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Judges Training System in China and Its Reform

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1. Major Contents of Judges Training System in China

Training Category and Principles

In Judges Act of People's Republic of China and the Ordinance affixed to the Act, the training category includes pre-judge training, promotion training, pre-senior judge training and regular training, which target, respectively, the judges to be, the judges to be promoted to chief judge or associate chief judge, the judges to be appointed as senior judges, and all judges at service.

The Compulsory trainings and the examination at the end of trainings, decide the qualification of judges.

Organization and Management of Trainings

National Judges College, which is affiliated to Supreme People's Court of China, and its 32 branches at provincial level, have been established to organize and manage trainings to judges.

Below the provincial level, in some big cities with facilities and resources, city level training colleges can also be established with the approval of high courts in provinces.

In 2008, NJC provided 44 sessions of training, covering the number of 8084 judges, a 18% increase compared with 2007.

In 2008, branches at provincial level provided trainings to 70281 judges, administrative staff and judicial polices.

Target of trainings and Labor Division among NJC and its Branches

The NJC is responsible for pre-judges training; training to newly-appointed chief judges and associate chief judges of high courts and intermediate courts, training to newly-appointed chief judges of primary courts; training to those to be appointed as senior judges; regular training to senior judges of all level of courts; faculty training in all judges training units.

The branches and college at provincial level is in charge of trainings to associate chief judges at primary level; regular training to judges of First Grade and below; any trainings delegated by high courts; and any trainings delegated by Supreme People's Court.

Training Contents and Period

The training contents vary according to the target of training.

Pre-judge training focuses on the requirements and disciplines of a judge and emphasize on judicial ethics and trial practice. The period is one year.

Promotion training focuses on the capacity of management and operation necessary to a chief judge or associate chief judge. The period is one and a half month.

Pre-senior judge training focuses on the knowledge and skills necessary for a senior judge to fulfill function. The period is one month.

Regular training focuses on the updating knowledge in specific expertise and skills of trial hearing. Each year a judge is expected to receive regular training of no less than half a month.

Training Modes

Most of trainings are provided on campus when judges have to leave their daily work. But it is accepted judges take part in trainings of different sessions and the credits can be calculated together.

There are two modes of training: on campus training and internet training. The latter is mainly through China Judges Training Net operated by NJC to provide senior judges trainings. The internet training started function in 2008 and covered trainees of 10190 judges that year. In the first half of 2009, the number is 5959.

Some judges training institutes provide MENU trainings and judges can select courses related to their own expertise and be more positive.

Faculty and Resources Support

Most of teachers come from senior judges and "Judge Teach Judge" is encouraged. There are also some full-time teachers as supplement.

To support judges trainings at all levels, SPC regulates all courts have to set judges training budget independently and budget accounts for no less than 3% of court budget. Budget for training will increase gradually.

SPC also require all training institutes to have campus, library teaching facilities which are necessary for training.

2. Reform and Improvement of Judges Training

Pre-Judge Training

The pre-judge training is designed to select people of excellence among those who pass the National Judicial Examination, by means of training and education in NJC, make these candidates back-up of in service judges. Pre-judge training is the starting point of all judges training. To ensure the training quality, the mode of "Judge Teach Judge" will be insisted. To do so, three approaches have been adopted.

NJC plans to select judges of excellence and have them serve as full-time teachers to pre-judges in certain period of time. The judge teachers can shift periodically but relatively fixed.

NJC is sending its full-time teachers to courts of different levels to do field work, and in this way helping them accumulate trial hearing experiences. They will come back to training sessions with more practical perspective.

NJC will continue to work closely with courts of different levels and emphasize on the internship of pre-judges in courts. The internship will be examined by courts personnel, and be calculated into the credits of pre-judges. Meanwhile, NJC will continue to work with Prosecution Offices, Law firms, ministries of government and other related social organs to provide more social practice opportunities for pre-judges.

Internet Training

Internet training helps NJC face the challenge of restricted training budget, lack of capabilities and resources and the failing of engaged judges leave courts for campus training.

NJC is going to promote the internet infrastructure building of courts of all levels and combine internal website, regional website and internet to provide trainings.

NJC will focus on the building of courses. NJC will continue to collect important lectures videotape and update these lectures instantly; Meanwhile, interactive teaching method is employed and interaction and discussion among trainees, or between trainees and teachers are possible. The NJC plans to further employ the multi-functional method of network.

The NJC will, by the internet training, provide law resources to judges of all levels, those in western region and less-developed region in particular.

To strengthen elite judges training, minority group judges training and western judges training

NJC has maintained a plan of elite judges training targeting excellent judges of potentials. Since 2006, each year 50 judges are recruited by NJC to start their master degree study. NJC will work to cover more judge in the program.

NJC plans to conduct a bilingual training to judges of minority group and help the judges to find expertise in certain area such as finance, technology, international trade, intellectual property rights, et.

NJC will continue to emphasize on the training to western judges. Beside a bid for more budget for western judges training, NJC will continue to organize faculty team to go to western regions for circulating lectures. NJC will continue to increase the western trainee numbers and training sessions to judges of local western courts.

To continue the pre training for judges to be appointed as senior judges
To ensue the qualification and capability of senior judges, compulsory training before the appointment of a senior judge is necessary. NJC will work on the training and examination; meanwhile, try to cut down on unnecessary time consumption. It also depends on the improvement of net training system.

To reform the plan and organization of trainings
NJC will work on the integration of all training plans of the country and try to be efficient, and avoid overlapping.

NJC will tilt the resources to local courts and local judges, for they handle 80% cases of the country. Meanwhile, NJC is working to lower training cost and employ convenient training mode to better suit local judges' need.

NJC will combine campus training and net training, intensive lectures and self-studies of judges together. To better target judges who are in need, NJC is on a trial work to provide MENU to judges.

NJC is also research on the evaluation to trainings institutes to ensue qualified training.

NJC is developing efficient examination system to judges trainees.

2.6 To focus on faculty reform, and strengthen the establishment and improvement of training institutes

The full time faculty construction will combine teaching with trial hearing and researching. Teachers must have practical experiences and are both teachers and judges.

NJC plans to set a mechanism of "two way transit " between full-time teachers and judges. NJC plans to select a number of judges and retired judges of excellence with academic learning, trial experiences, and teaching capabilities among the country. They will work for certain period as full-time teachers in NJC. Meanwhile, NJC is sending full time teachers to local courts to accumulated trial hearing experiences.

NJC is building its new campus and when the campus is finished, the campus trainee number will be four time of the current number of 4000 per year. Our target is for NJC and all branches, 60000 trainees per year in future.