positions, promotion, and qualification certification. The board and the judge interact, starting from the receipt of primary documents to recommend him/her as a candidate for a vacant position, until the termination of his/her powers, and later – until the termination of the judge's resignation.

The judicial qualification boards nature of activities determines their independence from outside influence in decision-making. This independence is ensured by the boards being formed in accordance with European (international) standards: they are composed of judges of various levels courts (making up the board's members majority), as well as representatives of the legal community and a representative of the President of Russia.

The implementation of state policies aimed at improving the quality and efficiency of the functioning of the judicial system and strengthening the independence of the courts leads to increased requirements for judges as holders of judicial power, including the level of their professional training and personal qualities.

According to the Constitution of Russia, judges can be citizens of our country who have reached the age of 25, have a higher legal education (at least a specialist or master's level) and have at least five years of experience in the legal profession. At the same time, additional requirements regarding age and length of service are established by law for judges, depending on the court level.

A person who meets the requirements for candidates for the judge's position has the right to apply to the examination commission in order to confirm his/her professional knowledge during the capacity examination. It consists of two parts. In the examination theoretical part, a citizen gives oral answers to questions on the examination card and on the problems of judicial practice. In the practical part, you need to demonstrate your skills in drafting a procedural document on the case layout.

A mandatory condition for appointment to the judge's position and promotion is the need to obtain a positive opinion of the judicial qualification board based on the results of competitive selection. As the world experience shows, it is the competition that allows you to select the most worthy candidates for the judge's position in a democratic way on the basis of equal opportunities for all citizens.

The selection of candidates for the judge's position is the most priority and large-scale direction of our activities. The main thing here is the sufficiency of information, objectivity, and impartiality.

How are judges selected in the Russian Federation? The judicial qualification board announces the opening of a judge's vacant position in printed publications and on its website. The vacancy announcement period is stipulated by law.

A citizen who has passed the qualification examination (its results are valid for three years), or a judge applying for a higher position, has the right to apply to the judicial qualification board with an application to recommend him/her to the judge's vacant position and a package of documents and information about himself/herself and his/her close relatives.

The judicial qualification boards organize verification of the authenticity of documents and information submitted by applicants, evaluate the received information and characteristics from previous jobs, conduct an interview with the candidate at the board meeting, and finally give an opinion on the recommendation as a candidate for the judge's position or on the refusal to do so. Last year (2019), the judicial qualification boards of Russia considered more than eight thousand (8174) applications of applicants for the judge's positions of federal courts and magistrates, for 9 months of this year – more than five thousand (5249) of such applications.

The boards carry out their activities participatory and publicly. The meetings are open and accessible to media representatives and other persons.

The judicial qualification boards have a certain discretion in decision-making on the recommendation of a citizen for the judge's position, by virtue of which the absence of grounds established by law for refusing a recommendation for the judge's position does not automatically lead to a decision on the recommendation of a citizen for the judge's position.

Various methods are used in the selection of judges, and a whole range of measures is being taken to implement the anti-corruption legislation approved by the Supreme Judicial Qualification Board of the Russian Federation in January 2017 in accordance with the Decree of the President of Russia.

Various special information systems and software packages are used to verify the accuracy of information, for example, about property and income, the performance of tax duties, as well as to evaluate the results of a judge's professional activity objectively.

Analysis of quality and efficiency indicators of the individual judge's administration of justice is compared with similar average indicators of judges in the court and courts of the corresponding level.

We also study the reasons for violation of the procedural deadlines and the reasons for annulment or modification of court decisions – whether they are an obstacle to the applicant's appointment due to his/her insufficient qualifications.

Citizens expect from a judge not only knowledge of the law, but also decency, honesty, thoughtfulness, equability of mind, objectivity and integrity. The judge should not be a person who has destructive qualities, such as irresponsibility, self-interest, arrogance, lack of respect for others, unwillingness to maintain knowledge and his/her authority at a high level, as well as to see his/her shortcomings.

For clarification of these circumstances, the judicial qualification boards invite the applicant to give written explanations on a particular fact of the biography, and ask him/her questions during the meeting. And here it is important not only what the applicant will answer, but also how truthfully and honestly he/she will do it.

The applicant from among judges is evaluated for compliance with anti-corruption legislation, including procedures stipulated by the procedural legislation in order to ensure impartiality and objectivity.

For the purpose of improving the quality of competitive selection, additional methods for studying the candidate's personality for the judge's position and HR tools have been developed and applied.

One of them is a psychological examination of candidates for the judge's position, the methodology of which was developed by the Judicial Department. It takes place in the judicial qualification boards' practice and is carried out in compliance with the principles of voluntariness, scientific character, objectivity and confidentiality.

There is also a practice when an applicant who has passed the qualification examination, but does not have experience in court, is recommended to complete an internship. The internship main objective is to study the specifics of the judge's work and acquire the necessary practical skills. The internship review is submitted by the applicant to the qualification board.

Thus, the decision to recommend a particular citizen for the judge's position is based, first of all, on an individual evaluation of both the applicant's professional qualities and data on his/her personality, including his/her moral attitudes.

THE COMPILATION OF MATERIALS
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The results of consideration of the applicants' applications are posted on the judicial qualification board website. The texts of conclusions are also posted there and are available to the general public.

In the face of the pandemic, we all had to adapt to new realities and take a fresh look at our capabilities.

Back in June 2019, the Regulation on the procedure for the judicial qualification board work established the standard on the consideration of materials in meetings by using remote access systems. From February to September 2020, the Supreme Judicial Qualification Board reviewed more than 40% of applications for judges' positions in such a manner. Online participation is available not only for applicants, but also for members of the judicial qualification board and other persons participating in the meeting.

Holding meetings in this mode allowed us not to suspend our activities during the pandemic and to make our work the same by effectiveness. The materials and the decisions made review quality did not decrease due to a deeper preliminary study of each issue. In addition, time and financial costs were reduced. Therefore, we will continue this practice and extend our experience to regional boards.

The newly appointed judge is undergoing professional retraining. In the future, professional development and internship of judges are carried out as necessary, but at least once every three years. A specially created higher education institution, Russian State University of Justice, serves as a professional platform for judges' retraining and professional development.

The main method of evaluating the results of judicial activity is the judge's qualification certification. All judges pass certification in qualification boards, the judge has no right to refuse to pass it. This referral is significant in scope and meaningful in content. On average, about 10 thousand judges of the country pass the qualification certification every year.

Qualification grades are assigned to judges depending on their position, length of service as a judge, and other circumstances stipulated by law (from 9 to the highest). Assigning a grade does not mean changing the status of a judge relative to other judges. There is a concept of a "limit" qualification grade depending on the court level in which the judge works. Above this limit, the qualification grade cannot be assigned, however, the judge must pass the certification every three years.

The established system of qualification grades allows us to talk about the formation of a judge's professional development system. This aspect is important for the effective functioning of the judicial system.

In conclusion, I would like to note that the formation of a judicial corps that meets the criteria for high-quality and prompt administration of justice is one of the judicial community's priority areas of work.

Despite all the variety of procedures and technologies used for selecting candidates, the accumulated experience of various states unites one thing – the desire to give judicial powers to the most professionally trained and highly moral candidates.

Improving the procedure for appointing and promoting judges should contribute to the development of professionalism based on an objective evaluation of the results of their judicial activities. We are interested in the experience of other countries in these areas.

Such work, in my opinion, can and should be carried out with the participation of the entire legal community – both practitioners and theorists.

Thank you for your attention, take care of yourself and your loved ones during the difficult period of the pandemic!

UZBEKISTAN'S EXPERIENCE IN THE SELECTION, TRAINING AND PROMOTION OF JUDICIAL PERSONNEL USING MODERN INFORMATION AND COMMUNICATION TECHNOLOGY

Dear attendees of today's Official Meeting,

The focus of our attention is quite relevant, and the outcome in its turn will hopefully make a great difference.

Let me direct your attention to the Uzbekistan's experience in the selection, training and promotion of judicial personnel using modern information and communication technology.

The High Judicial Council is currently developing an electronic software *Judges' Rating* for the regular assessment and analysis of the activities of judges according to certain criteria and indicators.

The activities of judges are presently assessed on the basis of assessment criteria in accordance with the Criteria and Judges' Activities Assessment Procedure Regulation. –according to which members of the Qualifications Commission of Judges study the materials within five days on the basis of a certificate submitted (signed) by the Judge him/herself and the Deputy Chairman of the Court. Based on the results of the report, the members of the Commission give their marks out of 100 for each criterion, and the decision of the Qualifications Commission is made on the basis of the average score.

The existing assessment system has the following disadvantages:

- the assessment is made on the basis of a certificate issued and signed by the Judge him/herself;
- there are no individual assessment methods for each criterion.

The above-mentioned makes it impossible to assess the real state, since all assessment criteria are entirely dependent on the human factor.

In light of this, the indicated above electronic system is being introduced into the activities of the High Judicial Council, which makes it possible to assess the activities of judges in the following 8 key areas of professional activity and integrate rating points in electronic form:

1. Competence - a judge must be well-rounded, fair and professional with the ability to uphold the rule of law.
2. Qualification - a judge must clearly and reasonably interpret norms of law, and also be able to correctly apply them in his/her activities.
3. Disciplined Approach - a judge is obliged to strictly observe all procedural and statutory deadlines.
4. High Performance - a judge must always organize his/her activities efficiently and achieve a high level of performance.
5. Good Manners - a judge must fully comply with the requirements of the law, public order, internal rules and judicial ethics.
6. Responsibility - a judge must approach his/her work with great responsibility and have a strong feeling that the life of citizens depends on the decision he/she makes.
7. Literacy - a judge, as a qualified lawyer, must draw up a judicial act of high quality in meaning and content.
8. Techie Judge - a judge must be able to effectively use modern information and communication technology.

As far as I am concerned, the accuracy and transparency of the proposed criteria for assessing the activities of judges, the digitalization of the rating system, and minimizing the human factor will serve to form a professional judiciary and ensure an increase in the quality and accessibility of justice.

It may be further noted that in earlier times the process of selection and assignment of candidates to the position of judge was considered and agreed in private by members of the Council in question and answer form. Currently, this process is carried out with the high use of modern information and communication technology. In this case, the candidate chooses one of the cards that appears on the computer screen and answers the questions.

Other candidates and members of the public can observe this process directly online in the waiting room, as well as in the interactive resources of the Council and the Supreme Court, which ensures openness and transparency.

Moreover, starting in 2021, it is planned to create a *Club of Judges of Uzbekistan* under the High Judicial Council in all fields (criminal, civil, economic, and administrative, as well as a club of female judges) of legal proceedings.

The goals of creating the *Club of Judges* are:

- to increase cohesion of the judiciary;
- to create an electronic platform for communication of judges;
- to discuss the most complex and controversial cases;
- to exchange judicial experience;
- to achieve uniform judicial practice;
- to promote professional growth of judges.

Another of the new mechanisms being introduced for the selection of candidates for judges is the ongoing work on the creation and implementation of a psychological test to establish the psychological compatibility of a candidate for a judicial position. Therefore, as a matter of interest, we would like to hear from the participants of the meeting about their experience in this area.

Dear participants of the meeting, as the Director of the High School Judges of Uzbekistan, I would like to briefly dwell upon the experience of this organization in the use of modern technology in the training of judges and court staff.

The official website of the High School Judges sudya.uz (sudyalariolymaktabi.uz) was created, and there is also an account on Facebook and a channel in Telegram.

Today, modern information technology is widely used in the process of training judges. In particular, classrooms are equipped with modern technological equipment that makes it possible to conduct remote lessons in video conferencing and ZOOM mode, as well as testing and interactive classes online.

Also, students and undergraduates of the High School Judges have access to a simulated courtroom, which is also equipped with all new technical means, where it is possible to conduct online court sessions and check the admissibility of evidence using special technology.

At the same time, the Information Resource Center of the High School Judges provides access to programs for studying international experience and law enforcement practice, in particular, the international legal reference systems *West Law*, *Lexis Nexis*, as well as to the e-journals of US and Canada law schools and of course to national legal resource centers.

During the COVID-19 pandemic, the work of the High School Judges was switched to online mode, undergraduates and judges undergoing advanced training were trained remotely - online. This was the first step and great experience in the application of digital technology in the field of training and education of judges and candidates for judicial positions.

Currently, the system of remote learning and personnel management is being introduced into the activities of the High School Judges. The remote learning system of the High School Judges makes it possible to organize remote training courses for judges and court staff, to conduct remote learning using various interactive methods of teaching.

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This system also includes the possibility to maintain and control Master's courses, form student groups, schedule, control attendance and assess knowledge.

The system includes a platform for personnel management of the High School Judges, which automates the process of personnel records management, has a database for further use, including in the system of remote learning and attendance records.

Furthermore, a number of training modules, such as *judicial ethics, judicial psychology, time management, international human rights standards* are currently being conducted by international experts remotely, online. Along with this, the High School Judges consistently organizes trainings and *round table meetings* on relevant topics of civil, criminal, administrative and economic law.

Dear Colleagues, I have no doubts that this meeting will become a starting point in strengthening mutually beneficial cooperation between the judicial systems of the participating countries.

Let me express my deep appreciation towards all of the organizers and participants of this forum.

Thank you for your attention!

PROFESSIONAL ASSESSMENT OF JUDGES

Dear participants of the round table!

For the purpose of implementing the instructions of Elbasy and the President of the country to increase the responsibility of judges and introduce the evaluation of their professional activities, the amendments were made to the Constitutional law in 2019.

The judicial jury with the functions of reviewing disciplinary cases has been transferred to the Supreme Judicial Council, and the Justice Quality Committee has been established under the Supreme Court to evaluate the professional activities of judges, confirm the right of a judge for retirement and its termination.

In April 2019, the Decree of the President approved the Regulations on the Committee. In May, the expanded plenary session of the Supreme Court elected its members.

The judge's professional activity was evaluated earlier (*after 1 year, 5 years, and for a higher position*).

It was conducted by a Judicial jury on the basis of a "ticket" system and only based on information from regional courts.

We have fundamentally abandoned the old system and radically revised it, studied international experience.

According to the Venice Commission, "regular evaluation of judges' performance is an important tool for improving their performance and can serve as a basis for promotion."

The standards of the Consultative Council of European Judges (CCJE) prescribe the mandatory presence of quantitative and qualitative indicators in the evaluation system.

According to the OSCE, the evaluation of a judge's professional performance should be of a qualitative nature, with an emphasis on judicial skills, professional competence and leadership qualities.

Under different names, the evaluation is present in the legislation of most countries of the world.

According to article 30-1 of the Constitutional Law, the judge's professional activity is evaluated:

- for the first time after one year of continuous service as a judge;
- periodically after each subsequent five years of continuous service as a judge from the date of the previous evaluation;
- when participating in a competition for the judge's position of a higher instance, the chairman of the court and the chairman of the judicial board.

Judges with 20 or more years of judicial experience are not evaluated.

Considering the tasks set, the Commission has radically revised the system for evaluating the judges' professional performance and adopted a new assessment methodology.

The basis for the new mechanism is transparency, objectivity and fairness of its criteria, implemented from the best international practices.

The advantages of our new method are:

- availability of transparent and objective criteria in contrast to the old method of "tickets and bare figures";
- methodology comprehensively uses a wide range of quantitative and qualitative methods for collecting data on the work of judges;
- minimization of the human factor – full use of information technologies, creation of an electronic statistical module based on them;
- saving time for judges: only judges who have not reached the threshold level of points according to the main criteria come to the Supreme Court to pass additional evaluation tools, the rest can be informed about the evaluation results and the points received via video conference.

According to the requirements of the Constitutional law, evaluation of the judge's professional activity is carried out when participating in a competition for the judge's position of a higher instance, for the court chairman position, or for the judicial board chairman position.

The judge's professional activities are evaluated only by judges.

The evaluation for participation in the competition is based on the same criteria as for periodic evaluation:

- 1) professional knowledge and ability to apply it in the administration of justice;
- 2) results of judicial activities;
- 3) professional qualities;
- 4) moral qualities (compliance with the requirements of the Code of Judicial Ethics).

Each group of criteria consists of sub-criteria.

Almost all data is downloaded directly from the information systems of the Supreme Court. A special statistical data module has been created for this purpose.

Professional knowledge and ability to apply it in the administration of justice

The criterion of the judge's professional knowledge and ability to apply it in the administration of justice for judges participating in the competition is calculated based on the number of annulled and amended judicial acts. This data is uploaded from the statistics module.

The number of annulled and amended judicial acts is not evidence or sufficient grounds for drawing conclusions about the judge's competence. In this regard, the reasons for annulments and amendments of judicial acts are subject to study.

The reasons for annulments and amendments are evaluated by the Commission based on the grounds established by the procedural legislation and the degree of their materiality.

Results of judicial activities

This group of criteria allows you to determine the effectiveness of the administration of justice by a judge.

Evaluation of the judicial activity results is based on objective data on the criteria of the judge's judicial workload and compliance with the procedural deadlines for the corresponding period.

The judicial workload is studied for the estimated period (*no more than 3 years*) of professional activity, according to the judge's relevant specialization, in comparison with the average court workload for the same period for the corresponding specialization: in civil cases – the number of decisions, in criminal cases – the number of sentences, in administrative cases – the number of decrees.

The third criterion is the evaluation of **professional qualities**.

The judge's professional qualities are evaluated based on the results of an annual confidential survey of the court staff (management, judges and court staff) to determine the level of development of business communication skills in the team. This criterion allows you to determine interpersonal qualities, respectful behavior of the chairman and judges in the team in relation to other judges and court employees.

For identification of leadership, management and communication skills of judges participating in the competition for the court chairman and judicial board chairman positions, interviews are conducted with members of the Commission.

The interviewing purpose is to determine whether a judge has the professional qualities necessary to work as the head of a court or a judicial board.

Moral qualities

Evaluation of moral qualities for compliance with the requirements of the Code of Judicial Ethics is carried out according to the following criteria:

- 1) compliance with judicial ethics;
- 2) presence and content of complaints about the judge's actions;

This criterion allows to determine whether the conduct of a judge, as in the administration of justice and in the exercise of any actions, social activities and households, consistent with the high status of the judge's position. After completion of the professional performance evaluation process for a judge participating in a competition for the position of a higher instance judge, court chairman, and judicial board chairman, the points for each criterion are entered in a Summary table, where the total weighted value is calculated.

The total weighted value is calculated based on the specific weight for each group of criteria.

For determining the level of professionalism of judges participating in the competition for the position of a higher instance judge, the court chairman and the judicial board chairman, the total weighted value is divided into the following groups (cases):

- A - excellent level of professionalism
- B - good level of professionalism
- C - sufficient level of professionalism
- D - unsatisfactory level of professionalism.

The distribution by level of professionalism is based on the generally accepted 100-point (percentage) rating system for judges, court chairmen, and judicial board chairmen.

The Commission makes one of the following decisions based on the results of a comprehensive evaluation of professional activity when participating in a competition for the position of a higher instance judge, court chairman and judicial board chairman:

- 1) to recommend for appointment to the position of judges who scored more than 60% of the maximum weighted value, i.e. the "A", "B" and "C" cases.
- 2) to refuse to give recommendations for appointment to the position of a higher instance judge, the court chairman, the judicial board chairman who scored less than 60%.

These decisions of the Commission are advisory in nature.

Considering the accumulated experience, the point-by-point amendments were made to the methodological guide.

Evaluation of professional activity is carried out in order to improve the judicial corps' quality, stimulate the growth of professional qualifications, and increase responsibility for strengthening the rule of law when considering cases.

Past year's and current experience shows that there are positive aspects in the training of judges, which makes the Commission's work somewhat easier.

It is not easy to evaluate the work of colleagues and make decisions that are especially negative for them. This is not only a physical, but also a very big moral load.

Currently, the Commission continues its work in compliance with the principles of transparency and fairness in accordance with the approved Regulations and Evaluation Methodology.

Thanks for your attention!

Zavkizoda Solekh Amin

EXPERIENCE OF TAJIKISTAN IN THE SELECTION AND TRAINING OF JUDGES AND CANDIDATES FOR THE POSITION OF JUDGES AND THE USE OF MODERN TECHNOLOGIES

Dear Chairman, dear colleagues, participants of the online round table!

First of all, I would like to thank the Supreme Judicial Council of the Republic of Kazakhstan for inviting me to participate in the online Round table on the topic "Modern digital and HR technologies in selecting candidates for judges, evaluating the work and promotion of judges" and providing an opportunity to discuss existing problems in this area.

Of course, the authority of the judiciary and the effectiveness of its activities depend on the quality of judges' selection, training and promotion. Further, their professionalism, objectivity, impartiality, fairness, business, professional, moral and ethical qualities significantly affect the protection of the rights, freedoms and legitimate interests of persons involved in the judicial process. In the Law of the Republic of Tajikistan "On courts of the Republic of Tajikistan", the Regulation "On the unified examination committee for candidates for the position of judges and judicial trainees and other relevant normative legal acts stipulate the terms and conditions for the selection of judges and candidates for judge. An independent judicial system is necessary to ensure the rule of law and the proper administration of justice. Proper procedures for the selection of judges and candidates for vacant judicial positions and their training are an integral part and a prerequisite for ensuring the independence of the judiciary.

Founder of peace and national unity — Leader of the nation, President of the Republic of Tajikistan dear Emomali Rahmon pays special attention to the selection and placement of judicial staff in the country. In particular, at a meeting with employees of the judicial authorities on November 21, 2019, he noted that the requirement of modern times is that a high professional outlook and morality, deep legal knowledge, communication ethics, justice, impartiality and conscientiousness serve as the main and defining criteria for the personality and activity of each judge.

The question of selection of candidates for the judge's position in the Republic of Tajikistan is dealt with by the Supreme Court of the Republic of Tajikistan and the Training center of judges at the Supreme Court, which is a specialized body in the field of judicial education, is authorized to train candidates for the position of judge, trainee judges, and improve the qualifications of judges and employees of the court's staff.

The principle of transparency and objectivity applies to the selection of candidates for the position of judge in the Republic of Tajikistan. The competition is announced in the media, as well as on the website of the Supreme Court of the Republic of Tajikistan.

Candidates who have passed a special test are allowed to pass exams consisting of dictation in the state language and an oral examination in all branches of law. Examinations are taken by the Unified Examination Commission for candidates for the position of judge and trainee judges, which consists of representatives of 8 different structures, the Center for National Legislation and the Tajik State National University. The process of passing the examination is covered by the mass media. According to the results of successful passing of the examination upon submission of the Examination Commission for candidates for the position of judge and trainee judges, candidates pass theoretical training in the Training Center and internship in the courts of first instance for a year, and this period is included in their professional experience.

Then only after the positive conclusion of the Judicial Qualification Board (i.e. the recommendation of the judicial community) upon the recommendation of the Chairmen of the Supreme Court and the Supreme Economic Court of the Republic of Tajikistan, candidates for the position of judges are submitted to the President of the Republic of Tajikistan for appointment.

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As for current judges, they are selected through the judicial qualification board, which evaluates their theoretical and practical skills, the quality of their professional work and, of course, their moral qualities. Members of the Qualification Commission consisting of 9 judges are elected at meetings of the Association of Judges of the Republic. The Commission's positive opinion on the candidate is valid for 3 years.

In the world's globalizing processes and deepening cooperation context, there is no doubt that the issues of improving the mechanism for selecting candidates for the position of judges using new modern technologies remain relevant and in demand.

In the period of the pandemic in many countries there was a change of technological priorities. Digitalization has gradually penetrated into all areas of organizational activity and has become their natural stage. This issue has not been left the judicial authorities of the Republic of Tajikistan aside, and adjustments are already being made not only in certain divisions, but also in general, the issue of organizing work with judges and court staff, as well as with citizens who have applied to the courts of contactless work, as well as in a remote format of office work is being considered.

As we know, the Republic of Kazakhstan is working to modernize the activities of the Supreme Judicial Council and the system for selecting judges. In particular, the procedure for selecting judges and candidates for the judge's position has become even more complicated and has become more objective and transparent. A differentiated system of criteria for evaluating and selecting judges has been developed and implemented, and a modern practice of interviewing candidates using the technical capabilities of videoconferencing has been introduced.

It should be noted that the HR technology for selecting candidates for the position of judges and its application is widely used in a number of countries, where the most important stage of its development is the introduction of modern technologies, processes and mechanisms for realising best practices that show their effectiveness in selecting candidates for the position of judges and promoting judges. The Republic of Kazakhstan is indeed a leader in the use of modern technologies in the CIS.

Against the background of the global Covid-19 pandemic, experience shows that there is a need to introduce modern technologies and HR technologies in the selection of candidates for the position of judge, training and evaluation of their work.

It should be noted that this year, within the framework of cooperation with international organizations, we have conducted a number of joint activities to train and improve the skills of judges using online technologies in order to reduce the negative impact of the COVID-19 coronavirus pandemic. In this regard, we are working with development partners and our main partner for implementing these tasks is the UN Development Program in Tajikistan.


The judiciary of the Republic of Tajikistan is studying the use of modern technologies for recruitment. Next year, a number of activities are planned to evaluate the needs of the judiciary in Tajikistan, develop a strategy for the development of the judiciary for 2021-2030, and study best practices and the use of modern technologies and HR technologies in the training and selection of personnel for the position of judges. Of course, for the implementation of this program, it is necessary to train

specialists and use information technologies. The search and application of the optimal model of modern technologies plays an important role in the selection, training and evaluation of judges.

Considering the best practices of the judicial personnel of the Republic of Kazakhstan, it is necessary to study the practice of the Supreme Judicial Council of the Republic of Kazakhstan on the use of digital information technologies that contribute to improving the quality of the selection of candidates for the judge's position.

It should be noted that this event promotes the exchange of experience and the development of rational proposals for improving the judicial system of the CIS countries.

Thank you for attention!



Development of the
competence framework for
the judicial system of the
Republic of Kazakhstan

November
2020

Nikolay Khan



Project objective:

Development of the competence model for the judicial system of the Republic of Kazakhstan

The following tasks were implemented:

1. The current system of competence evaluation in the judicial system of the Republic of Kazakhstan has been analyzed
2. The analysis of international experience in applying competence models for judges' evaluation has been performed
3. A series of interviews and surveys of representatives of the judicial system and the legal professional community have been conducted
4. Competence evaluation tools have been developed

2



The analysis of international experience in applying competence models for judges' evaluation



3

EY

Developing a competency model

1

Individual interviews have been conducted with judges of the Supreme, regional, and city courts, as well as with representatives of the bar association and the Qualification Commission under the Supreme Judicial Council of the Republic of Kazakhstan

- ▶ The interview was aimed at analyzing the activities of judges at different levels, determining the necessary managerial and personal-business competencies

2

Four focus groups were held with the participation of judges to determine the importance and criticality of certain competencies for the activities of judges

3

An online survey has been conducted among lawyers, legal consultants, lawyers (members of the Republican Bar Association), experts of the Supreme Judicial Council of the Republic of Kazakhstan

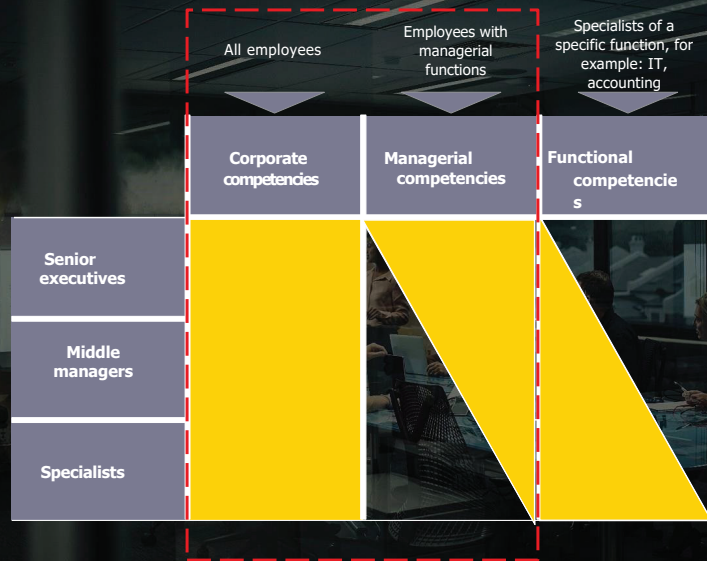


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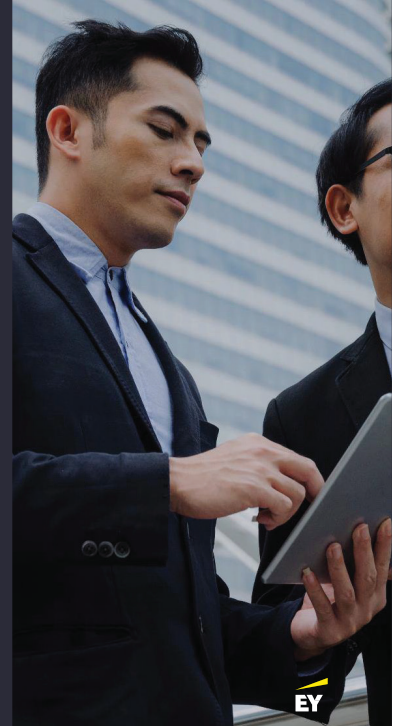
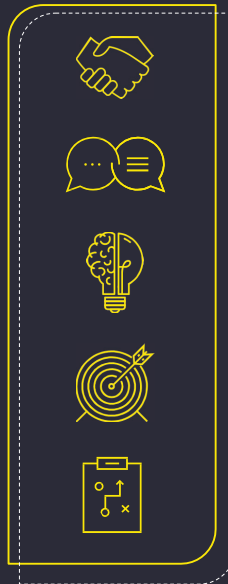
THE COMPILATION OF MATERIALS
 OF THE ONLINE INTERNATIONAL ROUNDTABLE «MODERN DIGITAL AND HR TECHNOLOGIES IN THE
 SELECTION OF CANDIDATES FOR JUDGES, ASSESSMENT OF WORK AND PROMOTION OF JUDGES»

Project scope



Corporate competencies

- 1 Decision-making
- 2 Effective communication
- 3 Systems thinking
- 4 Self-development
- 5 Planning



Managerial competencies

- 1 Motivation of employees
- 2 Development of employees
- 3 Organization of work of subordinates
- 4 Change management



RECOMMENDATIONS BASED ON THE RESULTS OF THE ROUND TABLE:

- 1) consider the possibility of further expanding HR tools in the selection of judges;
- 2) taking into account foreign experience, consider the possibility of using a wider range of IT technologies in the work of HJC;
- 3) explore the possibility of wider use of HR tools in professional assessment of judges;
- 4) study the possibility of adapting the positive international experience to improve the personnel policy in the judicial system of the Republic of Kazakhstan;
- 5) consider the possibility of using the mechanisms for selecting judges of administrative courts used in the practice of foreign countries, while forming national administrative courts.