



Strasbourg, 31 January 2005

RES/LISB/Bu/ Quest (2004) 1 e

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

**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 prosecutors¹

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?

The Ministry of Justice is responsible for training prosecutors in Denmark.

The Danish Court Administration is responsible for training the judges.

The Danish Court Administration is an administrative operation centre, which has the responsibility to ensure reasonable and efficient administration of appropriations of the courts and the Appeals Permission Board, personnel, buildings and IT.

The Court Administration is headed by a board and a director. The Administration is under the general responsibility of the Ministry of Justice, but the Minister of Justice cannot control the Court Administration and cannot alter the decisions made by the Court Administration.

The HR-section of the Personnel Office is responsible for almost all training activities arranged for the personnel at the courts. This section also deals with the daily work related to EJTN-activities.

First of all one has to distinguish between appointed judges and deputy judges who are all aspirants to become appointed judges.

The training of deputy judges is taken care of by the Danish Court Administration and by a larger district court designated as a court for legal training. The district court in question works out a training programme for the deputy judge in accordance with general guidelines for legal training. The programme specifies the areas of responsibility for the deputy judge and also specifies for how long the deputy judge must work within the different legal areas. The appointed judge(s) at the district court trains the deputy judge in all the various legal areas. The Danish Court Administration deals with the theoretical training of the deputy judges who all have to attend 11 courses on specific legal topics. Furthermore the deputy judges have to do one written and one oral test. The Danish Court Administration

¹ Members of the Lisbon Network are invited to send their replies to the Secretariat by E-mail (valerie.schaeffer@coe.int) for 31 March 2005 at the latest.

makes an educational programme for each individual deputy judge on the basis of the training programme that the district court has made.

The Danish Court Administration also plans courses and seminars for appointed judges on various legal topics. A catalogue of courses is made available on the internet every year. Some of the courses are internal and some are being held in cooperation with the Solicitor's Association. The lecturers on the courses are mostly found among the deputy judges and appointed judges, but also solicitors, professors and other experts on various topics are used.

II. For each training institution, please indicate:

a) the number of full- time trainers

0.

b) the number of part- time trainers

60.

c) the number of occasional trainers

Approximately 100.

d) the number of administrative and managerial staff.

There are approximately 100 employees at the Danish Court Administration. There are 4 employees responsible for the administration of the training of judges in the Training section of the Court Administration.

e) the origin of funding.

The Danish state finances the education of judges and deputy judges.

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

Since July 1st 1999 the Danish Court Administration has been independent and can not be subject to governmental or parliamentary directives. The administration of the judiciary is separated from the executive and legislative powers. Prior to July 1st 1999 the Ministry of Justice was responsible for administration of the judiciary.

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

The Danish Court Administration is an independent state institution.

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

The link and cooperation between the Danish Court Administration and the Ministry of Justice about the training of judges and prosecutors is limited due to the separation of the legislative, executive and the judiciary powers and the hereby following independency of the judges.

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 instructors must have experience with the field in which they are teaching and must have knowledge about the work in the courts. Their teaching abilities should be good.

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

All instructors are working part-time as instructors.

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

They are clerks, advocates, professors and other legal experts.

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

No.

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

All instructors are working part-time as instructors.

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

No, but they are paid for the time they use on the training.

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...);² Is training of trainers compulsory?

When they first start as instructors they go on a 3-day seminar and the Training Section of the Court Administration plans an annual 2-day seminar for all the instructors.

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);

The main part of the instructors work at the different district courts in Denmark so they see the trainees there. The trainees then always have the opportunity to contact the instructors in person (or via e-mail or phone).

All instructors and trainees have access to the internet and intranet and every body has an e-mail address through which the main part of the communication takes place. The Training section produces a newsletter to the instructors.

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...)).

The Danish Court Administration is member of EJTN and SEND (Nordic cooperation). A representative from the Court Administration is a member of the Lisbon Network. Many Danish judges participate in meetings and arrangements through these international organisations.

² See the conclusions of the meeting of the Lisbon Network held in Budapest, 25-26 October 1999, on the theme "The training of trainers".