

Council of Europe Co-Operation Programme to strengthen the Rule of Law

1st meeting of the Bureau of the European Network for the Exchange of Information between Persons and Entities responsible for the Training of Judges and Public Prosecutors

(LISBON NETWORK)

(Web site of the Lisbon Network: www.coe.int/lisbon-network)

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

Note QUESTIONNAIRE "C" ON THE ROLE OF TRAINING INSTITUTIONS AS REGARDS IN-SERVICE TRAINING OF JUDGES AND PROSECUTORS

Note Questionnaire "C" on the role of training institutions as regards in-service training of judges and prosecutors ¹

I. Please indicate the measures taken with a view to enabling judges and prosecutors to exercise their right to in-service training (for example, days of leave for that purpose, etc.);

Judges and Public Prosecutors do not have to pay for the seminars and they get days of leave for participation. They consume in average 4 days of training per year. There is no restriction to application for participation besides if there are disciplinary aspects.

II. Is in-service training of judges and prosecutors compulsory or optional?

The continuous training of judges/prosecutors is voluntary. There is nevertheless a general obligation of judges and public prosecutors to update their knowledge and skills, as laid down in the judges' law and goes correspondingly for public prosecutors.

III. If in-service training is not compulsory as a general rule, please specify if there are areas /and/or subject matters in which in-service training is nevertheless compulsory; If so, please give details;

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IV. Is the judge or prosecutor free to choose the training actions in which he/she wishes to participate? Does he/she have to justify his/her choice? Is it possible for the judicial hierarchy and/or the training institution to oppose to the wish expressed by the judge or the prosecutor concerned and for what reason?

Judges and prosecutors are free to choose the training actions in which they wish to participate. As trainings are offered towards specific groups (civil-judges, criminal judges etc., etc.) members of these groups are favoured. Due to limited numbers of participants for the seminars, the approval is given according to the rankings of the Court of Appeal. These rankings follow the aspect of vicinity of concrete work to the issue dealt with in the seminar.

V. Please identify the committees and / or trainers that develop in-service training programmes and the authority that approves planning;

- The four presidents of the Court of Appeal – The public prosecution offices – The judges association - The Federal Ministry of Justice/Training Unit.

The Programme as a whole is approved by the Ministry, according to the advice of the In-service Training Advisory Board.

VI. Please give the following statistics: number of activities per year (if possible, please specify the average duration of activities); number of training hours offered per year per magistrate; budgetary resources;

The Judges' and Public Prosecutors' Training Programme offers about 200 seminars, workshops and conferences per year. Most of them are scheduled for one, two or three days. Judges/public prosecutors consume 4 days a year in average. Training costs are approx. 1 million Euro per year.

VII. Please specify and describe the in-service training methods (seminars, workshops, traditional lectures, distance learning, audiovisuals);

We offer seminars, workshops and lectures/conferences as well as audio visuals. Distance learning is now to be developed.

VIII. Please give details about the training environment (dedicated structures, court buildings, conference centres in hotels and the like);

Most of the seminars are held in court premises or in seminar-hotels.

IX. What are the contents of training initiatives (role of cultural and social themes; role of ancillary sciences; management techniques);

The annual training programmes for judges and public prosecutors offer law seminars (two-thirds of programme) and trainings for complementary skills, social context, issues and management techniques (one-third of the annual programme). The "skills"-programme comprises psychological and social aspects, medical matters, technical matters, personality development, conflict-management, rhetorical training, personnel management etc. These training activities answer the growing expectations of citizens in the social skills of judges and prosecutors. Further on, the social context programme comprises matters of current concern in society (such as equal treatment of men and women, fight against organized crime, human trafficking etc.). In order to support didactics and methodology of training, a series of train-the-trainer-seminars for judges and prosecutors, who act as trainers, is regularly organized. It contributes to the professionalism of trainers and enhances the learning effect of the audience.

X. What are the contents and the modalities of training to support change of functions?

There are special seminars and courses for newly appointed judges or judges who recently changed their functions. Judges from the Court of Appeal discuss new case law and frequent failures in judgements.

XI. How is the assessment of programmes and methods done (questionnaires, interviews)?

Currently by written feed-back by participants (about content, methods and practical effect) and reports by the regional responsible authorities after each seminar and methods.

XII. What are the modalities of the evaluation of trainers?

Trainers and their skills and methods are evaluated within the feed-back-papers and the reports.

XIII. What is the impact of participation to training on participants' career?

Participation to training is a positive aspect to participants' career.

XIV. Is there for each judge and prosecutor a file describing the in-service actions in which he/she participated?

No, but this is part of current discussion.

XV. Are judges and public prosecutors offered individual training programmes concerning their personal professional development?

No, but this is part of current discussion.