

(LISBON NETWORK)

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Palais de l'Europe (Room 7) Strasbourg, 16 (10h00) – 17 (13h00) December 2004

**QUESTIONNAIRE "A" ON THE STRUCTURAL AND FUNCTIONAL FEATURES OF  
TRAINING INSTITUTIONS OF JUDGES AND PROSECUTORS**

*Prepared and adopted by the Bureau of the Lisbon Network at its first meeting  
(Palais de l'Europe, Strasbourg, 16- 17 December 2004)*

**Questionnaire "A" on the structural and functional features of training  
institutions of judges and prosecutors<sup>1</sup>**

I. What is (are) the name (s) of the training institution (s) of judges and prosecutors in your country? Please indicate whether the training of judges and that of prosecutors takes place or not within the same training institution; does (do) the training institution(s) of judges /prosecutors ensure both initial and in-service training? National and decentralised training?

Responsible for initial training: The Presidents of the 4 Courts of Appeal.

Responsible for in-service training: The Ministry of justice (Training Unit) together with the judiciary. In charge of training measures for judges and public prosecutors are:

- the **Federal Ministry of Justice/Training Unit for Judges and Public Prosecutors**, which offers and organizes selected training seminars for judges/prosecutors and is responsible for the annual training programme
- the presidents of the four **Courts of Appeal**, offer and organize the main part of the annual training programme
- the **Judges' Association**, which offers and organizes about 20–25 % of the annual training programme
- the **Public Prosecutors' Association**, which offers and organizes some seminars

- the **In-service Training Advisory Board** assists the Judges/Prosecutors' Training Unit in all training matters

There is no special Judges' or Public Prosecutors' Academy.

II. For each training institution, please indicate:

- a) the number of full- time trainers
- b) the number of part- time trainers
- c) the number of occasional trainers

The Austrian system only relies on "occasional trainers", which means that these judges and public prosecutors do their usual workload. In addition they act as trainers for judges or public prosecutors.

d) the number of administrative and managerial staff

- 4 persons full-time, 12 persons part-time

e) the origin of funding

Training costs are paid by the Federal Ministry of Justice.

f) the link with the Ministry of Justice, the High Council of Magistrates, etc..

See question I

g) taking into account, in particular, item f) above, if it should be considered as an autonomous/independent training institution

No, but responsibility is shared between all judicial authorities.

h) the links between the training institutions if there are more than one (co-operation, coordination, subordination, etc...);

The training institutions are linked together through the In-service Training Advisory Board where each institution has his representative. Regular consultations are held at least twice a year, on the occasion of defining and establishing the content and scope of the annual training

programme and on general training questions and matters of future developments.

III. What are the procedure and the criteria for the appointment of managerial staff and instructors of the training institution (s)? Are the criteria for the appointment of the trainers identical for a) full-time, part-time and occasional trainers? b) trainers responsible for initial training and those responsible for in-service training?

The academic members of the training Unit are former judges or allocated judges.

Instructors (trainers) for initial and in-service training are mainly judges or prosecutors (see II a – d). For special, non legal topics experts from the respective professions are chosen as trainers.

- a) there are only occasional trainers
- b) yes

IV. What is the proportion of judges and prosecutors who are full-time / part-time instructors and/or members of the management?

In Austria there are about 1,750 judges and 270 prosecutors. Approx. 9 (0,45 %) of them are members of the management and approx. 220 (11 %) are occasional trainers.

V. If persons other than judges or prosecutors fulfil the task of trainers, what are their original profession? Please also give details on their proportion;

Besides the judicial trainers, lawyers, university professors and other legal experts act as trainers for legal topics. Complementary skills are trained by experts from the respective professions (psychologists, journalists, experts from social sciences, medical doctors etc).

Proportion: we are about to elevate the numbers of non-judicial trainers and their proportion

VI. Are retired judges and prosecutors or other retired law practitioners invited to act as trainers or members of the management?

Yes, in some cases they act as trainers. Retired persons do not act in the management.

VII. What choice has been done between full-time instructors, part-time instructors or occasional instructors that furthermore have judicial functions?

See Pt II a – c.

VIII. If judges or prosecutors are part-time or occasional trainers, is the burden of their work within their jurisdiction alleviated?

See Pt II a – c. For our occasional trainers, the burden of work is not alleviated. There are fees paid for this additional task.

IX. Please specify the modalities of the training of trainers who perform their training mission –full-time or part-time- within the framework of the training institution(s) or in Courts (content, educational methods, duration, periodicity, etc...);<sup>2</sup> Is training of trainers compulsory?

In order to improve the general quality of the initial or further training for judges and public prosecutors, train-the-trainer-seminars are part of the training programme. These seminars deal with didactical and methodological aspects, educational-methods, teaching-techniques, the teaching relationship between trainer and trainee, communication-theory, personality development etc., and include theory and practice, video-training, feed-back etc. The training of trainers is not compulsory.

X. Please specify what initiatives are taken to assure vicinity between trainers and trainees at regional and local level as well as to develop communication (including through the Internet);

Most of the trainers are judges and prosecutors from the regional courts. Therefore they are well known by the trainees. Vicinity between the management of the training institutions and the trainees could be

strengthened. This could enable trainees to suggest proposals for training programs and trainers.

Permanent contact between trainees and trainer/management by email is possible.

XI. Please specify what initiatives are taken to assure participation of the training institution in international co-operation in the field of training (exchanges between training institutions, periodicity of these exchanges, organisation of / participation. in international seminars, co-operation with International Organisations / Institutions (Council of Europe, the European Commission, etc...)).

Internat. coop in the field of training is growing. Austria is member of the European Judicial Training Network (EJTN), the International Organisation for Judicial Training (IOJT) and the "Lisbon Network" of the Council of Europe. Several EU-programmes (AGIS, Judicial cooperation in civil matters etc.) allow to cooperate with other training institutions.

Although the financial and personal resources in Austria are limited, Austria engages in projects of the European Commission, f.i. with the European Law Academy and supports exchange to the 'Ecole Nationale de la Magistrature' (ENM). Austria is regularly sending Austrian judges and public prosecutors to international judicial seminars held by the 'Consiglio Superiore de la Magistrature', the 'Ecole Judiciaire d'Espagne', the 'Ecole Nationale de la Magistrature' and the 'Europäische Richterakademie' (ERA) Trier etc.