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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.);

The in-service training, according to the Law, is mandatory for all judges and prosecutors. The HJPC, in consultation with the Steering Board of JPTC, determines the minimum amount of training each judge and prosecutor must receive annually to satisfy this professional obligation (for year 2004 four working days in the course of calendar year, for 2005 four days plus two days in information technology)

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

In-service training is mandatory for all judges and prosecutors.

- II. 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;

- 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?

They are free to choose. The judge or prosecutor has to inform president of the court or main prosecutor and if he/her has more than annual minimum it is up to president/main prosecutor to decide.

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

Steering Board establishes on the basis of Director's proposal, in consultation with the HJPC, programmes of advanced professional training for judges and prosecutors, including judges of minor offence courts; the same is foreseen in the Law on Centre for future inductive training.

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;

61 activities in 2004;

Prosecutors/73 prosecutors achieved 589 working days in 2004

Judges/194 judges achieved 1524 working days in 2004

Those activities had diversified funding (budget, donations...)

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

Various methods are used, depending of the topic and content of theme. Seminars, round tables, workshops, moot trials, or, sometimes classic lectures (mainly when the new legislation is presented, Centre use to organize conferences).

Interactive methods are preferred. Thematic presentations are based on the court practice (on case law, in particular).

From 2006 is foreseen to start with the distance learning. Now, together with the Centre in FBaH, we are developing 13 electronic modules in civil and criminal matters that should be used as training materials for self- education.

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

The training activities are organized partly at the Centre or in the premises of the courts or hotels, depending on the numbers of participants. Centre has conference room for 35-40 participants, equipped with computers, translation equipment and it is used for smaller group trainings.

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

Judges and prosecutors are to be provided with instruction on interpreting and applying laws and procedures, ethical standards for judges and prosecutors, the latest scientific and professional developments in the field of law, the practices of judges and prosecutors from other countries, and other topics determined by the Steering Board.

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

There is not special program of training to support change of functions.

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

We distribute questionnaires at the end of each year to make survey about their needs as a basis for the programme in the next year. By the same they evaluate if the programme and method corresponds to their needs. Trainers have meetings with the presidents of the courts and main prosecutors, organized by the Centre and they make reassessment of programmes and methods. Also, after each activity attendants are invited to fulfil the evaluation form.

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

After the training activity attendees are invited to evaluate the work of trainers.

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

The Centre has to award annual certificates to those judges and prosecutors who satisfy the minimum training requirement.

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

Centre has a database of information on training activities. Reports on participation and certificates are sent to the HJPC annually.

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

It is possible if they ask for it.