



Strasbourg, 31 janvier 2005

RES/LISB/Bu/ Quest (2004) 3 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 “C” ON THE ROLE OF TRAINING INSTITUTIONS AS REGARDS IN-SERVICE TRAINING OF JUDGES AND PROSECUTORS

Questionnaire “C” on the role of training institutions as regards in-service training of judges and prosecutors¹

- 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.);

All the training activities decided both at a central and at a decentralized level are formally communicated to the Courts, and diffused by the head of the offices to the judges and prosecutors. Both in case of centralized and decentralized activities the participation is not subject to the specific authorization of the head of the offices, except of course when the participation overlaps with specific commitments concerning the judicial activities. In any case the training activity is considered part of the ordinary work.

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

It is optional.

- 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;

It is always optional.

- 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?

All the judges and prosecutors are free to express their best choice among the training activities. In case of too many applications, the choice is made according to the specific experience of the applicant as to the subject matter of the training activities. Nobody can oppose to his wish.

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

The in-service programmes is formed yearly by the Scientific Committee and approved by the IX Commission of the CSM, in charge of the judicial training.

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.

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;

Centralized activities:

Every year, the centralized activities provides an average of almost 60 seminars, equally divided into those concerning civil and criminal affairs, of which, generally, 3 with the EU Commission support, 12 for initial trainers, 3 for the chiefs of judicial offices.

The average duration of a seminar is two days and a half, for a total of average 20 work hours; seminars supported by the EU Commissions may also last 4 days and a half, according to the training needs related to the international cooperation.

It has been calculated that, for 2004, 3231 judges and prosecutors (out of 9.000) have taken part in a course, 155 in two courses.

The yearly budget for the centralized seminars is 3.773.555 Euros.

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

Simple report

They are the basis of any activity, even because, considering also the specific requests from the trainers, reports are more and more based on the illustration of concrete experiences and supported by techniques of exposition, involving audio and video devices.

1. Lead debate

The subject matter to be dealt with in a working session is shared in various aspects, each of which is dealt with by a different speaker who makes an intervention of no more than ten minutes, exposing in a neutral way a question and the possible ways to solve it, inviting the participants to expose both the positive and the negative aspects of the various solutions and then proposing the best, according to his opinion.

A mobile microphone is shared between the temporary leader and the participants, according to the time limits set before and controlled by the chairman.

Advantages

The system gives the best results both in case of controversial theoretical issues and of complex and delicate practice.

It allows a better concentration of the participants and the highest confrontation; it is particularly useful, of course, for the purpose of analyzing new legislations or in case of

criminal matters, when the participants come from different territories, in which different techniques of investigation can originate from different criminal environments. Moreover, facing the questions one by one, helps the participants to overcome their possible resistance to make interventions. Then the system realizes a guided “brain storming” and allows the participants to develop their critical ability.

2. Round Table and dual report

The round table method provides the confrontation between reporters on a specific subject matters. Anyway, the more positive is the interaction between them, the less is the space left to the interaction with the participants.

A better methodology is that of the dual short report made by two speakers on the same subject matter, focusing different solutions and way of approaching the problems. The success of the methodology depends on the capability of the reporters to make synthetic speeches and to stimulate the debate.

The method should introduce a wide confrontation among the participants.

3. Guided analysis of a case

A working group goes through a dossier under the guide of a coordinator, reviewing the acts of the proceeding, and the final solution of the case; the participants are also invited to expose their similar experiences. The suggestion is that the material be sent to the participant before the training initiative.

In the beginning the coordinator exposes the case and points out the questions to be discussed.

Of course in the preparation it is necessary that care is taken for the purpose of eliminating any concrete reference in the dossier that could allow the precise identification of the case and of the magistrates involved.. And this, over all, to allow free criticism about the case.

The best preparation is guaranteed by the invitations, made to the participant before the course, to carry with them the documentation relating to similar cases already faced by them.

4. Mock judicial activities

The concrete Italian experiences is made of reproducing the scene of a crime with the aid of specialized police personnel with the purpose of showing the best practices to access the place and to search and store the traces of the crime.

Also a trial in international videoconference has been implemented, for the purpose of experiencing the new E.U. convention about mutual international assistance of May 29th 2000.

Experience of cross examination have also taken profit from this method.

It is particularly useful for experiences related to new technologies or procedures.

5. Workshops of selftraining

It is being experienced in Italy for judges dealing with family matters, minors and with enforcement of judgements, and magistrates chiefs of judicial offices.

Little working groups are formed and interact with the aid and coordination of a methodologist. They analyse and compare restrict fields of their experiences, in order to point out best practices.

6. Working Groups

The participants are shared generally in three groups. The coordinator focuses their attention on issues dealt with in the previous session, in which reports and debates have taken place. Then the results of the various working Group are discussed in a plenary session thank to short oral abstracts concerning the conclusions, sometimes more than one if controversial, of the work done.

The groups can deal with the same subject matters or with different ones, both related to the subject of the previous session.

Generally work in group needs at least two hours to get a satisfactory development.

A risk to be generally avoided in working group is the predominant role of the coordinator, overwhelming the group and so opposing an obstacle to the best implementation of interaction and confrontation between participants.

Methodology of legal language courses concerning the international cooperation in criminal affairs.

The analysis of the methodology of the legal languages courses organized by the Csm with particular reference to the international criminal cooperation might be interesting.

It is based on the following stages.

1.Preparatory stage

- 1) Preparation of a penal glossary

- 2) Preparation of a short benchbook of legal English and French in criminal matters with related Power point slides, to be used by the coordinator as a framework for the daily activity
- 3) Preparation of legal language exercises
- 4) Preparation of comprehension exercises about cultural issues related to the theme of the seminar.
- 5) Preparation of three CD Rom: bibliography (legal sources, articles and judicial decisions about international cooperation); documentation for the coordinator ; English and French newspaper articles about legal issues.
activities
- 6) Preparation of film trailers about cultural issues related to the theme of the seminar.

2. Implementation stage

It consist of the pointing out of the methodology of the course and of its carrying out.
For this purpose, ten training modules have been focused.

Morning joint sessions:

- 1) Reports
- 2) In depth analysis of legal language
- 3) Free debate
- 4) Language comprehension exercises
- 5) Film

Afternoon sessions (English and French split sessions):

- 6) Further language comprehension exercises
- 7) legal language exercises
- 8) further deepening of the morning themes by reporters, and subsequent lead debate
- 9) film
- 10) ITM² (When needed, both in morning and in afternoon sessions

3: Outcome stage

- 1) Full video shooting of the seminar
- 2) Written Report about the seminar methodology
- 3) Filing of the report in CSM Website
- 4) Implementation of a first experience of e-learning, filing the legal language exercises (with their solution and the legal sources concerned) together with the power point slides and in CSM Website.
- 5) Updated version of English and French Glossary

² Incidental training modules: see afterwards.

6) Carrying out of a short Handbook of legal English

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

There are no dedicated structures but for the conference room of the CSM, used for small range activities. The activities of wider range are run in conference centres in hotels.

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

The aforesaid issues are dealt with under two different sections:

- a) **Interdisciplinary activities.**
- b) **Training of heads of offices (see above).**

a) **Interdisciplinary activities**

Considering 2004, the issues dealt with in various seminars of two days and a half are:

Forensic medicine; The written grounds of the judicial decisions; The scientific evidence; The economic analysis of Law; Multiethnic cultural systems and right to the integration; Judges and prosecutors and mass media.

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

The training to support change of functions concerns the main general subject matters of the new functions, with a particular focus on any recent reform.

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

Questionnaires are filled in by the participants in training activities

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

It is of double type, impersonal and personal.

While an impersonal evaluation is made on the basis of the questionnaires filled in by the participants, relating to each training activity, a personal evaluation of each trainer is made every year, when the IX Commission decides whether to prorogue the one year appointment for the same period, up to a maximum of three years in total.

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

No specific impact is provided, but candidates are expected to indicate their participation in training in any application for promotion.

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

Yes there is such file , concerning the current year.

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

No individual programmes are provided