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JUSTICE SYSTEM IN UKRAINE

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Justice System in Ukraine”*

Training Centres for Prosecutors in Europe

Comparative Paper

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Contents

Executive Summary.....	4
Introduction.....	5
A brief overview of European and international standards in relation to the training of prosecutors	5
1 Organisational aspects of prosecutorial training institutions.....	7
1.1 General information about prosecutorial training institutions.....	7
1.1.1 General comments.....	7
1.1.2 Georgia.....	7
1.1.3 Italy	7
1.1.4 Moldova.....	7
1.1.5 Spain.....	8
1.2 Quantitative information: number of staff, yearly turnover of students, yearly budget.....	8
1.2.1 Number of members of staff.....	8
1.2.2 Annual budget.....	9
1.2.3 Continuing training. Number of participants and events. Length of trainings.....	10
1.2.4 Initial training. Number of participants (annually) and length of training	11
1.3 Status of the employees and management of the institutions.....	12
1.3.1 The status of the institution employees	12
1.3.2 Do the employees of the institutions provide trainings themselves?	12
1.3.3 The form of employment in the institution.....	13
1.3.4 The modality of interaction of the institution with prosecutor’s offices	14
1.3.5 Outsourced activities.....	14
1.3.6 The organigram of the institution	15
1.4 Selection and evaluation of trainers	19
1.4.1 Who selects trainers?.....	19
1.4.2 Criteria for selection.....	20
1.4.3 Remunerations for the trainers	21
1.4.4 Evaluation of trainers.....	21
2 Functional aspects of prosecutorial training institutions	22
2.1 Evaluation of training needs.....	22
2.2 Curriculum design	23
2.2.1 Types of classes	23
2.2.2 Who develops the modules?	24
2.3. Evaluation of trainees	24
2.4 Is attendance of continuing training mandatory by law?	26
2.5 Is professional education time included into the work experience of a prosecutor?	26

2.6 Distance learning.....	27
Appendix 1. Country report – Georgia	28
Appendix 2. Country report – Italy.....	36
Appendix 3. Country report – Moldova	46
Appendix 4. Country report – Spain	50

Executive Summary

1. There are plenty of forms that training centres for prosecutors can take. The key point is that these centres should reflect the functions and the goals that this training centre should pursue as well as the number of participants and length of training and available resources.
2. The analysis of the forms of training centres suggests that it is better to have less staff and invite key trainers from external institutions. The permanent staff usually ensures the quality of curricula, invitation of external speakers, arranging examinations etc. Even in Moldova where the number of staff is comparatively high, a significant number of staff are seconded from their permanent prosecutorial and judicial positions on a temporal basis.
3. All observed training centres provide initial and continuous trainings. Both of them vary in terms of length and content but initial usually lasts in months and continuous in days.
4. The budget of these training centres varies significantly. That said the ordinary budget is often complemented by external sources.
5. Normally the head of prosecution has some impact on these training centres but they also are allowed certain degree of autonomy. It is important to remember that the training centres are academic institution of special nature and some academic freedom should be ensured.
6. It is important to guarantee that especially initial training does not replicate the legal training provided by universities. The centres should be practical and employ adult learning techniques much more than universities do.
7. There are plenty of ways of administrative organisation of the centres. The key principles should be comprehensiveness, clarity and simplicity of the structures.
8. Trainers are selected by the centres themselves or the governing bodies of the centres. This selection should be done on the basis of clearly established and known criteria.
9. Overall, the trainers are remunerated. In some cases, the remuneration includes normal paid working hours of acting prosecutors.
10. All trainers and trainings are evaluated by the participants. That said it is not always clear how these results are used and reflected upon. It is important to react to these evaluations and effectuate the results. In some countries (Georgia) following the analysis of the data collected, the Centre develops recommendations to stakeholders (including trainers) to increase the efficiency of the training programme concerned in the future.
11. The institutions conduct evaluation of training needs annually. The acting prosecutors are normally asked about what needs they have and what trainings are required.
12. Trainers themselves usually develop their modules under guidelines from the centres.
13. Distance learning has been developed by all institutions with various degrees of success.

Introduction

This report summarises and repackages the country reports prepared by the country experts. The aim of the report is to support the Working Group established by the General Prosecutor's office and the National Academy of Prosecutors of Ukraine. The aim of this report is comparing the key organisational and functional characteristics of prosecutorial training institutions in several CoE Member States. Those characteristics will be taken into the account by the WG in the process of drafting the new Prosecutorial Training Centre Concept. The WG will be able to compare solutions applied in other countries and incorporate the best of it into the Concept.

NAPU employs more than 200 staff members. The project looks at reforming this institution with a view of making it an effective contemporary training centre capable of training knowledgeable prosecutors.

Ukraine has about 12 000 prosecutors, out of which approximately 3 000 participate in various continuing trainings at NAPU, in addition to the 250 candidate prosecutors undergoing initial training with NAPU. Both professional and initial training systems have evolved considerably over the last few years. The current initial training scheme is being implemented this year for the first time. As a complement, NAPU regularly publishes handbooks and other guidance documents, some of which address human rights issues.

The report will look into two aspects of functionality of training centres for prosecutors in Georgia, Italy, Moldova and Spain (in alphabetical order). The report is divided into two parts: organisational and functional aspects of prosecutorial training institutions.

A brief overview of European and international standards in relation to the training of prosecutors

There are very few one-fit-all rules when it comes to prosecutorial training. Although there is a number of recommendations and soft law mechanisms as to what qualities a prosecutor should possess¹ – there are fewer recommendations as to how these qualifications should be trained.²

For instance Section 7 of the Recommendation Rec(2000)19 of the Committee of Ministers provides that training is both a duty and a right for all public prosecutors, before their appointment as well as on a permanent basis. States should therefore take effective measures to ensure that public prosecutors have appropriate education and training, both before and after their appointment. In particular, public prosecutors should be made aware of:

- a. the principles and ethical duties of their office;
- b. the constitutional and legal protection of suspects, victims and witnesses;
- c. human rights and freedoms as laid down by the Convention for the Protection of Human Rights and Fundamental Freedoms, especially the rights as established by Articles 5 and 6 of this Convention;
- d. principles and practices of organisation of work, management and human resources in a judicial context;
- e. mechanisms and materials which contribute to consistency in their activities.

¹ See for example, Guidelines on the Role of Prosecutors. Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990 or the Recommendation Rec(2000)19 of the Committee of Ministers of the Council of Europe “The Role of Public Prosecution in the Criminal Justice System”.

² See, for example EJTJN Handbook on Judicial Training Methodology in Europe, 2016.

The same provision maintains that states should take effective measures to provide for additional training on specific issues or in specific sectors, in the light of present-day conditions, taking into account in particular the types and the development of criminality, as well as international co-operation on criminal matters.³

Having said that there is no one single correct form of training of prosecution. The country reports show that trainings of prosecutors are organised in various different ways but they need to comply with the following key principles:

1. The adult training courses should be specific, practical and have clear added value to legal training the prosecutors acquired at the university level. They should reflect the profession and real life.⁴
2. The effectiveness of the trainings should be regularly evaluated.⁵ A continued needs assessment should be conducted.⁶
3. The training should not only include legal disciplines but also train soft skills as well as ethics, case management and others.⁷
4. It is important to introduce learning by doing techniques and experimental learning in the curriculum.
5. The curriculum should integrate new technologies including distance learning courses but they need to be combined with offline interactions with colleagues and tutors.
6. It is recommended to include representatives of the civil society and academia in the governing bodies of the training institutions to ensure broader views on the training programmes.⁸
7. The training institution should possess some form of autonomy from the Prosecutor General's Office in terms of governance, substance and forms of trainings.⁹
8. Acting prosecutors should be involved in trainings as trainers.
9. Trainings should include human rights mainstreaming. The most effective way of including human rights is through discussing real life situations and applying human rights approach to them.

³ Recommendation Rec(2000)19 of the Committee of Ministers of the Council of Europe "The Role of Public Prosecution in the Criminal Justice System", section 7.

⁴ See, EJTN Handbook on Judicial Training Methodology in Europe, p. 16.

⁵ See, section 10 of the Bordeaux Declaration. Opinion no.12 (2009) of the Consultative Council of European Judges (CCJE) and Opinion no.4 (2009) of the Consultative Council of European Prosecutors (CCPE).

⁶ See, EJTN Handbook on Judicial Training Methodology in Europe, p. 13.

⁷ See Guidelines for Initial Training of Judges and Prosecutors, section 1.

⁸ See, for example EJTN Handbook on Judicial Training Methodology in Europe, p. 14'

⁹ Comparative Study On Initial Training For Public Prosecutors by J McBride and J Person, para. 29.

1 Organisational aspects of prosecutorial training institutions

1.1 General information about prosecutorial training institutions

1.1.1 General comments

The trainings for prosecutors are provided by specially designated training centres in all countries. In Italy, Moldova and Spain the same institution provides training for both judges and prosecutors (in Spain also for police and other public services). In Georgia the training centres for judges and prosecutors and judges are separated similar to the Ukrainian case. For this reason, some numbers provided in this overview can be inflated as they sometimes count both judges and prosecutors. This report will clarify these numbers where possible.

All institutions provide both initial and continuing training for prosecutors. Initial training is focused on training future prosecutors; continuing training is designed to enhance the skills and knowledge of the current prosecutors.

1.1.2 Georgia

The Professional Development and Career Management Centre conducts trainings for prosecutors and is a structural unit of the Prosecutor's Office of Georgia. It operates within the HR and Development Department as one of its two divisions. Its operation is regulated by Organic Law on the Prosecutor's Office (2018) for the general framework and HR and Development Department's Charter (2015) - for legal, institutional and functional aspects. Additional guidelines were elaborated for Professional Development Standards (2016) and Performance Evaluation System (2017).

1.1.3 Italy

In Italy Judges and Public Prosecutors are considered magistrates. Admission to the profession of Judges and Public Prosecutors is based on a competitive examination. Successful candidates become trainee magistrates. All magistrates undergo common initial and continuous training. Only in exceptional cases training is restricted to Prosecutors only. The magistrates' initial and continuous training is organised by the High Council for the Judiciary (CSM) and provided by the Superior School for the Judiciary (SSM). The SSM was established by Legislative Decree 30 January 2006, n. 26. The same provisions regulates initial and continuous training. The charter of the School – which represents the expression of its autonomy – was adopted on February 6, 2012.

The SSM is an independent entity with legal personality under public and private law. It has full capacity vis-à-vis organisational, functioning, management, contractual and accounting aspects of its activity. It is the sole agency competent with regard to professional training of the judiciary. The CSM is the self-governing body of the judiciary, comprising ordinary (civil and criminal) judges and prosecutors.

1.1.4 Moldova

The only prosecutorial training institution in the Republic of Moldova is National Institute of Justice, that serves as a mixed academic establishment for professional education of both judges and prosecutors. It is open for trainings of other legal professionals.

The General Prosecutors Office lunched its own educational centre in 2006, but after almost 1 year of activity it was merged into the National Institute of Justice.

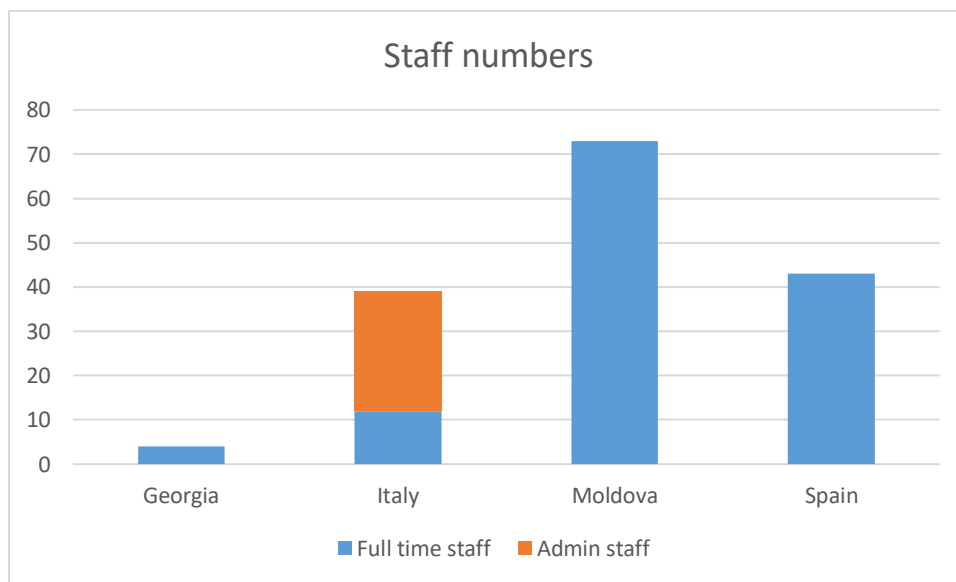
The National Institute of Justice has its own legal status, as independent public institution with the right to build its own budget and educational policies, its functioning and organisation being subjected to special law on the National Institute of Justice (no. 152 of 08/06/2006) and a number self-adopted regulations concerning a variety of aspects relevant for its activity (for ex. Regulations on status of trainers, Registry, organisation of professional tests, etc.

1.1.5 Spain

The Centre of Legal Studies (Centro de Estudios Jurídicos or CEJ) is an independent body of the Spanish Ministry of Justice, with its own budget and management autonomy, in charge of the training of prosecutors, as well as court members (clerks, forensic doctors, toxicology physicians), State Attorneys and judicial police corps. The legal basis for the Centre includes Art. 434 of the Organic Law of the Judiciary, Law 53/2002, of fiscal, administrative and social measures (art. 81), law 40/15, regulating the status of public sector employees as well as Royal Decree 312/2019, approving the Statute of the Centre for legal studies, that fully develops the regulation of the Centre for legal studies.

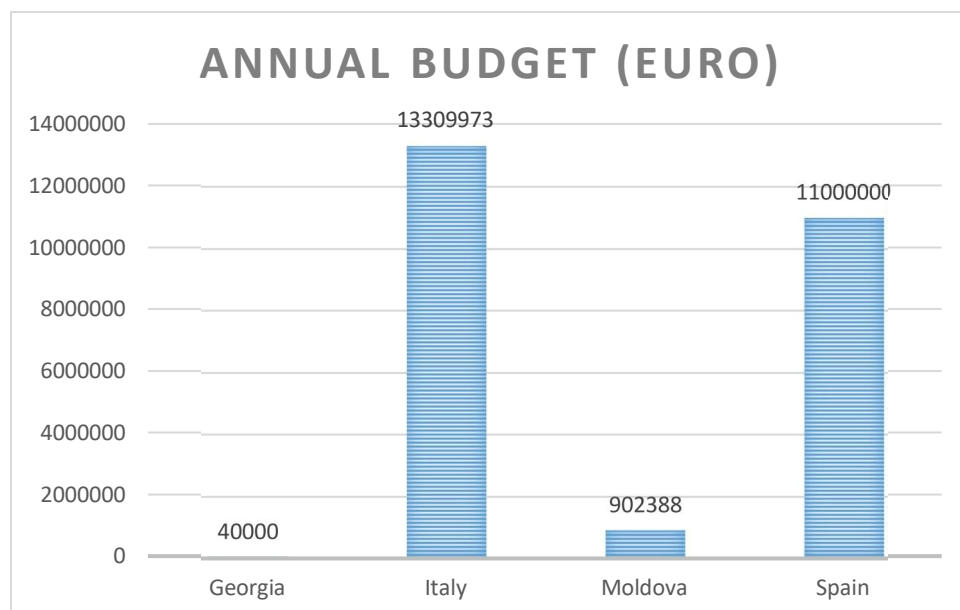
1.2 Quantitative information: number of staff, yearly turnover of students, yearly budget

1.2.1 Number of members of staff



There are 4 members of staff in Georgia, 39 in Italy (27 admin staff), 73 in Moldova, 43 in Spain.

1.2.2 Annual budget

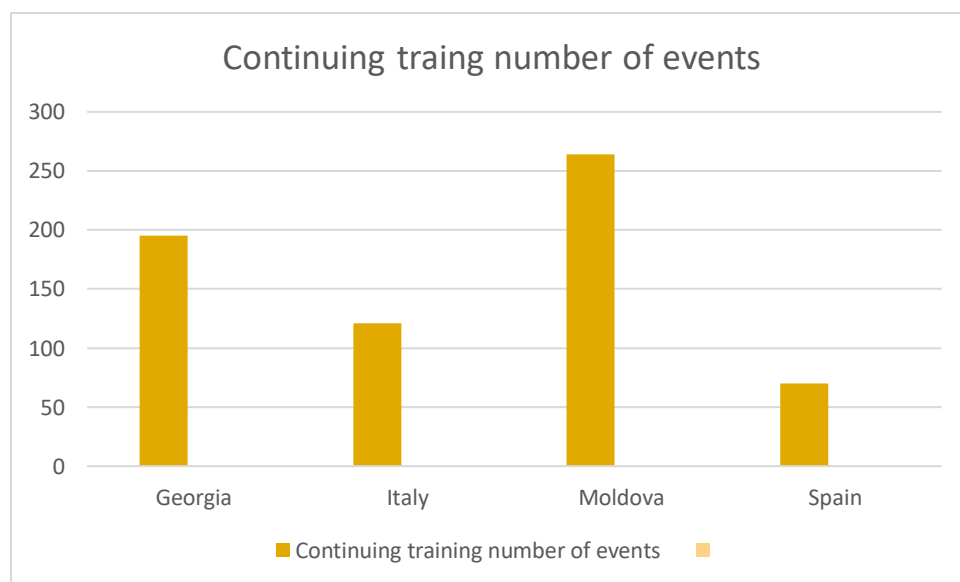
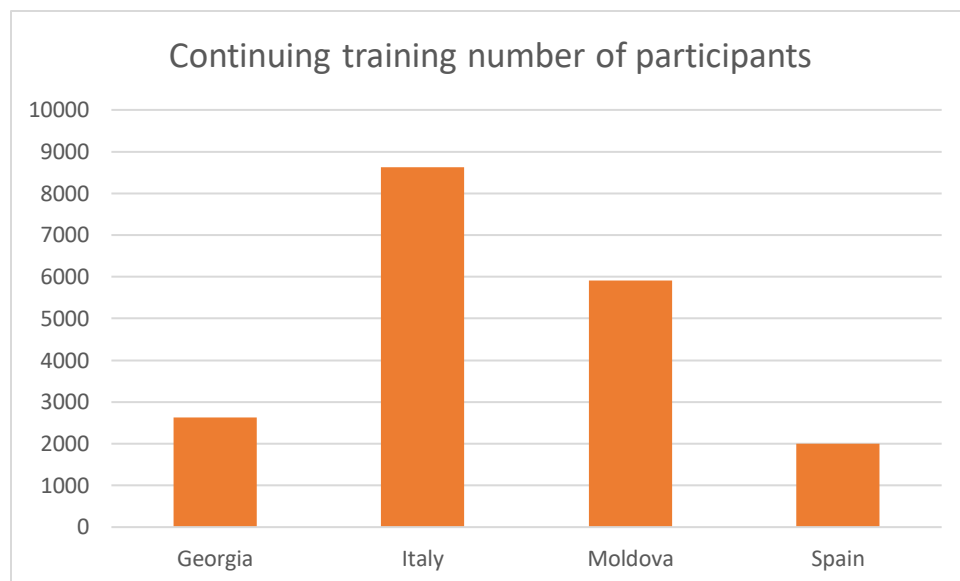


In Georgia most of the activities of the Professional Development and Career Management Centre have been funded by international projects and donors.

In Spain the budget for prosecutor's continuous training is around €1.5M, and for initial training is around €500.000. These numbers do not take into account the fixed costs of the Institution. The table provides the budget of the whole institution.

In Italy and Moldova no separate budget from training prosecutors is provided.

1.2.3 Continuing training. Number of participants and events. Length of trainings



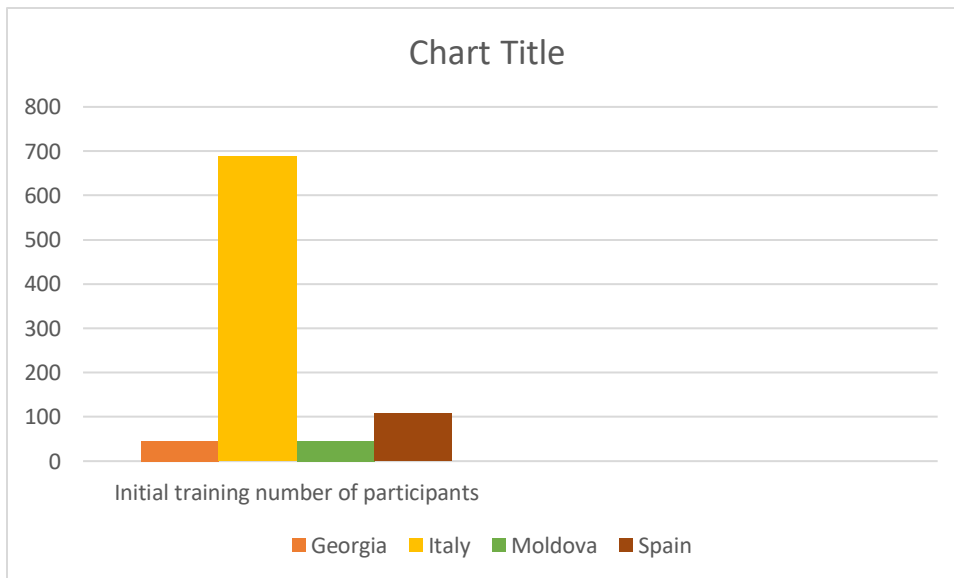
The number of participants and events in Italy and Moldova includes both judges and prosecutors.

Length of trainings

Georgia	Italy	Moldova	Spain
There are three categories of training duration: less than six	Continuous trainings delivered at central level generally last 4	The Training Agendas and their length are planned depending on	The activities may vary.

hours; less than 24 hours and more than 24 hours.	sessions (each assigned to different trainers), namely 2 full days. The duration of each training cannot in any event be longer than 2 weeks. Decentralised training sessions, organised and delivered by the currently 27 decentralised training units, generally last half a day.	the numbers of available prosecutors and judges and the needs; available trainers and organisers. The usual approach was to have week-long trainings. More and more the National Institute of Justice implements the practice of having 2 days of dedicated training sessions.	Workshop: one day. Short training: two days. Extensive training: three days. Stay (thorough knowledge of an institution): five days. Online training: Up to four months.
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1.2.4 Initial training. Number of participants (annually) and length of training



In Georgia the number varies between 30 and 60 participants. In Moldova the number varies between 40 and 50 participants. So, the graph above shows the average number.

As to the length and procedures of training the following table explains how it is organised:

Georgia	Italy	Moldova	Spain
Interns are recruited through competition. The internship is remunerated and lasts up to 12 months. It consists of the	Candidate magistrates perform their internship in a first instance court. The training lasts 18 months. At the end of	Initial education is mandatory for 18 months long. Out of these 18 months, 12 months are in-class	Initial training: 8 months. 4 months (sept. to dec.) in the institution in a theoretical/practical training. Afterwards, 4

following stages: the interns undergo two-month initial (theoretical and practical) training; then they are appointed as intern-prosecutors and work under the supervision of experienced colleagues.	the first period of training, trainees elect their future profession (Judges or Public Prosecutors) and receive specific training, lasting 6 months.	training and 6 months internship.	months (jan-april) of on site work under the control of prosecutors acting as training tutors.
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1.3 Status of the employees and management of the institutions

1.3.1 The status of the institution employees

As the table below shows the employees are normally civil servants. Some members of staff are seconded from the target institutions, particularly prosecutorial offices.

Georgia	Italy	Moldova	Spain
The Centre employs civil servants who are not prosecutors. They are appointed/dismissed by the Prosecutor General.	The Superior School for the Judiciary staff is either detached or seconded from the Ministry of Justice or other public administrations. They maintain their original status.	Managerial and Senior positions could be occupied by both prosecutors, judges or law professors elected and/or seconded to for the period of 5 years with one possible extension for the same period. They are being assisted by paralegal assistances and technical staff.	The institution employees are all civil servants. The current director is a public prosecutor, although no provision makes it compulsory to be so. In all cases, the director will act as a civil servant.

1.3.2 Do the employees of the institutions provide trainings themselves?

Georgia	Italy	Moldova	Spain
Yes	No	Yes	No
Two Centre's employees are psychologists. They conduct specific	The School relies on external consultants for the implementation and delivery of trainings.	The Institute relies on seconded judges and prosecutors for whom the National Institution of Justice is	There is no permanent trainers staff, which are only appointed for the specific task they're paid for. Over 95% are

<p>trainings. The number of external trainers is higher than prosecutor-trainers. However, most trainings are conducted by the latter.</p>	<p>Trainers are identified by the Board of Directors amongst magistrates, university Professors and lawyers with proven qualifications.</p>	<p>the main place of work. Proportions of the seconded and external professional trainers vary, but usually the equal distribution between the seconded prosecutors and judges is being kept. Proportions of External trainers vary depending on the results of their formal selection and appointment. Currently, the Institute lists as its Trainers 20 sitting judges, 17 prosecutors, 10 Defence lawyers and 37 law professors and civil servants (mostly from the Ministry of Justice).</p>	<p>acting prosecutors and judges.</p>
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1.3.3 The form of employment in the institution

Georgia	Italy	Moldova	Spain
<p>Permanent full-time employees.</p>	<p>Staff are permanent, full-time civil servants. The non-magistrate members of the Board of Directors work part-time.</p>	<p>Full-time employment is for technical staff and paralegal assistants. Sitting prosecutors could be seconded for the period of 5 years with possible extension for the same period. Prosecutors could occupy any senior position within the National Institute of Justice, for which they were seconded, keeping their salaries and social benefits afforded to status of prosecutors. They combine the</p>	<p>Regarding permanent staff, the budget foresees 43 staff members, although currently 30 people cover those positions full-time. Therefore, to cover the vacancies 10 members are hired on a year basis. If those positions are not covered during the current year, the vacant positions are filled during the following year.</p>

		administrative position within the institution and daily didactic activity.	
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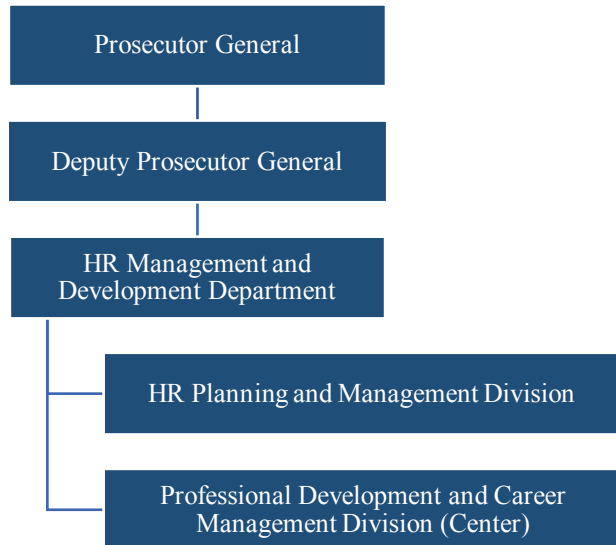
1.3.4 The modality of interaction of the institution with prosecutor's offices

Georgia	Italy	Moldova	Spain
The Centre's activity is based on decentralised interaction with other structural units (including regional offices) of the Prosecutor's Office of Georgia.	Interaction of the Institution with the prosecutors' Offices is centralised, even when training activities are decentralised.	Mostly centralised, via the Head of the Institute (Director) and General Prosecutor or the President of the Supreme Council of Prosecutors, for decision-making purposes. But direct relations on daily issues between the Institute executive staff and prosecutors, including trainers are encouraged.	The General Prosecutors office has prosecutors in charge of training. Up until the legislative change, there was a prosecutor working as advisor to the Director of the Centre of Legal Studies. Both figures used to centralise the interactions. However, the recent introduction of the post of Director of prosecutors' training creates an ever more centralised contact between both entities.

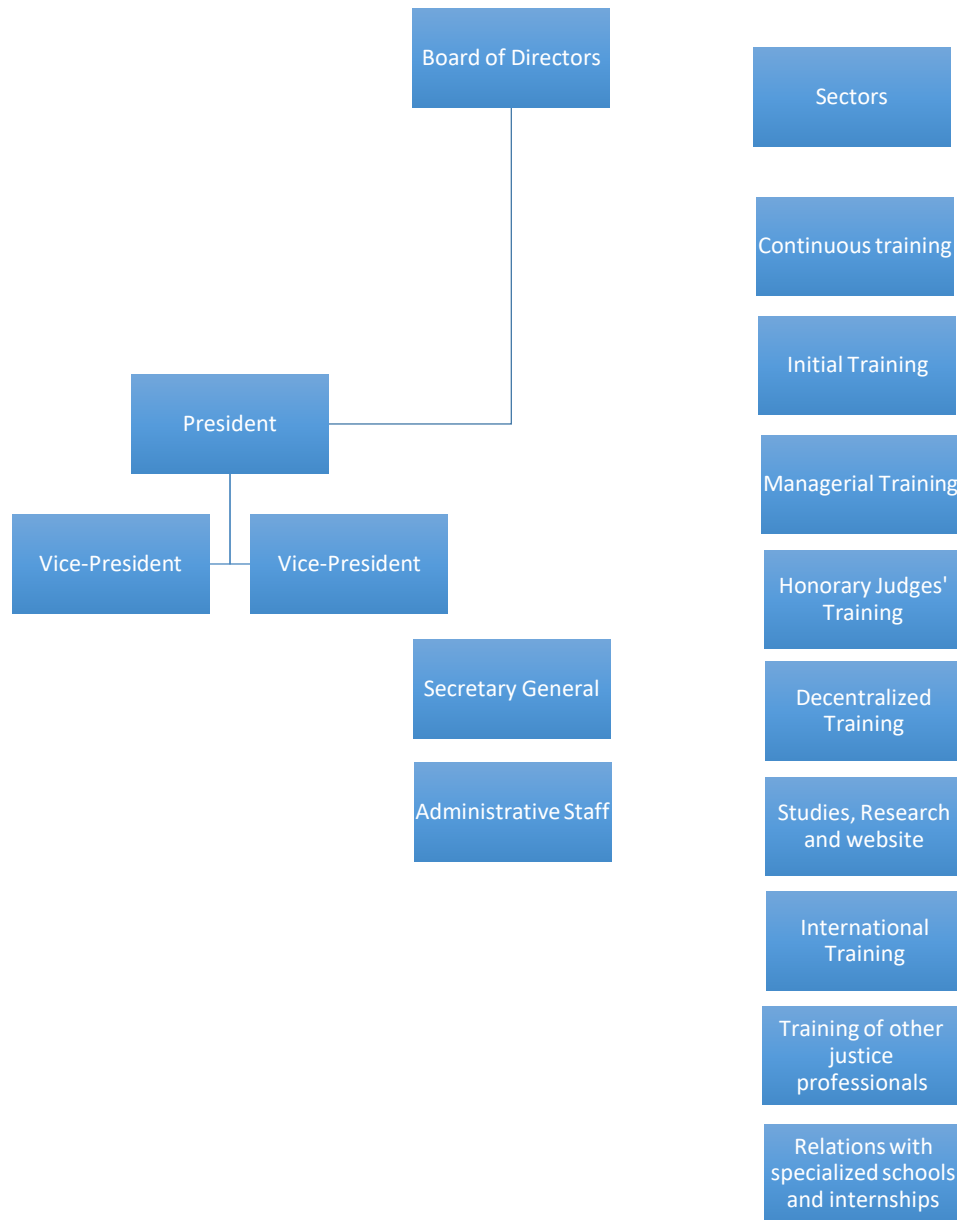
1.3.5 Outsourced activities


Georgia	Italy	Moldova	Spain
The outsourced activities include interpretation and translation, publications, rentals, logistics, cleaning and catering.	The following activities are outsourced: interpretation and translation, cleaning and portering; publications, and rentals, IT and telecommunication services; maintenance.	Usually this are extra-curricular activities, such as hosting conferences, round tables, thematic training sessions at the initiative and under the auspices of Cooperation projects (CoE, EU, UN, other IOs) and NGOs.	Logistics, catering and certain aspects of data processing.


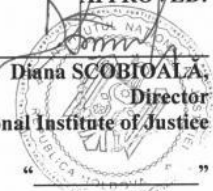
1.3.6 The organigram of the institution
Georgia

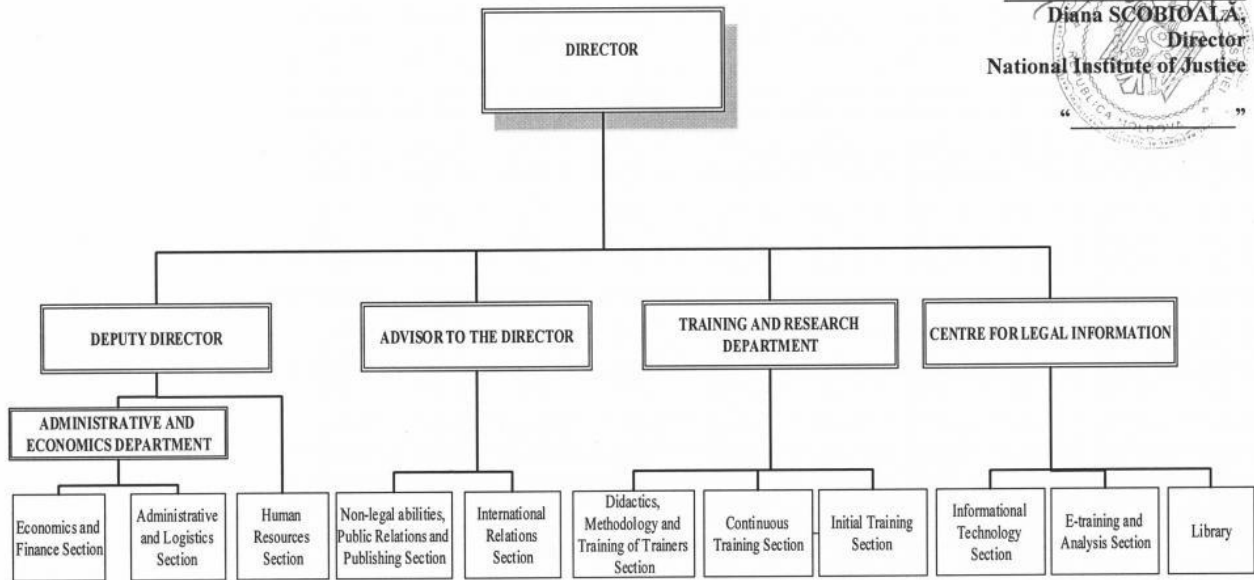


Italy

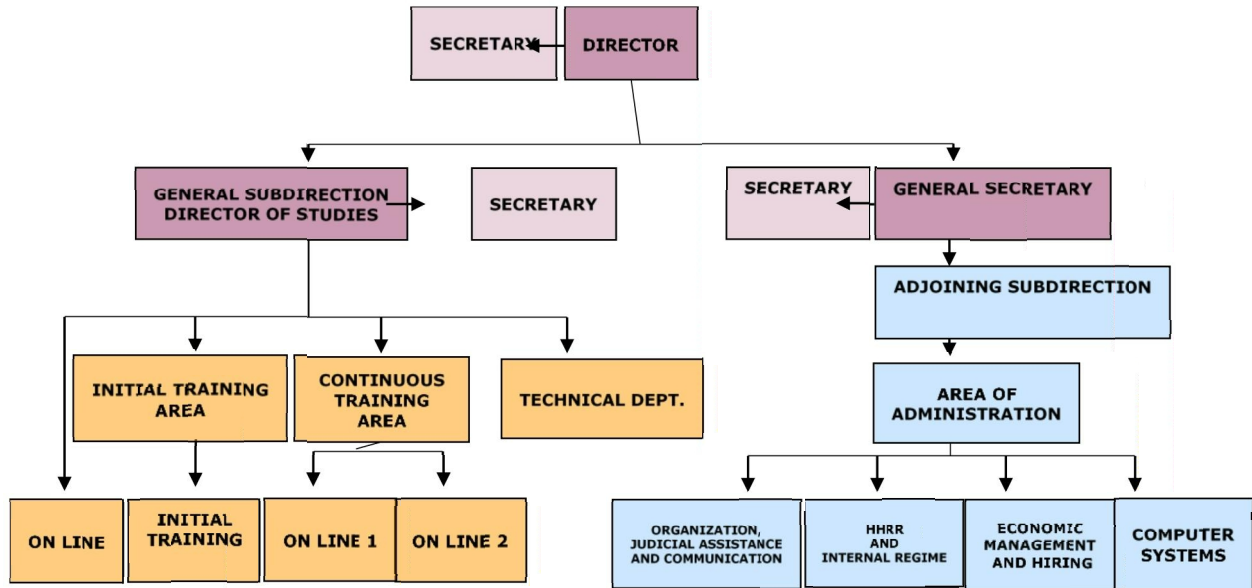


 INSTITUTUL NAȚIONAL AL JUSTIȚIEI NATIONAL INSTITUTE OF JUSTICE	Organizational Chart of the National Institute of Justice	Vers. 03
		14.11.2016

APPROVED:

Diana SCOBIOALA,
Director
National Institute of Justice




Spain



1.4 Selection and evaluation of trainers

1.4.1 Who selects trainers?

The trainers are normally selected by either the staff of the institution or by the governing body of the institution. It normally depends on the organisational structure of the institutions observed.

Georgia	Italy	Moldova	Spain
<p>The Centre conducts yearly training needs assessment. The analysis is based on surveys and previous staff performance evaluation results. After identifying appropriate training needs, the Centre prepares an action plan for the coming year and selects trainers using internal (prosecutors) and external resources.</p>	<p>Trainers are selected by the Board of Directors. The latter is composed by 12 members. These are selected amongst senior judges, lawyers or University Professors. The members of the Board of Directors shall hold office for four years and may not be immediately renewed.</p>	<p>Trainers are selected and/or re-approved following a periodic 2 years review by the Council (governing body), basing on the criteria which it approves.</p>	<p>Appointments procedures are different for initial and continuing trainings.</p> <p>Initial: The appointment to convene a module offered by the institution is made for three years and open to public competition among prosecutors. The selection is made by the institution upon proposal of the General Prosecutors Office.</p> <p>Continuous: the General Prosecutor's Office elaborates a year planning of trainings and appoints the directors of modules. Those directors are in charge of selection of trainers.</p>

1.4.2 Criteria for selection

Georgia	Italy	Moldova	Spain
<p>Candidates shall meet the following basic requirements:</p> <ul style="list-style-type: none"> - be a specialist in the field concerned and have a thorough knowledge of the training-related questions; - in addition to theoretical knowledge, have practical experience, which will be used in problem-based learning; - knowledge of adult learning techniques and assessment methodology; - effective communication (verbal and non-verbal) skills; - adhere to professional ethics in relation to trainees, colleagues and Centre staff; - know the goals and objectives of the prosecutorial system and act accordingly; - have the necessary computer skills; 	<p>Trainers are selected amongst current or former magistrates, university professors, and lawyers of proven expertise and qualifications.</p>	<p>The criteria, <i>inter alia</i>, include reputation, integrity, professional experience in law; number of scholarly publications; academic and teaching experience. Judges and prosecutors are preferred, but defence lawyers and other legal professionals are accepted.</p>	<p>The criteria for selection of trainers will be made taking into account their curricula. A particular attention is drawn to the trainers' specialisation and their experiences as experts and as trainers.</p>

- be active and motivated.			
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1.4.3 Remunerations for the trainers

Georgia	Italy	Moldova	Spain
If the Centre positively evaluates the performance of a prosecutor-trainer, he/she may receive various benefits: bonus, awards at the end of the year to recognise his/her achievements (e.g. nomination as the Best Trainer, etc.), consideration may be given during career advancement, involvement in international study visits, etc.	Prosecutors involved in delivering training do not gain specific benefits. Time needed to prepare and deliver training is accounted for as working time.	The only benefits are financial (the trainers are being paid for training sessions they hold) and they have privileged status during mandatory professional evaluations.	The main benefits for prosecutors working as trainers is financial. Each training activity has a specific fee. For instance: a lecture is paid according to the duration of the lecture. If a written document is provided for the lecture, then the fee might increase. If a prosecutor participates in a discussion panel, then there is a fee provided for their intervention on the panel.

1.4.4 Evaluation of trainers

Georgia	Italy	Moldova	Spain
The Centre conducts regular quality control aiming at assessing the efficiency of trainers. Each class is attended by a coordinator who evaluates the training process (during and/or after the course) through	Trainers are being evaluated at the end of each training by trainees, who are asked to fill out anonymous evaluation forms. Results of such evaluations are not formally	Trainers are legally required to pass an evaluation of professional compatibility every 2 years. All trainers also benefit from regular ToT sessions	After each activity or training program, learners are sent a digital evaluation form of the trainers, that has to be fulfilled within a week. This evaluation is sent as well to the coordinator of the

interviews, anonymous questionnaires and long-term feedback.	communicated to trainers.	organised by the Institution.	activity. In initial training these forms are often provided in hard copies.
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2 Functional aspects of prosecutorial training institutions

2.1 Evaluation of training needs

Georgia	Italy	Moldova	Spain
<p>The Centre conducts a thorough training needs assessment in cooperation with other Prosecutor's Office of Georgia structural units. A newly developed electronic program for training needs assessment is based on an electronic survey, which consists of individual and manager questionnaires. Individual questionnaires are filled out by rank-and-file employees, as well as managers.</p>	<p>The training needs are defined on the basis of the guidelines drawn up by the High Council for the Judiciary and the Ministry of Justice. Needs are based on judicial statistics and inputs from contact persons in charge of decentralised training are collected. Questionnaires may also be distributed to magistrates to identify areas in which training is sought.</p>	<p>On yearly basis, Curricula for both initial and continuous training are approved by the Council at the proposal of the Head of the Institution.</p> <p>???</p>	<p>The definition of the training needs and curriculum is done through three main channels: First, the General Prosecutor, as Head of the institution, along with their technical bodies has the power to define those needs.</p> <p>Second, the prosecutors answer a survey every year to detect the training needs that their own body demands</p> <p>Third, the Chief Specialised Prosecutors also help define the needs in their specific areas.</p> <p>With that information, the Training commission sets the training needs and training curricula in a meeting that evaluates</p>

			all the information gathered.
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2.2 Curriculum design

2.2.1 Types of classes

Georgia	Italy	Moldova	Spain
<p>Presentations, discussions, role-playing, practical assignments, case studies, study tours, real-life situation analysis and practical demonstrations are used. See the country report for more detail.</p>	<p>Trainings delivered at central level on a given topic include normally 4 different sessions. Each session follows a predetermined format: theoretical presentation followed by debate (around 45 minutes), followed by group work. Roundtables, discussions or guided debates are also foreseen. In any event, trainers are always asked to tackle issues from a practical, hands-on perspective.</p>	<p>Initial education: The style of trainings depends on individual trainers, some of them use classical university style of lectures. That said the UNDP sponsored project in 2016-2018 tried to implement moot court simulations as the predominant mode of teaching at the Institute.</p> <p>Continuing education takes a variety of forms, but seminars prevail because they are mostly organised by the National Institute of Justice according to the model inspired by local University traditions and teaching styles (mostly directing style of teaching, i.e. learning through listening and following directions of a trainer). However, in</p>	<p>Lectures, seminars, workshops, practical cases, visits to different institutions, virtual training, discussion panels, debates, etc. The main form of class, especially in continuous training is the lecture. Even though there has been an increase in innovative methodologies, certain classic patterns of training still remain due to big number of participants.</p>

		continuous education the forms of seminars depend on teaching style selected by trainer.	
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2.2.2 Who develops the modules?

Georgia	Italy	Moldova	Spain
At the planning stage, a joint meeting with participation of a Centre representative, trainer(s) and the target audience is organised (with international experts, information is exchanged by email). The participants identify the most important issues and agree on the expected results and training process. Following the meeting/exchange of information, the trainer develops/adapts the training module and submits to the Centre before starting the course.	Training modules are developed by appointed trainers, in coordination and cooperation with the person responsible for the training course either at central or local level.	Individual trainers mostly build the content of their trainings.	The director of the training module develops the module curriculum.

2.3. Evaluation of trainees

Initial training

Georgia	Italy	Moldova	Spain
Training results and the trainees' ratings are established in	Initial training is evaluated as a whole. There are no	Candidates are compelled by law to	In initial training the participants have to pass certain exams in

<p>accordance with the predetermined evaluation system. There are three types of evaluation: current exam - written/electronic/oral exam to check the knowledge of the specific topic within the training curriculum; intermediate exam - a joint assessment of one or more modules completed during the training course; final exam - a written/electronic/oral exam after completion of the training programme. For the final evaluation, attendance, involvement in the training process and exam results are taken into account. The minimum score required is 75/100.</p>	<p>additional tests or exams, but just the reports elaborated by various people in charge of the initial training of prosecutors. The confirmation of the appointment is based on such reports.</p>	<p>pass graduation exams and tests.</p>	<p>order to acquire the position of prosecutor. Mostly the exams are practical cases they have to solve for different modules.</p>
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Continuing training

Georgia	Italy	Moldova	Spain
<p>Same as the initial.</p>	<p>No tests or other forms of evaluation are foreseen. The law places an obligation on the Board of Directors to issue an evaluation of the participants, also on the basis of the</p>	<p>Acting prosecutors are not subjected to formal examination or testing. They, however, must attend the required number of 40 hours per year, in order to fulfil the requirements of</p>	<p>In Spain, continuous training is a right and not an obligation, therefore no exams are usually taken after each module. However, certain test may be taken when the course or unit</p>

	diligence shown during training and the opinion of trainers.	annual appraisal by the Supreme Council of Prosecutors. Failure to fulfil this requirement leads to low grades of professional compatibility, or even the risk of dismissal.	gives a certain status (e.g.: Training on International Judicial Cooperation has an online course that needs proof of achievement in order to work in the Specialised Unit).
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2.4 Is attendance of continuing training mandatory by law?

Georgia	Italy	Moldova	Spain
There is not a legal obligation for acting prosecutors (or compulsory number/kind of training courses) to attend continuous training.	Periodic professional evaluations are scheduled every 4 years. Each evaluation must be preceded by the attendance to at least one training course organised by the Superior School for the Judiciary. The evaluation issued by the Board of Directors is taken into account by the High Council for the Judiciary.	Yes. Continuous education is mandatory for acting prosecutors for 40 hours per year.	No.

2.5 Is professional education time included into the work experience of a prosecutor?

Georgia	Italy	Moldova	Spain
Yes	Time devoted to professional education time is accounted for as working time (paid leave).	Yes. It is counted for participants' professional experience.	Yes, it is compulsory that each Prosecutor's office allows the prosecutors to attend the trainings, unless exceptional work load

			requires his/her presence.
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2.6 Distance learning

Georgia	Italy	Moldova	Spain
HELP online courses (e.g. anti-discrimination, violence against women and domestic violence, etc.).	The Superior School for the Judiciary has its own distance learning platform (Moodle environment). In the past distance learning courses (case management) were launched: they were very well received but participation was low. Currently the only distance courses available are the linguistic ones (basic and advanced) and a few on very specialised issues (i.e. EU legislation). They are very similar to HELP courses, last between 3 and 6 months (with an average of 2 hours of work per week) and include knowledge checks. Two HELP courses were offered in 2019. On-line courses also envisage a closing face-to-face session.	The National Institute of Justice opened an e-learning platform. It is optional, topics-oriented. Some of the courses are prepared by local trainers, but the most of them are taken over from the CoE HELP platform and Romanian Institute of Justice.	Yes, there is distance learning. The main type is languages and specialisation training. The duration may vary, from one to four months depending on the content or the extension of the course.

Appendix 1. Country report – Georgia

In recent years, the Prosecutor’s Office of Georgia (POG) has undergone significant changes: the POG was separated from the executive and was established as an independent body; the prosecutorial functions were removed from the Minister of Justice and assigned to the Prosecutor General who is elected by Parliament for the term of six years. The POG is accountable only to Parliament.

The Professional Development and Career Management Centre (“the Centre”)¹⁰ is a structural unit of the POG. It operates within the HR and Development Department as one of its two divisions.

1. Organizational aspects of prosecutorial training institutions

1.1. Quantitative information: number of staff, yearly turnover of students, yearly budget

Number of staff	Four employees.
Yearly turnover of students	195 training activities were organised in 2018, with more than 2630 participants. Around the same number of participants were trained in 2017 and 2016.
Yearly budget	The Centre’s annual budget ¹¹ amounts to 120 000 GEL (approx. 40 000 EUR). Furthermore, most of its activities have been funded by international projects and donors.

1.2. What is the status of the institution employees: prosecutors, civil servants, general employees or any other? If mixed, proportions should be indicated.

The Centre employs civil servants who are not prosecutors. They are appointed/dismissed by the Prosecutor General.

1.3. What is the form of employment in the institution: permanent full-time employment, fixed-term temporary employment or engagement of external trainers for particular trainings? If mixed, proportions should be indicated.

Form of Employment	Functions
	Identify the POG staff professional development needs and implement tailor-made training programmes; in cooperation with international organisations, coordinate training activities,

¹⁰ The institutional and functional aspects of the Centre are set by the *Organic Law on the Prosecutor’s Office* (2018), the HR and Development Department’s *Charter* (2015); the *Working Document on the POG Employees’ Professional Development Standards* (2016) and the *Guidelines on Prosecutor Performance Evaluation System* (2017).

¹¹ With 860 employees in total, the 2019 POG budget amounts to 32 720 000 GEL (approx. 11 million euros).

Centre (4 permanent full-time employees)	seminars, workshops and conferences; cooperate with other state agencies, educational institutions and organise joint training events; develop teaching methods in compliance with international standards; organise tests, exams, MMPI (personality assessment tests) recruitment of interns and student apprenticeship programmes; elaborate training modules, guidelines and specific qualification standards; conduct specific communication training (jury trial, questioning of minors, ect.)
Acting prosecutors invited as trainers	Conduct most training courses. They undergo ToT organised by the Centre before delivering training.
External trainers recruited by the Centre	International experts, local experts on international standards, judges, English language, public speaking, psychology and communication trainers, computer program trainers, etc..
Mentors	A new mentorship programme was developed in 2017. Its goal is for interns to learn more about organisational culture, acquire knowledge required for their professional activities, develop skills and overcome challenges with the help of more experienced employees.

1.4. What is the modality of interaction of the institution with prosecutor's offices: decentralized (direct contact) or centralized (through head office)?

The Centre's activity is based on decentralised interaction with other structural units (including regional offices) of the POG.

1.5. What is the model of internal and external management of the institution? What is the organigram of the institution?

The Centre operates within the HR and Development Department as one of its two divisions and has a high degree of autonomy. It is composed of Head of Division (Centre) and three advisers. The Centre is accountable to the Prosecutor General and the Deputy Prosecutor General, who performs official oversight. In the exercise of its external functions, the Centre represents the POG.

Organigram of the institution



1.6. Who selects trainers? Which criteria are used for the selection of trainers?

The Centre conducts yearly training needs assessment in close cooperation with other POG structural units. The analysis is based on surveys and previous staff performance evaluation results (see 2.6. below) After identifying appropriate training needs, the Centre prepares an action plan for the coming year and selects trainers using internal (prosecutors) and external resources (see 1.3.(table) above). Candidates shall meet the following basic requirements:

- be a specialist in the field concerned and have a thorough knowledge of the training-related questions;
- in addition to theoretical knowledge, have practical experience, which will be used in problem-based learning;
- knowledge of adult learning techniques and assessment methodology;
- effective communication (verbal and non-verbal) skills;
- adhere to professional ethics in relation to trainees, colleagues and Centre staff;
- know the goals and objectives of the prosecutorial system and act accordingly;
- have the necessary computer skills;
- be active and motivated.

The selection process may include an interview, mock presentations, etc. If necessary, the selected candidates will undergo additional training of trainers (ToT) organised by the Centre.

1.7. If actual prosecutors are invited as trainers, do they have any benefits from it? If yes, what are those benefits?

If the Centre positively evaluates the performance of a prosecutor-trainer, he/she may receive various benefits: bonus, awards at the end of the year to recognise his/her achievements (e.g. nomination as the Best Trainer, etc.), consideration may be given during career advancement, involvement in international study visits, etc.

1.8. Do trainers go through a regular evaluation process to verify their competence to conduct trainings?

The Centre conducts regular quality control aiming at assessing the efficiency of trainers. Each class is attended by a coordinator who evaluates the training process.

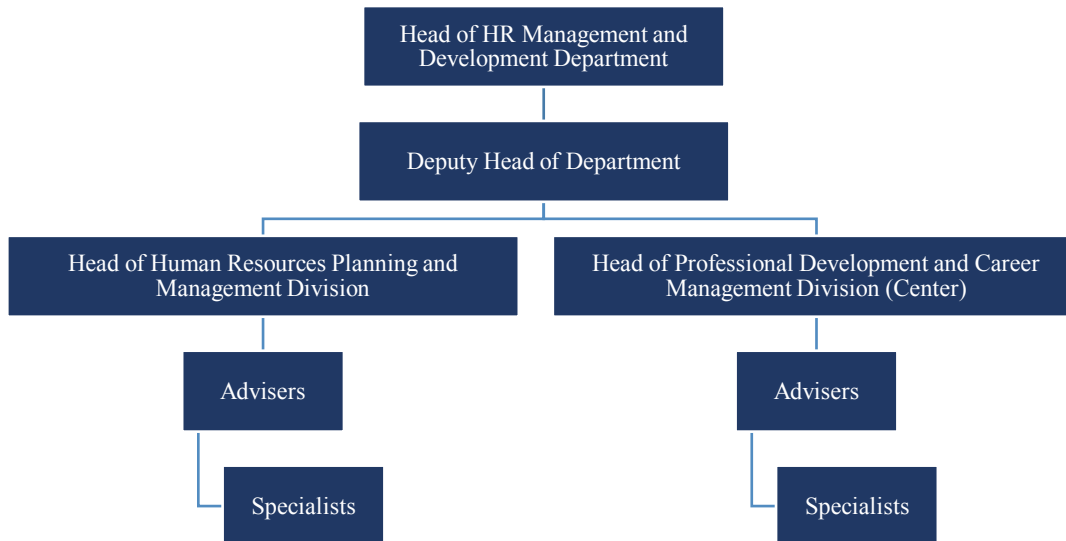
Evaluation Methods	
Interview	The frequency of interviewing trainees depends on the training duration.
Anonymous questionnaires	Completed during/at the end of the course. They aim at evaluating the effectiveness of the training course and post-training outcomes.
Long-term feedback	The Centre may conduct surveys of trainees and their managers 3-6 months after the training course, in order to know how they apply their knowledge in practice.

Following the analysis of the data collected, the Centre develops recommendations for stakeholders to increase the efficiency of the training programme concerned in the future.

1.9. Are there any aspects of the institution which are outsourced? (For instance, admin or logistics issues)

No

1.10. Provide examples of the staffing organigram



2. Functional aspects of prosecutorial training institutions

2.1. What types of training are provided: initial, continuous or both?

The Center provides initial training for future prosecutors (interns) and continuous training for acting prosecutors.

2.2. What is the duration of the training (per type if several types available)?

There are three categories of training duration: less than six hours; less than 24 hours and more than 24 hours.

2.3. How are training needs and training curriculum defined?

The Centre conducts a thorough training needs assessment in cooperation with other POG structural units. A newly developed electronic program for training needs assessment is based on an electronic survey, which consists of individual and manager questionnaires. Individual questionnaires are filled out by rank-and-file employees, as well as managers. Each employee selects training courses from the list and answers questions based on their professional development needs. The survey is divided into two sections: 1) thematic classification of training courses; 2) open-ended and closed-ended questions. Manager questionnaires are filled out by middle (first evaluator) and high-ranking (second evaluator)

managers. Managers select training courses and answer questions based on professional needs of their employees.

2.4. What are the forms of classes (i.e. lectures, seminars, workshops, practical cases, etc.)? Which of it does prevail and why?

Depending on the training objectives, various forms of classes may be used:

Form	Summary of content/qualifications obtained
Presentation	May consist of theoretical or practical assignments aimed at improving verbal and non-verbal skills. This method allows for consolidating knowledge through repetition and interpretation.
Discussion	Allows trainees to develop their argumentation, critical thinking and identify new ways of problem-solving. The trainer presents a problem, guides the discussion and summarises its results. This method consolidates knowledge and facilitates its application to new situations.
Role-playing	Group/individual exercise, improving the trainees' skills through modelling and imitation. Role-playing refers to a situation in which there are two or more different opinions or perspectives. The script should be pre-written and relevant to the study topic. A purpose-built moot courtroom enables participants to take part in simulated court proceedings involving oral argument and mock trials.
Practical assignment	Oral/written exercise aiming at reinforcing theoretical knowledge and improving practical skills.
Case study	Concerns real-life situations/issues that require the trainees to think critically and express their views. It leads to active involvement. This method consolidates knowledge and facilitates its application in practice.
Group work	Used when it is necessary to see an issue from different perspectives, to come up with new ideas and approaches while no one knows the right answer to the question. Group work develops teamwork and communication skills; it is particularly useful when the discussion topic is actual and interesting to learners.
Study tour	Visit an institution to learn about its activities. The trainees are given the opportunity to observe the working environment in real life and the specificities of the field.
Real-life situation analysis	Used to familiarize the trainees with the practical aspects of the study topic. Specific examples of real professional life are discussed.
Practical demonstration	A practical exercise involving performing tasks by the trainer, followed by an explanation. This method develops practical skills by imitating and

	explaining facts, processes and concepts. When using this method, the audience is passive, and the attention is focused on the trainer.
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2.5. Who does develop the training modules for each training?

The Centre ensures planning and development of training modules for each training course. At the planning stage, a joint meeting with participation of a Centre representative, trainer(s) and the target audience is organised (with international experts, information is exchanged by email). The participants identify the most important issues and agree on the expected results and training process. Following the meeting/exchange of information, the trainer develops/adapts the training module and submits to the Centre before starting the course.

2.6. What is the system of knowledge evaluation (i.e. exams, tests, etc.)? How does it influence the career of a prosecutor?

Knowledge evaluation system. Training results and the trainees’ ratings are established in accordance with the predetermined evaluation system. There are three types of evaluation: *current exam* - written/electronic/oral exam to check the knowledge of the specific topic within the training curriculum; *intermediate exam* - a joint assessment of one or more modules completed during the training course; *final exam* - a written/electronic/oral exam after completion of the training programme. For the final evaluation, attendance, involvement in the training process and exam results are taken into account. The minimum score required is 75/100.

Knowledge evaluation formats

Name	Summary of content (if any)	Evaluation Criteria (if any)
Test	May include closed-ended or/and open-ended questions.	Accuracy of response and compliance with the assignment requirements; theoretical knowledge.
Casus	Analysis of a situation close to reality; includes questions at the end. Content and structure are important. The content shows the level of knowledge to perform the task while the structure reflects the level of consistency and logical reasoning.	Accuracy of response and compliance with the assignment requirements; theoretical knowledge; ability to formulate ideas clearly and consistently; argumentation; vocabulary and grammar.

Role-playing	A simulated situation where trainees make practical use of their theoretical knowledge.	Use of techniques acquired during the training course; theoretical knowledge; ability to formulate ideas clearly and consistently; non-verbal communication skills; show the right attitude.
Oral exam		Theoretical knowledge, ability to convey information, reasoning, verbal and non-verbal communication, etc..
Attendance	If a training course does not include any assessment, the obtention of the certificate depends on the participant's attendance rate.	

The prosecutor performance evaluation system, which is a separate procedure, was introduced by the end of 2017, and in 2018 all prosecutors were evaluated. During the performance evaluation process, the training results (if any, as it is possible that during the reference period, the prosecutor concerned did not undergo any training) (participation in the training activities (including arrival on time, attendance (fully attended or was absent for excusable reasons, timely informing the training coordinator); respect of standards of conduct (e.g. use of mobile phone during the training, talking, etc.); involvement (to what extent he/she participated in the process, whether he/she demonstrated interest/acceptance towards the topics discussed)) are taken into account.

2.7. Is professional education time included into the work experience of a prosecutor?

Yes

2.8. Is there a distance learning? If yes, please provide key characteristics as to the type, duration, curriculum, knowledge evaluation, etc.

HELP online courses (e.g. anti-discrimination, violence against women and domestic violence, etc.).

Appendix 2. Country report – Italy

In Italy Judges and Public Prosecutors are considered magistrates. In 2019 there were 9.401 professional ordinary magistrates (5013 of which women). This figure includes also candidate magistrates. The total number of public prosecutors is 2138.

Admission to the profession of Judges and Public Prosecutors is based on a competitive examination. Successful candidates become trainee magistrates. All magistrates undergo common initial and continuous training. Only in exceptional cases training is restricted to Prosecutors only. The magistrates' initial and continuous training is organized by the High Council for the Judiciary (CSM) and provided by the Superior School for the Judiciary (SSM)¹². The SSM is an independent entity with legal personality under public and private law. It has full capacity vis-à-vis organisational, functioning, management, contractual and accounting aspects of its activity. It is the sole agency competent with regard to professional training of the judiciary. The CSM¹³ is the self-governing body of the judiciary, comprising ordinary (civil and criminal) judges and prosecutors.

Objective of initial training: initial training is regulated by law. The initial training is both theoretical (classes) and practical (internship), and also encompasses deontological aspects of the profession. It is also functional to verify the suitability of the candidate magistrates for judicial functions. The process of initial training of magistrates is also oriented to the refinement of the necessary qualities of commitment, fairness, balance, independence and impartiality, as well as the attitude of permanent updating of the professional preparation and the maturing of an attitude correct and profitable in relationships with colleagues, lawyers, staff administrative, judicial police, citizens and the media.

Location and duration of the initial training: candidate magistrates perform their internship in a first instance court of the Court of Appeal district where they reside at the moment of appointment. The training lasts 18 months. At the end of the first period of training, trainees elect their future profession (Judges or Public Prosecutors) and receive specific training, lasting 6 months.

Continuous training: acting prosecutors (just like all magistrates) have an obligation to attend at least once every 4 years of the training courses offered by the SSM at central level. Within the first 4 years from appointment, they have an obligation to participate to continuous training at least once a year. After 7 years of holding the same position, attendance to continuous training related to such position is compulsory. Specific, compulsory training is also foreseen for those magistrates intending to move from positions (Judges to Prosecutors and viceversa, access to managerial positions).

Gender dimension: considering the high number of female magistrates, SSM created a nursing room and a dedicated room where children can stay with their adult carers

1. Organizational aspects of prosecutorial training institutions

¹² Established by Legislative Decree 30 January 2006, n. 26. The same provisions regulates initial and continuous training. The charter of the School – which represents the expression of its autonomy – was adopted on February 6, 2012.

¹³ Its competence is based upon Articles 104 and 105 of the Italian Constitution, as well as on Law n. 195 of 24 March 1958 concerning "Establishment and organisation of the Consiglio Superiore della Magistratura". CSM is responsible - among other matters - for providing the SSM, on a par with the Ministry of Justice, with yearly guidelines concerning the continuous training programme, as well as for some aspects of recruitment of members of the judiciary, whose initial training is organised by the School (see above) according to directives of C.S.M.

1.1. Quantitative information: number of staff, yearly turnover of students, yearly budget;

Total staff of the SSM: 39, of which 27 are administrative staff. 29 Staff work in the in the administrative headquarter in Rome, and 10 in the operative branch in Scandicci (Florence). By law, the total number of staff cannot be more than 50.

In 2018 a total of 121 continuous training courses were organized: 95 at national level, 26 at local level but open nationwide. 6 extraordinary courses on topical or particularly actual issues were also organized. A total of 33.019 training places were made available.

Decentralized training, organized by the 27 decentralized units, is open to magistrates working in the relevant geographical area. In 2018 a total of 600 decentralized courses were organized.

In 2018, ordinary and extraordinary courses at central level accounted to an average of 3 per week.

2 courses for candidate managers and 19 weeks of initial training were also organized in 2018, for a total of 689 participants.

9.633 magistrates (including honorary magistrates) requested to be enrolled in at least one course (maximum 2 weeks of courses per magistrate per year) – of these 7.225 are professional magistrates and 2408 honorary magistrates. A total of 8625 magistrates actually participated in the courses. Women participants were 5.597. Courses are open also to a total of 650 external participants (lawyers, foreign magistrates and magistrates for special jurisdictions).

A total of 689 participants attended the 2 courses for candidate managers and the 19 weeks of initial training.

284 European magistrates (of which 52 candidate magistrates and 6 trainers) also participated in activities organized by the SSM.

A few training initiatives can take place in various parts of Italy, in cooperation with state institutions or Universities.

The average number of participants per courses is 90 people. Sometimes a quota (i.e. 15 places) is reserved for Prosecutors.

Participants apply to all course via the SSM system and, for national-wide courses, they express up to 4 preferences. Selection is carried out by the SSM on the basis of seniority (less senior magistrates are preferred), preferences, relevance of the training, geographical distribution and previous participation to similar trainings.

2018 budget: € 13.309.973,12 – of these

€ 13.123.758,00 were provided by the State

€ 1.383,05 by international contributions

€ 184.832,07 other sources

Expenses amounted to

€ 9.780.651,55 of which

€ 231.420,80 internal organig ;

€ 111.261,52 staff (external)

€ 1.183.728,79 consumables and services

€ 433,29 sanctions

€ 95.518,99 taxes

€ 262.203,65 durable goods and estate

€ 664.99,07 funds to be transferred to other institutions

<p>1.2 What is the status of the institution employees: prosecutors, civil servants, general employees or any other? If mixed, proportions should be indicated.</p>	<p>As per its Statute, the SSM's staff is either detached or seconded from the MoJ, the CSM or other public administrations. They maintain their original status.</p> <p>External consultants can be occasionally hired. Their presence is not significant.</p>
<p>1.3 What is the form of employment in the institution: permanent full-time employment, fixed-term temporary employment or engagement of external trainers for particular trainings? If mixed, proportions should be indicated.</p>	<p>Staff are permanent, full-time civil servants. The non-magistrate members of the Board of Directors work part-time.</p> <p>The School relies on external consultants for the implementation and delivery of trainings. Trainers are identified by the Board of Directors amongst magistrates, university Professors and lawyers with proven qualifications.</p>
<p>1.4 What is the modality of interaction of the institution with prosecutor's offices: decentralized (direct contact) or centralized (through head office)?</p>	<p>Interaction of the Institution with the prosecutors' Offices is centralized, even when training activities are decentralized.</p>
<p>1.5 What is the model of internal and external management of the institution? What is the organigram of the institution?</p>	<p>The organisation of the School is governed by its charter as well as regulations that the School itself may adopt.</p> <p>The organs of the School are the Board of Directors, the President, and the Secretary General.</p> <p>The Board of Directors is composed of 12 members appointed partly by the CSM and partly by the MoJ. Seven members are magistrates (acting or retired), 3 University Professors are 2 are lawyers. Their tenure of office is 4 years and they cannot be immediately reconfirmed. They are independent from the body that appointed them. They cannot hold any publicly elected position or be a part of controlling bodies of private or public entities.</p>

	<p>The President is elected by the Board of Directors.</p> <p>The Secretary General, appointed by the Board of Director is either a judge or prosecutor or a chief executive within State Ministries.</p>
1.6 Who selects trainers? Which criteria are used for the selection of trainers?	<p>Trainers are selected by the Board of Directors. Trainers are selected amongst current or former magistrates, university professors, and lawyers of proven expertise and qualifications. As of 2016, a Roster of appointed trainers has been established. The Roster allows to have an overview of the number of courses assigned to a given trainers, as well as the evaluation received.</p> <p>Inclusion into the Roster is not a prerequisite for selection. All appointed trainers, however, are registered in the Roster.</p>
1.7 If actual prosecutors are invited as trainers, do they have any benefits from it? If yes, what are those benefits?	<p>Prosecutors involved in delivering training do not gain specific benefits. Time needed to prepare and deliver training is accounted for as working time.</p>
1.8 Do trainers go through a regular evaluation process to verify their competence to conduct trainings?	<p>Trainers are being evaluated at the end of each training by trainees, who are asked to fill out anonymous evaluation forms. Results of such evaluations are not formally communicated to trainers. Trainers coordinate the methodology with the person in charge of the training, at central or local level. No training of trainers is administered. The Roster of Trainers, however, also includes experts in adult education.</p>
1.9 Are there any aspects of the institution which are outsourced? (For instance, admin or logistics issues);	<p>The following activities are outsourced: interpretation and translation, cleaning and portorage; publications, and rentals, IT and telecommunication services; maintenance.</p>
1.10. Provide examples of the staffing organigram	<p>Administrative Headquarter (Rome)</p> <p>1 President</p> <p>Private Cabinet (2 staff)</p>

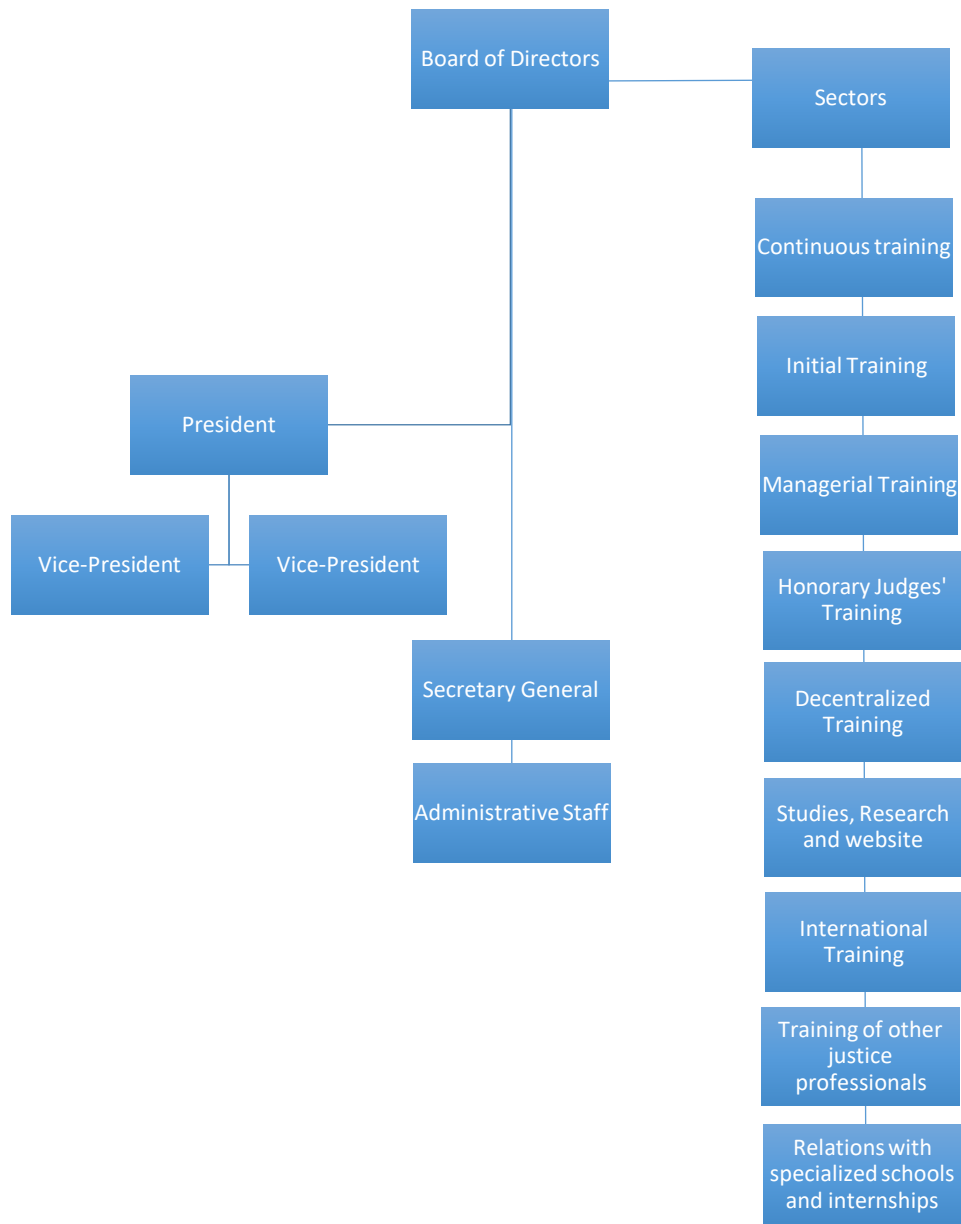
	<p>1 Board of Directors</p> <p>Continuous Training Unit (4 staff)</p> <p>Decentralized Training Unit (1 staff)</p> <p>International Activities Unit (2 staff)</p> <p>1 Administrative Director</p> <p>Salary Unit (1 staff)</p> <p>Reimbursement Unit (1 staff)</p> <p>Accountancy Unit (2 staff)</p> <p>Protocol (2 staff)</p> <p>IT Unit (1 staff)</p> <p>Training center in Scandicci (Florence)</p> <p>1 Administrative Director (administration and logistics)</p> <p>1 Training Director</p> <p>Permanent and honorary training Unit (2 staff)</p> <p>Management training Unit (2 staff)</p> <p>International Training Unit (1 staff)</p> <p>Initial training Unit (3 staff)</p> <p>Front Office One (Initial Training) (2 staff)</p> <p>Front Office Two (Continuous Training) (2 staff)</p> <p>Front Office Three (Management training) (1 staff)</p> <p>* note that 1 staff can work under more than 1 Unit</p>
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2 Functional aspects of prosecutorial training institutions

<p>1.1. What types of training are provided: initial, continuous or both?</p>	<p>SSM offers both initial and continuous training.</p> <p>Initial training consists of 4 months' ordinary internship in a district court, both in civil and criminal areas, 2 months at the district Prosecutors' Office, 6 months specific internship (depending on the future position of the candidate), and 6 non-consecutive months' training at the SSM. Of these, 4 months are spent before the future position of the candidate is decided, 2 after. For each group of up to 6 candidate judges two mentors (one civil, one criminal) are identified. Each mentor can have up to 3 mentees. Mentors are selected amongst senior magistrates, on the basis of their expertise and knowledge, but also communication, teaching, and organizational skills. The mentors develop for each of their mentees the ordinary and specific internship plans. These are submitted to the Judicial Council. The Board of Directors of the SSM, taking into the account the opinion of the CSM, approves the plans. The Board of Directors also appoints Tutors to mentees. Tutors are in charge of the didactical assistance. Each Tutor has a maximum of 20 mentees. For the duration of the trainings held at the SSM, Tutors are exempted from judicial work.</p> <p>Unsuccessful candidate magistrates undergo a new internship lasting one year, at the end of which assessment by CSM is carried out.</p>
<p>1.2. What is the duration of the training (per type if several types available)?</p>	<p>Continuous trainings delivered at central level generally last 4 sessions (each assigned to different trainers), namely 2 full days. The duration of each training cannot in any event be longer than 2 weeks. Decentralized training sessions, organized and delivered by the currently 27 decentralized training units, generally last half a day.</p>
<p>1.3. How are training needs and training curriculum defined?</p>	<p>The training needs are defined on the basis of the guidelines drawn up by the CSM and the Ministry of Justice. Needs are based on judicial</p>

	<p>statistics and inputs from contact persons in charge of decentralized training are collected. Questionnaires may also be distributed to magistrates to identify areas in which training is sought.</p> <p>The School involves many institutional subjects in the general planning (Presidency of the Constitutional Court, the Ministry of Justice, the Ministry of the Interior, the Council of Presidency of Administrative Justice, the Council of Presidency of Tax Justice, the Bank of Italy, the National Anti-Corruption Authority, the Ombudsperson for Children and Teenagers, the Civil Protection Department, the Graduate School for Police Forces, the School of Economic and Financial Police of the Guardia di Finanza (economic and fiscal police), the Presidency of the National Commission for the right of asylum, the Italian Notary Foundation, the Accademia della Crusca (Italian society for scholars and Italian linguists and philologists), the Accademia dei Lincei (Italian Academy of Science), the University of Florence, the University of Trento, the Roma Tre University, the Luiss University of Rome, the Syracuse International Institute of Criminal Justice and Human Rights, the Observatory on Crime in Agriculture and the Agrobusiness.</p>
<p>What are the forms of classes (i.e. lectures, seminars, workshops, practical cases, etc.)? Which of it does prevail and why?</p>	<p>Trainings delivered at central level on a given topic include normally 4 different sessions. Each session follows a predetermined format: theoretical presentation followed by debate (around 45 minutes), followed by group work. Roundtables, discussions or guided debates are also foreseen. In any event, trainers are always asked to tackle issues from a practical, hands-on perspective.</p>
<p>1.5. Who does develop the training modules for each training?</p>	<p>Training modules are developed by appointed trainers, in coordination and cooperation with the person responsible for it either at central or local level.</p>

<p>1.6. What is the system of knowledge evaluation (i.e. exams, tests, etc.)? How does it influence the career of a prosecutor?</p>	<p>No tests or other forms of evaluation are foreseen. The law places an obligation on the Board of Directors to issue an evaluation of the participants, also on the basis of the diligence shown during training and the opinion of trainers. The evaluation is included in the personal file of the magistrates and the CSM for the any decision concerning the magistrate.</p> <p>Periodic professional evaluations are scheduled every 4 years. Each evaluation must be preceded by the attendance to at least training course organized by the SSM. The evaluation issued by the Board Directors is taken into account by the CSM.</p> <p>Initial training is evaluated as a whole.</p>
<p>2.7 Is professional education time included into the work experience of a prosecutor?</p>	<p>Time devoted to professional education time is accounted for as working time (paid leave).</p>
<p>1.8. Is there a distance learning? If yes, please provide key characteristics as to the type, duration, curriculum, knowledge evaluation, etc.</p>	<p>The SSM has its own distance learning platform (Moodle environment). In the past distance learning courses (case management) were launched: they were very well received but participation was low. Currently the only distance courses available are the linguistic ones (basic and advanced) and a few on very specialized issues (i.e. EU legislation). They are very similar to HELP courses, last between 3 and 6 months (with an average of 2 hours of work per week) and include knowledge checks. Two HELP courses were offered in 2019. On-line courses also envisage a closing face-to-face session.</p>



Appendix 3. Country report – Moldova

Prosecutorial Training Institution

Data described in the present report were collected from official sources, mostly official Web pages, Yearly Reports of the relevant Educational Institution for Prosecutors and General Prosecutors' office. Some answers were answered on basis of personal professional experience as a former trainer at the Institute and ex-prosecutor. Domestic framework laws helped to provide answers to the remained questions.

General description

The only prosecutorial training institution in the Republic of Moldova is **National Institute of Justice** ("INJ", "the Institute"), that serves as a mixed academic establishment for professional education of both judges and prosecutors. It is open for trainings of other legal professionals.

Prosecutors and judges in the Moldovan legal system are autonomous in status (magistrates and prosecutors, respectively); the Judiciary and the Prosecutors' offices have each its own self-governing bodies (the Supreme Council of Magistrates and Supreme Council of Prosecutors, respectively), responsible for selection, appointment, career and professional evaluation of judges and prosecutors. However, in terms of professional education they all share the INJ as primary institution for their professional education (sometime they could attend the same training sessions). The INJ also serves as a post-graduate institution responsible for selection and tutoring of candidates for judicial and prosecutorial tenure.

The General Prosecutors Office lunched its own educational center in 2006, but after almost 1 year of activity it was merged into the INJ in November 2007.

The INJ has its own legal status, as independent public institution with the right to build its own budget and educational policies, its functioning and organization being subjected to special law on the INJ (no. 152 of 08/06/2006) and a number self-adopted regulations concerning a variety of aspects relevant for its activity (for ex. Regulations on status of trainers, Registry, organization of professional tests, etc.)¹⁴.

Answers to the questionnaire

The information collected below represents current status and do not mirror the dynamics of the INJ development during its 12 years history. Its activity and status increased, both in quotative data and some functional aspects. The below answers do not reflect these changes, unless it is implied from the question. The Analysis reflects the up-to-date situation and practices; some quantitative data are from end of 2018, as the 2019 statistics will be updated by the Institution at the beginning of next year.

1. Organizational aspects

1.1.	1.1.1.	number of staff - 73 persons as of 2018
	1.1.2.	yearly turnover of students – it depends on the type of education, but the general figure as it stands in 2018 is 40-50 students in initial-type education (candidates for prosecutors and judges) and 5906 acting professionals in continuous professional education (judges, prosecutors, lawyers, criminal investigators, probation officers, etc.)
	1.1.3.	yearly budget – in 2018: - allocated EUR 902.388,8 (institutional); - spent EUR 823.521,9 (institutional); - allocated EUR 254.126,2 (scholarships);

¹⁴ More about the INJ could be found at its official web page in English <https://www.inj.md/en/statutes>

	<ul style="list-style-type: none"> - spent EUR 226.346,9 (scholarships); - spent EUR 10.328,2 (sponsored) <p>Dynamics show that since 2007, the Institution's budget only increases.</p>
1.2.	<p>Mixed: Managerial and Senior positions could be occupied by both prosecutors, judges or law professors elected and/or seconded to for the period of 5 years with one possible extension for the same period. They are being assisted by paralegal assistances and technical staff.</p> <p>Currently, the Institute holds 16 senior positions (seconded prosecutors, judges or law professors for fully employed), 25 fully-employed trainers for initial training (for candidates to judges and prosecutors) 15 paralegal assistants and 6 technical staff.</p>
1.3.	<p>Mixed: Full-time employment is for technical staff and paralegal assistants. Sitting prosecutors could be seconded for the period of 5 years with possible extension for the same period. Prosecutors could occupy any senior position within the INJ, for which they were seconded, keeping their salaries and social benefits afforded to status of prosecutors. They combine the administrative position within the institution and daily didactic activity. They are fully-employed for the seconded period. However, the ratio between seconded judges and prosecutors effectively employed as managerial staff of the Institute, favours the former.</p> <p>External trainers-prosecutors are neither fully nor temporarily employed in the INJ. They retain their prosecutorial position and are called for training sessions to which they have been designated, with a separate payment for each session, usually agreed on contractual basis with the Institute. In practice, the payment for teaching activity was always criticized by external trainers as less than even acceptable. According to the current legal status of prosecutors, they could combine prosecutorial functions with teaching and/or academic activity.</p> <p>The same system applies to judges-trainers and seconded judges.</p> <p>Proportions of the seconded and external professional trainers vary, but usually the equal distribution between the seconded prosecutors and judges is being kept. Proportions of External trainers vary depending on the results of their formal selection and appointment. Currently, the Institute lists as its Trainers 20 sitting judges, 17 prosecutors, 10 Defence lawyers and 37 law professors and civil servants (mostly from the Ministry of Justice). But the ratio of Trainers with different background and professional employment at the Institute, is not predetermined; trainers act in their personal capacity and the numbers of prosecutors-trainers or judges is subjected rather to preferences, professional compatibility of trainers, the needs and traditions established within the Institute. Judges trainers are always preferred in comparison with prosecutors.</p>
1.4.	<p>Mostly centralised, via the Head of the Institute (Director) and General Prosecutor or the President of the Supreme Council of Prosecutors, for decision-making purposes. But direct relations on daily issues between the Institute executive staff and prosecutors, including trainers are encouraged.</p>
1.5.	<p>Institution is autonomous and independent. The Council of the Institute is the highest supervisory self-governing body composed by 7 judges, 4 prosecutors, 1 representative of the Ministry of Justice and 1 Law Professor. The Council appoints the Head and Deputy of the Institution (the CEO), as well as approves internal regulations, strategies, education policies, Curricula and it is responsible for fundamental primary administrative decisions (such as budget) and the network of trainers. The CEO approves the structure</p>

	of institution, staff employment and takes other administrative decisions. Institution is mainly composed by Administrative, Educational and Research divisions, each separated in 12 sub-sections, such as international relations, finances and accounting; human resources; IT; Media; ToT; Initial/Continuous Education; etc.
1.6.	Trainers are selected and/or re-approved following a periodic 2 years examination by the Council, basing on the criteria which it approves. The criteria, <i>inter alia</i> , include reputation, integrity, professional experience in law; number of scholar publications; academic and teaching experience. Judges and prosecutors are preferred, but defence lawyers and other legal professionals are accepted on equal basis if pass the examination.
1.7.	Yes, acting prosecutors are mostly preferred as trainers. Mostly, they come from senior positions but ordinary prosecutors also have access to the trainer positions if they fit the selection criteria. The only benefits are financial (they are being paid by training sessions they hold) and they have privileged status during mandatory professional evaluation and career.
1.8.	Yes. It is legally required them to pass an evaluation of professional compatibility as trainers, including in teaching skills, in 2 years. They also benefit from regular ToT sessions organised by the Institution.
1.9.	Yes. Usually this are extra-curricular activities, such as hosting conferences, round tables, thematic training sessions at the initiative and under the auspices of Cooperation projects (CoE, EU, UN, other IOs) and NGOs.
1.10.	The organigram in English could be found here: https://www.inj.md/en/organizational-chart

2. Functional aspects

2.1.	Both.
2.2.	Initial education is mandatory for 18 months long, based on the High Education / University studies model, including mandatory traineeship. Continuous education is mandatory for acting prosecutors for 40 hours per year.
2.3.	On yearly basis, Curricula for both initial and continuous training are approved by the Council at the proposal of the Head of the Institution.
2.4.	Mixed. Initial education is normally held by University model, i.e. lectures and seminars (which may include case-studies), along with some extra-curricular activities, such as attending to events organised within the Institution. A traineeship in a Prosecutor Office, between 3 and 6 months, is mandatory. Continuing education takes a variety of forms, but seminars prevail because they are mostly organised by the INJ according to the model inspired by local University traditions and teaching styles (mostly directing style of teaching, i.e. learning through listening and following directions of a trainer). However, in continuous education the forms of seminars depend on teaching style selected by trainer.

2.5.	Mostly, they are being inspired by the approved general Curricula of the Institution, which contains detailed instructions and topics. However, each trainer, normally would draft his or her own modules in more detailed fashion, but in practice most of the trainers use previous curricula as models.
2.6.	Candidates are compelled by law to pass graduation exams and tests. Acting prosecutors are not subjected to formal examination or testing. They, however, must attend the required number of 40 hours per year, in order to fit the legally required periodic (or exceptional) evaluation of professional compatibility before the Supreme Council of Prosecutors. Otherwise, lack of the required number of training hours leads to low grades of professional compatibility, or even the risk of failure to pass the evaluation test and thus dismissal.
2.7.	Yes. It is embedded into his or her professional experience as mandatory criterion for evaluation of professional compatibility.
2.8.	Recently, the INJ opened an e-learning platform. It is optional, topics-oriented, payed and only certified. Some of the courses are prepared by local trainers, but the most of them are taken over from Coe HELP platform and Romanian Institute of Justice (the Republic of Moldova and Romania share the same language).

Comparative paper on prosecutorial training institutions. Spain's Centro de Estudios Jurídicos

Please find the answers to the questions stated in the paper sent to this institution. If a follow up were needed or were there any gaps, please don't hesitate to contact me.

3. Organizational aspects of prosecutorial training institutions

3.1. Quantitative information: number of staff, yearly turnover of students, yearly budget;

The Centre of Legal Studies (Centro de Estudios Jurídicos or CEJ) is an independent body of the Spanish Ministry of Justice, with its own budget and management autonomy, in charge of the training of prosecutors, as well as court members (clerks, forensic doctors, toxicology physicians), State Attorneys and judicial police corps.

The Centre of Legal Studies has a staff provision of 43 people, however, currently there are only 40 staff members working at this Centre.

Regarding students, and focusing only in prosecutorial training, we can divide in initial training and continuous training.

The number of students in initial training depends on the Governments notice of open competitions to acquire the status of public prosecutor. As of numbers in these years, last year 36 prosecutors were trained. In 2019 we are providing training to 108 prosecutors, and as for 2020, the expectations are to be receiving 120 students for initial training. The Government is by law compelled to open this competition at least every other year.

Regarding continuous training, numbers may vary depending on the year. The number of activities for prosecutors through the years are around 70, and it is delivered to over 2000 prosecutors. The budget for the whole institution is around 11M€. The budget for prosecutor's continuous training is around 1.5M€, and for initial training is around 500.000€

3.2. What is the status of the institution employees: prosecutors, civil servants, general employees or any other? If mixed, proportions should be indicated.

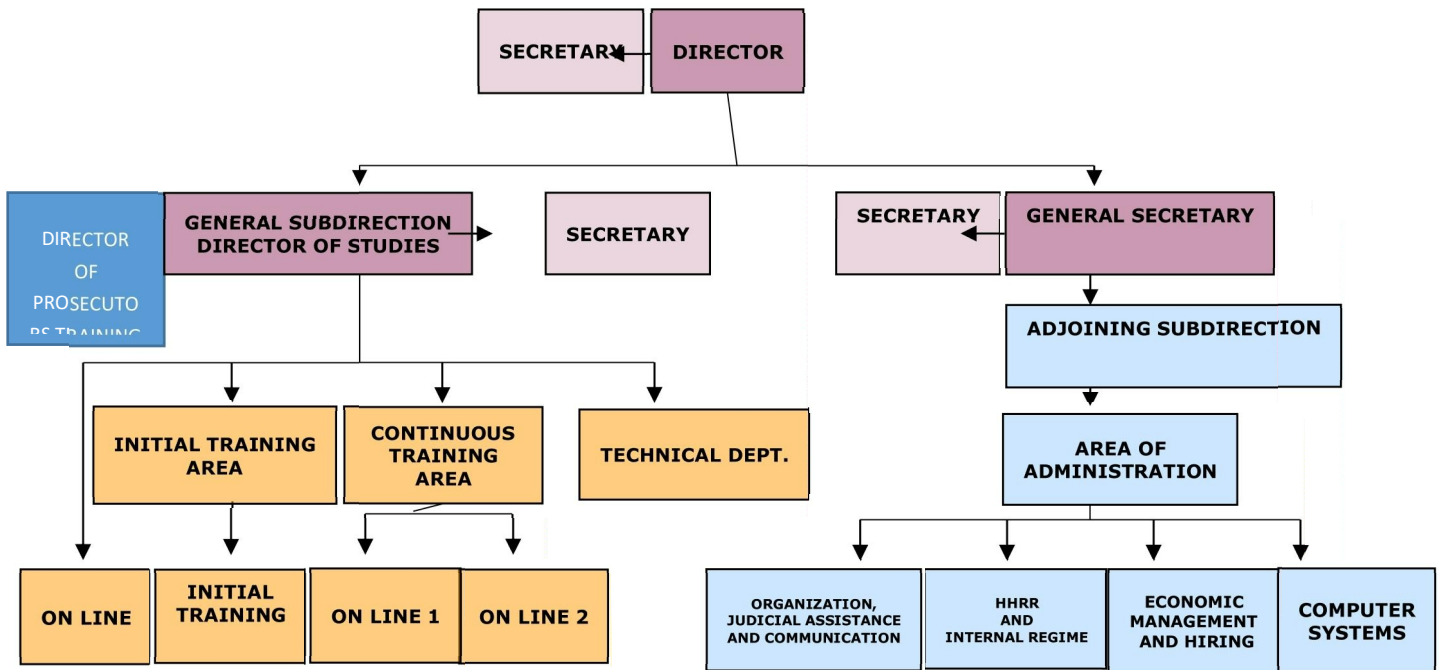
The institution employees are all civil servants. The current director is a public prosecutor, although no provision makes it compulsory to be so. In all cases, the director will act as a civil servant.

As of 2019, with the new regulation of the CEJ (Royal Decree 312/2019, of April 26th), a public prosecutor will be named by the Ministry of Justice, as proposed by the General Prosecutor, Director of Public Prosecutors' training. His jurisdiction will be to direct, within the CEJ's organization, the training (both initial and continuous) of the prosecutors. However, the lack of an acting Government so far after the publication of the Royal Decree hasn't allowed the appointment that post.

Another exception should be noted. There is no permanent trainers staff, which are only appointed for the specific task they're paid for.

3.3. What is the form of employment in the institution: permanent full-time employment, fixed-term temporary employment or engagement of external trainers for particular trainings? If mixed, proportions should be indicated.

Regarding permanent staff, out of the provision of 43 people, currently 30 people are permanent full-time employees. In order to fulfill the needs, 10 people are hired on a year basis, while trying to appoint the rest of job provisions on a permanent basis, through public competition.



Regarding trainers, they are hired for specific activities, on a great percent (over 95%) are prosecutors or judges. For instance, in initial training there are two parts: a first phase of theoretical/practical learning, which implicates around 95 trainers, and a second phase of training on the job, in courts, which imply 4/5 prosecutors that work as trainers for groups of two trainees during 16/17 weeks.

In continuous training, although advancing information of the next section, most training activities require an average of 8 trainers/lecturers for each activity (with an average of 70 activities, it calls for 560 trainers).

- 3.4. What is the modality of interaction of the institution with prosecutor's offices: decentralized (direct contact) or centralized (through head office)?

Through head office. The General Prosecutors office has prosecutors in charge of training. Up until the legislative change, there was a prosecutor working as advisor to the Director of the CEJ. Both figures would centralize the interactions. However, the recent creation of the post of Director of prosecutors' training creates an ever more centralized contact between both Institutions.

- 3.5. What is the model of internal and external management of the institution? What is the organigram of the institution?

- 3.6. Who selects trainers? Which criteria are used for the selection of trainers?

The selection of trainers for prosecutorial training is divided between initial and continuous training.

In initial training the theoretical/practical activities are divided in different units. Each unit is coordinated by one or two prosecutors (depending on the length of the unit). The appointment to be coordinator is made for three years and open to public competition among prosecutors. The election is made by the CEJ upon proposal of the General Prosecutors Office (GPO) among all the candidates. If the unit is referred to a matter of a Specialized Prosecutors Office, the proposal will be made by the Chief Prosecutor of that office.

The selection of the trainers of each unit will be made upon public competition among prosecutors and the final selection will be made by the CEJ upon proposal of the of the coordinators.

The criteria to select the trainers will be made taking into account their curricula, particularly regarding their specialization and their experiences as experts and as trainers.

In continuous training, the GPO will elaborate a year planning of trainings that would like to offer to the Prosecutors and will be discussed in the training commission. In the year planning courses are identified with directors named by the GPO. Those directors are in charge of the election of the trainers who will seek them based on expertise and training experience.

- 3.7. If actual prosecutors are invited as trainers, do they have any benefits from it? If yes, what are those benefits?

The main benefits for prosecutors working as trainers is economical.

- 3.8. Do trainers go through a regular evaluation process to verify their competence to conduct trainings?

Each trainer is evaluated after each training.

- 3.9. Are there any aspects of the institution which are outsourced? (For instance, admin or logistics issues);

Logistics, catering and certain aspects of data processing.

- 3.10. Provide examples of the staffing organigram

Given in 1.5.

4. Functional aspects of prosecutorial training institutions

- 4.1. What types of training are provided: initial, continuous or both?

Both.

- 4.2. What is the duration of the training (per type if several types available)?

Initial training: 8 months. 4 months (sept. to dec.) in the institution in a theoretical/practical training. Afterwards, 4 months (jan-april) of on site work under the control of prosecutors acting as training tutors.

Continuous training: The activities may vary.

Workshop: one day.

Short training: two days.

Extensive training: three days.

Stay (thorough knowledge of an institution): five days.

Online training: Up to four months.

- 4.3. How are training needs and training curriculum defined?

The training needs and training curriculum is defined yearly by the GPO with the help of the training commission.

- 4.4. What are the forms of classes (i.e. lectures, seminars, workshops, practical cases, etc.)? Which of it does prevail and why?

Lectures, seminars, workshops, practical cases, visits to different institutions, virtual training, discussion panels, debates, etc. The main form of class, especially in continuous training is the lecture. As to the why, even though there has been an increase in new methodologies, certain classic patterns of training still remain as the basis for a rather big amount of trainers.

- 4.5. Who does develop the training modules for each training?

As developed earlier, the director of the training module.

- 4.6. What is the system of knowledge evaluation (i.e. exams, tests, etc.)? How does it influence the career of a prosecutor?

In initial training they have to pass certain exams in order to acquire the position of prosecutor, hence the necessity of passing the exams. Mostly the exams are practical cases they have to solve during the different units.

In Spain, continuous training is a right and not an obligation, therefore no exams are usually taken after each module. However, certain test may be taken when the course or unit gives a certain status (e.g.: Training on International Judicial Cooperation has an online course that needs proof of achievement in order to work in the Specialized Unit)

- 4.7. Is professional education time included into the work experience of a prosecutor?

Yes, it is compulsory that each Prosecutor's office allows the prosecutors to attend the trainings, unless exceptional work load requires his/her presence,

- 4.8. Is there a distance learning? If yes, please provide key characteristics as to the type, duration, curriculum, knowledge evaluation, etc.

Yes, there is distance learning. The main type is languages and specialization training. The duration may vary, from one to four months depending on the content or the extension of the course. The evaluation is varied, as each module may contain different tests, and ends with a practical case (in judicial content) that has to be solved. During the course, the participants are assessed by prosecutors with the technical and judicial inquiries they might have. They are provided with the material in advance, but they cannot access a new module before they finish the former. They also have a virtual class where all members can meet.