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**CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS  
CONSEIL CONSULTATIF DES PROCUREURS EUROPEENS  
(CCPE)**

**Compilation of responses to the questionnaire  
for the preparation of the CCPE Opinion No. 20 (2025)  
on diversity and inclusivity  
within prosecution services**

***Compilation des réponses au questionnaire  
en vue de la préparation de l'Avis No. 20 (2025) du CCPE  
sur la diversité et l'inclusion  
dans les ministères publics***

Prepared by the CCPE Secretariat

*Préparée par le Secrétariat du CCPE*

## Contents

Andorra / Andorre .....	3
Armenia / Arménie .....	9
Austria / Autriche.....	15
Belgium / Belgique .....	20
Bosnia and Herzegovina / Bosnie-Herzégovine .....	27
Cyprus / Chypre .....	31
Denmark / Danemark.....	36
Finland / Finlande .....	40
Georgia / Géorgie .....	44
Germany / Allemagne .....	49
Greece / Grèce .....	52
Hungary / Hongrie.....	56
Ireland / Irlande .....	57
Italy / Italie.....	66
Latvia / Lettonie.....	72
Lithuania / Lituanie.....	80
Luxembourg.....	85
Malta / Malte .....	91
Republic of Moldova / République de Moldova.....	100
Netherlands / Pays-Bas .....	107
North Macedonia / Macédoine du Nord.....	111
Norway / Norvège .....	117
Poland / Pologne.....	121
Portugal .....	127
Romania / Roumanie .....	132
San Marino / Saint-Marin .....	137
Slovak Republic / République slovaque .....	141
Slovenia / Slovénie .....	148
Spain / Espagne.....	151
Sweden / Suède.....	162
Türkiye.....	168

## Andorra / Andorre

### I. Niveau législatif et réglementaire

1. Les notions de diversité et d'inclusion établies dans la législation ou la réglementation de votre pays s'appliquent-elles à tous les secteurs, y compris au ministère public ?

Oui

2. Dans l'affirmative, comment ces concepts sont-ils définis ?

Elles sont définies dans la **Constitution**, prohibant spécifiquement toute discrimination pour des raisons de naissance, de race, de sexe, d'origine, de religion, d'opinion, ou toute autre condition personnelle ou sociale; dans la **Loi 13/2019 du 15 février sur l'égalité de traitement et la non-discrimination** (personne ne peut être discriminé pour des raisons d'ascendance ou naissance, nationalité ou manque de nationalité, origine nationale, raciale ou ethnique, couleur, sexe ou genre féminin, religion, conviction ou opinion philosophique, politique ou syndicale, langue, âge, handicap, orientation sexuelle, identité ou expression de genre, ou toute autre condition ou circonstance personnelle ou sociale) ; dans la **Loi 6/2022 du 31 mars pour l'application effective du droit à l'égalité de traitement et des opportunités et à la non-discrimination entre les femmes et les hommes** et, spécifiquement en ce qui concerne le domaine de la Justice, dans la Loi qualifiée de la justice du 3 septembre 1993, qui régit l'organisation et les principales attributions des organes juridictionnels et du Conseil Supérieur de la Justice, ainsi que par renvoi, dans la Loi du Ministère Public du 12 décembre 1996.

Les actions positives sont définies comme des mesures impliquant une différence de traitement visant à corriger et à compenser des situations manifestes d'inégalité de fait et de discrimination pour l'une des causes prévues par cette loi. Ces mesures doivent être raisonnables et proportionnées par rapport à l'objectif qu'elles visent à atteindre et, en tout état de cause, elles ne sont applicables que tant que persiste la situation d'inégalité et de discrimination qu'elles entendent corriger.

Plus précisément, en ce qui concerne la non-discrimination fondée sur le sexe et l'égalité de traitement, elle est définie comme l'absence de toute discrimination, directe ou indirecte, en raison du sexe. Toute disposition, conduite, acte ou pratique portant atteinte, par action ou par omission, au droit à l'égalité de traitement et à la non-discrimination fondée sur le sexe est interdite. Les pouvoirs publics sont tenus de garantir l'égalité de traitement et des opportunités entre les femmes et les hommes dans tous les domaines de la vie afin que les femmes puissent exercer pleinement leurs droits et libertés fondamentales et sociales dans les mêmes conditions que les hommes, y compris par l'adoption de mesures d'action positive. Les personnes physiques ou morales du secteur privé sont tenues d'appliquer et de respecter le droit à l'égalité de traitement et à la non-discrimination fondée sur le sexe dans toutes leurs activités liées aux dispositions de cette loi. Par ailleurs, l'égalité de traitement et des opportunités entre les femmes et les hommes doit être intégrée et observée dans l'interprétation et l'application des normes juridiques.

La prévention de la discrimination est définie comme une protection efficace contre la discrimination, obligeant les administrations publiques et les autres entités publiques, ainsi que les entreprises et autres entités du secteur privé, à appliquer des méthodes et des instruments

suffisants pour la détecter et à adopter des mesures préventives et réactives appropriées pour y remédier et la faire cesser.

Une action en justice spécifique pour que soit déclaré l'existence de la violation du droit à l'égalité est prévue par la **Loi 13/2019 du 15 février sur l'égalité de traitement et la non-discrimination**, prévoyant la participation du Ministère Public à la procédure, et un mécanisme de renversement de la charge de la preuve quand sont apportés des indices clairs et sérieux par le demandeur.

3. Sont-ils fondés sur le principe de non-discrimination et quels sont les motifs couverts (par exemple, le genre, l'origine ethnique ou sociale ou d'autres motifs) ? Si ce n'est pas le cas, le principe de non-discrimination est-il inscrit dans la loi ? Quels sont les motifs couverts ? Le principe est-il pris en compte dans votre ministère public ?

Le principe de non-discrimination est général et applicable à tous les domaines, mais une insistance particulière est mise sur l'égalité de traitement et des opportunités ainsi que sur la non-discrimination entre hommes et femmes. Ces principes sont bien évidemment inclus dans le Ministère Public.

4. Existe-t-il dans la législation et la réglementation de votre pays des références à la diversité et l'inclusion ou au principe de non-discrimination concernant spécifiquement la composition du ministère public ? Si oui, quelle est la forme de cette référence (législation, réglementation, autre) ?

Non. Les postes de procureur sont pourvus par un concours essentiellement fondé sur le mérite.

5. Dans l'affirmative, pourriez-vous décrire brièvement les mesures prévues par la loi ou les règlements pour promouvoir la diversité et l'inclusion parmi les procureurs, ou pour prévenir toute discrimination dans la composition du ministère public. Ces mesures couvrent-elles :

- les carrières au sein du ministère public (par exemple, les conditions d'éligibilité pour être candidat à un poste de procureur, les critères de promotion) ;
- la représentation des différents groupes, minorités et segments sous-représentés de la société ;
- les niveaux du ministère public concernés (parquet le plus élevé, parquets régionaux et de district, parquets spécialisés) ;
- toute autre mesure.

Bien qu'il n'existe pas de réglementation spécifique établissant des politiques d'égalité et de non-discrimination au sein du Ministère Public, le Conseil Supérieur de la Justice recueille chaque année apporte des données sur le genre des membres du Ministère Public.

Cependant, l'accès au Parquet se fait par un concours-opposition auquel peuvent participer aussi bien les hommes que les femmes de nationalité andorrane, au-delà de la formation académique requise. Bien que le poste en concours soit attribué au candidat

ayant obtenu le meilleur score, qu'il soit homme ou femme, les politiques d'égalité peuvent s'appliquer en veillant à ce que le tribunal d'évaluation soit composé d'hommes et de femmes de manière aussi équilibrée que possible, tout en respectant la désignation des personnes occupant les postes de direction concernés.

## II. Niveau politique

6. Les concepts de diversité et d'inclusion sont-ils utilisés dans votre pays dans les politiques s'appliquant à tous les secteurs, y compris le ministère public (par exemple dans divers documents politiques, plans ou programmes d'action, lignes directrices, etc.) ?

Ces concepts, comme il ressort des informations déjà fournies, sont utilisés par Andorre dans des politiques applicables à tous les secteurs, car ils ont un caractère général.

7. Dans l'affirmative, comment ces concepts sont-ils définis ? Sont-ils fondés sur le principe de non-discrimination et quels sont les motifs couverts (par exemple, le genre, l'origine ethnique et sociale, ou d'autres motifs) ? Si ce n'est pas le cas, les politiques générales s'appliquant à tous les domaines intègrent-elles expressément le principe de non-discrimination, et sur quels fondements ces politiques englobent-elles le ministère public ?

Dans les lois mentionnées ci-dessus, le principe d'égalité de traitement et de non-discrimination est défendu, généralement, mais aussi particulièrement en ce qui concerne le sexe des personnes.

L'article 6 de la Constitution établit que :

"1. Toutes les personnes sont égales devant la loi. Nul ne peut être discriminé en raison de sa naissance, de sa race, de son sexe, de son origine, de sa religion, de son opinion ou de toute autre condition personnelle ou sociale.

2. Les pouvoirs publics doivent créer les conditions pour que l'égalité et la liberté des individus soient réelles et effectives."

L'article 37.3 de la Loi qualifiée de la Justice établit ce qui suit :

"Le Conseil Supérieur de la Justice doit élaborer et soumettre annuellement au Conseil Général et au Gouvernement un rapport sur l'impact du genre dans le domaine judiciaire, incluant, le cas échéant, des propositions de mesures pour appliquer effectivement le droit à l'égalité de traitement et des opportunités et à la non-discrimination entre les femmes et les hommes dans ce domaine."

L'article 38 bis de la même loi prévoit que les activités de formation organisées par le Conseil Supérieur de la Justice doivent inclure :

"Une formation complète initiale et continue sur l'égalité de traitement et la non-discrimination entre les femmes et les hommes, en particulier sur la violence de genre contre les femmes et sur la discrimination multiple et intersectionnelle dont souffrent les femmes en situation de vulnérabilité."

Enfin, l'article 66 bis de cette loi précise que dans le cadre du concours-opposition pour accéder aux postes vacants de juge, l'épreuve théorique doit inclure :

"L'étude du principe d'égalité de traitement et de non-discrimination entre les femmes et les hommes, y compris les mesures contre la violence de genre à l'égard des femmes, et son application transversale dans l'interprétation et l'application des normes juridiques."

L'article 10.3 de la Loi du Ministère Public fait référence à cet article.

8. Existe-t-il une politique dans votre pays concernant spécifiquement la diversité et l'inclusion parmi les procureurs ? Dans l'affirmative, cette politique s'applique-t-elle à l'ensemble des parquets ou à certains d'entre eux ?

Il n'existe pas. En tout état de cause, il n'existe qu'un seul Parquet (un procureur général et 8 procureurs adjoints).

9. Dans l'affirmative, quel est le statut de cette politique et par qui a-t-elle été adoptée ? Quelle forme prend cette politique (par exemple, dans divers documents politiques, plans ou programmes d'action, lignes directrices, etc.) ?

Sans réponse

10. Quel type de mesures cette politique implique-t-elle ? Pourriez-vous décrire brièvement les mesures concernées et ce qu'elles couvrent :

- concernant les carrières au sein du ministère public (par exemple, les mesures visant à attirer des candidats issus de groupes sous-représentés de la société, les conditions d'éligibilité à remplir pour être candidat à un poste au sein du ministère public ou les critères de promotion) ;
- concernant la représentation de quels groupes, minorités et segments de la société;
- les niveaux du ministère public concernés (parquet le plus élevé, parquets régionaux et de district, parquets spécialisés) ;
- toute autre mesure.

Sans réponse

### III. Niveau pratique

11. Des pratiques sont-elles apparues au sein du ministère public pour attirer et recruter des candidats issus de sections sous-représentées de la société (par exemple en fonction du genre, de l'origine ethnique, de l'origine sociale ou d'autres motifs) ? Dans l'affirmative, quelle forme prend cette pratique et concerne-t-elle le système de poursuites en général ou des parquets spécifiques ?

De telles pratiques n'ont jamais été mises en œuvre.

12. La diversité et l'inclusion sont-elles prises en compte dans le processus de sélection, de recrutement et de promotion des procureurs ? Si oui, sous quelle forme et s'appliquent-elles dans tous les parquets de votre pays ?

Dans les processus de sélection, le principe d'égalité et de non-discrimination prévaut, bien que le poste de procureur soit réservé uniquement aux personnes de nationalité andorrane. Cependant, les autres caractéristiques personnelles sont totalement indifférentes.

13. Existe-t-il d'autres mesures développées dans la pratique pour promouvoir la diversité et l'inclusion dans la composition des parquets ? Dans l'affirmative, quelles sont ces mesures et concernent-elles tous les parquets ?

Il n'existe pas de mesures spécifiques. Les mesures pouvant affecter ces processus de sélection sont celles appliquées par le pouvoir exécutif à caractère général pour promouvoir la non-discrimination et l'inclusion.

#### IV. Évolution, défis et suggestions

14. Veuillez indiquer, si elles sont disponibles, les statistiques sur la composition du ministère public en fonction du genre et de la diversité des profils, des postes subalternes aux postes de direction, dans le système de poursuites en général, ainsi que dans les parquets en particulier.

Procureur général: homme; Procureurs adjoints: 5 femmes / 3 hommes Secrétaires judiciaires (Greffiers) : 2 femmes / 2 hommes; Officiers : 2 femmes / 1 homme; Administratifs : 4 femmes / 1 homme

15. Y a-t-il eu des développements dans votre pays pour promouvoir la diversité et l'inclusion parmi les procureurs ? Si oui, quelles mesures ont été prises ?

NON

16. Si vous pouvez brièvement comparer la situation actuelle et passée à cet égard (par exemple, entre aujourd'hui et il y a dix ans), quels sont les indicateurs (par exemple, lois, règlements, documents politiques adoptés/appliqués, composition des parquets diversifiée, etc.)?

Au 31/12/2015 :

Procureur général : homme; Procureurs adjoints : 3 femmes / 1 homme Secrétaires judiciaires (greffiers) : 1 femme / 2 hommes; Officiers : 1 femme; Administratifs : 3 femmes  
Aucune procédure spécifique n'a été mise en place pour équilibrer la composition entre hommes et femmes, car, comme le montrent les données demandées, l'équilibre a toujours existé.

Composition du parquet aujourd'hui: voir ci-dessus

17. Ce processus a-t-il rencontré des difficultés ou des obstacles ? Dans l'affirmative, qu'a-t-on fait pour les surmonter et/ou pouvez-vous suggérer des moyens de les surmonter?

NON

18. Pourriez-vous fournir des exemples de parquets - à tous les niveaux - dont la composition est diversifiée, inclusive et représentative, ainsi que des détails sur les mesures prises pour y parvenir ?

Sans réponse; l'Andorre n'a qu'un seul parquet.

19. Quelles mesures supplémentaires pourriez-vous suggérer pour progresser vers un ministère public plus diversifié et plus inclusif ?

Le principe du mérite est le seul principe qui garantie un parquet d'un bon niveau. En Andorre, le parquet (comme pour les juges) est composé majoritairement de femmes. Tous les procureurs proviennent de tous les niveaux sociaux, et origines sociales diverses.



## Armenia / Arménie

### I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?

The concepts of diversity and inclusivity are not defined by legislation, but the concept of inclusion is used in some legal acts in the contexts of children's education, the activities of shelters for people exposed to domestic and family violence, the voice of the elderly, climate change adaptation, and the academic city project.

Armenia is also a party to the Paris Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which provides the concept of "cultural diversity".

2. If so, how are these concepts defined?

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3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?

The Constitution of Armenia enshrines equality and the prohibition of discrimination as fundamental legal principles applicable to all spheres.

The mentioned principles are prescribed by the following articles of the Constitution of RA:

#### Article 28. General Equality before the Law

Everyone shall be equal before the law.

#### Article 29. Prohibition of Discrimination

Discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited.

#### Article 30. Legal Equality of Women and Men

Women and men shall enjoy legal equality.

At the same time the new Criminal Code provides for a new type of crime – Discrimination:

#### Article 203. Discrimination

Discrimination – the manifestation of differential treatment that infringes upon a person's rights or freedoms, or grants a person advantages without objective grounds or a lawful purpose, based on sex, race, skin color, ethnic or social origin, genetic traits, language, religion, worldview, political or other beliefs, belonging to a national minority, property status, birth, health condition, disability, age, or any other personal or social circumstances,

is punishable by a fine, up to ten times the amount, or community service, up to one hundred hours, or restriction of liberty, for up to one year, or short-term imprisonment, for up to one month.

The act referred to in the first part of this article, committed using the power or official authority or influence associated with it,

is punishable by a fine, up to twenty times the amount, or community service, lasting from eighty to one hundred fifty hours, or deprivation of the right to hold certain positions or engage in certain activities, for up to three years, or restriction of liberty, for up to two years, or short-term imprisonment, for up to two months, or imprisonment, for up to two years.

4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?

First, it is worth mentioning that the above-mentioned Constitutional principles are also applicable to the activities of the prosecutorial system. At the same time, such references exist in the Order No. 43 of the Prosecutor General of April 26, 2018 on establishing the procedure for organizing open and closed competitions to replenish the list of prosecutor candidates.

5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:

- careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);
- representation of different underrepresented groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

In accordance with the Order No. 43 of the Prosecutor General of April 26, 2018 on establishing the procedure for organizing open and closed competitions to replenish the list of prosecutor candidates, the competition guarantees equality and accessibility to the position of prosecutor for citizens of the Republic of Armenia, in accordance with their professional knowledge and work skills, regardless of nationality, race, gender, religion, political or other views, social origin, property or other status.

## II. Policy level

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?

Please, see the answers to the question 1 and 8.

7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?

Constitutional provisions on equality and the prohibition of discrimination (please, see the answer to question 3) apply to the prosecution system as well.

8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?

The issues of inclusivity, equality, diversity, etc. are mainly covered by the Human Rights Strategies. Human Rights Strategy for the years 2023-2025 envisages as a separate action trainings for judges, investigators, prosecutors, and police officers (employees of the relevant departments) on the topics of the prohibition of discrimination and ensuring equality.

Also, it should be mentioned that according to the Law on Prosecution Service prosecutors are obliged to undergo mandatory training every two years. The training program includes, inter alia, the following topics: "Current issues regarding the ensuring of equality and the prohibition of discrimination" and "Key issues of ensuring gender equality through the activities of judges, prosecutors, and investigators". Besides, there are special courses on the following topics: "Specifics of investigating crimes committed against vulnerable groups", "Criminal-legal and criminal procedural issues in the fight against gender-based violence, domestic violence, and juvenile delinquency".

9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?

Please, see the answer to question 8.

10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:

- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
- concerning representation of which groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

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### III. Practical level

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?

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12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?

By the force of the provisions prescribed by the Constitution and other legal acts, both in the selection of candidates and during their subsequent career, a merit-based approach is guaranteed, based, inter alia, on the principles of equality and the exclusion of discrimination.

13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?

Awareness-raising efforts are being carried out regarding these issues. During the interviews, discussions and other events the Prosecutor General always refers to the priority of education, involvement and promotion of women in the Prosecutor's Office as well as importance of involvement of women in the leadership positions, etc. Besides, it should be noted that Prosecutor General regularly meets with students in the framework of different programs, during which the mentioned issues are also discussed.

### IV. Evolution, challenges and suggestions

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

Currently, out of approximately 395 prosecutors, 98 are women, including one of the deputy prosecutor general. Additionally, two of the 13 departments of the Prosecutor

General's Office are headed by women. Thus, women make up 24.7% of the current prosecutors, compared to just 17% in 2022. It should be also noted that the percentage of woman among the prosecutors appointed in 2024 is 31.25%.

In recent years, there has also been a significant increase in the number of female prosecutors who do not hold leadership positions, including those appointed through promotion procedures. For example, between 2017 and 2021, 15 women prosecutors were appointed through promotion, while in just 2023-2024, 22 women prosecutors were appointed through the same procedure.

At the same time, it should be noted that the remaining staff of the Prosecutor's Office (non-prosecutor employees – these are civil servants, individuals performing civil work, and those holding discretionary positions) consists of 244 people, out of which 206 are women and 38 are men.

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?

The role of women and the importance of gender equality, including the issue of increasing women's involvement in decision-making processes, are among the key issues under the attention of the Prosecutor General's Office of Armenia. It should be noted that in recent years, there has been a particular emphasis on encouraging women's participation, resulting in an increase in the number of women in the prosecutor's office system.

It should also be noted that awareness-raising efforts are being carried out regarding these issues. During the interviews, discussions and other events the Prosecutor General always refers to the priority of education, involvement and promotion of women in the Prosecutor's Office as well as importance of involvement of women in the leadership positions, etc. As an example, Prosecutor General of Armenia spoke about this issue on April 11, 2024, during the conference titled "Women of influence: the perspective of women's role in the society", organized by the American Chamber of Commerce in Armenia.

Besides, it should be noted that Prosecutor General regularly meets with students in the framework of different programs, during which the mentioned issues are also discussed.

16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?

Mainly actions regarding the equality, diversity, etc. are provided for by the Human Rights Strategies.

On 20.05.2013 the Law of the Republic of Armenia on Ensuring Equal Rights and Equal Opportunities for Women and Men was adopted. The adoption of the mentioned Law, as well as actions aimed at the inclusion of persons with disabilities in community life, particularly by ensuring equal opportunities in education, employment, recreation, and other areas, were envisaged by the Action Plan of the Human Rights Strategy of the year 2014.

Human Rights Strategy for the years 2017-2019 also envisaged several actions aimed at ensuring equality and the prohibition of discrimination.

The sections on legal equality and the prohibition of discrimination of the Human Rights Strategies for the years 2020-2022 and the years 2023-2025 provide for conducting trainings, raising awareness on equality and the prohibition of discrimination on all

grounds, ensuring the rights of persons with disabilities, including those with mental or intellectual disabilities, and measures to encourage the participation of women.

A draft Law on Ensuring Equality has also been developed, which is currently in the revision phase. It also envisions the creation of an Equality Council, which will provide advisory opinions, organize training, and so on.

Regarding the composition – please see the answer to the question 14.

17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?

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18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?

The Prosecutor's Office of the Republic of Armenia is a unified system, and recruitment is carried out exclusively through a competitive procedure. The statistics regarding diversity are presented in the answer to question 14.

19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?

Considering that the Republic of Armenia is predominantly mono-ethnic (as of 1 January, 2023 98,1% of the population of RA are Armenians - <https://www.gov.am/en/demographics/>) and there are no issues regarding the inclusivity of women, it is difficult to answer the question.

## Austria / Autriche

### I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?
2. If so, how are these concepts defined?

#### Answer to question 1-2:

The terms diversity and inclusivity are not used in laws in Austria, nevertheless there are various laws and regulations that cover the aims of diversity and inclusivity.

The federal law for Equal Treatment in public service (B-GIBL) covers non discrimination and advancement of women in public service. The federal law for Equal treatment (GIBG) covers non discrimination in civil legal relationships. For persons with disabilities there are special provisions.

In the appointment procedure for judges and prosecutors the requirement to promote women in the event of equal suitability and underrepresentation of women in certain functions (Section 11 Federal Equal Treatment Law (B-GIBG) in conjunction with Section 4(5)(2)(b) of the BMJ's plan for the advancement of women) apply.

Section 4 B-GIBG standardises a ban on discrimination on the basis of gender, Section 13 B-GIBG on the basis of ethnicity, religion or belief, age or sexual orientation. Section 5 B-GIBG lists criteria that may not be used in a discriminatory manner, which in practice primarily serves the equal treatment of men and women.

The involvement of Equal Treatment Commissioners - who, in accordance with Section 27 Para. 1 B-GIBG, must deal with all issues relating to equal treatment on the basis of gender, the advancement of women and equal treatment without distinction of ethnicity, religion or belief, age or sexual orientation in their area of representation within the meaning of this federal law - and their right to submit applications to the Federal Equal Treatment Commission (Section 23a Para. 2 Z 3 and Z 4 B-GIBG), serve to ensure the prohibition of discrimination.

Nevertheless, the requirement for Austrian citizenship could currently still have an influence on the ethnic affiliation of public prosecutors.

Pursuant to Section 57(2a) RStDG in conjunction with Art IIa(2)(2) RStDG, public prosecutors are prohibited from discriminating against others on grounds of gender - in particular with regard to marital status and parenthood -, ethnicity, religion, ideology, disability, age or sexual orientation in the course of their official duties.

Pursuant to Section 9 B-GIBG, direct and indirect discrimination on the basis of gender, and pursuant to Section 16a B-GIBG on the basis of the other aforementioned discrimination offences, constitute a breach of duty.

3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?

There are therefore rules prohibiting discrimination based on gender, ethnicity, religion, ideology, disability, age or sexual orientation.

4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?

Section 11b of the federal law for Equal Treatment in public service (B-GIBG) standardises the priority admission of female applicants to the Federal Civil Service, Section 11c B-GIBG the priority in career advancement. Both are also applied for positions in prosecution service. Furthermore, plans for the advancement of women - ordinances - serve the equal treatment of women and men as well as the advancement of women. In addition, appropriate training programmes are offered.

5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:

- careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);
- representation of different underrepresented groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

In the event of equal suitability, the priority of the female applicant for career advancement shall apply in the event of underrepresentation within the meaning of Section 11 B-GIBG in the functions specified in Section 4 para. 5 no. 2 lit b of the BMJ's women's advancement plan:

- Head of the Procurator General's Office or his or her first deputy,
- Heads of the senior public prosecutor's offices and their first deputies,
- Heads of the Central Public Prosecutor's Office for the prosecution of economic offences and corruption and their first deputies,
- Heads of the public prosecutor's offices and their first deputies,
- Public prosecutors in salary group St 2 (II) and St 3 (III)
- Heads of groups in prosecution offices.

## II. Policy level

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?

Plans for the advancement of women are ordinances issued by the federal ministers and therefore apply in the various ministries including the ministry of justice and the prosecution service. The B-GIBG applies to the entire Republic.



Otherwise, reference can be made to compliance concepts and measures against violence and sexual harassment in the workplace:

- Training, e.g. as part of the justice management course, and further training events,
- Guidelines from the Ministry of Justice and the Working Group for Equal Treatment (AGG) on how to deal with suspected sexual harassment in the workplace;
- Judicial administration seminars.

7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?

The B-GIBG is based on the principle of non-discrimination based on gender, ethnicity, religion, ideology, disability, age or sexual orientation. The Plans for the advancement of women focus on the equal treatment of men and women and the promotion of women.

8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?

non other then the above already mentioned

9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?

10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:

- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
- concerning representation of which groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

### III. Practical level

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?

The Judiciary, courts as well as prosecution offices, offer the possibility to all law students to do an internship with very low requirements for two to eight weeks, which gives students the opportunity to get familiar with the work of courts and prosecution offices.

To advertise the idea of working in the judiciary, there are activities in schools and recruiting fairs.

12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?

Answers to 11. and 12.:

The personnel commissions at the Senior Public Prosecutor's Offices and at the Federal Ministry of Justice certainly observe the requirement to promote women and the prohibition of discrimination when making proposals for appointments.

The staff commissions are composed partly on the basis of office and partly on the basis of the delegation of the union and staff representatives (Section 182 RStDG). Therefore it is not guaranteed that members of different gender take part in this commissions. This is only the case for the Personnel Commission at the Federal Ministry of Justice as a result of Section 182 para. 2 RStDG.

Relevant further training events, information events and presentations by the Equal Treatment Officers as well as the participation of the Equal Treatment Officers in important meetings (e.g. the presidential conferences of the higher regional courts; the meetings of the Federal Ministry of Justice with the heads of the senior public prosecutor's offices and public prosecutor's offices and the meetings of the heads of the prisons (Section 10 para. 2 of the Federal Ministry of Justice's plan for the advancement of women)) are intended to promote anti-discrimination in practice.

13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?

- Various construction measures for persons with disability,
- Recently a kindergarden was opened at the Higher Regional Court of Innsbruck for members of the judiciary,
- The possibility of home office or teleworking as one of the recent measures.
- An online training for equal treatment and antidiscrimination was introduced,
- guidelines from the Ministry of Justice and the Working Group for Equal Treatment (AGG) were published on how to deal with suspected sexual harassment in the workplace;

#### **IV. Evolution, challenges and suggestions**

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

A breakdown by gender and function is provided in tables attached to the BMJ's plan for the advancement of women. As Austrian citizenship is a prerequisite for the profession of public prosecutor, there is no diversity here. In a voluntary employee survey in 2023, 10% of the people working at the public prosecutor's offices stated that they had a migrant background.

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?

The proportion of women in the public prosecutor's offices has increased overall, while the proportion of women in management positions has fluctuated in recent years.

The increasing numbers have been achieved through new provisions, especially parental leave and partial workloads, whereby the regulation on replacement positions was significant for these cases (personnel plan), corresponding training and the activities of the Working Group for Equal Treatment (AGG) in recent decades.

Furthermore, disciplinary reactions also have an impact.

16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?
17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?
18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?
19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?

The Federal Ministry of Justice is working on a diversity strategy that aims to promote a non-discriminatory and inclusive working environment, among other things. As a first step training activities concerning diversity competence and non-discrimination have been increased.

# Belgium / Belgique

## I. Niveau législatif et réglementaire

1. Les notions de diversité et d'inclusion établies dans la législation ou la réglementation de votre pays s'appliquent-elles à tous les secteurs, y compris au ministère public ?

La loi belge interdit la discrimination fondée sur de nombreux critères.

Ces critères sont les suivants : la nationalité, une prétendue race, la couleur de peau, l'ascendance ou l'origine nationale ou ethnique, l'âge, le sexe, la grossesse, la procréation médicalement assistée, l'accouchement, l'allaitement, la maternité, les responsabilités familiales, l'identité de genre, l'expression de genre, les caractéristiques sexuelles et la transition médicale ou sociale, l'orientation sexuelle, l'état civil, la naissance, la fortune, la conviction religieuse ou philosophique, la conviction politique, la conviction syndicale, la langue, l'état de santé, un handicap, une caractéristique physique ou génétique, l'origine ou la condition sociale.

Cette interdiction s'applique dans tous les secteurs et domaines de compétence, y compris au ministère public.

Les notions de diversité et d'inclusion ne sont pas définies en tant que telles en droit belge.

2. Dans l'affirmative, comment ces concepts sont-ils définis ?

Voir réponse supra, sous Q1.

3. Sont-ils fondés sur le principe de non-discrimination et quels sont les motifs couverts (par exemple, le genre, l'origine ethnique ou sociale ou d'autres motifs) ? Si ce n'est pas le cas, le principe de non-discrimination est-il inscrit dans la loi ? Quels sont les motifs couverts ? Le principe est-il pris en compte dans votre ministère public ?

Le principe de non-discrimination, tel qu'il est prévu dans de nombreux instruments internationaux relatifs aux droits humains est intrinsèquement lié aux notions de diversité et d'inclusion.

Les principes d'égalité et de non-discrimination sont consacrés aux articles 10 et 11 de la Constitution. Ces articles contiennent une référence ponctuelle au genre ( égalité hommes-femmes ) et à l'appartenance à une minorité idéologique ou philosophique.

Le principe d'inclusion des personnes en situation de handicap est consacré à l'article 22ter de la Constitution.

Ces articles sont applicables aux magistrats du ministère public. Toutefois, les magistrats du ministère public doivent être de nationalité belge sur la base de l'article 10 de la Constitution.

Un cadre général a été adopté dans la législation belge pour garantir l'égalité de traitement, l'égalité des droits et la non-discrimination :

- La loi du 30 juillet 1981 tendant à réprimer certains actes inspirés par le racisme et la xénophobie modifiée par la loi du 10 mai 2007 ;
- La loi du 10 mai 2007 tendant à lutter contre certaines formes de discrimination ;
- La loi du 10 mai 2007 tendant à lutter contre la discrimination entre les femmes et les hommes.

Ces lois énumèrent des critères de différenciation dits « protégés » qui sont des motifs de différenciation interdits :

- Les critères protégés par la loi racisme sont : la nationalité, une prétendue race, la couleur de peau, l'ascendance ou l'origine nationale ou ethnique ;
- ceux protégés par la loi générale sont : ces motifs comprennent l'âge, l'orientation sexuelle, l'état civil, la naissance, la fortune, les convictions religieuses ou philosophiques, les convictions politiques, les convictions syndicales, la langue, l'état de santé, le handicap, les caractéristiques physiques ou génétiques, l'origine ou la condition sociale ;
- La loi genre interdit quant à elle la discrimination sur la base du sexe, la grossesse, la procréation médicalement assistée, l'accouchement, l'allaitement, la maternité, les responsabilités familiales, l'identité de genre, l'expression de genre, les caractéristiques sexuelles et la transition médicale ou sociale.

Les dispositions du Code judiciaire en lien avec les nominations et les désignations des magistrats de l'ordre judiciaire ne prévoient pas de quotas . La présentation d'un candidat à un poste de juge vacant ne peut se faire que sur la base de critères liés aux capacités et aux aptitudes du candidat.

C'est au niveau de la composition du Conseil supérieur de la Justice que le genre est pris en compte.

4. Existe-t-il dans la législation et la réglementation de votre pays des références à la diversité et l'inclusion ou au principe de non-discrimination concernant spécifiquement la composition du ministère public ? Si oui, quelle est la forme de cette référence (législation, réglementation, autre) ?

Non.

5. Dans l'affirmative, pourriez-vous décrire brièvement les mesures prévues par la loi ou les règlements pour promouvoir la diversité et l'inclusion parmi les procureurs, ou pour prévenir toute discrimination dans la composition du ministère public. Ces mesures couvrent-elles :

- les carrières au sein du ministère public (par exemple, les conditions d'éligibilité pour être candidat à un poste de procureur, les critères de promotion) ;
- la représentation des différents groupes, minorités et segments sous-représentés de la société ;

- les niveaux du ministère public concernés (parquet le plus élevé, parquets régionaux et de district, parquets spécialisés) ;
- toute autre mesure.

## II. Niveau politique

6. Les concepts de diversité et d'inclusion sont-ils utilisés dans votre pays dans les politiques s'appliquant à tous les secteurs, y compris le ministère public (par exemple dans divers documents politiques, plans ou programmes d'action, lignes directrices, etc.) ?

La loi belge interdit la discrimination fondée sur les critères suivants : la nationalité, une prétendue race, la couleur de peau, l'ascendance ou l'origine nationale ou ethnique, l'âge, le sexe, la grossesse, la procréation médicalement assistée, l'accouchement, l'allaitement, la maternité, les responsabilités familiales, l'identité de genre, l'expression de genre, les caractéristiques sexuelles et la transition médicale ou sociale, l'orientation sexuelle, l'état civil, la naissance, la fortune, la conviction religieuse ou philosophique, la conviction politique, la conviction syndicale, la langue, l'état de santé, un handicap, une caractéristique physique ou génétique, l'origine ou la condition sociale.

Cette interdiction s'applique dans tous les secteurs et domaines de compétence, y compris au ministère public.

7. Dans l'affirmative, comment ces concepts sont-ils définis ? Sont-ils fondés sur le principe de non-discrimination et quels sont les motifs couverts (par exemple, le genre, l'origine ethnique et sociale, ou d'autres motifs) ? Si ce n'est pas le cas, les politiques générales s'appliquant à tous les domaines intègrent-elles expressément le principe de non-discrimination, et sur quels fondements ces politiques englobent-elles le ministère public ?

Les notions de diversité et d'inclusion ne sont pas définies en tant que telles en droit belge, comme susmentionné sous la Q1.

8. Existe-t-il une politique dans votre pays concernant spécifiquement la diversité et l'inclusion parmi les procureurs ? Dans l'affirmative, cette politique s'applique-t-elle à l'ensemble des parquets ou à certains d'entre eux ?

Non.

9. Dans l'affirmative, quel est le statut de cette politique et par qui a-t-elle été adoptée ? Quelle forme prend cette politique (par exemple, dans divers documents politiques, plans ou programmes d'action, lignes directrices, etc.) ?
10. Quel type de mesures cette politique implique-t-elle ? Pourriez-vous décrire brièvement les mesures concernées et ce qu'elles couvrent :

- concernant les carrières au sein du ministère public (par exemple, les mesures visant à attirer des candidats issus de groupes sous-représentés de la société, les conditions d'éligibilité à remplir pour être candidat à un poste au sein du ministère public ou les critères de promotion) ;
- concernant la représentation de quels groupes, minorités et segments de la société ;
- les niveaux du ministère public concernés (parquet le plus élevé, parquets régionaux et de district, parquets spécialisés) ;
- toute autre mesure.

### III. Niveau pratique

11. Des pratiques sont-elles apparues au sein du ministère public pour attirer et recruter des candidats issus de sections sous-représentées de la société (par exemple en fonction du genre, de l'origine ethnique, de l'origine sociale ou d'autres motifs) ? Dans l'affirmative, quelle forme prend cette pratique et concerne-t-elle le système de poursuites en général ou des parquets spécifiques ?

Le service d'appui du ministère public a mis en place depuis plusieurs années la participation à des jobdays à travers tout le pays afin de faire connaître le ministère public au plus grand nombre (ces jobdays attirent des étudiants universitaires de toutes les origines). À côté de cette mesure, depuis deux ans, le ministère public fait appel à des jobs étudiants qui attirent des étudiants aux profils très divers. À côté des jobdays pour les étudiants, nous participons également aux jobdays destinées aux chercheurs d'emplois, en collaboration avec le SPF Justice.

12. La diversité et l'inclusion sont-elles prises en compte dans le processus de sélection, de recrutement et de promotion des procureurs ? Si oui, sous quelle forme et s'appliquent-elles dans tous les parquets de votre pays ?

Le Conseil supérieur de la Justice joue un rôle essentiel dans l'accès à la magistrature et dans la garantie de procédures de sélection et de nomination objectives et transparentes. Ces procédures pour les magistrats, tant pour les juges que pour les procureurs, sont organisées sur la base des connaissances juridiques, des compétences et des aptitudes (sociales), sans distinction de parcours ou d'origine. Cela garantit l'indépendance et la qualité du pouvoir judiciaire.

13. Existe-t-il d'autres mesures développées dans la pratique pour promouvoir la diversité et l'inclusion dans la composition des parquets ? Dans l'affirmative, quelles sont ces mesures et concernent-elles tous les parquets ?

#### IV. Évolution, défis et suggestions

14. Veuillez indiquer, si elles sont disponibles, les statistiques sur la composition du ministère public en fonction du genre et de la diversité des profils, des postes subalternes aux postes de direction, dans le système de poursuites en général, ainsi que dans les parquets en particulier.

<u>Grade</u>	<u>Hommes</u>	<u>Femmes</u>	<u>Population totale</u>
Magistrature (1ère instance)	266	524	790
Magistrats suppléants	15	3	18
Substituts	586	344	930
Candidats magistrats	3	10	13
Magistrats en formation	22	53	75
Secrétaires en chef	16	15	31
Secrétaires – chefs de service	16	35	51
Attachés et conseillers	76	209	285
Juristes de parquet	65	278	343
Secrétaires	225	533	758
Experts	51	97	148
Collaborateurs (niveau D)	164	288	452
Assistants	283	775	1058
Population totale	1788	3164	4952

15. Y a-t-il eu des développements dans votre pays pour promouvoir la diversité et l'inclusion parmi les procureurs ? Si oui, quelles mesures ont été prises ?
16. Si vous pouvez brièvement comparer la situation actuelle et passée à cet égard (par exemple, entre aujourd'hui et il y a dix ans), quels sont les indicateurs (par exemple, lois, règlements, documents politiques adoptés/appliqués, composition des parquets diversifiée, etc.) ?
17. Ce processus a-t-il rencontré des difficultés ou des obstacles ? Dans l'affirmative, qu'a-t-on fait pour les surmonter et/ou pouvez-vous suggérer des moyens de les surmonter ?
18. Pourriez-vous fournir des exemples de parquets - à tous les niveaux - dont la composition est diversifiée, inclusive et représentative, ainsi que des détails sur les mesures prises pour y parvenir ?



A travers tout le ministère public, les profils des personnes engagées sont très divers. Les personnes engagées au ministère public ne sont pas forcément diplômées avec un diplôme supérieur et surtout elles n'ont pas forcément un diplôme en droit.

Les seules fonctions où ce diplôme est exigé sont les fonctions de juristes, de criminologues et de magistrats.

A côté de cet aspect, comme dans tous les services publics, une part est dévolue au respect des personnes porteuses de handicap. Actuellement, 19 personnes sur les 4.154 membres du ministère public ont un handicap reconnu ( sept hommes, douze femmes) .

Aucune démarche particulière n'a été entreprise. Le hasard des sélections fait que les lauréats des sélections sont titulaires de diplômes très variés et certains lauréats sont porteurs de handicap(s). C'est l'intérêt pour l'Ordre judiciaire, favorisé par les jobdays dans certains types de profils, qui a fait que ces personnes ont été amenées à postuler.

Dans le cadre de la procédure de sélection, il est possible de demander un retour d'information sur la manière dont le candidat a été évalué et il existe une possibilité d'appel.

Il serait sans doute intéressant de réfléchir à l'accessibilité des lieux de travail aux besoins du personnel. Par exemple, la possibilité de demander du matériel adapté, la possibilité de demander un billet de première classe, etc.

**19. Quelles mesures supplémentaires pourriez-vous suggérer pour progresser vers un ministère public plus diversifié et plus inclusif ?**

Il faut observer que la diversité au sein de la magistrature contribue à une meilleure administration de la justice : plus de qualité et plus de légitimité. Une large représentation au sein de la magistrature peut renforcer la confiance dans l'administration de la justice et garantir une approche plus équilibrée et plus éclairée des questions sociales.

C'est l'une des conclusions d'un groupe de travail mixte. Le Baromètre de la justice 2024 montre que le système judiciaire est également en difficulté en matière de confiance du public. Le Conseil supérieur a donc réuni divers acteurs pour examiner également le rôle de la diversité à cet égard. Le groupe de travail a formulé diverses recommandations concernant la diversité dans le système judiciaire.

Une autre observation importante de ce groupe de travail est le manque de données structurées sur la diversité au sein de l'ordre judiciaire. Cela rend difficile non seulement l'obtention d'une image claire de la situation actuelle, mais aussi l'élaboration d'une politique fondée visant à supprimer tout obstacle à l'accès à la magistrature. C'est pourquoi la première recommandation du groupe de travail est de prendre des mesures de référence : sans données objectives, il reste difficile d'élaborer une politique et de définir des mesures concrètes.

Un projet d'image de marque de l'employeur est actuellement en cours sous la direction du Service public fédéral de la Justice, auquel le Conseil supérieur de la Justice et les conseils sont également associés. Ce projet vise à positionner le système judiciaire comme un employeur attractif et à attirer les talents. Là encore, il est possible d'inclure la diversité comme un point d'attention important et de travailler spécifiquement à atteindre un éventail plus large de candidats potentiels.

Dans cette même logique, afin d'avoir un ministère public plus diversifié, il conviendrait de participer à des « dream day » où des élèves de dernière année de l'enseignement secondaire viennent pour un jour/une demie-journée en observation dans un service pour attirer encore d'autres profils que les universitaires qui peuvent être rencontrés via les jobdays.

De manière plus générale, il est important de faire connaître aux jeunes la possibilité d'une carrière dans la magistrature et de prêter attention aux jeunes issus d'origines sociales ou ethniques diverses.

Des séances d'information dans les écoles et les universités peuvent notamment être utilisées, car les jeunes de cette phase de la vie s'orientent souvent professionnellement et ont donc besoin de savoir qu'une carrière dans le ministère public est possible quelles que soient leur origine, leur classe sociale, leur orientation, etc. Il est important que les jeunes sachent qu'une carrière dans la magistrature est possible et que la sélection se fait sur la base d'essais et de tests objectifs. Les nouveaux diplômés et les salons de l'emploi peuvent également être spécifiquement ciblés pour fournir des informations à des personnes issues de divers horizons.

En outre, un diplôme de master en droit reste une condition nécessaire pour participer aux examens d'entrée à la magistrature. Cela signifie que les obstacles potentiels doivent être examinés non seulement dans les procédures de sélection elles-mêmes, mais aussi dans l'enseignement supérieur. Si certains groupes sont déjà sous-représentés au début d'une carrière juridique, cela continuera de se traduire dans les recrutements pour la magistrature.

Enfin, il conviendrait de mieux visualiser la diversité et l'inclusivité dans les campagnes qui sont menées (autour des postes vacants) sur les médias sociaux afin que les gens porteurs de handicap nous considèrent comme un employeur accessible.

Pour conclure, bien qu'aucune mesure spécifique ne soit en place pour promouvoir la diversité au sein du corps, il existe des initiatives et des projets à différents niveaux qui reconnaissent l'importance de la diversité dans l'administration de la justice. Le défi reste de le concrétiser davantage, par exemple en comprenant mieux la composition du système judiciaire, les éventuels obstacles dans les parcours professionnels et l'afflux plus large des facultés de droit.

# **Bosnia and Herzegovina / Bosnie-Herzégovine**

## **I. Legislative and regulatory level**

### ***1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?***

The terms „diversity or inclusivity“ are not mentioned expressis verbis in law or regulations but its ideas have been established in the constitution of BiH and in this regard applies to all sectors including the prosecution service. For example in the preamble of the constitution is laid down a confession for a pluralistic society. Some notions of diversity and inclusivity could be found in the Code of Prosecutorial Ethics of the Prosecutor's Office of BiH. For example a prosecutor „is free to participate in civic, charitable and religious activities“ but according to some special restrictions he „shall refrain from: (a) membership in political parties; (b) attendance at political gatherings and events; (c) contributing to political parties or campaigns (d) taking part publicly in controversial political discussions except in respect of matters directly affecting the operation of the prosecutor's offices, the independence of the judiciary or fundamental aspects of the administration of justice; (e) signing petitions that may influence a political decision“.

### ***2. If so, how are these concepts defined?***

The most important concept of the Constitution of BiH has the goal to include all different ethnic communities living on the territory of BiH. The administrative construction foresees two so called „entities“, the Federation of BiH and the Republic of Serbs. A special status obtains the Brcko District. Whereas the Federation of BiH is divided in 10 parts called Kantons, the Republic of Serbs has a centralized construction, that means it consists of 8 towns and 56 municipalities. The second main principle of inclusivity concerns the term „constituent peoples“. The Constitution safeguards the rights of Bosniaks, Croats, Serbs. Under the term „others“ are found the minorities of Roma Jews, Montenegrins, Macedonians, Slovenes, Albanians, Hungarians, Ukrainians, Ruthenians, Italians, Germans, Poles, Czechs, Slovaks, Turks. These „others“ do not have the complete rights of citizens. Their right to stand for election is missing although a judgement of the European Court of Human Rights has been decided against it.

### ***3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?***

Non-discrimination of people concerning their religion, age, gender, ethnic origin or background, physical or mental disability and worldview is guaranteed in law and is emphasized in the above mentioned Code of Prosecutorial Ethics too.

### ***4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?***

The principles of diversity and inclusivity are do refer to the Constitution, the Law on the State's Prosecutors Office and the the Code of Prosecutorial Ethics indeed.

**5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover: • careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion); • representation of different underrepresented groups, minorities, and segments of the society; • which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices); • any other measures.**

Concerning careers in the prosecution's service there does not exist any legal requirement or provision which limits the equality of male and female candidates or defines a quota of ethnic proportion under the prosecutors. The fact that the Chief prosecutor of BiH at the moment is a Serb reflects an internal agreement between the three constituent peoples. The Law on the State's Prosecutors Service foresees „The Collegium of Prosecutors“ as an organizational element to enhance the communication between the prosecutors, the Chief prosecutor and his deputies.

## **II. Policy level**

**6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programs of action, guidelines, etc.)?**

Yes, the basic ideas of diversity and inclusivity laid down in the Constitution of BiH (human rights and provisions to avoid discrimination among the constituent peoples and in the society) have consequently sent their influence to all sectors including the prosecution's service, based on the Law on State's Prosecutors Service and on the Code of Prosecutorial Ethics.

**7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?**

There does not exist a special concept behind the constitutional principles of diversity or inclusion but all provisions of the Constitution aimed at the principle of non-discrimination of citizens of BiH who belong to minorities, have a different view of life as the majority of people, a different religion or are mentally or physically disabled. Because of the history of BiH, nondiscrimination of citizens of different ethnic or social origin is specially covered by the Code of Prosecutorial Ethics.

**8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?**

No, such a policy does not exist.

**9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?**

Not applicable.

**10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover: • regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion); • concerning representation of which groups, minorities, and segments of the society; • which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices); • any other measures.**

Not applicable.

### **III. Practical level**

**11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?**

I am not aware of such practices. They are not specified in any official documents too.

**12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?**

There does not exist any official provision to take into account those principles in the process of selection, recruitment and promotion of prosecutors. But that does not exclude that the ideas of diversity and inclusivity are used by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in practice, in case that for example there is a need of candidates with special or additional abilities.

**13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?**

No, such other measures do not exist.

### **IV. Evolution, challenges and suggestions**

**14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.**

The prosecution service in general is composed by male and female prosecutors and servants with different ethnic or religious backgrounds. But statistics about the proportion of male and female are not available. The State's Prosecutors Office contains some 56 prosecutors and a staff of about 200 other servants. The age structure of the group of prosecutors (Their age ranges from about 40 years to 70 years) does not show any particularities.

**15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?**

In a transitional period after the war of dissolution of the states of the Former Yugoslavia a number of foreign prosecutors, who reinforced those ones of BiH have promoted in a way diversity in the State's Prosecutors Office. Afterwards a lot of seminars granted by foreign countries and NGOs have multiplied the view of its prosecutors to modern criminal law.

**16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/ applied, composition of prosecution offices diversified, etc.)?**

The Constitution of BiH over the years after the war (1992-1995) has been steadily supplemented, sometimes clarified and revised by amendments but the changes concerning diversity and inclusivity in general only touched the relationship between the three constituent peoples Bosniaks, Croats and Serbs. The Croats introduced into the political discussion the idea to establish a third „entity“ and the Serbs are lead by a political establishment which tries to find allies for an incorporation of Republic of Serbs into the Republic of Serbia. By this political struggle the principles of diversity and inclusivity in general and the peaceful relation between the societies of the entities in particular suffer from it.

**17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/ barriers?**

No suggestion.

**18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?**

The State's Prosecutors Office of BiH is composed by male and female prosecutors and other servants, members of all three constituent peoples of BiH, elder and younger colleagues as well as members of various religions or non-believers or agnostics. The composition of this office results from the historical variety of the society in the central region of the former Yugoslavia.

**19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?**

No suggestion. At the moment there doesn't seem to be any need for further steps.

# Cyprus / Chypre

## I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?

As a matter of principle, it must be clarified that Counsels at the Law Office of the Republic as well as Public Prosecutors who serve under the Attorney General, are appointed by the Public Service Commission, on the basis of the Public Service Law 1/1990, and are thus civil servants. Please see our reply to question (14) as to the structure of staff serving under the Attorney General.

Legislative provisions that aim at enhancing diversity, inclusivity and affirmative action apply across the employment spectrum, including the public and private sectors.

Section 9 of the Law 58(I)/2004 on Equal Treatment in Employment provides that more favorable treatment of a person, that aims at the prevention or compensation of possible disadvantages due to race, ethnic origin, religion or belief, age or sexual orientation is permitted. Similarly, section 6 of Law 205(I)/2002 on Equal Treatment of Men and Women in Employment and Professional Education provides for affirmative actions that may pertain to enhancing opportunities and equal treatment and that these may form the subject matter of individual or collective agreements in the private or public sector.

As regards disability, Law 146(I)/2009 on the Employment of Persons with Disabilities in the Wider Public Sector (Special Provisions) introduces a specialised framework with positive measures for employing disabled persons in the public sector, which includes the Law Office of the Republic.

According to section 3 of the said law, a 10% of vacant positions are filled by persons with disability provided that in the previous year no more than 7% of vacant positions in that organization were filled by persons with disability. This is subject to the following criteria:

- The applicants fulfil the criteria for the position;
- They succeed in the examination process;
- Are deemed suitable for the duties of the position in question by the competent body

Furthermore, if the person with disability has due to their disability, been discharged during their secondary or tertiary education, of any foreign language learning, are exempt from any foreign language requirement, provided they fulfil the other requirements of the position.

2. If so, how are these concepts defined?

There are no uniform definitions of “diversity” or “inclusivity” in domestic law provisions in Cyprus. Laws such as the above promote these values by addressing more general or specific issues of equality and equal opportunities.

3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?

Yes, they are based on the principle of non-discrimination. As mentioned above safeguards include gender, race/ethnic origin, disability and other grounds.

4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?

No, there is no legislation or regulation concerning diversity within the Law Office of the Republic specifically. The laws and regulations outlined in our reply to question (1) above, apply.

5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:

- careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);
- representation of different underrepresented groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

As per our reply to question (1) the legislative provisions that relate to promoting equality, diversity and inclusion in employment have a cross-sectoral approach and do not address specifically the Law Office of the Republic.

## II. Policy level

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?

There are various policies that pertain to diversity and inclusivity that apply to the Law Office as part of the civil service. These include National Strategy and Action Plan for Persons with Disability<sup>1</sup> and the National Strategy for Gender Equality.<sup>2</sup> The government is also currently preparing a Bill on the Incorporating the Dimension of Gender in public policies.

Furthermore, the Commissioner of Administration and Human Rights, according to Law 42(I)/2004 on Combating Racism and Other Discrimination (Commissioner), has the competence to deal with complaints and issue positions on issues of equality and combating discrimination, covering a wide range of grounds including race, community, language, colour, religion, political or other belief, sexual orientation and ethnic origin and promote equal opportunities.

7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?

All policies that pertain to diversity and inclusivity are based on the principle of non-discrimination. A wide range of grounds of discrimination are addressed in the various policies and mechanisms available.

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<sup>1</sup> [http://www.dmsw.gov.cy/dmsw/dsid/dsid.nsf/dsipd8b\\_en/dsipd8b\\_en?Openform](http://www.dmsw.gov.cy/dmsw/dsid/dsid.nsf/dsipd8b_en/dsipd8b_en?Openform)

<sup>2</sup> [https://www.institutionforgenderequality.gov.cy/equality/equality.nsf/page14\\_gr/page14\\_gr?OpenDocument](https://www.institutionforgenderequality.gov.cy/equality/equality.nsf/page14_gr/page14_gr?OpenDocument)



8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also, with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?

Policies for enhancing diversity are cross-sectoral, and apply to the public sector, where the Law Office of the Republic belongs.

9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?

As per above.

10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:

- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
- concerning representation of which groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

As per above.

### III. Practical level

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?

Please refer to our reply to question (1) vis-à-vis persons with disabilities and the general scheme for their employment in the wider public sector. For issues regarding gender, please refer to our previous replies regarding the national policies for gender mainstreaming.

12. Are diversity and inclusivity considered in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?

Selection, recruitment, and promotion of staff in the Law Office of the Republic is carried out based on the provisions of the Public Service Law 1/1990. This law sets strict criteria for the safeguard of equality and equal treatment throughout all the stages of such processes.

Unequal treatment in any form may constitute grounds for a judicial review application to challenge the legality of any decision of the Public Service Commission as the competent body, by virtue of Article 28 of the Constitution and the Law on the General Principles of Administrative Law 158(I)/1999.

Section 44 of the Public Service Law provides that, persons with disabilities, who fulfil the criteria of a scheme of service may be preferably chosen in lieu of other candidates based on affirmative action, if they have all the required skills and are equal in both merit and qualifications with other candidates.

13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?

In the framework of continuous professional development, the Academy of the Law Office of the Republic organises lectures, seminars and activities that aim at developing a healthy and productive professional environment. In 2024, a seminar on gender issues was held in collaboration with the Commissioner for Gender Equality.

#### **IV. Evolution, challenges, and suggestions**

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

As an introductory note, we must outline the structure of legal officers serving under the Attorney General. According to Article 113 of the Constitution, the Attorney General has two functions. Firstly, he is the legal advisor to the state (more specifically, the government and the Council of Ministers). Secondly, he is the head of public prosecutions. Criminal cases are handled by the Public Prosecutors Section and the Criminal Law Section of the Law Office.

The Public Prosecutors Section is distinct from the other Sections of the Law Office under the Attorney General. It is composed of civil servants with the title of Public Prosecutor who deal with cases before District Courts (according to the Courts of Justice Law 14/1960, these courts may adjudicate cases of offences carrying a maximum penalty of five years of imprisonment). Public Prosecutors only specialize in criminal law, according to their Scheme of Service and have the field of competence described above.

The Criminal Section of the Law Office handles more serious cases, usually before the Assize Courts (composed of three judges) which have jurisdiction on all criminal offences of any degree of severity. This Section is staffed by Counsels of the Republic. Counsels of the Republic on the other hand (along with Counsels of the Republic A', Senior Counsels of the Republic and Attorneys). These Counsels are also given further duties, including advisory functions on criminal law, legal vetting of criminal law bills if required and other matters of criminal law. Furthermore, as opposed to Public Prosecutors, Counsels, according to their Scheme of Service may be engaged in and/or assigned all types of judicial or extrajudicial cases and may be assigned to other Sections of the Law Office.

According to the data currently available:

In the Public Prosecutor's Service there are 29 female and 6 male Prosecutors, across the spectrum of hierarchy. In the Criminal Sector of the Law Office, there are 22 female and 8 male counsels, across the spectrum of hierarchy. No persons with disabilities serve in these sectors.

In the remaining Sectors of the Law Office there are 98 female and 22 male counsels. These include 5 disabled persons, 1 female and 4 male.

There is no other data available on ethnic origin, religion, belief, sexual orientation or other status.

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?

Please refer to our previous replies that deal with issues of general policies and action plans that apply across the professional spectrum.

16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?  
NA
17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?
18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive, and representative composition, together with the details of the measures that were taken to achieve it?
19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?

# Denmark / Danemark

## I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?

Yes. The principles of diversity and inclusivity are enshrined in Danish legislation and apply to all sectors, including the prosecution service.

2. If so, how are these concepts defined?

Diversity and inclusivity are defined as ensuring equal opportunities for all individuals regardless of race, skin color, ethnic origin, religion or belief, sexual orientation, gender identity, gender expression or gender characteristics, national or social origin, political opinion, age or disability.

3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?

In Denmark, the principles of diversity, inclusivity, and non-discrimination are enshrined in national legislation under the Danish Equal Treatment Act and the Danish Anti-Discrimination Act, which applies to all public sector institutions, including the prosecution service. The Danish legal framework prohibits discrimination based on the above mentioned grounds.

The legislation establishes comprehensive guidelines to ensure equal treatment in recruitment, promotion, and other aspects of employment within the public sector. These regulations are designed to ensure that all candidates are assessed solely based on their qualifications, competencies, and experience.

4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?

While there are no specific regulations exclusive to the prosecution service, general Danish public service employment regulations encompass diversity and inclusivity requirements, ensuring all government bodies, including the prosecution service, uphold these principles.

The Danish prosecution service complies fully with the national anti-discrimination laws, ensuring fair treatment in recruitment, promotion, and employment practices and ensuring fair treatment for all underrepresented groups etc.

These measures apply across all levels.

5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:
- careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);
  - representation of different underrepresented groups, minorities, and segments of the society;
  - which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
  - any other measures.

## II. Policy level

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?

No general policy. Diversity and inclusivity are incorporated in e.g. job postings by the Danish prosecution service.

7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?

The concepts are based on the principles of equal opportunity and non-discrimination, ensuring no individual is disadvantaged due to their gender, ethnicity, religion, disability or other protected characteristics.

8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?

While there is no separate policy exclusive to prosecutors, national diversity and inclusion legislation fully apply to the prosecution service.

9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?

No specific policy.

10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:

- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
- concerning representation of which groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

### **III. Practical level**

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?

There are no specific practices developed in the Danish prosecution offices. However, there is a general awareness of diversity considerations in relation to the recruitment process.

12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?

Diversity and inclusivity are taken into account in the selection, recruitment, and promotion of prosecutors by ensuring compliance with national anti-discrimination laws and promoting equal treatment throughout these processes. This applies to all prosecution offices across the country.

13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?

Currently, no additional measures have been developed by practice.

### **IV. Evolution, challenges and suggestions**

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

The prosecution service comprises a total of 871 legal professionals across all levels as of February 2025. In the local prosecution offices, there are 479 women and 224 men, while in the central prosecution offices, there are 115 women and 53 men.

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?

There have been no significant recent developments specifically aimed at promoting diversity and inclusivity among prosecutors in Denmark.

16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?

The Anti-Discrimination Act was passed in 1996. The criteria of age and disability were added in 2004, and the criteria of gender identity, gender expression and gender characteristics were added in 2021.

Compared to ten years ago, no major changes have been implemented in the prosecution service. However, existing anti-discrimination laws have continued to guide recruitment and employment practices.

17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?

No particular challenges or barriers have been identified in the prosecution service's efforts to promote diversity and inclusivity. Ensuring continued compliance with anti-discrimination laws remains the key approach.

18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?

There are no specific examples of individual prosecution offices with distinct measures to ensure a particularly diverse, inclusive, and representative composition.

19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?

One of the steps we aim to take to enhance diversity and inclusivity in the prosecution service is to implement the EU Pay Transparency Directive, which must be incorporated into Danish law by June 2026.

## Finland / Finlande

### I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?

FINLAND: Non-discrimination Act applies to all public and private activities (*activities pertaining to private or family life or the practising of religion are excluded*).

2. If so, how are these concepts defined?

FINLAND: Diversity and inclusivity are not especially mentioned but the authorities also as an employers must evaluate the realisation of equality in their activities and take necessary measures to promote the realisation of equality. Proportionate different treatment that aims to promote de facto equality, is allowed.

3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?

FINLAND: Legislation states that no one may be discriminated against on the basis of age, origin, nationality, language, religion, belief, opinion, political activity, trade union activity, family relationships, state of health, disability, sexual orientation or other personal characteristics. Principle of non-discrimination covers all authorities. There is also an obligation to have a plan of the necessary measures for the promotion of equality concerning different demographic groups but we have not done it yet (under preparation).

4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?

FINLAND: There are no actual prosecution-specified regulations concerning diversity/inclusivity. But according to the Freedom of Expression Act, the Prosecutor General decides whether to bring charges for an offence subject to official prosecution based on the content of a published message. Offences related to the exercise of freedom of expression often involve a conflict between freedom of expression and another fundamental and human right.

5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:

- careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);



FINLAND: All appointments shall be made according to Act on Public Officials in Central Government. Appointments must be made on the basis of transparent merit comparison. Most of the decisions are also appealable.

- representation of different underrepresented groups, minorities, and segments of the society;

FINLAND: Please notice previous answers

- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);

FINLAND: Please notice previous answers

- any other measures.

## II. Policy level

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?

FINLAND: Yes they are, in government-level personnel management policies and under the Ministry of Justice, concerning also Prosecution Authority.

7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?

FINLAND: Non-discrimination (please see answer #3) and also active promotion of diversity and inclusivity. We updated our plan for the necessary measures for the promotion of equality last time year 2022 and it is now to be supplemented.

8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?

FINLAND: No

9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?

FINLAND: -

10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:

**FINLAND: -**

- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
- concerning representation of which groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

**III. Practical level**

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?

**FINLAND:** This has been under conversation in government-level diversity/inclusivity working groups but not implemented. It is recommended to include a diversity clause in the application notices to encourage minorities to apply.

12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?

**FINLAND:** Please notice previous answers

13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?

**FINLAND:** There is shortage of competent legal experts on criminal law field in Finland so the most important merit is to be a good prosecutor.

**IV. Evolution, challenges and suggestions**

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

**FINLAND:** Personnel statement 2024 (linked). It is not allowed to have information of other backgrounds than legal gender. In 2024 we employed a total of 664 people, of whom 472 were prosecutors of which 33% of prosecutors were men and 67% women, the largest amount in our history. The proportion of men of the total personnel was 25% and 75% of women.

[https://syyttajalaitos.fi/documents/11121156/13629294/Syytt%C3%A4j%C3%A4laitos%20henkil%C3%B6st%C3%B6tilinp%C3%A4%C3%A4t%C3%B6s%202024\\_saavutettava%20liitteet%20poislukien.pdf/295a0c3d-5a71-4014-c0ee-2352b0a505ae/Syytt%C3%A4j%C3%A4laitos%20henkil%C3%B6st%C3%B6tilinp%C3%A4%C3%A4t%C3%B6s%202024\\_saavutettava%20liitteet%20poislukien.pdf?t=1739968087503](https://syyttajalaitos.fi/documents/11121156/13629294/Syytt%C3%A4j%C3%A4laitos%20henkil%C3%B6st%C3%B6tilinp%C3%A4%C3%A4t%C3%B6s%202024_saavutettava%20liitteet%20poislukien.pdf/295a0c3d-5a71-4014-c0ee-2352b0a505ae/Syytt%C3%A4j%C3%A4laitos%20henkil%C3%B6st%C3%B6tilinp%C3%A4%C3%A4t%C3%B6s%202024_saavutettava%20liitteet%20poislukien.pdf?t=1739968087503)

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?

FINLAND: This issue is a bit hard to analyze. In any country, education systems constantly prefer natives and undiseased, cis, straight people (lack of minority stress).

16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?

FINLAND: The amount of women has grown but we have not followed other background issues.

17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?

FINLAND: -

18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?

FINLAND: -

19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?

FINLAND: Genuine (not just a piece of paper) equality policies, strong anti-discrimination policies, physical, psychological and social work environment that supports diversity and inclusivity, safe spaces. Respecting other people as they are.

## Georgia / Géorgie

### I Legislative and regulatory level

**Question N1.** Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?

**Question N2.** If so, how are these concepts defined?

**Question N3.** Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?

#### Reply of the Prosecution Service of Georgia:

Georgia has robust anti-discrimination regulations, policies, and strategies. Anti-discrimination laws and strategies such as the *Law of Georgia on the Elimination of All Forms of Discrimination*,<sup>3</sup> the *National Human Rights Strategy of Georgia for 2022–2030* and the *Action Plan for 2024–2026*, apply to the entire public sector, including the Prosecution Service of Georgia (PSG).

The *Law of Georgia on the Elimination of All Forms of Discrimination* aims to eliminate all forms of discrimination and guarantee equal rights for all natural and legal persons under Georgian legislation, regardless of race, skin color, language, sex, age, citizenship, origin, place of birth or residence, property or social status, religion or belief, national, ethnic, or social origin, profession, marital status, health, disability, sexual orientation, gender identity and expression, political or other opinions, or any other characteristic. The requirements set out in this law apply to public institutions, organizations, and both natural and legal persons in all spheres.

**Question N4.** Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?

#### PSG reply:

The following laws and regulations apply specifically to the PSG:

- The Organic Law on the Prosecution Service of Georgia (OLPSG);
- The Rule on Recruitment, Vetting, Competition, Internal Competition, Promotion, Demotion, and Rotation of Employees at the Prosecution Service of Georgia, adopted by the Prosecutor General of Georgia;

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<sup>3</sup> Available at: <<https://matsne.gov.ge/ka/document/view/2339687?publication=3>>

- The Rule on Internship at the Prosecution Service of Georgia, adopted by the Prosecutor General of Georgia;
- Order #047 of the Prosecutor General of Georgia on the Adoption of the Performance Appraisal System of Prosecutors and Investigators.

**Question N5.** If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:

- careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);
- representation of different underrepresented groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

**PSG reply:**

According to the *Rule on Recruitment, Vetting, Competition, Internal Competition, Promotion, Demotion, and Rotation of Employees at the Prosecution Service of Georgia* and the *Rule on Internship at the Prosecution Service of Georgia* vacant positions of a prosecutor or investigator of the Prosecution Service are filled based on competition and intern-prosecutors are also recruited through a competition. The announcement of the competition and information about its results are published on the official website of the Prosecution Service ([www.pog.gov.ge](http://www.pog.gov.ge)), through the press and/or other mass media outlets. The above-mentioned information is also published on the website of the Civil Service Bureau ([www.hr.gov.ge](http://www.hr.gov.ge)) and is publicly available.

Moreover, candidates applying for vacancies regulated by the *Law of Georgia on Public Service*, are also selected through a competitive process. Information about the competition, including the program and the requirements for each stage, is published on the Civil Service Bureau's website ([www.hr.gov.ge](http://www.hr.gov.ge)).

These transparent and inclusive procedures ensure that all eligible candidates are given equal opportunity to apply. Selection and promotion decisions are based solely on the candidates' qualification, experience and performance, fostering a non-discriminatory environment within the PSG.

Ethnic minorities are represented throughout the PSG, holding positions as prosecutors, investigators, intern-prosecutors, and specialists at both the Office of the Prosecutor General and regional offices.

## **II Policy level**

**Question N6.** Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?

**Question N7.** If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?

**PSG reply:**

As previously mentioned, Georgia has adopted the **National Human Rights Strategy for 2022–2030** and the **Action Plan for 2024–2026**.

**Priority N3** of the National Human Rights Strategy focuses on reflecting constitutional guarantees of equality in state policies and ensuring their effective implementation, with the aim of securing human rights and freedoms without discrimination. This priority aims to strengthen the protection of minority rights and promote equality, reinforce the principle of gender equality, improve systemic and institutional mechanisms to ensure equal opportunities, and empower women and girls.

**Question N8.** Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?

**Question N9.** If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?

**Question N10.** What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:

- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
- concerning representation of which groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

**PSG reply:**

Apart from the national strategy, the PSG has in place the **Strategy of the Prosecution Service of Georgia for 2022–2027** (approved on 9 March 2022 by the Career Management, Ethics, and Incentives Council). Among its various objectives, the strategy aims to enhance organizational and institutional development policy by increasing the independence of prosecutors, improving the selection and rotation system of employees, increasing the motivation of the employees and improving the working environment, ensuring continuous professional education for employees and **improving gender organizational policies**.

Moreover, the PSG has adopted the **Strategy for Gender Equality for 2022–2027**. This strategy aims to create an equal and non-discriminatory working environment while promoting

women's empowerment within the PSG. To effectively plan and implement the gender equality strategy and the measures outlined in the subsequent action plans, the **Working Group on Gender Issues** was established by the order of the **Prosecutor General of Georgia** in 2021.

While the PSG does not have a standalone non-discrimination regulation, various legal instruments and internal policies, including the Code of Ethics and other specific measures, ensure the promotion of non-discrimination and equality within the organization as outlined below:

**1. Code of Ethics for Employees of the Prosecution Service** *(adopted by the Order of the Prosecutor General of Georgia):*

**Article 4. Moral standards**

...

2. *An employee of the Prosecution Service must act with high standards of responsibility, guided by the rules of impartiality, justice, objectivity, political neutrality, decency, honesty, courtesy, dignity, mutual respect, trust, generally accepted culture, morality and ethics. An employee of the Prosecution Service must, through his/her actions, contribute to strengthening the public's faith and trust in the Prosecution Service.*

**Article 5. Protection of human rights and freedoms, non-discrimination**

1. *An employee of the Prosecution Service must respect and protect human rights and freedoms recognized by the Constitution of Georgia, international treaties, and domestic legislation. The universal principle of respect for human dignity is mandatory for an employee of the Prosecution Service.*
2. *When processing personal data, an employee of the Prosecution Service must ensure the protection of human rights and freedoms, including the inviolability of private life.*
3. *An employee of the Prosecution Service is obliged to contribute to the elimination of all forms of discrimination. She/he is obliged to comply with all laws and regulations that ensure equal opportunities for all persons, regardless of race, colour, sex, origin, ethnicity, language, religion, political or other views, social affiliation, property, rank or place of residence status or other grounds. Moreover, an employee of the Prosecution Service is prohibited to carry out any kind of discriminatory acts.*

**2. The Sexual Harassment Prevention and Response Mechanism**

In 2021, the Prosecutor General of Georgia approved the **Sexual Harassment Prevention and Response Mechanism**. Sexual harassment, as a form of discrimination, is a violation of human rights and is prohibited by the legislation of Georgia. The primary goal of the sexual harassment prevention and response mechanism is to eliminate discrimination and ensure a non-discriminatory environment for all employees. This mechanism was developed following a gender audit conducted within the PSG in 2021. To effectively implement the response

mechanism, a support group was established within the Prosecution Service of Georgia. In addition, the PSG employees are regularly trained on issues of sexual harassment.

### 3. Capacity-building

The PSG provides specialized training to prosecutors and investigators on hate crimes, with the primary goal of promoting non-discrimination.

### 4. Grading system

The ***Rule on Grading System for Employees of the Prosecution Service of Georgia***, adopted by the order of the Prosecutor General of Georgia, is designed to plan and develop the career of employees, increase their motivation and enhance professional skills. The grade (first, second and third) is assigned based on performance of the employee and the principles of legality, justice, objectivity, impartiality, professionalism and competence. These principles ensure that all employees are treated equally with a focus on merit, and that the process remains free from discrimination or bias.

### 5. Practical training for students and graduates

The ***Rule on Practical Training at the Prosecution Service of Georgia***, adopted by the order of the Prosecutor General of Georgia aims to help students and recent graduates develop their professional skills. The practice is open to students and graduates, and positions are filled through a competitive selection process.

## III Evolution, challenges and suggestions

**Question N14.** Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

As of 20 March 2025, the composition of the PSG employees (*including managers*) disaggregated by sex is as follows:

- **Prosecutors:** 425 total, including 152 women.
- **Investigators:** 85 total, including 10 women.
- **Intern-Prosecutors / Investigators:** 50 total, including 24 women.
- **Professional Public Employees (advisors, specialists, victim and witness coordinators):** 134 total, including 118 women.
- **Managers:** 141 total, including 18 women.
- **Administrative Contract Employees:** 5 total, including 2 women.
- **Contract Employees:** 149 total, including 46 women.



## Germany / Allemagne

1. Article 3 of the Basic Law for the Federal Republic of Germany (Grundgesetz, GG) guarantees equality before the law, equal rights for women and men and prohibits discrimination and undue preference based on certain characteristics.

Article 3 of the Basic Law for the Federal Republic of Germany reads as follows:

- (1) All people shall be equal before the law.
- (2) Men and women shall have equal rights. The state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist.
- (3) No person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith or religious or political opinions. No person shall be disfavoured because of disability.

Article 3 of the Basic Law for the Federal Republic of Germany primarily obliges the state (as a whole) to grant equality rights; however, it also applies between private individuals.

In labour law, the General Act on Equal Treatment (AGG) aims to prevent or eliminate discrimination on the grounds of racial or ethnic origin, sex, religion or belief, disability, age or sexual identity. This law applies to civil servants or employment contracts under public law, thus also to prosecutors and judges (Section 24 AGG).

The Federal Act on Gender Equality (Bundesgleichstellungsgesetz, BGleG) requires departments to implement and promote equality between women and men. The law obliges federal agencies and companies to appoint equal opportunities officers and draw up equal opportunities plans.

2. The various forms of unequal treatment (direct discrimination, indirect discrimination, harassment, sexual harassment) are defined in Section 3 AGG. The law does not include a definition of the personal characteristics mentioned.
3. The aforementioned regulations are based on the principle of non-discrimination. For the legal anchoring of the principles of non-discrimination, see answers to No. 1 and No. 2.

The aforementioned laws are binding on the employer and therefore apply to the public prosecutor's offices. The employer must ensure that there is no discrimination. Employees have the right to lodge a complaint with the competent body in the authority if they feel discriminated against in connection with their employment relationship by their employer, superior, another employee or third party (Section 13 AGG). Anti-

discrimination organisations may represent the interests of disadvantaged persons in order to enforce suitable measures (Section 23 AGG). For further protection against discrimination, the Federal Anti-Discrimination Agency, headed by the Independent Federal Commissioner for Anti-Discrimination, has been set up (Section 25 AGG).

4. There are no special regulations for public prosecutors that go beyond the aforementioned laws.

To enforce the AGG, an equal opportunities officer has been appointed at the public prosecutor's offices to protect against gender-based discrimination. The rights of disabled persons are represented by a person designated "representatives of severely disabled persons" (Schwerbehindertenbeauftragte/r).

According to Sections 13 and 24 AGG, a complaints department or officer must be designated and publicised in every public authority. This applies regardless of the size of the authority.

5. The Federal Act on Gender Equality (BGleIG) requires public agencies to enforce and promote equality between women and men. If women are underrepresented in an area, the department must give them preferential consideration if they have the same qualifications as their competitors (Section 8 BGleIG)

In other respects, see answer to No. 4.

There are no other particular measures for public prosecutors' offices.

6. The Federal Government's gender equality policy aims to promote equality between women and men in all areas of society.

In addition, the Federal Government collects the Gender Equality Index for the supreme federal authorities in its area of responsibility, including the supreme federal courts and the Federal Public Prosecutor General, on the basis of the BGleIG and the Ordinance on Statistical Surveys on Gender Equality in Federal Offices and Bodies (GleiStatV).

7. The aforementioned concepts are based on the promotion of equality between women and men (see above 1.) In addition, reference is made to the AGG, see answer to no. 2.

8. No.

9. See answer to no. 8

10. See answer to no. 8

11. No.

According to Article 33 (2) of the Basic Law for the Federal Republic of Germany, every German shall be equally eligible for any public office according to his aptitude, qualifications and professional achievements. Admission to public office is independent of adherence or non-adherence to a particular religious denomination or philosophical creed (Article 33 (3) of the Basic Law for the Federal Republic of Germany).

12. The selection of candidates for public office must comply with the fundamental right in Article 3 of the Basic Law for the Federal Republic of Germany. With regard to the implementation of gender equality, see answer to No. 5

13. No.

14. The Federal Office of Justice collects statistics on the composition of public prosecutors' offices by gender.

In 2022, 162.56 public prosecutors were employed by the federal government (not measured in persons but labour force shares). Of these, 56.75 were female. This corresponds to a share of around 35 %.

In the federal states, a total of 3315.68 of the 6348.83 public prosecutors (measured by labour force share) were female. This corresponds to a share of around 52 %.

In 2023, 68 of 186 public prosecutors at the Office of the Attorney General were female (counted by person). This corresponds to a share of around 36.5 %.

15. There are no special regulations for public prosecutors' offices. The aforementioned legal regulations bind the entire public service to the goals of equality and inclusivity.
16. On the recommendation of the Constitutional Commission, the text of Art. 3 para. 2 of the Basic Law for the Federal Republic of Germany was amended on 15 November 1994 by a provision on state objectives according to which "the state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist".

The AGG came into force with effect from 18 August 2006. It serves to implement four European Directives (Council Directive 2000/43/EC of 29 June 2000, Council Directive 2000/78/EC of 27 November 2000, Directive 2002/73/EC of the European Parliament of 23 September 2003, Council Directive 2004/113/EC of 13 December 2004).

The Federal Act on Gender Equality came into force in 2015 and replaced the Equal Opportunities Enforcement Act (DGleIG), which came into force on 30 November 2001. Its predecessor was the Women's Promotion Act of 24 June 1994

As a result of these measures, the positions at the public prosecutor's offices have been filled almost equally in terms of gender. However, the share for management positions is not yet equalised.

17. See answers to questions no. 4-6.

In application of the AGG, every public prosecutor's office is required to organise the working conditions in a concrete way, as far as possible, so that inclusivity can be realised.

18. Not known.

19. Regular sensitisation and training of the authorities' management and executives to implement the statutory objectives.

## Greece / Grèce

### I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?

**Under Law 4443/2016 against discrimination at work and employment, the principle of equal treatment applies to all persons, in both public and private sectors, with respect to the conditions for access to employment and employment in general. This includes equal treatment regarding selection criteria and conditions of recruitment, access to all types and levels of vocational training and working conditions (e.g. remuneration, dismissal, health and safety at work and, in the event of unemployment, reintegration and re-employment). Furthermore, the law creates the role of an Ombudsman to monitor and promote the implementation of the principle of equal treatment in the public and private sectors.**

**The General Prosecutor as well as Public Prosecutors who serve under him/her, are appointed on the basis of the Law 4938/2022 (Code on the Organization of the Courts and the Status of Judges and Prosecutors). Furthermore, specific articles of this Code provide for criteria concerning the promotion of prosecutors, such as quantitative and qualitative performance.**

2. If so, how are these concepts defined?

**There are no uniform definitions of “diversity” or “inclusivity” in domestic law provisions in Greece**

3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?

**Although there are no uniform definitions of “diversity” and “inclusivity” in domestic law the principle of non-discrimination is enshrined in law, since there are provisions for safeguards including gender, race/ethnic origin, disability etc.**

4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?

**No, there is no legislation or regulation concerning diversity and inclusivity within the composition of the prosecution service specifically.**

5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:
- careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);
  - representation of different underrepresented groups, minorities, and segments of the society;
  - which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
  - any other measures.

**The legislative provisions that relate to promoting equality, diversity and inclusion in employment have a cross-sectoral approach and do not address specifically the composition of the prosecution service. However, according to article 43 of the Law 4938/2022 (Code on the Organization of the Courts and the Status of Judges and Prosecutors) the candidates for the prosecution service must fulfil specific criteria for the position irrespective of their gender.**

## **II. Policy level**

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?

**As mentioned above, Law 4443/2016 against discrimination at work and employment provides for the role of an Ombudsman to monitor and promote the implementation of the principle of equal treatment in the public and private sectors. The Greek Ombudsman (for Equal Treatment) is the national equality body with a mandate to combat discrimination and promote the principle of equal treatment irrespective of gender, racial or ethnic origin, family or social status, religion or belief, disability or chronic disease, age, sexual orientation, gender identity or gender characteristics (Law 3896/2010 and Law 4443/2016).**

**The non-discrimination concept is also included in the articles 4 and 5 of the Greek Constitution concerning the protection of individual and social rights (article 4), the protection of life of all persons living within the Greek territory, as well as the protection of their honour and liberty, irrespective of nationality, race or language and of religious or political beliefs (article 5).**

7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?

**All policies that pertain to diversity and inclusivity are based on the principle of non-discrimination. A wide range of grounds of discrimination are addressed in the various policies and mechanisms available.**

8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?

**Policies for enhancing diversity and inclusivity are cross-sectoral and apply to the public sector, where the Public Prosecutor's Office belongs.**

9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?

**As per above.**

10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:
- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
  - concerning representation of which groups, minorities, and segments of the society;
  - which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
  - any other measures.

**As per above.**

### **III. Practical level**

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?

**According to article 43 of the Law 4938/2022 (Code on the Organization of the Courts and the Status of Judges and Prosecutors) the candidates for the prosecution service must fulfil specific criteria for the position irrespective of their gender.**

12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?

**Selection, recruitment, and promotion of staff in the Public Prosecutor's Office is carried out based on the provisions of the Law 4938/2022. This Law sets strict criteria for the safeguard of equality and equal treatment throughout all the stages of such processes.**

13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?

**In the framework of continuous professional development, the National School of Judges organises lectures, seminars and activities that aim at developing a healthy and productive professional environment**

#### **IV. Evolution, challenges and suggestions**

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

**Not available. However, it should be emphasized that since 2013 three women have been appointed to the position of the General Prosecutor of the Supreme Court of Greece, while the third is still in office. Also, many women serve as Heads of Prosecution Offices at First Instance Courts and Courts of Appeal throughout Greece.**

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?

**Please refer to our previous replies that deal with issues of general policies and action plans that apply across the professional spectrum.**

16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?

**Please refer to our reply to Question 14**

17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?
18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?
19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?

## **Hungary / Hongrie**

In Hungary the conditions for becoming a prosecutor are laid down by law, the selection procedure is transparent and free of any negative or positive discrimination, only the personal suitability is the selection criteria.



## Ireland / Irlande

### I. Legislative and regulatory level

1. *Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?*

Yes, the duty is set out in section 42 of the Irish Human Rights and Equality Commission Act 2014. The law applies to a broad range of organisations, including public sector bodies.

2. *If so, how are these concepts defined?*

There are a number of statutory obligations under Irish law designed to promote the principles of Diversity, Inclusion and Equality. Examples being: The minimum statutory employment target for persons with disabilities to be employed in the public sector is currently at 6%.

The National Disability Authority (NDA) is the independent statutory body, providing evidence-based advice and research to Government on disability policy and practice and promoting Universal Design. They were established under the National Disability Authority Act, 1999. They have responsibility for monitoring and overseeing the duty on the public sector bodies listed above to comply with the employment target.

The definition of 'disability' used in section 2 of the Disability Act 2005 is broad. It includes 'a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment'.

To establish **direct discrimination**, a direct comparison must be made. For example, in the case of disability discrimination the comparison must be between a person who has a disability and another person who has not. Or, between two people with different disabilities.

**Indirect discrimination** is defined as when practices or policies do not appear to discriminate against one group more than another, but actually have a discriminatory impact. Indirect discrimination can also happen where a requirement that may appear non-discriminatory adversely affects a particular group or class of people.

3. *Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?*

A requirement exists under Section 42 of the Irish Human Rights and Equality Commission Act 2014, which imposes a statutory obligation on public bodies in performing their functions to have regard to the need to:

- eliminate discrimination;
- promote equality of opportunity and treatment for staff and persons to whom it provides services; and
- protect the human rights of staff and services.

The Office of the DPP specifically reports upon our compliance with the requirements in each of our Annual Reports. Additionally, the requirement to have regard to the Irish Human Rights and Equality Commission Act 2014 is specifically addressed in the ODPP Code of Ethics.

The 2014 Act requires a public body, having regard to its functions, purpose, size and resources available to it, to:

- **Assess** – set out in its strategic plan an assessment of the human rights and equality issues it believes to be relevant to the functions and purpose of the body;
- **Address** – set out in its strategic plan the policies, plans and actions in place or proposed to be put in place to address those issues;
- **Report** – report on developments and achievements in its annual report.

The Equal Status Acts 2000-2018 ('the Acts') prohibit discrimination in the provision of goods and services, accommodation and education. The legislation covers nine grounds, namely of gender, marital status, family status, age, disability, sexual orientation, race, religion, and membership of the Traveller community. In addition, the Acts prohibit discrimination in the provision of accommodation services against people who are in receipt of rent supplement, housing assistance, or social welfare payments. The ODPP fully complies with the requirements of this legislation.

In addition, the Acts require those selling goods or providing services to provide reasonable accommodation or special treatment or facilities where without these it would be impossible or unduly difficult for a person with disabilities to avail of the goods and services, unless this would cost more than a nominal cost. What amounts to a nominal cost will depend on the circumstances such as the size and resources of the body involved.

All legislation passed by the Oireachtas (the Irish parliament) must be compatible with the Irish Constitution. The Constitution sets out a number of fundamental rights including equality before the law.

4. *Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?*

Please see answers to questions 1 and 2 above.

5. *If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:*
- *careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);*

While not set by legislation, recruitment campaigns are gender neutral. The level of experience required takes into consideration those that may have taken time out of the workplace for family reasons. Selection boards have gender balance.

In addition to the above, the Gender Pay Gap Information Act 2021 requires organisations to report on their hourly gender pay gap across a range of metrics. Organisations with over 250 employees were asked to report on their Gender Pay Gap for the first time in 2022. The Regulations which set out the detail on how these calculations will be made are published at the link below: [The Employment Equality Act 1998 \(section 20A\)\(Gender Pay Gap Information\) Regulations 2022](#)

The Commission for Public Service Appointments (CPSA), as established by the Public Service Management (Recruitment and Appointments) Act 2004, provides the regulatory framework for fair, transparent and merit-based recruitment and selection in the Irish public service. The ODPP is part of the Irish Civil Service and is governed by the CPSA for its recruitment.

The Act sets out the rules for recruitment and obliges public bodies to uphold the Code of Practice when making an appointment. If an appointment is required to be made under the Act, a selection process must be carried out. The Act provides for the publishing of the Code of Practice by the Commission (see the following for further information: <https://www.cpsa.ie/>). The Office of the Director of Public Prosecutions is one of these bodies and is permitted to recruit under licence granted by the CPSA and is bound by the terms and conditions of this licence and the CPSA Code of Practice. The Code specifically indicates that:

...equality and inclusion will be promoted at each stage of the selection process. Candidates will be treated equally and fairly, with individual differences valued and respected throughout. The Commission expects that equality, diversity and inclusion form part of all decisions and processes related to a competition.

Section 13(1)(c) of the Act states that the Commission may establish procedures to audit the recruitment and selection process for appointment to positions in the Civil Service and Public Service.

- *representation of different underrepresented groups, minorities, and segments of the society;*

In compliance with Part 5 of the Disability Act 2005, the ODPP undertakes, where practicable, to promote and support the employment of people with disabilities. There are additional supports available through the Civil Service Employee Assistance Service and the ODPP's Disability Liaison Officer.

The ODPP supports employees promoting Diversity, Inclusion and Equality, through its Dignity at Work policy and through a range of learning and development opportunities in the area of Irish Human Rights and Equality vulnerable victims, special measures and unconscious bias. This is supported by the Office's wellbeing programmes and initiatives. Other relevant policies include a Menopause Policy, Blended Working Policy and Right to Disconnect.

- *which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices)*

Please see answers to questions 1, 2 and 4 above. The information provided applies to all levels of the prosecution service.

- any other measures.

The ODPP has an internal mentoring and traineeship programme, encouraging staff that do not have a legal qualification to obtain legal qualifications sponsored by the ODPP. After obtaining the necessary legal qualifications, there is the scope within the Office to progress to a traineeship programme which can lead, upon successful completion, to qualification as a solicitor and potentially to employment as a prosecutor. A number of employees in the ODPP have qualified as solicitors using this pathway and are now employed as prosecutors. This sponsored professional development programme has the capacity to increase the prosecution service's representation from different social economic backgrounds and demographics that may not have had the financial ability to complete college on leaving secondary education.

The ODPP also partakes in a Legal Access Internship Programme in collaboration with several other public sector organisations. The Scheme has been created to provide internship opportunities across a number of state law offices including the ODPP, the Law Reform Commission, the Office of the Attorney General, and the Chief State Solicitor's Office. The Programme is open to final year undergraduate law students who come from socio-economically disadvantaged backgrounds or have disabilities. The internships provide successful applicants with paid work experience in a state law office and the opportunity to develop skills and confidence as part of a legal research and knowledge management team. The placement runs for two months, on-site.

Additionally, the ODPP has a Transition Year Placement Scheme where we facilitate transition year students (in their fourth of six years of secondary school) from schools to attend a week in the Office. During their placement, they attend a range of courts and learn from staff about the work of the Office and how the prosecution service operates. The week concludes with participation in a mock trial. A careers presentation is also provided. This is intended to foster broader understanding of the prosecution service among potential future law students.

The ODPP has recently commenced a DEIS School Programme with secondary-level schools. DEIS stands for Delivering Equality of Opportunity in Schools. The aim in these schools is to improve educational outcomes for students from socio-economically disadvantaged backgrounds. Our new annual programme involves staff from the ODPP visiting a number of local DEIS schools to present and discuss potential legal, administrative, ICT and other career streams available to them in the ODPP and the Civil Service. As part of this, a number of transition year student places are held for the DEIS school students. The DEIS School Programme opens up a new potential future talent pipeline for the ODPP as these students bring a diverse range of skills and knowledge.

The ODPP runs an annual Careers Fair Campaign in which it partners with a number of universities to attend legal student careers open days. Recently we have added the National Ploughing Championship to our campaign to promote our careers in rural communities. In terms of the Universities we partner with, we try to include universities who have a reputation of having a large number of domestic and international law students so we are reaching a wider and diverse audience. The ODPP has partnered with some of these universities for follow-up moot court sessions in the respective colleges and create internship agreements.

## II. Policy level

6. *Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?*

In some cases, legislation and strategies in relation to diversity and inclusion provide scope for each sector and each organisation to adopt policies/strategies bespoke to their organisation. However, there are areas where there are set obligations (e.g. the Irish Human Rights and Equality Commission Act 2014 and the Disability Act 2005).

Public bodies in Ireland have a legal obligation to promote equality, prevent discrimination and protect human rights. The Public Sector Equality and Human Rights Duty applies to the whole organisation. It is an ongoing responsibility that should be part of the public body's strategic plan.

The duty is set out in section 42 of the Irish Human Rights and Equality Commission Act 2014. The ODPP commitment on Equality, Diversity and Inclusion is captured within our [Statement of Strategy 2025-2027](#) under the Public Sector Duty section. Our [Guidelines for Prosecutors](#) and [Code of Ethics](#) capture further elements related to Equality, Diversity and Inclusion.

The Office is in the process of developing an ODPP Equality, Diversity and Inclusion (EDI) Strategy and Action Plan. The EDI strategy will address equality and human rights considerations related to all aspects of the work the Office. A cross-divisional Working Group has been set up and members have recently commenced working on this strategy. As part of this Working Group, each unit in the Office has a liason/point of contact to ensure that all sections of the Office across both our staff and service obligations are considered and that there is detailed consultation.

7. *If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?*

[Pages 9-12](#) of the Implementing the Public Sector Equality and Human Rights guidance provides definitions of the various concepts underpinning the Public Sector Duty of EDI which should be reflected in each public and civil service organisation's EDI policies/strategies.

8. *Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?*

- Civil Service Dignity at Work Policy: [Dignity at Work](#)
- [Strategy Statement 2025-2027 - IHREC - Irish Human Rights and Equality Commission](#)
- [NDA Strategic Plan 2025-2027](#)

We also have our internal resources: [Statement of Strategy 2025-2027](#), [Prosecutor Guidelines](#), [Code of Ethics](#), and ODPP Menopause Policy.

The Office of the Director of Public Prosecutions (ODPP) is the State's national prosecution service.

9. *If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?*

As above: set out in both national strategies and policies, as well as internal strategies and policies.

10. *What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:*

- *regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);*

We have the internal schemes mentioned above in question 4 (legal access internship programme, internal traineeship programme and mentor programmes).

- *concerning representation of which groups, minorities, and segments of the society;*
- *which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);*
- *any other measures.*

Please see above.

### **III. Practical level**

11. *Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?*

- Legal Access Internship Scheme (as discussed above)
- DEIS Schools Programme (as discussed above)
- Careers Fair Campaign (as discussed above)

While not set by legislation, recruitment campaigns are gender neutral. The level of experience required takes into consideration those that may have taken time out of the workplace for family reasons. Selection boards have gender balance.

In addition to the above, the Gender Pay Gap Information Act 2021 requires organisations to report on their hourly gender pay gap across a range of metrics. Organisations with over 250 employees are being asked to report on their Gender Pay Gap for the first time in 2022. The Regulations which set out the detail on how these calculations will be made are published at the link below: [The Employment Equality Act 1998 \(section 20A\)\(Gender Pay Gap Information\) Regulations 2022](#)

12. *Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?*

Please see information provided for question 2.

13. *Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?*

Please see information provided in the answers above.

#### **IV. Evolution, challenges and suggestions**

14. *Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.*

The table below sets out ODPP gender statistics for 31 December 2024 (this includes staff on payroll and unpaid leave).

Grade	Female	Male
Director	1	0
Deputy Director	1	0
Chief Prosecutor/ Head of Directing	1	1
Deputy Chief Prosecutor	1	3
Assistant Chief Prosecutor/ Head of CSD	0	2
Senior Principal Prosecutor	14	11
Principal Officer Higher	0	1
Principal Prosecutor	20	9
Principal Officer	4	0
Senior Prosecutor	20	8
Prosecutor	47	21
Assistant Principal Legal Executive	1	2
Assistant Principal Officer	6	4
Administration Officer	5	2
Higher Legal Executive	8	4
Higher Executive Officer	9	7

Executive Officer	11	12
Clerical Officer	36	13
Service Officer	0	3
<b>Total</b>	<b>185</b>	<b>103</b>

There are over 10 different nationalities employed in the ODPP across our grades. Data is not maintained in relation to the diversity of backgrounds of employees in the ODPP.

15. *Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?*

In recent years, Ireland has implemented several initiatives to promote diversity and inclusivity within the legal profession among prosecutors. One such initiative is [The Bar of Ireland's Equality Action Plan](#), which aims to enhance equality, diversity, and inclusion (EDI) at the Bar. The plan focuses on addressing challenges faced by underrepresented, disadvantaged, and minority groups, with objectives such as:

- Enhancing public awareness of EDI culture at the Bar;
- Introducing and embedding diversity and awareness training;
- Improving access to the profession;
- Supporting fair and equitable practice development and career progression opportunities; and
- Enhancing the accessibility of member services.

The [Law Society of Ireland](#) has introduced several initiatives to promote diversity and inclusivity among solicitors. This includes a Gender EDI Charter which Solicitor firms and public/civil service legal teams are invited to sign, publicly committing to gender and EDI principles. They also developed a policy and introduced a Task Force to promote EDI within the solicitor profession.

16. *If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?*

As outlined above, in terms of the initiatives mentioned for Q14. When the ODPP was established in 1975, a male Director was appointed whose successor was also a male who led the ODPP up until 2011. The most recent appointments to the role of Director of the Public Prosecutions have both been female, leading the ODPP from 2011 to present. The figures listed above under Q13 are positive, as our two most senior roles are filled by females whilst our senior legal roles are 50:50 split, whilst Senior Principal Prosecutor (which is our senior prosecutor role) is filled by approximately 54% female employees. In February 2020 this position was filled by approximately 65% male employees and therefore within 5 years, we have seen a 75% increase of females filling these roles with a 20% decrease in males.



17. *Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?*

Generally, the legal profession in Ireland has traditionally been seen as a field which has been largely dominated by individuals from more privileged backgrounds and therefore the obvious socio-economic barriers have needed to be overcome. Education, schemes and scholarships can further help given the high cost for this profession. The ODPP runs a number of schemes and initiatives (mentioned above) to help increase the diversity of its future prosecution talent pipeline.

There was a report in 2020 from the Law Society which found that woman solicitors faced challenges in career advancement, often due to work-life balance concerns, maternity leave and unconscious bias in promotions. The gender figures provided for the ODPP demonstrate positive reading for our Office.

18. *Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?*

The only categories of information that we record are gender and disability. The gender statistics are captured in the table above. We report on disability figures annually. The most recently published stats are for 2023 with 6% of our staff declaring a disability.

19. *What further steps could you suggest for moving towards more diversified and inclusive prosecution service?*

As mentioned above in question 5, work is commencing on the development of the ODPP Equality, Diversity and Inclusion Strategy and Action Plan which will identify any new initiatives that are required to move towards a more diversified and inclusive prosecution service.

## Italy / Italie

### I. Legislative and regulatory level

#### 1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?

Yes, Italian legislation contains a panoply of anti-discrimination principles, laws and regulations in the topics of diversity and inclusivity, which apply to all sectors, including prosecution service. A summary list, in chronological order, is the following:

a) First of all, the principle of non-discrimination is enshrined, albeit indirectly, in article 3 of the 1947 Constitution, the fundamental law of the Italian legal system, which establishes the principle of equality in a formal and substantial sense.

b) Law 13 October 1975, n. 654, which ratifies and implements the "International Convention on the Elimination of All Forms of Racial Discrimination", opened for signature in New York on 7 March 1966.

c) Law 25 June 1993, n. 205, which introduces urgent measures in the field of racial, ethnic and religious discrimination; in particular, it sanctions and condemns actions and slogans linked to Nazi-fascist ideology aimed at inciting violence and discrimination for racial, ethnic, religious or national reasons.

d) Legislative Decree no. 215 of 2003, which implements Directive 2000/43/EC of the European Union on equal treatment between persons regardless of race or ethnic origin. The purpose of the decree, provided for by art. 1, is to implement the provisions on equal treatment between persons "regardless of race or ethnic origin, providing for the necessary measures to ensure that differences in race or ethnic origin are not a cause of discrimination, also from a perspective that takes into account the different impact that the same forms of discrimination can have on women and men, as well as the existence of forms of racism of a cultural and religious nature".

e) Legislative Decree no. 216 of 2003, which implements Directive 2000/78/EC of the European Union and establishes equal treatment in employment and working conditions, both in the public and private sectors, regardless of disability, religion, personal beliefs, age or sexual orientation. The purpose of the law is to combat discrimination against people with disabilities in relation to access to employment and at work. It also introduces the distinction between direct and indirect discrimination and refers to the definition of the so-called mobbing, i.e. the implementation of harassment or unwanted behaviour with the purpose and effect of violating personal dignity by creating an intimidating, hostile, degrading, humiliating or offensive climate.

f) Law no. 67 of 2006, which introduces measures for the judicial protection of people with disabilities who are victims of discrimination. The law also provides a definition of disability, which is the situation concerning someone who has a physical, mental or sensorial impairment, stabilized or progressive, which causes difficulties in learning, relating or integrating into the workplace, and which determines a process of social disadvantage or marginalization. The purpose of the law is to fully implement the principle of equal treatment and equal opportunities of disabled people, in order to guarantee them the full enjoyment of their civil, political, economic and social rights. According to the law, the principle of equal treatment means that no discrimination can be practiced to the detriment of disabled people. This law also distinguishes between direct and indirect discrimination: direct discrimination occurs when, for reasons related to disability, a person is treated less favourably than a non-disabled person is, has been or would be treated in a similar situation, while indirect discrimination occurs when a provision, criterion, practice, act, agreement or apparently neutral behaviour puts a disabled person in a

position of disadvantage compared to other people. The law also includes harassment, carried out for reasons related to disability, in the category of discrimination, when harassment violates the dignity and freedom of a person with disabilities, or create a climate of intimidation, humiliation and hostility towards him/her. The law provides that the disabled person, victim of discrimination, can take legal action to obtain the inhibition of discriminatory behaviour and compensation for moral damages through a simplified and accelerated legal procedure.

g) Legislative Decree 11 April 2006, no. 198, entitled "Equal Opportunities Code between Men and Women". The Decree establishes, among other things, the principle that equal treatment and opportunities between women and men must be ensured in all areas, including employment, work and remuneration. However, the principle of equality does not ban the possible adoption of measures providing specific advantages in favour of the underrepresented sex.

h) Law no. 183 of 2010 which, in art. 21, provides for "Measures to ensure equal opportunities, well-being of people who work and absence of discrimination in public administrations". This law has introduced many provisions aimed at achieving the best use of human resources in the public sector and in public administrations, guaranteeing equal opportunities for workers and the absence of any form of discrimination and moral or psychological violence. The law enshrines the principle that public administrations guarantee equality and equal opportunities between men and women and the absence of any form of discrimination, direct or indirect, relating to gender, age, sexual orientation, race, ethnic origin, disability, religion or language, in access to employment, treatment and working conditions, professional training, promotions and safety at work. Public administrations must also guarantee a working environment based on organizational well-being and must commit to detecting, combating and eliminating any form of moral or psychological violence within their own organization. Finally, each public administration has the obligation to establish within its organization the "Committee against discrimination and for ensuring Equal Opportunities and Promotion of the Well-being of Workers". The Committee has proactive, consultative and verification tasks. Its aim is to improve the efficiency of work performances through the creation of a work environment where the principles of equal opportunities, organizational well-being and the fight against any form of discrimination and moral or psychological violence against workers are put into practice.

## **2. If so, how are these concepts defined?**

Laws and regulations define diversity and inclusivity as the best use of human resources in order to ensure equal opportunities for workers and the absence of any form of direct or indirect discrimination and moral or psychological violence relating to gender, age, sexual orientation, race, ethnic origin, disability, religion or language in access to employment, treatment and working conditions, professional training, promotions and safety at work, as well as the efficiency of work performances through the creation of a work environment where the principles of equal opportunities, organizational well-being and the fight against any form of discrimination are implemented.

## **3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?**

The covered grounds encompass gender, age, sexual orientation, race, ethnic origin, disability, religion and language.

4. **Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?**

Only with regard to Southern Tyrol region, where there is a German-speaking majority, some competitions for aspiring judges and prosecutors called to work there are entirely reserved for German-speaking group. This happens because three different linguistic groups coexist in Southern Tyrol: Italian, German and Ladin. It comes to be a feature of absolute peculiarity that has been marking the history of the region and make it different from the other regions.

Except for this, legislation and regulations in the matter of inclusivity and diversity does not contain any other specific reference to the prosecution services. General legislation upon public sector apply to them, where compatible.

5. **If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:**

- careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);
- representation of different underrepresented groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

See above.

## **II. Policy level**

6. **Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?**

Each public administration establishes, by law, within its organization, a "Committee against discrimination and for ensuring Equal Opportunities and Promotion of the Well-being of Workers". With regard to the Judiciary, these Committees are set up within the Judicial Councils of the local courts and the Directive Council of the Supreme Court. These Councils are local self-governing bodies, which collaborate with the central self-governing body called Supreme Council of Magistracy, which also has its own Committee.

The Committee's task is that to make sure that the principle of equal opportunities and the promotion of the well-being of judges, prosecutors and administrative staff be really realised.

The Committee has proactive, consultative and verification tasks. Its general aim is to improve the efficiency of work performances through the creation of a work environment where the

principles of equal opportunities, organizational well-being and the fight against any form of discrimination and moral or psychological violence against workers are really implemented.

- 7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?**

The definition of diversity and inclusivity at policy level and at law level is the same, *id est* the best use of human resources in order to ensure equal opportunities for workers and the absence of any form of direct or indirect discrimination and moral or psychological violence relating to gender, age, sexual orientation, race, ethnic origin, disability, religion or language in access to employment, treatment and working conditions, professional training, promotions and safety at work, as well as the efficiency of work performances through the creation of a work environment where the principles of equal opportunities, organizational well-being and the fight against any form of discrimination are implemented.

- 8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?**

There is no specific policy concerning prosecutors.

- 9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?**

- 10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:**

- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
- concerning representation of which groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

The "Committee against discrimination and for ensuring Equal Opportunities and Promotion of the Well-being of Workers", established within the courts (with the task to improve the efficiency of work performances through the creation of a work environment where the principles of equal opportunities, organizational well-being and the fight against any form of discrimination and moral or psychological violence against workers are implemented), usually acts in the following

way: a) by verifying the respect of the guidelines issued by chief prosecutors in the matter of equal opportunities and organizational well-being, such as those concerning the disencumbering of mothers with very young or several children and disabled employees (including prosecutors) from overwhelming or wearing tasks; b) concrete actions, such as by setting up nurseries in the court's premises to facilitate all mothers who work as judges, prosecutors or administrative staff; c) moral suasion, such as by organizing seminars and conferences to raise awareness of the importance of an inclusive working environment where diversity is held as a value; d) by promoting policies that develop and encourage diversity and inclusivity, such as urging the use of an inclusive language (for instance, when the language makes reference to judges and prosecutors women, it is recommended using feminine words, such as "la procuratrice").

### **III. Practical level**

- 11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?**

There are no such practices for attracting and recruiting because the ideal pattern of judge and prosecutor is based on a professional who knows and not on a worker chosen because of his/her belonging to a group.

- 12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?**

No, knowledge, mental balance and moral qualities are the gold standard for aspiring judges and prosecutors as well as for leading positions into the Judiciary. Likewise, in such a system where the choice for recruiting falls on the prosecutor who knows, no quotas are envisaged. The only exception, founded on the reasons explained above, concerns the above-mentioned competitions for judges and prosecutors called to work in Southern Tyrol.

- 13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?**

### **IV. Evolution, challenges and suggestions**

- 14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.**

According to Superior Council of Magistracy' statistics, updated to 2024, concerning the distribution by genre in the Judiciary (Judiciary encompasses both judges and prosecutors), women prevail: 4,071 male magistrates and 5,229 female magistrates (equal to approximately 56.2%). The average age of the latter (50) is lower than that of three years of men (53). Besides, from 1996 onwards, the number of women winning the competition in the Judiciary (the competition is unique for judges and prosecutors) is always superior to that of men. In

particular, the gap has expanded since 2007. In 2019 women represented 63% of the winners and in 2022 they were 69%.

In the prosecution services women represent approximately 52% of the total staff, but only 26,7% and 22,3% of women have leadership positions, respectively, of lesser rank and higher level. The reason of this disproportion is not known and it could only partially be explained by the lower average age of women than men's that.

On the other hand, women are in great majority (69.6%) with regard leading positions in the prosecution offices at the juvenile courts.

- 15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?**
- 16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?**

The undeniable and continuous improvements in this field are certified by the raising awareness of the principles of equal opportunities and contrast of any form of discrimination in the community, by the policies implemented and by the moral suasion constantly exerted by laws and regulations in compliance with the Zeitgeist (if I may use this Hegelian expression).

- 17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?**

No problems whatsoever.

- 18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?**
- 19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?**

## Latvia / Lettonie

### I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?

In Latvia, the concepts of diversity and inclusivity are not explicitly defined in law. However, the principle of equal rights, enshrined in Section 7 of the Labour Law, prohibits any form of discrimination against employees. The Labour Law also applies to the prosecution service.

In addition, the Code of Conduct of Prosecutors of Latvia provides that while performing their duties the prosecutors observe the principles of impartiality. In particular the Article 9 of the Code states that “The Prosecutor shall discharge official duties by impartial, neutral and biases-free manner, observing the fairness, principle of innocence and equality of persons before the law and the court, as well as without granting any unjustified privileges to persons”; and the Article 11 provides that “The Prosecutor shall not verbally, by any speech, gestures or by any other action create a false impression about his/her lack of impartiality or biased attitude, shall not express or support opinions that could be perceived as discriminating on the grounds of race, gender, religion, nationality, disability, age, sexual orientation, financial, or social status.” (The English version of the Code is available here: <https://prokuratura.lv/en/par-mums/normativie-akti>.)

2. If so, how are these concepts defined?

**Please see above**

3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?

**Section 7 of the Labour Law establishes the principle of equal rights to work, fair, safe, and healthy working conditions, as well as fair remuneration. This principle must be upheld without any direct or indirect discrimination. Please see the full section below:**

#### **Section 7. Principle of Equal Rights**

- (1) Everyone has an equal right to work, to fair, safe and healthy working conditions, as well as to fair remuneration.
- (2) The rights provided for in Paragraph one of this Section shall be ensured without any direct or indirect discrimination - irrespective of a person's race, skin colour, gender, age, disability, religious, political or other conviction, ethnic or social origin, property or marital status, sexual orientation or other circumstances.
- (3) In order to promote the introduction of the principle of equal rights in relation to persons with a disability, an employer has an obligation to take measures that are necessary in conformity with the circumstances to adjust the work environment, to



facilitate the possibility of persons with a disability to establish employment relationship, perform work duties, be promoted to higher positions or be sent to occupational training or further education, insofar as such measures do not place an unreasonable burden on the employer.

- (4) It is the obligation of the work placement service provider as the employer to ensure the same working conditions and apply the same employment provisions to an employee who has been appointed for a specified period to perform work in the undertaking of the recipient of the work placement service as would be ensured and applied to an employee if an employment relationship between the employee and the recipient of the work placement service had been established directly and the employee was to perform the same work.
- (5) The working conditions and employment provisions referred to in Paragraph four of this Section shall apply to working time and rest time, remuneration, pregnant women, women during the period following childbirth up to one year, women who are breastfeeding, to the protection assigned to children and adolescents, and also to the principle of equal rights and the prohibition of differential treatment.

- 4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?

**The principle of equal rights enshrined in the Section 7 of the Labour Law is applicable to prosecutors and other employees of the prosecution service.**

However, there are certain criteria that must be fulfilled to become a prosecutor, as outlined in Section 33 of the Office of the Prosecutor Law. Specifically, the following persons may be appointed as a prosecutor:

- 1) who are citizens of Latvia;
  - 2) who have knowledge of the official language at the highest level;
  - 3) who have attained 25 years of age;
  - 4) who have acquired a higher vocational or academic education (except for the first level vocational education) and a lawyer qualification, and also a master's or doctoral degree;
  - 5) who have an impeccable reputation;
  - 6) who have undergone apprenticeship at an Office of the Prosecutor, have completed the apprenticeship programme, have passed the qualification examination and received an opinion of the Attestation Commission on eligibility for the office of a prosecutor.
- 5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:
    - careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);

- representation of different underrepresented groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

The general measures of non-discrimination set out in the Labour Law apply to the eligibility requirements for being candidates for prosecutorial posts. All the applicants are treated equally.

In particular, the Section 33.<sup>1</sup> of the Office of the Prosecutor Law entitled “Selection of Candidates for the Office of a Prosecutor” stipulates that “no discrimination based on origin, social and financial status, race or nationality, sex, attitude towards religion, type and nature of occupation, or political or other views is permitted in selection of candidates for the office of a prosecutor.” ( The English version of the Office of the Prosecutor Law is available here: <https://likumi.lv/ta/en/en/id/57276-office-of-the-prosecutor-law>.)

In order to prevent any discrimination in the composition of the prosecution service the principles for selection of candidates mentioned above are applicable to all three levels of the prosecution service: the Office of the Prosecutor General, the regional prosecution offices and the district level prosecution offices, including two specialised prosecution offices – the Taxes and Customs Affairs Prosecution Office and the Prosecution Office for Investigation of Public Office Holders Misconduct Offences.

## II. Policy level

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?

**Yes, these concepts apply to all sectors, including the prosecution service.**

In line with international and European legal documents, equality and non-discrimination is guaranteed in the legislation of Latvia. These legal norms are set in Article 91 of the Constitution stipulating that "All human beings in Latvia shall be equal before the law and the courts. Human rights shall be realised without discrimination of any kind."

The most important sectorial norms promoting diversity and inclusivity are set in the Labour Law (mentioned before – see questions 1-5) which came into force in 2002. (The English version of the Labour Law is available here: <https://likumi.lv/ta/en/en/id/26019-labour-law>.)

More specifically, norms of equal pay, equal access to employment, vocational training and promotion, working conditions, parental leave, burden of proof in cases of discrimination based on sex, protection of pregnant workers, protection against harassment and sexual harassment, and non-discrimination based on gender are part of these documents.

In line with general political and legislative processes in the European Union, an increasing number of national laws have been amended to include clauses of equal

treatment. Likewise, laws to regulate provision of goods and services and insurance provided by private insurance companies are amended to prevent discrimination.

The Ministry of Welfare is the responsible institution for the development of equality policy in Latvia. At present, the overall equality strategy is embedded within a sectoral strategy – Social Protection and Labour Market Policy Guidelines 2021-2027. Although the title of the strategy relates to the labour market, it sets wider goals beyond the labour market.

The Council of Gender Equality (under the direction of the Welfare Minister) was established in 2002 to encourage, protect, and resolve problems of gender inequality at the governmental level. In 2010, a new Committee of Gender Equality was established instead of the Council. Its main functions include coordination of all the stakeholders, such as ministries, NGOs, social partners, municipalities.

Despite being located within a sectoral strategy, gender equality is addressed as a horizontal issue that cuts across all the guidelines.

In terms of policy, Latvia has a national action plan on gender equality: the Plan on the Promotion of Equal Rights and Opportunities for Women and Men 2024-2027 which aims to provide an integrated and targeted gender equality policy that promotes the implementation of equal rights and opportunities for all. (English version of the Plan is available here:

<https://www.lm.gov.lv/lv/media/28254/download?attachment.>)

The Ministry of Welfare is the responsible institution for the development of policy for persons with disability. The policy is in line with the Convention on the Rights of Persons with Disabilities of the United Nations and its purpose is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?

The concepts are defined in the laws and policy documents mentioned above. They are based on the principle of non-discrimination. The non-discrimination is one of the basic principles of the Social Protection and Labour Market Policy Guidelines for 2021-2027 and within these Guidelines the principle of non-discriminations means that social protection is ensured without discrimination on the basis of gender, race or ethnic origin, religion or belief, age, health status, disability or sexual orientation, social origin, financial or family status or other circumstances, as well as ensuring equal opportunities for all residents to exercise their rights and access to goods and services in every area and situation.

8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?

**There is no specific policy regarding diversity and inclusivity among prosecutors in Latvia. The principles of non-discrimination are included in the legislation and policy documents mentioned above and they apply to prosecution service.**

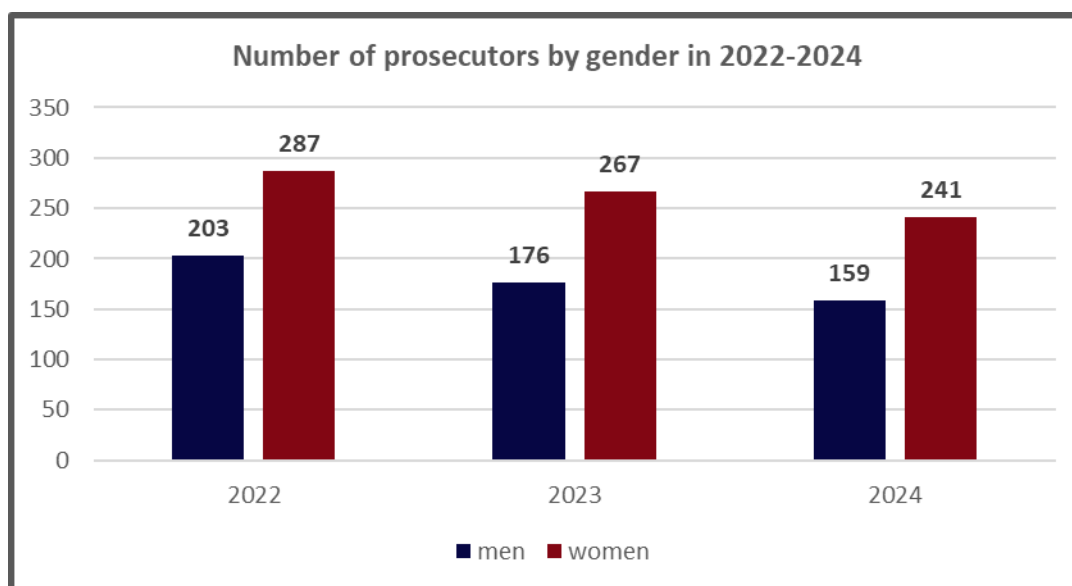
9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?

**N/a**

10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:

- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
- concerning representation of which groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

**Note: As mentioned before in the answer to question No. 9 there is no specific policy, but it is important to emphasize that for example in the case of gender equality the representation of women is high in the Prosecution Office of Latvia. Please see the table below “Number of prosecutors by gender in 2022-2024”.**



**In addition, the representation of women in the positions of Chief Prosecutors is also well balanced. Please see the table below “Number of prosecutors by gender in prosecutor position categories in 2021-2023”.**

Number of prosecutors by gender in prosecutor position categories in 2021-2023				
Gender/position		2022	2023	2024
Men	Prosecutors	187	161	147
	Chief Prosecutors	16	15	12
Women	Prosecutors	274	254	228
	Chief Prosecutors	13	13	13

### III. Practical level

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?

**Regarding the practices related to recruiting of prosecutors they are based on the principles of non-discrimination and national legislation described in the answers to the questions of “Part I. Legislative and regulatory level”.**

12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?

**The principles of diversity and inclusivity are taken into account in the process of selection recruitment, and promotion of prosecutors. And they are applicable to all three levels of the prosecution service: the Office of the Prosecutor General, the regional prosecution offices and the district level prosecution offices, including two specialised prosecution offices – the Taxes and Customs Affairs Prosecution Office and the Prosecution Office for Investigation of Public Office Holders Misconduct Offences. The same principles apply to the personnel of the Administrative Director Service of the Prosecution Office of Latvia.**

13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?

**The statistical data regarding the gender composition of the Prosecution Office show that representation of women prosecutors is high in Latvia. In addition the representation of women in the positions of Chief Prosecutors is well balanced. These results indicate that practices implemented by the Prosecution Office regarding maternity leave and safeguard of rights during pregnancy are kept to the highest standards as provided in the national legislation. Overall, the Prosecution Office as an employer provides the conditions of healthy work life balance even regardless off demanding nature of the prosecutorial duties.**

The whistleblowing mechanism implemented by the Prosecution Office and provided by the Whistleblowing Law (please see English version of the Law here: <https://likumi.lv/ta/en/en/id/329680-whistleblowing-law>) allows for reporting of possible violations, including regarding the principles of non-discrimination.

#### **IV. Evolution, challenges and suggestions**

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

**Please refer to the answer provided to the question No. 10.**

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?

**All the developments are linked to the overall policies regarding the inclusion and non-discrimination that have been explained in detail in the answers to the questions No. 1-7.**

16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?

**Please refer to the answer to the question No. 6 which includes a short description of the developments as well.**

17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?

**Overall, there have been no challenges that would be specific to the prosecution service.**

18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?

**Please refer to the answer provided to the question No. 10.**

19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?

**With respect to the gender equality the prosecution service of Latvia overall is not faced with major challenges, however the principles regarding diversity and inclusion must remain as an integral part of the overall human resources policy implementation.**

**The Prosecution Office's Operational Strategy 2022–2027 is based on seven priorities (please see English version of the Strategy here: <https://prokuratura.lv/en/parms/prokuraturas-darbibas-strategija>).**

**The focus of two of these priorities is in close relation to the principles of inclusivity and non-discrimination – the implementation of activities to observe these principles takes place within the priority No. 5 “Improving the PO management: introduction of modern**

management methods; ensuring the efficiency of internal processes; implementation of digital transformation” and the priority No. 7 “Developing of the prosecutors’ and employees’ skills and promoting of their engagement with commitment to principles of ethics and integrity”.

During the implementation of this Strategy the promotion of the principles of non-discrimination is ensured. In addition, once the preparatory work will start for the strategy document of the next planning period these principles will remain included and developed further.

## Lithuania / Lituanie

### I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service? In Lithuania, the concepts of diversity and inclusion are most often expressed through the principles of equality and non-discrimination enshrined in laws and other legal acts. Lithuania has signed and ratified various international agreements and conventions that guarantee human rights and eliminate discrimination in various areas of life.
2. If so, how are these concepts defined? There are no direct concepts of diversity and inclusion in the legal acts regulating the field of activity of the Prosecution Service of the Republic of Lithuania.
3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service? The Constitution of the Republic of Lithuania, the Law on Equal Opportunities, the Labour Code and other legal acts ensure that all citizens have equal rights and are protected from discrimination in any area of life.

The Constitution of the Republic of Lithuania guarantees the human right to equality and prohibits discrimination. Article 29(21) of the Constitution states that all persons are equal before the law, the court and other state institutions or officials. Article 25(4) states, that freedom to express opinions and to impart information is incompatible with criminal acts of incitement to hatred, coercion and discrimination on grounds of nationality, race, religion or society, defamation and disinformation.

The Labour Code of the Republic of Lithuania states that, in all cases of employer relations with employees, direct and indirect discrimination, harassment, sexual harassment, instruction to discriminate against gender, race, nationality, citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin, state of health, marital and family status, membership of a political party, trade union or association, religion (except for the cases when an employee works in religious communities, associations or centres, if the requirement for an employee to profess religion, belief or belief is normal, legitimate and justified taking into account the ethos of the religious community, association or centre), on the grounds of the intention to have a child, as well as on the grounds that the employee is exercising or has exercised the rights provided for in this Code, and on the grounds of circumstances not related to the professional qualities of employees or other grounds laid down by law are prohibited (Article 26(1) of the Labour Code).

The purpose of the Law on Equal Opportunities of the Republic of Lithuania is to ensure the implementation of the equal rights of people enshrined in the Constitution of the Republic of Lithuania and to prohibit any direct and indirect discrimination on grounds of age, sexual orientation, disability, racial or ethnic origin, religion or belief.



Law of the Republic of Lithuania on Social Integration of Persons with Disabilities. Pursuant to subparagraph 3 of paragraph 1 of Article 3 of this Law, state and municipal institutions and agencies, non-governmental organisations, other legal and natural persons, when ensuring and/or implementing the rights of a person with disabilities, shall be guided, inter alia, by the principle of non-discrimination prohibiting any discrimination and/or any form of exploitation against a person with disabilities.

4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)? **No.**
5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover: **n/a**
  - careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);
  - representation of different underrepresented groups, minorities, and segments of the society;
  - which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
  - any other measures.

## II. Policy level

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)? **The Prosecutor's Office of the Republic of Lithuania, like other state institutions, is bound by the principles of equality and non-discrimination by both national and international legal regulations.**
7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service? **There is no specific concept in the Law on the Prosecution Service of the Republic of Lithuania, but the principle of non-discrimination covers all areas of activities of the Prosecution Service when performing its functions.**
8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices? **No.**
9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)? **n/a**

10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover: n/a
- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
  - concerning representation of which groups, minorities, and segments of the society;
  - which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
  - any other measures.

### III. Practical level

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices? The Prosecutor's Office recruits persons on a voluntary and selective basis and employs persons who meet the specific requirements laid down in legal acts without assessing their gender, ethnic or social origin, therefore there is no established practice in the Prosecutor's Office on how to attract and recruit candidates from underrepresented groups of society (e.g. for reasons of gender, ethnic origin or social origin).

The Law on the Prosecutor's Office stipulates that a person shall be admitted to the service of the prosecutor's office and appointed to the post of prosecutor if he/she is a citizen of the Republic of Lithuania of good repute, speaks the state language of Lithuania, has a university degree in law and has obtained a bachelor's and master's degree in law or a lawyer's professional qualification degree, has a three-year length of service in law and has passed the examination of candidates to prosecutor's office. Education acquired by a person in foreign educational establishments shall be recognised in accordance with the procedure laid down by the Government.

The Law on the Prosecution Service provides that a person may not be recruited to the service of the Prosecution Service and perform the duties of a prosecutor if:

- 1) he/she does not meet the requirements for admission to the prosecutor's office;
- 2) his/her service at the prosecutor's office would give rise to a conflict of interest;
- 3) direct subordination between him/her and his/her spouse, close relative or person by marriage serving in the public prosecutor's office;
- 4) this is prohibited by law.

12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country? The Prosecutor's Office recruits persons on a voluntary and selective basis and employs persons who meet the specific requirements laid down in legal acts without assessing their gender, ethnic or social origin.
13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they

concern all prosecution offices? In order to attract new specialists to the Prosecutor's Office, meetings are organised with university students, who are provided with more detailed information about the activities of the Prosecutor's Office and the specifics of its work, the opportunity is given to practice in the Prosecutor's Office. In order to recruit lawyers of different legal and professional backgrounds to the Prosecutor's Office, all information on the recruitment process is published on the website of the Prosecutor's Office and on social networks. Information on ongoing recruitments for higher positions is sent by email to all prosecutors in order to promote diversity and inclusiveness from different units and level of the prosecution office.

Selection of prosecutor positions is carried out by a commission consisting of 7 members - 4 prosecutors from various regional prosecutor's offices and 3 non-prosecutors - lawyers of various legal fields and professions and representatives of other institutions.

#### IV. Evolution, challenges and suggestions

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices. **Only data on distribution of prosecutors by age and gender is processed in Lithuania.**

Distribution of prosecutors by gender in 2024			
Prosecutors Office	In total	Male	Female
<b>In total</b>	<b>587</b>	<b>286</b>	<b>301</b>
<b>Vilnius Regional PO</b>	<b>151</b>	<b>68</b>	<b>83</b>
Vilnius Distric PO	92	33	59
<b>Kaunas Regional PO</b>	<b>155</b>	<b>71</b>	<b>84</b>
Kaunas District PO	63	23	40
Alytus District PO	18	5	13
Marijampolė District PO	23	13	10
<b>Klaipėda Regional PO</b>	<b>76</b>	<b>31</b>	<b>45</b>
Klaipėda District PO	36	13	23
Tauragė District PO	14	9	5
<b>Šiauliai Regional PO</b>	<b>76</b>	<b>38</b>	<b>38</b>
Šiauliai District PO	36	19	17
Telšiai District PO	15	7	8

<b>Panevėžys Regional PO</b>	<b>61</b>	<b>36</b>	<b>25</b>
Panevėžys District PO	25	12	13
Utena District PO	13	7	6
<b>Prosecutor General's Office</b>	<b>68</b>	<b>42</b>	<b>26</b>

<b>Distribution of prosecutors by age and gender in 2024</b>			
	<b>In total</b>	<b>Male</b>	<b>Female</b>
under 30	0	0	0
Between 31 and 40	16	6	10
Between 41 and 50	259	130	129
Between 51 and 60	254	124	130
Over 61	58	26	32

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken? **No.**
16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)? **n/a**
17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers? **n/a**
18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it? **n/a**
19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service? **n/a**

# Luxembourg

## I. Niveau législatif et réglementaire

1. Les notions de diversité et d'inclusion établies dans la législation ou la réglementation de votre pays s'appliquent-elles à tous les secteurs, y compris au ministère public ?

La législation luxembourgeoise a plutôt recours aux notions d'égalité de traitement et d'interdiction des discriminations. Le Luxembourg a ratifié le Protocole 12 à la Convention européenne des droits de l'Homme, qui garantit l'égalité de traitement dans la jouissance de tout droit prévu par la loi, y compris les droits reconnus par la législation nationale. Ce protocole est d'application directe au Luxembourg et, compte tenu du champ d'application très large dudit protocole, il s'applique à tous les secteurs, y compris au ministère public.

2. Dans l'affirmative, comment ces concepts sont-ils définis ?

Au vu de la réponse donnée à la 1<sup>e</sup> question, la soussignée se permet de citer le texte du Protocole 12 prémentionné:

*« Article 1 – Interdiction générale de la discrimination*

*1 La jouissance de tout droit prévu par la loi doit être assurée, sans discrimination aucune, fondée notamment sur le sexe, la race, la couleur, la langue, la religion, les opinions politiques ou toutes autres opinions, l'origine nationale ou sociale, l'appartenance à une minorité nationale, la fortune, la naissance ou toute autre situation.*

*2 Nul ne peut faire l'objet d'une discrimination de la part d'une autorité publique quelle qu'elle soit fondée notamment sur les motifs mentionnés au paragraphe 1 »*

3. Sont-ils fondés sur le principe de non-discrimination et quels sont les motifs couverts (par exemple, le genre, l'origine ethnique ou sociale ou d'autres motifs) ? Si ce n'est pas le cas, le principe de non-discrimination est-il inscrit dans la loi ? Quels sont les motifs couverts ? Le principe est-il pris en compte dans votre ministère public ?

Voir réponses aux questions 1 et 2

4. Existe-t-il dans la législation et la réglementation de votre pays des références à la diversité et l'inclusion ou au principe de non-discrimination concernant spécifiquement la composition du ministère public ? Si oui, quelle est la forme de cette référence (législation, réglementation, autre) ?

Il n'existe aucune disposition spécifique en droit national relative à la diversité et à l'inclusion ou au principe de non-discrimination concernant la composition du ministère public.

5. Dans l'affirmative, pourriez-vous décrire brièvement les mesures prévues par la loi ou les règlements pour promouvoir la diversité et l'inclusion parmi les procureurs, ou pour prévenir toute discrimination dans la composition du ministère public. Ces mesures couvrent-elles :

- les carrières au sein du ministère public (par exemple, les conditions d'éligibilité pour être candidat à un poste de procureur, les critères de promotion) ;
- la représentation des différents groupes, minorités et segments sous-représentés de la société ;
- les niveaux du ministère public concernés (parquet le plus élevé, parquets régionaux et de district, parquets spécialisés) ;
- toute autre mesure.

Sans objet (cf. réponse à la question 4)

## II. Niveau politique

6. Les concepts de diversité et d'inclusion sont-ils utilisés dans votre pays dans les politiques s'appliquant à tous les secteurs, y compris le ministère public (par exemple dans divers documents politiques, plans ou programmes d'action, lignes directrices, etc.) ?

Les engagement politiques, les plans d'action et les acteurs sont nombreux dans ce domaine. A titre d'exemple la soussignée se contente de citer les suivants :

**L'accord de coalition de l'actuel Gouvernement (2023-2028)** comporte une disposition intitulée « Egalité des droits », par laquelle « [l]e Gouvernement s'engage à promouvoir l'égalité des droits et la représentation équilibrée au sein du service public (page 13),

ainsi que les dispositions suivantes (pages 191 et 192) :

*« Lutte contre les discriminations :*

*La réalisation de mesures dans le domaine de la lutte contre les discriminations continuera pendant les années 2023 à 2028.*

*Plan d'action national contre le racisme et la discrimination raciale :*

*Le Ministre ayant le vivre-ensemble dans ses attributions veillera à ce que le Plan d'action national contre le racisme et la discrimination raciale soit présenté fin 2023/début 2024. Les années subséquentes verront la mise en œuvre des actions et des mesures de ce plan d'action. La lutte contre le racisme et toute forme de discrimination est un élément transversal de la loi du 23 août 2023 relative au vivre- ensemble interculturel. Il sera essentiel de garantir une interaction adéquate entre le Plan d'action national contre le racisme et la discrimination raciale et le Plan d'action national du vivre-ensemble interculturel.*

*Égalité des chances :*

*Égalité entre les genres :*

*La promotion de l'égalité entre les femmes et les hommes restera une priorité de l'action politique du Gouvernement qui vise une société plus égalitaire. Cette politique aura des effets positifs sur le PIB, engendrera un niveau d'emploi et de productivité plus élevé et permettra de répondre aux défis liés au manque de main-d'œuvre qualifiée et au vieillissement de la population.*

*Dans cette optique, le Gouvernement actualisera, après analyse approfondie, le plan d'action national pour l'égalité entre les femmes et les hommes en adaptant ses mesures et ses actions, notamment afin de tenir compte des engagements pris par le Luxembourg dans le cadre de la ratification de la convention CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) des Nations Unies.*

*Au 21<sup>ème</sup> siècle, les politiques d'égalité se doivent respectueuses de l'identité de genre. Le Gouvernement s'efforcera dès lors d'intégrer les personnes non-binaires dans ses stratégies de promotion de l'égalité et de lutte contre les discriminations et les violences.*

*L'Observatoire de l'égalité, qui centralise les indicateurs relatifs à l'égalité au Luxembourg, sera doté d'une base légale et continuera à être développé. La collecte et le traitement de données fiables et ventilées par sexe, permettent de suivre les évolutions et d'identifier les défis en matière d'égalité et d'y répondre d'une manière ciblée et efficace. La possible intégration des données des personnes non-binaires sera évaluée. »*

Le Gouvernement comporte un **Ministère de l'Égalité des genres et de la Diversité** (« mega ») dont les attributions sont définies comme suit :

1. Coordination des politiques nationale et internationale en faveur de l'égalité des femmes et des hommes et de la non-discrimination entre les sexes - Coordination du Plan d'action national en matière d'égalité des femmes et des hommes.
2. Coordination des politiques nationale et internationale en faveur des personnes lesbiennes, gays, bisexuelles, transgenres et intersexes (LGBTIQ+) - Coordination du Plan d'action national pour la promotion des droits des personnes LGBTI.
3. Intégration de la dimension du genre dans les actions politiques en partenariat avec les départements ministériels concernés.
4. Coordination des politiques de lutte contre toutes formes de violence basée sur le genre.
5. Comité interministériel de l'égalité des femmes et des hommes - Comité interministériel pour la promotion des droits des personnes lesbiennes, gays, bisexuelles, transgenres et intersexes - Comité de coopération entre les professionnels dans le domaine de la lutte contre la violence - Comité Prostitution - Comité pour actions positives dans les entreprises du secteur privé.
6. Élaboration de la législation et mise en œuvre d'actions de promotion en faveur de l'égalité des genres et de la diversité – Charte de la diversité.
7. Observatoire de l'égalité entre les genres.
8. Formations en matière d'égalité entre les genres et de diversité.
9. Comité du Travail féminin.
10. Gestion des services œuvrant dans l'intérêt de l'égalité des femmes et des hommes et des services œuvrant dans l'intérêt de la communauté LGBTIQ+.
11. Relations avec les organismes nationaux et internationaux œuvrant dans l'intérêt de l'égalité entre les genres et la diversité.

**L'Observatoire de l'égalité entre les genres** est un outil mis en place par le Ministère de l'Égalité des genres et de la Diversité visant à fournir un ensemble de données objectives aidant les acteurs œuvrant dans le domaine de l'égalité à opérer les choix adéquats en matière de politiques d'égalité entre les genres.

**Le Centre pour l'égalité de traitement (CET)** a été créé par la loi du 28 novembre 2006.

Le CET exerce ses missions en toute indépendance et a pour objet de promouvoir, d'analyser et de surveiller l'égalité de traitement entre toutes les personnes sans discrimination fondée sur

la race ou l'origine ethnique, le sexe, l'orientation sexuelle, la religion ou les convictions, le handicap et l'âge.

7. Dans l'affirmative, comment ces concepts sont-ils définis ? Sont-ils fondés sur le principe de non-discrimination et quels sont les motifs couverts (par exemple, le genre, l'origine ethnique et sociale, ou d'autres motifs) ? Si ce n'est pas le cas, les politiques générales s'appliquant à tous les domaines intègrent-elles expressément le principe de non-discrimination, et sur quels fondements ces politiques englobent-elles le ministère public ?

En général ces concepts sont basés sur le principe de non-discrimination. Les motifs couverts ont surtout trait à la race ou à l'ethnie, ainsi qu'au genre et à l'orientation sexuelle (cf. réponse à la question 6).

8. Existe-t-il une politique dans votre pays concernant spécifiquement la diversité et l'inclusion parmi les procureurs ? Dans l'affirmative, cette politique s'applique-t-elle à l'ensemble des parquets ou à certains d'entre eux ?

Au Luxembourg, il n'existe pas de politique spécifique concernant la diversité et l'inclusion au niveau des procureurs.

9. Dans l'affirmative, quel est le statut de cette politique et par qui a-t-elle été adoptée ? Quelle forme prend cette politique (par exemple, dans divers documents politiques, plans ou programmes d'action, lignes directrices, etc.) ?

Sans objet (cf. réponse à la question 8)

10. Quel type de mesures cette politique implique-t-elle ? Pourriez-vous décrire brièvement les mesures concernées et ce qu'elles couvrent :

- concernant les carrières au sein du ministère public (par exemple, les mesures visant à attirer des candidats issus de groupes sous-représentés de la société, les conditions d'éligibilité à remplir pour être candidat à un poste au sein du ministère public ou les critères de promotion) ;
- concernant la représentation de quels groupes, minorités et segments de la société ;
- les niveaux du ministère public concernés (parquet le plus élevé, parquets régionaux et de district, parquets spécialisés) ;
- toute autre mesure.

Sans objet (cf. réponse à la question 8)

### **III. Niveau pratique**

11. Des pratiques sont-elles apparues au sein du ministère public pour attirer et recruter des candidats issus de sections sous-représentées de la société (par exemple en fonction du genre, de l'origine ethnique, de l'origine sociale ou d'autres motifs) ? Dans l'affirmative,



quelle forme prend cette pratique et concerne-t-elle le système de poursuites en général ou des parquets spécifiques ?

Jusqu'à présent, le Luxembourg n'a pas encore connu d'initiative tendant à attirer des candidats issus de sections sous-représentées de la société. A noter que cela tient peut-être au fait que la composition des parquets est assez diversifiée.

12. La diversité et l'inclusion sont-elles prises en compte dans le processus de sélection, de recrutement et de promotion des procureurs ? Si oui, sous quelle forme et s'appliquent-elles dans tous les parquets de votre pays ?

Les critères pris en compte lors du recrutement ou de la sélection n'ont pas trait au genre, à l'origine ethnique, à l'origine sociale ou à d'autres motifs similaires, mais ils visent surtout la qualification professionnelle des candidats.

13. Existe-t-il d'autres mesures développées dans la pratique pour promouvoir la diversité et l'inclusion dans la composition des parquets ? Dans l'affirmative, quelles sont ces mesures et concernent-elles tous les parquets ?

Sans objet (cf. réponse à la question 11)

#### **IV. Évolution, défis et suggestions**

14. Veuillez indiquer, si elles sont disponibles, les statistiques sur la composition du ministère public en fonction du genre et de la diversité des profils, des postes subalternes aux postes de direction, dans le système de poursuites en général, ainsi que dans les parquets en particulier.

Au niveau du parquet général, onze magistrats sur 19 sont des femmes. Au niveau des quatre postes les plus élevés se trouvent deux femmes et deux hommes.

Au niveau des deux parquets au niveau des arrondissements, 29 magistrats sur 57 sont des femmes.

Il n'existe pas de statistiques concernant la diversité des profils, mais il est permis d'affirmer que parmi ces magistrats figurent des personnes issues de familles immigrées et relevant d'orientations sexuelles diverses, sans qu'il ne soit possible de quantifier ces indications.

15. Y a-t-il eu des développements dans votre pays pour promouvoir la diversité et l'inclusion parmi les procureurs ? Si oui, quelles mesures ont été prises ?

Le Luxembourg n'a pas connu de véritable promotion de la diversité et de l'inclusion au niveau de la magistrature. L'évolution vers une plus grande diversité s'est plutôt faite naturellement et elle reflète l'évolution de la population du pays.

16. Si vous pouvez brièvement comparer la situation actuelle et passée à cet égard (par exemple, entre aujourd'hui et il y a dix ans), quels sont les indicateurs (par exemple, lois, règlements, documents politiques adoptés/appliqués, composition des parquets diversifiée, etc.) ?

Le Luxembourg n'a pas connu de changement majeur au cours des dix dernières années dans la mesure où l'évolution vers une plus grande égalité hommes-femmes et vers une plus grande diversité s'est faite progressivement sur plusieurs décennies.

17. Ce processus a-t-il rencontré des difficultés ou des obstacles ? Dans l'affirmative, qu'a-t-on fait pour les surmonter et/ou pouvez-vous suggérer des moyens de les surmonter?

La soussignée estime qu'il n'y a actuellement pas de difficulté particulière à signaler.

18. Pourriez-vous fournir des exemples de parquets - à tous les niveaux - dont la composition est diversifiée, inclusive et représentative, ainsi que des détails sur les mesures prises pour y parvenir ?

Voir réponses aux questions 14 et 15

19. Quelles mesures supplémentaires pourriez-vous suggérer pour progresser vers un ministère public plus diversifié et plus inclusif ?

La soussignée n'a pas de proposition à faire.

## Malta / Malte

### I. Legislative and regulatory level

1. **Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?**

Employment within the Office of the Attorney General is subject, namely, to the Employment and Industrial Relations Act, Chapter 452, the Equal Opportunities (Persons with Disability) Act, United Nations Convention on the Rights of Persons with Disabilities Act, Chapter 627, Chapter 413 and the Equality for Men and Women Act, Chapter 456 of the Laws of Malta. Furthermore, the Equality Policy of the Office of the Attorney General reaffirms the Office as an equal opportunity employer as it strives, *“to provide an inclusive environment which promotes equality, values diversity and maintains a working environment in which the rights and dignity of its entire staff are respected”*.

2. **If so, how are these concepts defined?**

#### **Article 2 of the Equality for Men and Women Act, Chapter 456**

“discrimination” means discrimination based on sex or because of family responsibilities, sexual orientation, age, religion or belief, racial or ethnic origin, or gender identity, gender expression or sex characteristics and includes the treatment of a person in a less favourable manner than another person is, has been or would be treated on these grounds and “discriminate” shall be construed accordingly”.

#### **Article 2 of the Employment and Industrial Relations Act, Chapter 452**

“discriminatory treatment” means any distinction, exclusion or restriction which is not justifiable in a democratic society including discrimination made on the basis of marital status, pregnancy or potential pregnancy, sex, colour, disability, religious conviction, political opinion or membership in a trade union or in an employers association.

#### **Fourth Schedule of the United Nations Convention on the Rights of Persons with Disabilities Act, Chapter 627**

A person would be discriminating with another person due to disability if such person:

- (a) inhibits the free thought, social and economic improvement, and the integration in society of that person;
- (b) deprives the other person from the protection and rights provided by law;
- (c) fails to provide full access to a person with disability for all those actions provided by law;
- (d) fails to furnish information with regard to the rights of the other person by means of communication which the other person can understand;

- (e) fails to offer help to the other person in procedures linked to an investigation, the giving of evidence and other similar procedures;
- (f) knowingly limits or by any other act inhibits the enjoyment of any right acquired by the other person both inter vivos or causa mortis;
- (g) refers to a person or persons, or addresses them in a language which is disrespectful, both directly as well as by references on all means of communication, such as, but not limited to, broadcasting, publishing and correspondence;
- (h) in circumstances which are similar or are not materially different, and with different accommodation and, or, services that may be required by the person with a disability in no case being deemed as constituting said circumstances, he treats or proposes to treat a person who has a disability less favourably than he treats or would treat a person who does not have such a disability;
- (i) treats or proposes to treat a person less favourably on the basis of a characteristic that appertains generally to persons who have such a disability, or a presumed characteristic that is generally imputed to persons who have such a disability;
- (j) requires such other person to comply with a requirement or condition with which the majority of persons who do not have the disability comply or are able to comply, which is unreasonable in the circumstances of the case, and with which such other person does not comply or is unable to comply;
- (k) treats or proposes to treat such other person less favourably than he treats or would treat others who do not have such a disability because of the fact that such other person is accompanied by or possesses any assistive means that is used by such other person or because of any matter related to that fact, whether or not it is the practice to treat in such less favourable manner any person who is accompanied by or is in possession of such assistive means;
- (l) victimises any person for having made a complaint to the lawful authorities or for having initiated or participated in the proceedings for redress on grounds of an alleged breach of any of the provisions of this Act, or for having disclosed any information, confidential or otherwise, to a lawful authority regarding alleged discriminatory behaviour, activities or practices;
- (m) subjects such other person to a particular disadvantage through an apparently neutral provision, criterion or practice;
- (n) fails to publicise, in an effective manner, those goods, facilities and services provided by him to persons with disability, in order to eliminate discrimination prohibited under this Act;
- (o) treats or proposes to treat such other person less favourably than he treats or would treat others who do not have such a disability because of the fact that such other person is accompanied by an interpreter, a reader, an assistant, or a carer, with such person providing interpretative, reading or other services to such other person because of the disability of such other person or because of any matter related to that fact, whether or

not it is the practice to treat less favourably any person who is accompanied by an interpreter, a reader, an assistant or a carer, as the case may be.

## B. Employment.

1 (1) No employer shall discriminate on the grounds of disability against a qualified person with a disability in regard to:

- (a) procedures relative to applications for employment;
- (b) the hiring, promotion or dismissal of employees;
- (c) employee compensation;
- (d) job training; and
- (e) any other terms, conditions and privileges related to employment.

(2) For the purposes of paragraph (1) and without prejudice to the generality of this Act, an employer shall be considered to discriminate on the grounds of disability against a person as is referred to therein, if such employer unreasonably:

- (a) limits, segregates or classifies such a person in a way that adversely affects the opportunities or status of such a person; or
- (b) participates in any contract, or other arrangement or relationship, the implementation of which has the effect of subjecting such a person to discrimination; or
- (c) uses standards, criteria or methods of administration that have an adverse effect on the opportunities, status or benefits of such a person; or
- (d) fails to make reasonable accommodation for the disability of such a person, unless the employer can prove that the required alterations would unduly prejudice the operation of the trade or business run by such employer; or
- (e) denies employment opportunities to such a person where such denial is based on the need of the employer to make alterations for the disability of such a person; or
- (f) uses qualification standards, employment tests, or other selection criteria that screen out or tend to screen out a person or a class of persons with a disability unless the employer can prove that the standards, tests or other selection criteria are an essential qualification or requirement for the position in question; or
- (g) fails to select and to administer tests concerning employment in the manner most effective to ensure that, when the test is administered to such a person and such person happens to have a disability that impairs sensory, manual or speaking skills, the results of such tests accurately reflect the skills or aptitudes of such a person.

(3) Whenever an employer excludes from any employment or continuation of employment a person who is qualified to take up such employment or to continue in such employment or otherwise limits in any way the opportunities, status or benefits of such a person because of the disability of another person with whom such person is known or believed to have a relationship or association, such exclusion or limitation shall, for the purposes of this Section, be deemed as if it were a discrimination on the grounds of disability against a person as is referred to in paragraph (1).

(4) For the purposes of paragraph (2)(d), the factors to be considered in determining whether any alterations would unduly prejudice the operation of the trade or business run by the employer shall include:-

- (a) the nature and cost of the alterations;
- (b) the overall financial resources of the workplace involved in the making of the alterations;
- (c) the number of employees at the workplace requiring alterations;
- (d) the effect on expenses and resources and the impact of the required alterations upon the operation of the workplace;
- (e) the overall financial resources of the employer;
- (f) the overall size of the business of the employer including the number of employees, and the number, type and location of its workplaces;
- (g) the type of operation or operations of the employer, including the composition, structure and functions of the work-force; and
- (h) the availability of financial assistance from public funds to defray the expense of any alterations.

(5) For the purposes of this Section, the term "make reasonable accommodation" includes:

- (a) making existing facilities used by employees readily accessible to and usable by persons with disabilities;
- (b) restructuring jobs, instituting part-time or modified work schedules, reassigning vacant positions, acquiring or modifying equipment or devices, appropriately adjusting or modifying examinations, training materials or policies, providing qualified readers or interpreters, and making any other similar alterations for a person with a disability; and
- (c) quality and vocational career guide, which guide shall be free for the person with disability

### **1.1. Definition of terms - Equality Policy – Office of the Attorney General**

**Direct discrimination** – a person is treated less favourably than another person in a comparable situation.

**Indirect discrimination** – where an apparently neutral provision (criterion or practice) would put a person at a particular disadvantage compared with other persons (unless is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary).

**Harassment** takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

3. **Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?**

Kindly refer to the replies provided for Q.1 and Q.2.

4. **Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?**

The Collective Agreement entered between the Office of the Attorney General and the UHM – Voice of the Workers on 16 December 2022 regulates further, the composition of the prosecution service.

However, in relation to legislation, clause 3 states that, *“The Agency and the Union agree that the benefits laid down in this Agreement are not additional to similar ones stipulated by existing legislation or which might be introduced during the lifespan of this agreement. This notwithstanding the two parties agree that, at all times, the employees will be entitled to those benefits which are most advantageous to them.”*

Furthermore, clause 41 provides further that, *“The Agency declares to be an equal opportunity employer and binds itself to put this principle in practice in all aspects of its administration, as provided by legislation in force from time to time.”*

5. **If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:**

- careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);
- representation of different underrepresented groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

In addition to the replies provided for Q.1, Q.2 and Q.4, calls for trainee prosecutors are carried out through public calls advertised locally with the main prerequisites being an MQF Level 7 Master's Degree in Advocacy (<https://qualifications.mfhea.gov.mt/#/dashboard>) together with proficiency in the Maltese language, that is the official language of the Courts of Justice in

Malta. Moreover, the selection process is done through a selection board assessing candidates on merit, based on knowledge, aptitude, and past experience.

As per collective agreement mentioned in Q.4, following the successful completion of 1 year as trainee prosecutor one would be eligible for the following promotions:

- Lawyer III – One year practice within the Office of the Attorney General, as trainee lawyer and the possession of a warrant to practice before the Courts of Law.
- Lawyer II – Three years practice within the Office of the Attorney General as Lawyer III.
- Lawyer I – Two years practice within the Office of the Attorney General as Lawyer II.
- Senior Lawyer - Two years practice within the Office of the Attorney General as Lawyer I.

Clause 15 of the above-mentioned collective agreement regulates the promotion from one grade to another by:

- Issuing an internal call;
- Details of a vacant post/s will be made known on the Agency's notice boards and electronic mail through an official call for applications based on requisite related to the grade. The management will ensure that vacancies will be circulated to all staff, including employees overseas, on unpaid leave or on career breaks;
- In making promotions and/or filling of vacancies in accordance with normal procedures, the Agency considers the qualification requisites for the job, giving due consideration to ability, efficiency, suitability, seniority, and general record in the Agency;
- if suitable applications are not found internally, or there are remaining vacancies an external call will be issued.

On the other hand, the appointment of the Attorney General is regulated by the procedure outlined in Article 2 of the Attorney General Ordinance, Chapter 90 of the Laws of Malta (<https://legislation.mt/eli/cap/90/eng>) and Article 91 of the Constitution of Malta (<https://legislation.mt/eli/const/eng>).

## **II. Policy level**

- 6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?**

Please refer to answer provided for Q.4.

- 7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?**

Please refer to answer provided for Q.1 and Q.2.

- 8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?**

Please refer to answer provided for Q.1 and Q.2.



9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?

Please refer to answer provided for Q.1 and Q.2.

- 10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:**

- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
- concerning representation of which groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

Please refer to answer provided for Q.1 and Q.2. On another note, it must be noted that Malta is one of the smallest Member State within the Council of Europe with a population of around 520,000 and a geographical area of 316km (<https://eurydice.eacea.ec.europa.eu/national-education-systems/malta/population-demographic-situation-languages-and-religions>). Consequently, Malta has one Prosecution Office located in its capital city, Valletta. However, it must be noted that crimes carrying a maximum penalty of less than 2 years are for the time being, prosecuted by the Executive Police. Nonetheless, at the Office we have geographical representation from all the parts of Malta (including from the sister island Gozo), we have gender balance amongst prosecutors in all grades.

### **III. Practical level**

- 11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?**

For this question, one must factor the local social dynamic of Malta as one of the smallest States in Europe both by population and geographically. However, it must be noted that there is gender balance amongst Prosecutors within the Office of the Attorney General. Furthermore, the current Attorney General, appointed in 2020, is the first woman appointed as Attorney General in the Office's, almost 200-year history.

- 12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?**

In addition to the answer provided for Q.11, the previously mentioned collective agreement provides a number of family friendly measures to ensure that gender in particular does not hinder the progression within the Prosecution Service; namely,

- Hospital/Clinic visits for pregnant employees – Time off without loss of pay to attend these medical visits.
- Special Maternity leave- Additional period of absence of up to five weeks.
- Adoption leave – 18 weeks adoption leave when they adopt a child.
- Leave for Medically Assisted Procreation
- Breastfeeding Facility – Temporary adjustment of the work environment and/or the hours of work of the employee.
- Parental leave – In order to take care of own/adopted child/children or when taking legal custody of child/children to enable to take care of that child for a period of 12 months.
- Leave to foster children – Leave for a period of not exceeding 12 months in order to foster a child.
- Reduced hours.

**13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?**

Please refer to answers provided for Q.1, Q.2, Q.4, Q.11 and Q.12. Additional measures include remote working when work commitments allow.

#### **IV. Evolution, challenges and suggestions**

**14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.**

As per time of writing there are 41 female prosecutors and 35 male prosecutors. The Attorney General and 3 senior prosecutors belong to the female gender while 2 senior prosecutors belong to the male gender.

**15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?**

Please refer to answer provided for Q.11.

**16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?**

The main development was the reform of taking over of decisions to prosecute from the Police that started in 2020. In order to cater for the influx of work considerable resources were injected in the Office so that from 16 prosecutors at the beginning of 2020, the Office is now made up of 74 prosecutors. The main development was the signing of the collective agreement on 16 December 2022, which as stated, is focused on working

conditions of Prosecutors within the Office of the Attorney General. However, particular details were already mentioned for Q.12.

- 17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?**

During the past 5 years, there has been a recruitment drive to increase the number of prosecutors in view of the addition of prosecutable offences by the Office of the Attorney General instead of the Executive Police. Statistics show that employment within this Office prior to 2020 was more attractive to those who identify with the female gender while currently there is a gender balance between the female and male gender (please refer to answer provided for Q.14).

- 18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?**

It must be noted that working conditions which were mentioned for the answer in Q.11 have surely helped to create a balance of gender within the Office and to make sure that those belonging to the female gender are not excluded.

- 19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?**

As stated in answer provided for Q.10, one has to factor and qualify this assessment to the social dynamic of a small State with a population of around 520,000. However, from a diversity and inclusivity perspective, it cannot be denied, that the Office of the Attorney General provides a myriad of benefits for its employees not to be hindered by their gender or other grounds.

## Republic of Moldova / République de Moldova

### I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?
2. If so, how are these concepts defined?
3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?
4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?
5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:
  - careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);
  - representation of different underrepresented groups, minorities, and segments of the society;
  - which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
  - any other measures.

#### *Replies:*

*The Law No. 121 of 25. 05. 2012 on Ensuring Equality provides for preventing and combating discrimination, as well as to ensuring equality of all persons subject to the jurisdiction of the Republic of Moldova in the political, economic, social, cultural and other spheres of life, regardless of race, colour, national, ethnic and social origin, social status, citizenship, language, religion or belief, age, sex, gender identity, marital status, sexual orientation, disability, health status, HIV infection, opinion, political affiliation, property, birth or any other criteria of discrimination.*

*The recent amendments of 17 September 2024, introduced by Law no. 180, aligning the domestic legal framework with the EU Acquis provide for that "this Law creates the necessary framework for the application of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, published in the Official Journal of the European Union no. L180 of 19 July 2000, and Council Directive 2000/78/EC of November 27, 2000 establishing a general framework for equal treatment in*

employment and occupation, published in the Official Journal of the European Union No. L303 of 2 December 2000, and Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between women and men in the access to and supply of goods and services, published in the Official Journal of the European Union No. L 373 of 21 December 2004.

The Law No. 2 of 2 February 2023 on amending certain normative acts (revision of the regulatory framework for non-discrimination and ensuring equality) aimed at strengthening the functioning of the "Council for Equality".

The Internal Regulation of the Prosecutor's Office No. 33/3 as of 03.05.2022 establishes the rules related to non-discrimination and equal treatment in the Prosecutor's Office, regardless of the subject, matter or case investigated by the prosecutors. Thus, according to paragraph No. 152 of the Regulation, any distinction, exclusion, restriction or preference in the rights and freedoms of a person or a group of persons, as well as support of discriminatory behaviour and discriminatory and discriminatory conduct based on the criteria of race, colour, nationality, ethnic origin, language, religion or belief, sex, age, disability, opinion, political affiliation or any other similar criteria, which has the effect of limiting or undermining equal opportunities or treatment in employment or dismissal, in direct employment and in professional training (both initial and in-service), is prohibited.

There are no restrictive measures based on unequal treatment or bias in the initial appointment of candidates to vacant prosecutor's positions, their subsequent periodic appraisal and promotion to higher positions, or participation in public competitions to fill vacant posts in specialised prosecutor's offices and in the General Prosecutor's Office, including their transfer to similar positions. Both men and women prosecutors may take part in public competitions to fill vacancies announced by the Superior Council of Prosecutors (CSP), and periodic appraisals are conducted by the Board for Selection and Evaluation of Prosecutors of the CSP solely on the basis of merit, taking into account the professionalism, work experience, specialisation, training received (at least 40 hours per year), ethical conduct and integrity of prosecutors.

Currently, the prosecutors of the Anti-Corruption Prosecutor's Office are undergoing an external evaluation (vetting) to assess their compliance with ethical and financial criteria in accordance with Law No. 252 of 17 August 2023 on the External Evaluation of Judges and Prosecutors and on Amendments to Certain Legislative Acts (hereinafter: Full Vetting Law).

The Full Vetting Law provides, *inter alia*, for the establishment of the Commission for the Evaluation of Prosecutors (Vetting Commission of Prosecutors), composed of 3 national and 3 international experts proposed by the development partners. The activity of the Vetting Commission of Prosecutors was launched in November 2023 and it was entrusted with the evaluation of candidates for the subordinated bodies to the CSP (i.e. the Board for Selection and Evaluation of Prosecutors and the Board for Discipline and Ethics), prosecutors of the specialised prosecutor's offices (i.e. the Anti-Corruption Prosecutor's Office and the Prosecutor's Office for Combating Organised Crime and Special Cases), prosecutors in leading positions in the General Prosecutor's Office and from the territorial prosecutor's offices.

## II. Policy level

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?
7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or

other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?

8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?
9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?
10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:
  - regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
  - concerning representation of which groups, minorities, and segments of the society;
  - which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
  - any other measures.

*Replies:*

*Although the Republic of Moldova does not have a national policy document dedicated exclusively to combating discrimination on racial, gender, ethnic, social or other grounds, this objective is fully reflected in other national strategic policy documents, such as:*

*1.Strategy on ensuring the independence and integrity of the justice sector for the years 2022-2025 (approved by Law 211 of 6 December 2021);*

*2. Action Plan for the years 2022-2024 for the implementation of the programme for the creation and development of the National Referral Mechanism for the Protection and Assistance of Victims of Crime for the years 2022-2026;*

*3.The Programme for the Prevention and Combating of Crime for the years 2022-2025, approved by Government Decision No. 948 of 28. December 2022;*

*4.The Action Plan for the years 2023-2025 on the implementation of the Strategy for Strengthening Interethnic Relations for the years 2017-2027 (approved by Government Decision No. 169/2023);*

*5.The National Programme for Ensuring Respect for Human Rights for 2024-2027.*

*The Prosecutor's Office also has institutional policy documents (regulatory framework) which contain concrete actions for the implementation of the objectives set at the national, municipal and institutional levels (e.g. Strategic Development Programme of the Public Prosecutor's Office for the years 2021-2025, Annex 8).*

*The Law No. 111 of 21 April 2022 has introduced amendments to the Criminal Code and the Contravention Code with a view to broadening the definition of harmful deeds, committed for reasons of prejudice - based on considerations of race, colour, ethnic, national or social origin, citizenship, sex, gender, language, religion, political opinion, gender identity, health, age, marital status.*

*At the same time, the General Prosecutor's Office has developed methodologies and general instructions for prosecutors to guide them in the investigation of hate crimes and bias-related offences:*

*1. The General Instruction No. 15-10D/17-601 of 12 October 2017, which provides for the mandatory information of victims and injured parties in criminal proceedings on their procedural rights and obligations;*

*2. The Methodological Instructions "Guidelines on the Investigation and Prosecution of Hate Crimes" were approved by Order of the Prosecutor General No. 28/11 of 1 August 2019;*

*3. Currently, the General Prosecutor's Office has drafted new Methodological Instructions on the Investigation of Bias-Motivated Crimes and Incitement to Violent Acts on the Basis of Bias (submitted for prior approval by the units of the General Prosecutor's Office and further application).*

*In order to fulfil the provisions of the Action Plan for the years 2023-2025 on the implementation of the Strategy for strengthening interethnic relations for the years 2017-2027, approved by the Government Decision No. 169/2023, the General Prosecutor's Office has developed the Action Plan on the fulfilment of the objectives of the Program for the years 2023-2025 on the implementation of the aforementioned Strategy.*

*According to the specific objective of the Action Plan No. 3.3 (i.e. Prevention and elimination of discrimination, xenophobia, ethnic stereotyping, interethnic tensions and segregation with the inclusion of all relevant actors, so that the number of reported cases decreases by at least 5% by 2025), the Prosecutor's Office is involved in several actions related to the training of law enforcement officers, judges and prosecutors on the rights of ethno-linguistic and religious minorities, equality and on prevention of racial discrimination, including the application of available mechanisms for the compensation of victims. The General Prosecutor's Office staff participates in joint awareness-raising activities on the methodology of effective investigation, sanctioning and monitoring of bias-motivated offences.*

*In addition, on 24 May 2024, the General Prosecutor's Office developed the Institutional Action Plan of the Prosecutor's Office for the implementation of the Action Plan of the National Programme on Respect for Human Rights for 2024-2027, approved by Parliamentary Decision No. 164/2024, on the basis of which semi-annual and annual reports are submitted to the competent authorities in charge of monitoring compliance with the provisions of the National Programme.*

### **III. Practical level**

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?



12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?
13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?

*Replies:*

*11. The Superior Council of Prosecutors (CSP) rigorously applies the principles of equal opportunities, equal treatment, and non-discrimination in all decision-making processes concerning the selection, promotion, and evaluation of prosecutors, in accordance with Article 23 of Law No. 3/2016 on the Prosecution Service.*

*Candidates are evaluated based on the following criteria:*

- level of knowledge and professional skills;*
- ability to apply knowledge in practice;*
- quality and efficiency of performance as a prosecutor;*
- compliance with rules of professional ethics.*

*All procedures are public, transparent, and strictly merit-based, without restrictions or differentiated treatment on the grounds of gender, ethnicity, or social origin. No restrictions or gender-based preferences are applied at any stage of the decision-making process.*

*12. CSP ensures the consistent application of the principles of equal opportunities and equal treatment across all prosecution offices, without distinction between territorial or specialized structures.*

*As of 2024, the prosecution system included 203 female prosecutors and 399 male prosecutors. Among those holding managerial positions, 15 were women and 84 were men. By comparison, in 2022, out of 592 prosecutors, approximately 201 were women, accounting for around 34% of the total. This indicates a relatively stable gender balance.*

*Women hold leadership positions in several territorial prosecution offices and, in 2024, in central units of the General Prosecutor's Office (e.g., the Division for International Cooperation and Legal Assistance, the Criminal Investigation Division, and the Child Rights Protection Service), as well as in specialized prosecution offices.*

*Since 2022, the position of Chief Prosecutor of the Anticorruption Prosecution Office has been held by a woman, selected through a public competition organized by CSP.*

*Furthermore, CSP was chaired by a woman during 2018–2023, and in its current composition (2024), 6 out of 11 members are women. In the Board for Selection and Evaluation of Prosecutors, 4 out of 7 members are women, while in the Board for Discipline and Ethics, 1 out of 7 members is a woman. These figures reflect the active representation of women in decision-making roles within the prosecutors' self-governing bodies.*

*13. Additional measures and initiatives related to diversity and inclusion*

*CSP has supported and participated in several initiatives to promote an inclusive institutional environment, such as:*



- *cooperation with the Women Prosecutors' Association (One of the current members of the Superior Council of Prosecutors is the founder of the Women Prosecutors' Association);*
- *participation in national forums on gender equality and human rights;*
- *support for integrating topics such as professional ethics, equal opportunities, and anti-discrimination into the continuous training curriculum for prosecutors.*

*In cooperation with international partners (e.g., UN Women, UNDP, ABA ROLI), training sessions have been organized on women's leadership, non-discrimination, and diversity management in the justice system.*

*Prosecutors have benefited from specialized training in areas such as gender equality, prevention of discrimination, professional ethics, and conduct. Topics such as workplace harassment, gender balance in leadership, and intercultural communication have been addressed in ongoing professional development programs.*

*The prosecution system also reflects regional and linguistic diversity. In the Autonomous Territorial Unit of Gagauzia, the appointment of the chief prosecutor requires consultation with local autonomous authorities, and CSP is responsible for verifying the legality and professional merit of the candidate. In practice, prosecutors working in this region are familiar with the Gagauz language, facilitating institutional communication with the local community. Similar situations exist in Taraclia and other districts with minority populations, where ethnic diversity is reflected in the composition of territorial prosecution offices.*

*Access to the profession is guaranteed to all citizens who meet the legal requirements, regardless of gender, ethnic or linguistic background, or social status, with consistent application of merit-based criteria at all stages of the prosecutorial career.*

#### **IV. Evolution, challenges and suggestions**

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.
15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?
16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?
17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?

18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?
19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?

*Reply:*

*Gender representation in the Prosecutor's Office in 2024:*

*Female prosecutors – 203, male prosecutors - 399, including in managerial positions - 15 women and 84 men.*

*Gender representation in the self-governing bodies of prosecutors:*

*In the CSP, 6 out of 11 members are women.*

*In the Board for Selection and Evaluation of Prosecutors, subordinated to the CSP, 4 out of 7 members are women.*

*In the Board for Discipline and Ethics, subordinated to the CSP, 1 out of 7 members is a woman.*

## Netherlands / Pays-Bas

### I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?

Yes

2. If so, how are these concepts defined?

Article 1 of our Constitution

3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?

Article 1: All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race, gender, disability, sexual orientation or on any other grounds whatsoever shall not be permitted.

4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?

Not that I know of.

5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:
  - careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);
  - representation of different underrepresented groups, minorities, and segments of the society;
  - which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
  - any other measures.

Within the Dutch government the ambition for all organisations is to achieve 50% women in the (sub)top.

Within the Dutch government all organisations are forced by law to create jobs for people with disabilities (Law: Job Agreement).

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## II. Policy level

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?

Yes

7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?

The Dutch government conforms in its policy to Article 1 of the Constitution.

8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?

Not on a country level. The Dutch prosecution office has its own policy on non-discrimination, diversity and inclusivity which applies to all offices.

9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?

Our policy on non-discrimination, diversity and inclusivity has been adopted by our board of Prosecutors General.

10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:

- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
- concerning representation of which groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

Amongst others ...

- The implementation of an objective recruitment process based on competences (anti-discrimination in general, all levels).
- Training of recruiters on unconscious biases.
- Focus on recruiting candidates with a bicultural background for prosecutorial posts.
- Inclusive employer branding.
- Raising awareness on inclusive behaviour and inclusive communication within the organisation (all offices).
- Focus on inclusive leadership.

### **III. Practical level**

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?

Yes. The prosecution service has an HR-expert on disability inclusion who focusses on supporting the organization (all offices) in creating more jobs for people with a disability.

12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?

Yes. We are in the process of implementing an objective recruitment process based on competences (anti-discrimination in general, all levels).

13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?

See 10.

### **IV. Evolution, challenges and suggestions**

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

See attachments

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?

Not that I know of.

16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?

- Policy documents adopted.
- Commitment from the board of Prosecutors General.
- Policy implementation in progress.
- Awareness on (the benefits of) diversity, inclusion and equity within the organisation.

17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?

- Commitment on all levels. Is an ongoing process. Communication helps.
- Diversification takes time. Just like awareness raising and a behavioural change towards a more inclusive organisation.

18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?

-

19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?

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## North Macedonia / Macédoine du Nord

### I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?

**-Yes, the notions of diversity and inclusivity established in law apply to all sectors, including the prosecution service.**

2. If so, how are these concepts defined?

**- According to our Constitution, one of the fundamental values of the constitutional order of the Republic of North Macedonia is adequate and fair representation of citizens belonging to all communities, in state government bodies and other public institutions at all levels;**

**The Ombudsman pays particular attention to the protection of the principles of non-discrimination, appropriate and fair representation of members of communities in state government bodies, local self-government units, and public institutions and services.**

3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?

**- According to the Law on the Public prosecutor's Office, when selecting a public prosecutor, there must be no discrimination based on race, skin colour, nationality, ethnic origin, religion or belief, physical disability, sex, gender identity, sexual orientation, and political beliefs.**

**According to the Constitution and the Law on the Public prosecutor's Office, when selecting a public prosecutor, without violating the criteria established by law, the principle of adequate and fair representation of citizens belonging to all communities in the Republic of North Macedonia shall be applied.**

**This ethnic representation is visibly implemented in practise.**

4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?

**The Constitution of Republic of North Macedonia and the Law on the Public prosecutor's Office regulate the principle of non-discrimination in connection with the composition of the prosecution service, as mentioned in point 3.**

5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:

- careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);
- representation of different underrepresented groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

**- During the selection of candidates for admission to the initial training at the Academy for Judges and Public Prosecutors, without violating the criteria provided by the law, adequate and fair representation of the citizens who belong to all communities in Republic of North Macedonia is applied.**

**Additionally, when selecting a public prosecutor, without violating the criteria established by law, the principle of adequate and fair representation of citizens belonging to all communities in the Republic of North Macedonia is applied.**

**This applies to the selection and appointment of public prosecutors on all levels of the prosecution office.**

## **II. Policy level**

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?

**- Yes, the concept of diversity and inclusivity apply to all sectors, including the prosecution service. The ethnic representation is specifically prescribed by the Constitution and the Law on the Public prosecutor's Office, as an obligatory principle.**

7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?



**- When selecting a public prosecutor, there must be no discrimination based on race, skin colour, nationality, ethnic origin, religion or belief, physical disability, sex, gender identity, sexual orientation, and political beliefs. Also the principle of adequate and fair representation of citizens belonging to all communities in the Republic of North Macedonia is established.**

8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?

**-The diversity among prosecutors is primarily applied according to the law, especially the legal representation of all ethnic groups. The principle for adequate and fair representation of citizens belonging to all communities in the Republic of North Macedonia is applied on all levels of the prosecution office.**

**Also the principle of non - discrimination based on race, skin colour, nationality, ethnic origin, religion or belief, physical disability, sex, gender identity, sexual orientation, and political beliefs, is mandatory when appointing or promoting prosecutors on all levels.**

9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?

**- This policy and principle for non discrimination are prescribed in the Constitution of RNM and the Law on the Public prosecutor's Office, that were enacted by the Parliament.**

10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:

- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
- concerning representation of which groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

**- When selecting a public prosecutor, there must be no discrimination based on race, skin colour, nationality, ethnic origin, religion or belief, physical disability, sex, gender identity, sexual orientation, and political beliefs. Also when selecting a public prosecutor, without violating the criteria established by law, the principle of adequate and fair representation of citizens belonging to all communities in the Republic of North Macedonia is applied. This principle goes for the selection and appointment of public prosecutors on all levels of the prosecution service.**

### III. Practical level

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?

**When selecting a public prosecutor, without violating the criteria established by law, the principle of adequate and fair representation of citizens belonging to all communities in the Republic of North Macedonia is applied. This principle goes for the selection and appointment of public prosecutors on all levels of the prosecution service, especially in areas and prosecutor offices where there is a large ethnic community, other than the Macedonian.**

12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?

**When selecting a public prosecutor, without violating the criteria established by law, the principle of adequate and fair representation of citizens belonging to all communities in the Republic of North Macedonia is applied. This principle goes for the selection and appointment of public prosecutors on all levels of the prosecution service.**

13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?

**-The diversity among prosecutors is primarily applied according to the law, especially the legal representation of ethnic groups, and it concerns all prosecution offices.**

### IV. Evolution, challenges and suggestions

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

**- In the 22 Basic Public Prosecutors Offices, there are 68 male prosecutors and 86 female prosecutors. From them, 114 prosecutors are Macedonians, 35 prosecutors are Albanians, and 5 prosecutors are from other ethnicities. In the four Higher Public Prosecutors Offices there are 14 male prosecutors and 10 female prosecutors. From them, 15 are Macedonians and 9 prosecutors are Albanians.**

**In the Highest level - The Public Prosecutors Office of RNM, there are 7 male prosecutors and 3 female prosecutors. From them, 6 prosecutors are Macedonians and 4 prosecutors are Albanians.**

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?

**-The diversity among prosecutors is primarily applied according to the law, especially the legal representation of all ethnic groups.**

**Generally, there must be no discrimination based on race, skin colour, nationality, ethnic origin, religion or belief, physical disability, sex, gender identity, sexual orientation, and political beliefs, when appointing or promoting prosecutors.**

16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?

**- The same laws and regulations regarding the principles of promoting diversity and inclusivity among prosecutors were present ten years ago, and their application with time is enhanced.**

17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?

**- Before the existence of the principle for adequate and fair representation of citizens belonging to all communities in the Republic of North Macedonia, there was a large dissatisfaction with the insufficient number of employees and representatives of other ethnic communities in state organs and institutions.**

**These regulations, were initially implemented in 2001 with the Amendments to the Constitutions, additionally upgraded with laws in different areas, and consequently applied in practice in all state government bodies, local self-government units, and public institutions and services.**

18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?

**- The principle of inclusivity and fair representation of ethnicities is applied at all levels, without violating the legal conditions for appointment.**

**Initially, this principle of inclusivity and fair representation of ethnicities is applied in the Academy for Judges and Public Prosecutors, from where new candidates for public prosecutors are recruited.**

**Additionally, when appointing and promoting public prosecutors, a fair representation of ethnic communities is always kept in account.**

**This applies especially in areas and public prosecutors offices where there is large ethnic community, other than the Macedonian.**

19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?

**- The principle of diversity and inclusivity among prosecutors should always be taken in account, other ethnic communities and candidates from underrepresented sections of society, should have the same opportunity for appointment or promotion. The gender equality is mostly present and should remain.**

## Norway / Norvège

### I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?

Yes.

2. If so, how are these concepts defined?

The Act relating to equality and a prohibition against discrimination (Equality and Anti-Discrimination Act) prohibits direct and indirect discrimination on the basis of, *inter alia*, gender, gender expression, ethnicity, religion, disability, gender identity, and age. A general prohibition on unfair or disproportionate differential treatment is also included in Article 98 of the Constitution.

3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?

See answer 2 above.

4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?

No.

5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:

- careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);
- representation of different underrepresented groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

N/A, see answer 4 above.

## II. Policy level

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?

Yes.

7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?

The Norwegian government's personnel handbook states that all people have equal rights and opportunities in society, regardless of, among other things, gender, functional ability, sexual orientation, age, ethnicity and religion.

8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?

The Director of Public Prosecutors has specified ethical guidelines for all prosecutors in Norway. These states that all prosecutors must meet other people – including victims and witnesses and persons who have been charged, prosecuted or convicted – considerately and with respect and without prejudice of any kind, including gender, race, nationality, religion or belief, ethnicity, disability, sexual orientation or social or socio-economic background

9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?

See answer 8.

10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:

- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
- concerning representation of which groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

The ethical guidelines apply generally to all activities undertaken by prosecutors.

### III. Practical level

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?

All vacancy notices for positions in the prosecution authority state that inclusiveness and diversity is considered valuable. If any person with disabilities or non-Norwegian ethnic background applies and is considered qualified for the position, at least one person from each of these groups must be given a formal interview.

12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?

Norwegian law allows for positive differential treatment between applicants who are roughly comparable with respect to formal competencies.

13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?

No.

### IV. Evolution, challenges and suggestions

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

The Norwegian prosecution service is split into three levels. Unfortunately, we do not have available statistics concerning the lower level. In 2024, 46% of mid-level public prosecutors were women. Of 11 mid-level leaders, 5 were women. At the office of the Director of Public Prosecutions, 11 of 23 prosecutors were women, including 2 of 5 leaders.

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?

No.

16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?

Unfortunately, we do not have data available to make such a comparison.

17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?

N/A

18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?

See answer 14 and 11 and 12 above.

19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?



## Poland / Pologne

### I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?

*In Polish law, the principle of equality before the law, prohibition of discrimination on any grounds, and the principle of equal rights for women and men stem from Article 31 and Article 33 of the Constitution, which means that these principles apply throughout the legal system, including provisions regulating the organisation of the prosecution service and the conduct of criminal proceedings. The Constitutional Tribunal, in its judgment of 9 March 1988, ref. no. U 7/87, interpreted the content of the principle of equality, indicating that "all subjects of law (addressees of legal norms) characterised by a given significant (relevant) feature to an equal degree, are to be treated equally. Thus, according to the same measure, without differentiations that are either discriminatory or favourable."*

2. If so, how are these concepts defined?

*The Act of 28 January 2016 Law on the Prosecution Service (hereinafter "the Law on the Prosecution Service") does not define the concepts of "diversity" and "inclusivity". The National Prosecutor's Office does not have knowledge whether the above-mentioned concepts are defined in other generally applicable legal acts.*

3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?

*Answer as in question 1.*

4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?

*Answer as in questions 1 and 2.*

5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:

- careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);
- representation of different underrepresented groups, minorities, and segments of the society;

- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

*The principles referred to by the CCPE as diversity and inclusivity constitute, in Polish law, a consequence of the requirement of equality and the prohibition of discrimination. This means that they also apply to the profession of prosecutor, albeit with limitations resulting from Article 75 of the Law on the Prosecution Service.*

*The aforementioned provision specifies the conditions for appointment to the position of prosecutor.*

*Thus, a person may be appointed to the position of prosecutor who:*

- 1) holds exclusively Polish citizenship and enjoys full civil and civic rights, and has not been validly convicted of an intentional offence prosecuted by public indictment;*
- 2) is of impeccable character;*
- 3) has completed higher legal studies in Poland and obtained a master's degree or foreign legal studies recognised in Poland;*
- 4) is capable, due to their health condition, of fulfilling the duties of a prosecutor;*
- 5) has reached the age of 26;*
- 6) has passed the prosecutor's or judge's examination;*
- 7) has been employed as a prosecutor's office assessor or judicial assessor for at least one year, or has served in military organisational units of the prosecution service for the period of service provided for in the provisions on military service of professional soldiers;*
- 8) has not performed professional service, worked or collaborated with state security organs listed in Article 5 of the Act of 18 December 1998 on the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation (Journal of Laws of 2023, item 102), nor has been a judge who, in adjudicating, violated the dignity of office by betraying judicial independence, which has been established by a final decision.*

*The requirements referred to in point 6 do not apply to a person who has passed the advocate's or legal adviser's examination and:*

- 1) for at least 3 years has performed activities related to the creation or application of law in offices serving state organs, or*
- 2) holds a doctoral degree in legal sciences.*

*The requirements referred to in points 6 and 7 do not apply to:*

- 1) professors and habilitated doctors of legal sciences in Polish higher education institutions, in the Polish Academy of Sciences, and in research institutes and other scientific institutions;*
- 2) judges;*
- 3) advocates, legal advisers, and the president, vice-president, and counsel of the General Counsel to the Republic of Poland, who have practised this profession or held such a position for at least 3 years.*

*The requirements referred to in point 7 do not apply to notaries.*

*In addition, prosecutors are subject, to the extent indicated in Article 130 of the Law on the*

*Prosecution Service, to the provisions of the Labour Code, such as Article 112 of the Labour Code establishing the principle of equal treatment of employees, and Article 113 of the Labour Code, establishing the prohibition of any discrimination in employment, direct or indirect, in particular on grounds of sex, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, faith, sexual orientation, employment for a definite or indefinite period, or employment on a full-time or part-time basis.*

*As for the prosecutor's career, the Law on the Prosecution Service defines the conditions for promotion in Article 76 § 1, which states that:*

*— a person who, meeting the conditions for holding the position of prosecutor, has at least 8 years of service as a prosecutor or judge, including not less than 5 years of work as a prosecutor of the appellate prosecutor's office, regional prosecutor's office, circuit prosecutor's office or prosecutor of the Institute of National Remembrance, judge of an appellate court or a circuit court or a military circuit court, or for at least 12 years before appointment practised as an advocate, legal adviser, notary or held the position of president, vice-president and counsel of the General Counsel to the Republic of Poland, may be appointed to the position of prosecutor of the National Prosecutor's Office;*

*— a person who, meeting the conditions for holding the position of prosecutor, has at least 6 years of service as a prosecutor or judge, including not less than 3 years of work as a prosecutor of the circuit prosecutor's office or prosecutor of the Institute of National Remembrance, judge of a circuit court or a military circuit court, or for at least 10 years before appointment practised as an advocate, legal adviser, notary or held the position of president, vice-president and counsel of the General Counsel to the Republic of Poland, may be appointed to the position of prosecutor of the regional prosecutor's office;*

*— a person who, meeting the conditions for holding the position of prosecutor, has at least 3 years of service as a prosecutor of the district prosecutor's office or prosecutor of the Institute of National Remembrance, judge of a district court or military garrison court, or for at least 6 years before appointment practised as an advocate, legal adviser, notary or held the position of president, vice-president and counsel of the General Counsel to the Republic of Poland, may be appointed to the position of prosecutor of the circuit prosecutor's office;*

*— in particularly justified cases, in order to ensure the proper implementation of the statutory tasks of the prosecution service, the General Prosecutor, at the request of the National Prosecutor, may appoint a prosecutor to perform duties in the National Prosecutor's Office, in a regional prosecutor's office or in a circuit prosecutor's office, disregarding the above-mentioned requirements.*

*The required service period mentioned above does not apply to professors and habilitated doctors of legal sciences in Polish higher education institutions, in the Polish Academy of Sciences, and in research institutes and other scientific institutions.*

## **II. Policy level**

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?

*The National Prosecutor's Office does not have information about the existence of national-level strategies, plans or action programmes concerning diversity and inclusivity in the performance of – among others or in particular – the profession of prosecutor. These issues were indicated,*

*for example, in Council Decision (EU) 2024/3134 of 2 December 2024 on guidelines for the employment policies of the Member States, however, the guidelines contained therein are developed at the EU level, not the national level, and moreover, they are characterised by a high degree of generality.*

7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?

*Answer as in question 6.*

8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?

*Answer as in question 6.*

9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?

*Answer as in question 6.*

10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:
- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
  - concerning representation of which groups, minorities, and segments of the society;
  - which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
  - any other measures.

*Answer as in question 6.*

### **III. Practical level**

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?

*The prosecution service does not undertake actions aimed at attracting and recruiting candidates from underrepresented social groups. Recruitment to the prosecution service is based solely on the criteria provided for in the Law on the Prosecution Service.*

12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?

*Answer as in question 11.*

13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?

*Answer as in question 11.*

#### **IV. Evolution, challenges and suggestions**

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

*The following table presents numerical data as of 31 December 2024, relating to the staffing of positions in the adjudicative group from the lowest to the highest levels in the respective tiers of prosecutor's offices, broken down by gender.*

<b>Position</b>	<b>Number of women</b>	<b>Number of men</b>
assessor of the district prosecutor's office	278	179
prosecutor of the district prosecutor's office	2093	1587
prosecutor of the circuit prosecutor's office	779	846
prosecutor of the regional prosecutor's office	176	298
prosecutor of the National Prosecutor's Office	25	71
Total	3351	2981

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?

*The prosecution service does not conduct activities aimed at promoting diversity and inclusivity among prosecutors.*

*As already indicated in the answer to question 5, the conditions for appointment to the position of prosecutor are specified by the act shaping the model of the prosecution service, currently it is the Law on the Prosecution Service. It indicates in Article 75 the criteria that a candidate for the position of prosecutor should meet.*

*Despite these detailed statutory regulations, the recruitment and promotion process in prosecution units ensures the possibility of a career with respect for human differences, such as origin, gender, sexual orientation, religion.*

16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?

*The prosecution service does not have data in this regard.*

17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?

*Answer as in question 16.*

18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?

*Answer as in question 16.*

19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?

*Given the importance of the tasks incumbent on the prosecution service and prosecutors, the issue of diversity and inclusivity should not be overly emphasised.*

# Portugal

## I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?

Pursuant to Article 13 of the Constitution of the Portuguese Republic, entitled Principle of equality:

1. All citizens possess the same social dignity and are equal before the law.
2. No one may be privileged, favoured, prejudiced, deprived of any right or exempted from any duty for reasons of ancestry, sex, race, language, territory of origin, religion, political or ideological beliefs, education, economic situation, social circumstances or sexual orientation.

However, to enter the career of Public Prosecutor it is necessary to meet the following requirements:

a) Be a Portuguese citizen or citizen of Portuguese-speaking States with permanent residence in Portugal, who is recognized, under the terms of the law and under conditions of reciprocity, the right to exercise the functions of magistrate;

b) Hold:

- i) A five-year law degree or equivalent academic degree recognized in Portugal;
- ii) Bachelor's degree obtained under Decree-Law No. 74/2006, of 24 March, followed by successful completion of the curricular part of the master's or doctoral courses in the area of Law obtained at a Portuguese university, or equivalent academic degree and academic part recognized in Portugal;
- iii) Degree obtained under Decree-Law No. 74/2006, of 24 March, or equivalent academic degree recognized in Portugal, accompanied by professional experience in the forensic area, or in other related areas, relevant to the exercise of the functions of magistrate, with an effective duration of not less than five years;

c) Not attending an initial theoretical-practical training course for magistrates or a subsequent internship phase; and

d) Meet the other general requirements for appointment to public functions (Article 17(1) of Law No. 35/2014 of 20 June, as amended by Decree-Law No. 13/2024 of 10 January).

2. If so, how are these concepts defined?

Yes, they are defined under the terms of the article transcribed in 1.

3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?

Yes, they are based on the principle of non-discrimination under the terms of the article transcribed in 1 of the Portuguese Constitution.

This principle is addressed when entering and throughout the career within the Public Prosecution Service.

4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?

The Portuguese Constitution applies to the prosecution service as referred to in 1.

5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:

- careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);

Anyone who meets the requirements for entry into the CEJ (National School for Judges and Prosecutors) can apply for any position within the career of public prosecutor.

- representation of different underrepresented groups, minorities, and segments of the society;

As long as they meet these requirements, any group or minority can exercise such functions.

- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);

Any level or position.

- any other measures.

## II. Policy level

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?

The concepts of diversity and inclusivity apply to public prosecutors, a profession to which any person who meets the requirements identified above can access, regardless of their ethnic and social origin or other criteria.

7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?



See answer above.

8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?

There can be no discrimination in the public prosecution service since it is bound by the Portuguese Constitution.

9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?

See answer above.

10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:

- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);

The eligibility criteria are as already mentioned and apply to all prosecutors or candidates to prosecutors.

- concerning representation of which groups, minorities, and segments of the society;

The criteria are as already mentioned.

- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);

Any level or position.

- any other measures.

### **III. Practical level**

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?

The answer is no. Criteria are the same for all candidates.

12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?

No, there are no quotas for people of a certain ethnicity or social background. Candidates are selected and recruited based on knowledge tests and enter the training courses based on the grade obtained in such tests.

The same criteria apply to all in regard of promotions.

13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?

The answer is no for the reasons explained above.

#### **IV. Evolution, challenges and suggestions**

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

See page 33 of the document published in:

[https://www.ministeriopublico.pt/sites/default/files/documentos/pdf/relatorio\\_mp\\_2023\\_final\\_05\\_agosto\\_2024.pdf](https://www.ministeriopublico.pt/sites/default/files/documentos/pdf/relatorio_mp_2023_final_05_agosto_2024.pdf)

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?

The answer is no for the reasons explained above.

16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?

See page 8 of the 2013 report available at:

[https://www.ministeriopublico.pt/sites/default/files/documentos/pdf/relatorio\\_sintese\\_2013\\_0.pdf](https://www.ministeriopublico.pt/sites/default/files/documentos/pdf/relatorio_sintese_2013_0.pdf)

17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?

The number of applicants to the Centre for Judicial Studies (a training school for judges and public prosecutors) has been decreasing in recent years. One of the reasons may be that the training is carried out in Lisbon, where the cost of living (rent, etc.) is quite high and the training fee granted seems clearly insufficient.

18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?

Not applicable for the reasons stated above.

19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?

The Portuguese Public Prosecution Service is, in formal terms, diversified and inclusive as long as the public prosecutor enjoys Portuguese nationality or is a citizen of a Portuguese-speaking State with permanent residence in Portugal, as explained above in 1.

## Romania / Roumanie

### I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?

Yes.

2. If so, how are these concepts defined?

The notions of diversity and inclusion as particular aspects of guaranteeing the principle of non-discrimination apply to all sectors of social life, including the field of work, *lato sensu*, respectively to socio-professional categories.

In this sense, inclusion concerns, in general, the observance of the rights to equal treatment in the profession of magistrate/prosecutor, and in particular of persons belonging to vulnerable categories (persons with disabilities, persons belonging to the Roma ethnic group, persons with certain predefined vulnerable social statuses and conditions, etc.) guaranteeing equal treatment both in the process of recruitment or access to the profession, and in that of exercising and developing the professional career, in the case of magistrate-prosecutor, including where appropriate, affirmative legal measures.

Although the terms of inclusion and diversity do not appear as such in Romanian legislation, these concepts are legally protected through the principle of equality and non-discrimination.

Thus, art. 16 of the Constitution of Romania enshrines as a principle the equality of citizens before the law and public authorities, without privileges and without discrimination. According to par. (3) of this article, public functions and dignities, civil or military, may be occupied, under the conditions of the law, by persons who have Romanian citizenship and reside in the country. The Romanian State guarantees equal opportunities between women and men for the occupation of these functions and dignities.

3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?

The Romanian legislation regulates the right to equality before the law and equal treatment in all areas of social life, including *expressis verbis* the field of work and implicitly, the access to the profession of magistrate-prosecutor.

Thus, the provisions of art. 16 of the Romanian Constitution, the provisions of art. 1, para. 2, letter e): (i), (iv), (v); art. 3, art. 4, art. 6-9, art. 11, art. 20 and art. 27 of O.G. no. 137/2000 on the prevention and sanctioning of all forms of discrimination, the provisions of Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities.

In this way, rights are effectively regulated under conditions of equality and non-discrimination, including for the professional category of prosecutors in the fields of education and work, in terms of free choice of occupation, fair and satisfactory working conditions, protection against unemployment, equal pay for equal work, at fair and satisfactory remuneration; continuous professional training, health, medical care, social security.

Also, art. 4 para. (2) of the Romanian Constitution, enshrines equality between citizens, without distinction of race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, wealth or social origin.

The constitutional principles of equality and non-discrimination are also found in the content of some normative acts, such as Law no. 202/2002 on equal opportunities and treatment between women and men, republished, with subsequent amendments and completions, and Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished, with subsequent amendments and completions.

Also, in art. 5 of the Labour Code regulates the principle of equal treatment of all employees and employers within employment relationships, providing that any direct or indirect discrimination against an employee, based on criteria of sex, sexual orientation, genetic characteristics, age, national affiliation, race, color, ethnicity, religion, political opinion, social origin, disability, family situation or responsibility, union membership or activity, is prohibited.

4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?

As specified above, the general provisions on the matter apply (Constitution, Labour Code, general legislative provisions on non-discrimination).

Regarding prosecutors within the prosecutor's offices, the stages of their career, such as admission to the profession, promotion to higher prosecutor's offices, appointment to management positions in prosecutor's offices, dismissal from office, are regulated in the content of Law no. 303/2022 on the status of judges and prosecutors, with subsequent amendments and completions.

At the same time, Law no. 304/2022 on judicial organization establishes, among other things, the structure and functioning of the Public Ministry and prosecutor's offices.

Even if Law no. 303/2022 and Law no. 304/2022 do not contain express provisions regarding ensuring diversity and inclusion, both Law no. 202/2002 on equal opportunities and treatment between women and men, and Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination contain general rules regarding the equality of persons and the prohibition of discrimination, applicable to the Romanian judicial system.

Thus, according to art. 7 paragraph (3) of Law no. 202/2002, the provisions of this law apply to all persons, civil servants and contractual personnel in the public and private

sectors, including public institutions, military personnel in the public sector, as well as to other categories of persons whose status is regulated by special laws.

Also, art. 3 of Ordinance no. 137/2000 stipulates that the provisions of this ordinance apply to all natural or legal persons, public or private, as well as to public institutions with responsibilities regarding employment conditions, recruitment, selection and promotion criteria and conditions, access to all forms and levels of guidance, training and professional development, social protection and security or other areas of social life.

In addition, in all aspects concerning the career of prosecutors, it is noted that Law no.303/2022 and the secondary legislation adopted in application of this normative act establish clear conditions for admission to the profession, promotion, appointment to management positions and exercise of the function, with all guarantees in place to ensure equality and avoid any form of discrimination, direct or indirect, based on any criteria that would have as their purpose or effect the restriction, removal of the recognition, use or exercise, under conditions of equality, of human rights and fundamental freedoms or of rights recognized by law.

5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:
- careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);
  - representation of different underrepresented groups, minorities, and segments of the society;
  - which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
  - any other measures.

As I mentioned above, there are no specific rules. The general rules apply.

## II. Policy level

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?
7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?

The concepts of diversity and inclusion are widely used in Romania, directly, indirectly or implicitly covering all sectors of social life, incorporating the specific field of activity of magistrates in all aspects and on all criteria: race, nationality, ethnicity, language, religion, social category, beliefs, gender, sexual orientation, age, disability, chronic non-contagious

disease, HIV infection, membership in a disadvantaged category, as well as any other criterion.

On the other hand, for the coherence of the responses circumscribed to the conceptual significance of diversity and inclusion in relation to the principle of non-discrimination, it is necessary to emphasize that these concepts serve per se the socio-legislative desideratum of social integration in a certain sector of social life, in this case that of the occupation of the socio-professional category of magistrate-prosecutor, under conditions of equality and non-discrimination, of those vulnerable persons belonging to categories prone to inequality in relation to the majority of citizens due to identity differences compared to the majority or who face situations of rejection and marginalization.

It is worth emphasizing that all of this is given practical application through the general regulations at the national level, as mentioned above (Q I 4.).

8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?
9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?
10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:
  - regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
  - concerning representation of which groups, minorities, and segments of the society;
  - which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
  - any other measures.

### **III. Practical level**

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?
12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?

13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?

No. General rules apply.

#### IV. Evolution, challenges and suggestions

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

At the level of the Romanian judicial system, there are no databases on diversity criteria, except for gender, meaning that the proportion of men/women is approximately equal, with minor variations, over time. Regarding management positions, currently, approximately 60% of these are occupied by men and 40% by women.

No information can be provided regarding race, religion, ethnicity, sexual orientation, membership in different social groups, political opinions, ethical values or physical abilities/disabilities of persons holding the position of prosecutor in Romania.

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?
16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?
17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?

There are no barriers to this process.

18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?

Such examples cannot be given because there were no policies in this regard and no problems related to the mentioned criteria have arisen. The general legislation works very well.

19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?

In light of the practical data held, the evolutionary component, respectively the prospective one, regarding the themes of diversity and inclusion in the occupational sector of the socio-professional category of magistrates-prosecutors, such suggestions can be made in the future. Also, certain studies can be conducted on the subject.



## San Marino / Saint-Marin

### I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?

The legal system does not provide specific notions of 'diversity' or 'inclusiveness' but the Declaration of Rights - which is immediately preceptive and not programmatic - provides the definition of equality. Article 4(1) of the Declaration states that "all [n.d.r. not just citizens, but all persons] are equal before the law, without distinction of sex, sexual orientation, personal, economic, social, political or religious conditions". The list provided by Article 4 of the Declaration is not closed, but is open to include all kinds of diversity. Therefore, the concepts of inclusiveness and diversity are defined, *a contrario*, by the notion of equality.

2. If so, how are these concepts defined?

Refer to the answer 1 above.

3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?

Refer to the answer 1 above.

4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?

Provided that the criminal justice system is based on an inquisitorial method, with strong guarantees for the defendant, the function of "prosecutor" is performed by the "Investigating Judge". The law of constitutional rank (No. 1 of 2021) stipulates that the recruitment of judges (all of them, not just the investigating judges) shall be carried out by public competition.

Specifically judges are recruited either by internal career, from among the "Uditori Commissariali" (trainee judges) who have passed the four-year confirmation, or from "among judges who have at least eight years of experience abroad, lawyers or university professors in legal subjects who have been practising or teaching for at least eight years and are at least 35 years old". Therefore, the judges have different backgrounds, resulting in an overall enrichment of knowledge.

All judges – including investigating judges – work in a monocratic manner; workloads are allocated according to general and abstract rules and after extensive – formal and informal – discussion among the judges themselves, so there is no discrimination.

5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:
- careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);  
There are no levels among Investigating Judges; salary increases, for example, accrue indiscriminately with seniority.
  - representation of different underrepresented groups, minorities, and segments of the society;  
Recruitment, as explained in answer no. 4, to which we refer, has no other criterion than merit. Access to the judiciary is, in fact, always by public competition.
  - which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);  
Please, refer to the previous answers.
  - any other measures.

## II. Policy level

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?
- Please refer to section I.
7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?
- Please refer to section I.
8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?
- Please refer to section I.
9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?
- Please refer to section I.

10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:

- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
- concerning representation of which groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

[Please refer to section I.](#)

### **III. Practical level**

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?

[Please, refer to section I.](#)

12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?

[Please, refer to section I.](#)

13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?

[Please, refer to section I.](#)

### **IV. Evolution, challenges and suggestions**

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

[Currently, three judges are employed as investigators, two men and one woman. Also employed in the criminal sector are three Uditori Commissariali \(i.e. trainee judges\) all of whom are women.](#)

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?

Please refer to section I

16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?

Please refer to the next answer.

17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?

There have never been any obstacles to inclusiveness and diversity, because even under the previous legislation, the recruitment of judges was by public competition. However, the Constitutional Law No. 1/2021 has made recruitment procedures more transparent.

18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?

Please refer to answer 14.

19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?

A public competition based on merit criteria – in accordance with the San Marino Declaration of Rights – is essential for maintaining 'inclusivity' in the judiciary; at the same time, 'diversity' could be improved by implementing training activities on criminological and sociological issues

## Slovak Republic / République slovaque

### I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?

*Yes, we can confirm that the principles of diversity and inclusivity established by law in Slovakia apply to all sectors, including the prosecution service.*

2. If so, how are these concepts defined?

*The prohibition of discrimination is contained in the Constitution of the Slovak Republic (the Constitution) and several laws, in particular Act No 365/2004 on equal treatment in certain areas and protection against discrimination and amending certain acts (the Anti-Discrimination Act), which governs the application of the principle of equal treatment and provides for means of legal protection if this principle is breached.*

*That law provides, inter alia, that observance of the principle of equal treatment is to be based on the prohibition of discrimination on grounds of sex, religion or belief, race, nationality or ethnic group, disability, age, sexual orientation, marital and family status, colour, language, political or any other opinion, national or social origin, property, birth or other status, or on account of the reporting of crime or other anti-social activity.*

*It defines discrimination as direct, indirect, harassment, sexual harassment, and unjustified punishment; discrimination is also an instruction to discriminate and an incitement to discriminate. It defines direct discrimination as an act or omission in which a person is treated less favourably than another person in a comparable situation is, has been, or would be treated.*

*Indirect discrimination refers to a seemingly neutral provision, decision, instruction, or practice that puts, or is likely to put, a person at a disadvantage compared to another person. However, indirect discrimination does not occur if such a provision, decision, instruction, or practice can be objectively justified by the pursuit of a legitimate interest and if it is proportionate and necessary to achieve that interest.*

*Harassment is defined as behaviour that results in, or is likely to result in, the creation of an intimidating, hostile, shameful, humiliating, degrading, dishonouring, or offensive environment, and whose intent or consequence is or may be an interference with freedom or human dignity.*

*Sexual harassment is defined as verbal, non-verbal, or physical behaviour of a sexual nature, the intent or consequence of which is or may be to violate a person's dignity and which creates an intimidating, degrading, dishonouring, hostile, or offensive environment.*

*An instruction to discriminate refers to conduct that involves the abuse of a person's subordination for the purpose of discriminating against a third party.*

*Incitement to discrimination means persuading, reinforcing, or encouraging a person to discriminate against a third party.*

*An unlawful detriment refers to conduct or an omission that is adverse to the person concerned and is directly related to seeking legal protection against discrimination on their behalf or behalf of another person, or to giving testimony, an explanation, or participating in any other way in proceedings related to the violation of the principle of equal treatment, or to filing a complaint regarding a breach of the principle of equal treatment.*

*It also defines discrimination against a legal entity as the failure to uphold the principle of equal treatment about that entity based on gender, religion or belief, race, nationality or ethnic origin, disability, age, sexual orientation, marital status and family status, skin colour, language, political or other opinions, national or social origin, property, gender, or other status, or due to the reporting of criminal activity or other antisocial conduct, when it concerns members, partners, shareholders, members of governing bodies, employees of the legal entity, persons acting on its behalf, or persons on whose behalf the legal entity acts.*

*Discrimination on the grounds of gender is also considered by the law to include discrimination based on pregnancy or maternity, as well as discrimination based on sexual or gender identity.*

*Discrimination on the grounds of racial, national, or ethnic origin is also considered by the law to include discrimination based on the relationship to a person of a particular racial, national, or ethnic origin.*

*Discrimination on the grounds of religious belief or faith is also considered by the law to include discrimination based on the relationship to a person of a particular religious belief or faith, as well as discrimination against a person without religious belief.*

*Discrimination on the grounds of disability is also considered by the law to include discrimination based on a previous disability or discrimination against a person who, based on outward signs, could be presumed to have a disability.*

3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?

*Yes, they are based on the principle of non-discrimination for any reason.*

*The Constitution in Article 12, paragraph 1, establishes that people are free and equal in dignity and rights. Fundamental rights and freedoms are guaranteed on the territory of the Slovak Republic to all, regardless of gender, race, skin colour, language, faith and religion, political or other opinions, national or social origin, membership in a nationality or ethnic group, property, gender, or other status. No one may be harmed, favoured, or disadvantaged for these reasons.*

*According to Article 24 of the Constitution, freedom of thought, conscience, religion, and belief is guaranteed. This right also includes the possibility to change one's religion or belief. Everyone has the right to be without religious affiliation. Everyone has the right to publicly express their opinions.*

*Articles 33 and 34 of the Constitution establish that belonging to any national minority or ethnic group must not be to anyone's detriment. Citizens who belong to national minorities or ethnic groups in the Slovak Republic are guaranteed comprehensive development, especially the right to collectively develop their own culture with other members of the minority or group, the right to disseminate and receive information in their native language, to associate in national associations, and to establish and maintain educational and cultural institutions. The details will be specified by law.*

*According to Article 38 of the Constitution, women, minors, and persons with disabilities have the right to enhanced health protection at work and special working conditions.*

*According to Articles 46 and 47 of the Constitution, everyone has the right to seek their rights through the procedure established by law before an independent and impartial court, and in cases specified by law, before another authority of the Slovak Republic. Everyone has the right to legal assistance in proceedings before courts, other state authorities, or public administration authorities from the beginning of the proceedings, under the conditions established by law. All participants are equal in such proceedings. Certain serious forms of discrimination are considered criminal offenses and are actively pursued through legal channels to promote accountability and justice, being addressed by the prosecution.*

*It may constitute a criminal offense of unauthorized employment under Section 251a of the Criminal Code<sup>4</sup> if a person illegally employs someone who is residing in the Slovak Republic in violation of applicable legal regulations. This offense is committed even if the person has previously been punished for a similar act within the last twenty-four months. Additionally, the offense can be aggravated if it involves a protected person<sup>5</sup>, is committed more seriously, or involves particularly exploitative working conditions. These conditions include those resulting from discrimination, where there is a noticeable disparity compared to the working conditions of legally employed individuals. Such exploitative conditions may impact health and safety and violate human dignity.*

*It may also involve the crime of apartheid and discrimination against a group of persons under Section 424a of the Criminal Code, which is committed by a person who applies apartheid or racial, ethnic, national, or religious segregation or any other extensive or systematic discrimination against a group of persons.*

*Similarly, it may involve the crime of persecution of the population under Section 432 of the Criminal Code, which is committed by a person who, during war, commits inhuman acts resulting from national, racial, or ethnic discrimination or terrorizes defenceless civilian populations through violence or the threat of violence.*

*Furthermore, Act No. 153/2001 Coll. on the Prosecutor's Office, in Section 5, stipulates that a prosecutor performs his or her duties based on the law and by means established by law. In fulfilling these duties, the prosecutor is required, to the best of his or her knowledge and conscience, to apply the Constitution, constitutional laws, laws, international treaties promulgated in the manner established by law, and other generally binding legal regulations, to respect and protect human dignity, fundamental human rights and freedoms, and to avoid any discrimination, protect the public interest, and proceed proactively, fairly, impartially, and without delay.*

*In addition to the legal framework in the context of the prosecutor's office, the Prosecutor's Ethical Code, which, by Section 217a and following Section 26(1)(n) of Act No. 154/2001 Coll. on Prosecutors and Legal Trainees of the Prosecutor's Office, was approved by the Council of Prosecutors of the Slovak Republic at its regular meeting on January 11, 2016, in point 2.2. clearly states that a prosecutor must not, in the performance of their official duties, favour or disadvantage anyone based on membership in any national, ethnic, racial, religious, sexual, age, social, political, or other group, nor based on a subjective impression the person may have on them.*

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<sup>4</sup> Act No. 300/2005 Coll. Criminal Code, as amended

<sup>5</sup> A protected person, according to Section 139(1) of the Criminal Code, is understood to be a child, a pregnant woman, a close person, a dependent person, an elderly person, a sick person, a person under international protection, a public official, or a person who performs duties imposed by law, a witness, an expert, an interpreter or a translator, or a healthcare worker performing a healthcare profession aimed at saving life or protecting health, if the crime was committed in connection with the status, condition, or age of the protected person. The individual terms contained in this definition are defined in Sections 127 and 128 of the Criminal Code.

4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?

*References to the principle of non-discrimination are part of many laws. Concerning the prosecutor's office, such references can be found in the provisions of Section 7 of Act No. 154/2001 Coll. on Prosecutors and Legal Trainees of the Prosecutor's Office, which stipulates that the selection procedure for the position of prosecutor assesses the candidate's professional knowledge, general overview, creative thinking ability, speed of reasoning, decision-making ability, verbal expression, personality traits, health condition, knowledge of a foreign language, and other factors that need to be or are suitable to be verified to the nature of the prosecutor's position. The selection procedure must adhere to the principle of equal treatment in employment relationships and similar legal relationships. This principle is similarly established with the selection procedure for the position of senior prosecutor and the position of prosecutor at a higher-level prosecutor's office (Section 21), as well as for the position of legal trainee at the prosecutor's office (Section 237).*

*The legal framework does not include the requirement for diversity and inclusivity in filling prosecutor positions.*

5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:

- careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);
- representation of different underrepresented groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

*As mentioned in the response to question No. 4, the law on prosecutors and legal trainees of the prosecutor's office contains provisions to prevent any discrimination in the composition of the prosecutor's office. However, legal norms do not include measures to support diversity and inclusivity among prosecutors. They do not contain requirements for the representation of different groups, minorities, and segments of society. A part of the mechanism is the previously mentioned provision of the Prosecutor's Ethical Code.*

## **II. Policy level**

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?



*Among prosecutors in the Slovak Republic at all levels of the prosecutor's office, there are women, men, individuals from different social backgrounds and regions of the country, including people of various nationalities. Given this, society does not feel the need for legislative regulation of diversity and inclusivity.*

7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?

*The answer follows from what has already been stated.*

8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also, with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?

*The setup of the current mechanism is based on the implementation of the general principle of equality and non-discrimination. Prosecutors are selected and appointed to positions at all levels of the prosecutor's office according to established criteria, as already mentioned, including professional knowledge, general overview, ability for creative thinking, speed of reasoning, decision-making ability, verbal expression, personality traits, which also include independence and non-discrimination, health condition, knowledge of foreign languages, and other factors necessary given the nature of the prosecutor's position.*

*Neither the prosecutor's office nor society sees any reason for a different approach that would prioritize any criteria of diversity and inclusivity over the professional and personal qualifications of individual candidates.*

9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?

*In accordance with the above, there is no specific policy regarding diversity and inclusivity among prosecutors.*

10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:

- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
- concerning representation of which groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

*In accordance with the above, there is no specific policy regarding diversity and inclusivity among prosecutors.*

### **III. Practical level**

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?

*As previously mentioned, prosecutors in the Slovak Republic, at all levels of the prosecutor's office, include women, men, individuals from various social backgrounds and regions of the country, as well as people of different nationalities. Given this diversity, society does not see the need for legislative regulation of diversity and inclusivity, and such practices are not implemented within the prosecutor's office.*

12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?

*Please refer to the response to the previous question for further clarification.*

13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?

### **IV. Evolution, challenges and suggestions**

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

*Slovakia is committed to equality in its prosecution service, despite the absence of specific legislative requirements or formal diversity quotas concerning ethnicity, disability, or sexual orientation. The Slovak Constitution, along with international human rights frameworks, promotes equal access to opportunities within the prosecutorial system. While detailed data on ethnic and socio-economic diversity in the prosecutor's office is limited, the selection process emphasizes fairness and inclusivity. Prosecutors are selected based on key criteria, including: - Professional qualifications (legal knowledge and experience) - Understanding of criminal law - Creative and analytical thinking - Personal qualities like decision-making, communication, and integrity While there are no geographic quotas, the law promotes equal opportunities for candidates from various regions. Additionally, the prosecutor's office does not impose barriers preventing individuals from lower socio-economic backgrounds from entering the profession, focusing instead on academic qualifications, professional skills, and integrity to foster an inclusive environment.*

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?

*Historically, diversity and inclusivity have not been actively promoted. However, as more women obtained legal education, the number of women in prosecutorial roles also increased.*

16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?

*Over the past decade, the state of diversity and inclusivity within the prosecution service in Slovakia has remained stable. The prosecution service is actively adapting to new developments*

17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?

*No challenges or obstacles have arisen in this regard.*

18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?

*The answer follows from the answers to the previous questions.*

19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?

*To enhance diversity and inclusivity in the prosecution service, we recommend:  
Creating policies to ensure better representation across gender, ethnicity, and socio-economic backgrounds.*

*Providing ongoing training on diversity and unconscious bias to promote fair decision-making.*

*Tracking and regularly reporting on diversity within the prosecution service to identify areas for improvement.*

*Establishing mentorship programs for young prosecutors from diverse backgrounds to support their professional development.*

*Encouraging underrepresented groups to pursue careers in prosecution and the legal field.*

*These steps will contribute to a more inclusive and fair justice system.*

## Slovenia / Slovénie

### I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service? **Yes.**
2. If so, how are these concepts defined?  
**They are included in the Constitution in Article 14 (equality before the law). Everyone in Slovenia is guaranteed the same human rights and fundamental freedoms, regardless of nationality, race, sex, language, religion, political or other opinion, property, birth, education, social status, disability or any other personal circumstance. All are equal before the law. They are also included in Law on labour relations act (ZDR-1), Article 6 (Prohibition of discrimination and retaliation).**
3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?  
**Yes.**
4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?  
**No.**
5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover: /
  - careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);
  - representation of different underrepresented groups, minorities, and segments of the society;
  - which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
  - any other measures.

## II. Policy level

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?

**On 21 April 2016, the National Assembly of the Republic of Slovenia adopted the Protection against Discrimination Act (the Protection against Discrimination Act), which entered into force on 24 May 2016. Under the ZVarD, a new independent state body specialised in the field of discrimination, the Defender of the Principle of Equality (the Defender), was established.**

7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?

**All personal circumstances are taken into account.**

8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices? **No.**

9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?

/

10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:

- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);

/

- concerning representation of which groups, minorities, and segments of the society;

/

- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);

/

- any other measures.

/

## III. Practical level

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices? **All are subjected to the same conditions.**

12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country? **No.**
13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices? **No.**

#### IV. Evolution, challenges and suggestions

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

**Total number of prosecutors is 216:**

	Men	Women
<b>supreme</b>	<b>6</b>	<b>11</b>
<b>senior</b>	<b>18</b>	<b>31</b>
<b>district</b>	<b>31</b>	<b>80</b>
<b>local</b>	<b>7</b>	<b>32</b>
<b>TOTAL</b>	<b>62</b>	<b>154</b>

**Of the 14 heads of office 3 are men and 11 are women.**

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?  
**No.**
16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?  
**/**
17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?  
**There were no challenges.**
18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?  
**We do not keep data other than gender and age.**
19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?  
**Prosecution Service is an inclusive organisation.**

## Spain / Espagne

### I. Legislative and regulatory level

1. Do the notions of diversity and inclusion set out in your country's law or regulations apply to all sectors, including the prosecution?

In Spain, currently, diversity and inclusion are two essential aspects in the work environment to which the judicial field is no stranger.

The Organic Law for the Effective Equality of Women and Men provides the legal basis for progress towards effective equality in all areas of social, economic, cultural and political life. TITLE V regulates the principle of equality in public employment and in its CHAPTER I the Criteria for action of the Public Administrations. Article 51 sets out the criteria for action by the public administrations which, within the scope of their respective competences and in application of the principle of equality between women and men, must: a) Remove obstacles that imply the persistence of any type of discrimination in order to offer conditions of effective equality between women and men in access to public employment and in the development of professional careers. b) To facilitate the reconciliation of personal, family and work life, without prejudice to professional promotion. c) To promote training in equality, both in access to public employment and throughout the professional career. d) To promote the balanced presence of women and men in the selection and evaluation bodies. e) Establish effective measures of protection against sexual harassment and harassment based on sex. f) To establish effective measures to eliminate any direct or indirect discrimination in pay on grounds of sex. g) To periodically evaluate the effectiveness of the principle of equality in their respective areas of action.

On the other hand, the regulations of the European Union – specifically Directive 2006/54 EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation – inspires the legislation of the Member States in order to place the principle and guarantee of equality as an informing principle of the legal system and as a Fundamental Principle of the European Union.

The main rules in force are:

- [Royal Decree 246/2024, of 8 March, which develops the basic organic structure of the Ministry of Equality](#)
- [Law 16/1983, of 24 October, on the creation of the Autonomous Organism Institute for Women](#)
- [Royal Decree 774/1997, of 30 May, establishing the new regulation of the Women's Institute](#)
- [Spanish Constitution](#)
- [Organic Law 3/2007, of 22 March, for the effective equality of women and men](#)
- [Organic Law 1/2004, of 28 December, on Comprehensive Protection Measures against Gender Violence](#)
- [Brochure of the State Pact against Gender Violence](#)
- [Consolidated document of measures of the State Pact on Gender Violence \(Congress and Senate\)](#)

- [Istanbul Convention](#)
- [GREVIO Report](#)
- [Royal Decree-Law 12/2020, of 31 March, on urgent measures for the protection and assistance of victims of gender-based violence](#)
- [Law 62/2003, of 30 December, on fiscal, administrative and social measures](#)
- [Law 13/2005, of 1 July, amending the Civil Code on the right to marry](#)
- [Law 14/2006, of 26 May, on assisted human reproduction techniques](#)
- [Law 3/2007, of 15 March, regulating the rectification in the registry of the mention relating to the sex of persons](#)
- [Order IGD/577/2020, of 24 June, which creates the Council for the Participation of Lesbian, Gay, Trans, Bisexual and Intersex \(LGTBI\) People and regulates its operation](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination](#)
- [Organic Law 4/2000 of 11 January 2000 on the rights and freedoms of foreigners in Spain and their social integration](#)
- [Royal Decree 557/2011, of 20 April, approving the Regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, following its reform by Organic Law 2/2009](#)
- [Law 19/2007, of 11 July, against violence, racism, xenophobia and intolerance in sport](#)
- [Royal Decree 203/2010, of 26 February, approving the Regulation on the prevention of violence, racism, xenophobia and intolerance in sport](#)
- [Royal Decree 1262/2007, of 21 September, which regulates the composition, powers and operating regime of the Council for the elimination of racial or ethnic discrimination](#)
- [Royal Decree 902/2020, of 13 October, on equal pay between women and men](#)
- [Royal Decree 901/2020, of 13 October, regulating equality plans and their registration and amending Royal Decree 713/2010, of 28 May, on the registration and deposit of collective bargaining agreements and agreements](#)
- [Organic Law 10/2022, of 6 September, on the comprehensive guarantee of sexual freedom](#)
- [Law 4/2023, of 28 February, for the real and effective equality of trans people and for the guarantee of the rights of LGBTI people](#)

**The Public Prosecutor's Office in Spain has also published the II Equality Plan that will create the figure of Equality Officer in the Prosecutorial Career, which will be valid for four years and which involves the creation of the figure of equality officer in the Area, Provincial and Superior Prosecutor's Offices and in the central bodies.**

The document, which can be consulted [here](#), establishes three lines of work: the transformation of the organization and management procedures of the Prosecutor's Office with a gender mainstreaming, education and training, and territorial coordination and collaboration. In this sense, the new plan develops the creation of a person in charge of equality in each territorial prosecutor's office and in the central bodies as a liaison figure with the monitoring commission.

The Plan establishes a model of Public Prosecutor's Office with equal opportunities and the gender perspective as pillars and has as its principles of action the implementation of practices that facilitate the reconciliation between work and family life and that transform gender stereotypes around care, denaturalizing its feminization. This is also intended to incorporate the experience of women into the management system of prosecutors' offices.



The general objective of the new Equality Plan is to create the conditions to implement a model of Public Prosecutor's Office that promotes an organisational culture in the structure of the Public Prosecutor's Office whose operation and organisation are based on equal opportunities and the gender perspective. In this way, it is intended to normalise values, attitudes, skills and ways of working with a more flexible and rational organisation of time that modernises the institution and makes it more egalitarian and diverse.

This is intended to achieve real and effective equality between prosecutors, eliminate any form of discrimination or violence against women and, in short, achieve a fairer and more supportive Prosecutor's Office.

In addition, the Attorney General's Office, in order to facilitate access to justice for citizens, **signed a** framework collaboration agreement with the Full Inclusion Spain Confederation, which integrates organizations representing and defending the rights of people with intellectual or development disabilities throughout the national territory. The purpose of the Convention is to establish a general framework for collaboration to ensure that persons with intellectual or developmental disabilities or persons with difficulties in understanding can have full access to justice.

2. If so, how are these concepts defined?

Within the scope of the Public Prosecutor's Office, the concepts are based on equal opportunities and the gender perspective as pillars and its principles of action are the implementation of practices that facilitate the reconciliation between work and family life and that transform gender stereotypes around care, denaturalizing its feminization. This is also intended to incorporate the experience of women into the management system of prosecutors' offices. The general objective of the new Equality Plan is to create the conditions to implement a model of Public Prosecutor's Office that promotes an organisational culture in the structure of the Public Prosecutor's Office whose operation and organisation are based on equal opportunities and the gender perspective. In this way, it is intended to normalise values, attitudes, skills and ways of working with a more flexible and rational organisation of time that modernises the institution and makes it more egalitarian and diverse.

3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in the law? What reasons are covered? Is this principle addressed in your prosecutor's office?

Article 14 of the Spanish Constitution establishes that: "Spaniards are equal before the law, without any discrimination on grounds of birth, race, sex, religion, opinion or any other personal or social condition or circumstance".

Article 14 is located in Title I of our Magna Carta and binds all citizens and public authorities and this means banishing the following conducts:

- Sexual harassment
- Discrimination based on social or personal status
- Unequal treatment
- Different criminal treatment
- Direct and indirect discrimination
- Disability Discrimination
- Age discrimination

- Maternity discrimination
- Birth discrimination
- Discrimination based on opinion
- Discrimination based on sexual orientation
- Discrimination by Race
- Sex discrimination

Promoting policies in pursuit of:

- Equality in the application of the law
- Equality in law
- Balanced Representation

Therefore, the Public Prosecutor's Office as a body of constitutional relevance and with its own legal personality integrated with functional autonomy in the Judiciary, to which [Article 124 of the Spanish Constitution](#) refers in the following terms:

*"The Public Prosecutor's Office, without prejudice to the functions entrusted to other bodies, has the mission of promoting the action of justice in defence of legality, the rights of citizens and the public interest protected by law, ex officio or at the request of the interested parties, as well as to ensure the independence of the Courts and to ensure before them the satisfaction of the social interest."*

*The Public Prosecutor's Office exercises its functions through its own bodies in accordance with the principles of unity of action and hierarchical dependence and subject, in all cases, to those of legality and impartiality."*

4. Is there any reference in your country's laws and regulations to diversity and inclusion or to the principle of non-discrimination in relation specifically to the composition of the prosecutor's office? If so, what form does this reference take (legislation, regulation, other)?

Question answered in question number 1.

5. If so, could you briefly describe what measures are set out in the law or regulations to promote diversity and inclusion among prosecutors, or to prevent any discrimination in the composition of the prosecutor's office? Do these measures cover:
  - careers in the prosecutor's office (e.g., eligibility requirements for candidates for prosecutorial positions; criteria for promotion);
  - representation of different underrepresented groups, minorities and segments of society;
  - the levels of the prosecutor's office concerned (senior office, regional and district offices, specialized prosecutors' offices);
  - any other measure.

As already indicated, the purpose of the Public Prosecutor's Office is:

- To promote the action of justice by defending legality.
- To promote the rights of citizens.
- Act in the public interest (ex officio or at the request of the interested parties).
- To ensure the independence of the Courts.
- To try to satisfy the social interest.

The Public Prosecutor's Office is a body integrated within the Judiciary that acts autonomously in terms of the performance of its functions and exercises its mission through its own bodies, acting in a coordinated and unitary manner throughout the territory of the State. The Public Prosecutor's Office is organised in a hierarchical and structured manner (for example, the Attorney-General of the State is assisted by the Prosecutor's Council), and must in all cases act in accordance with the law and impartially.

The requirements to participate in the open competition are:

- Have Spanish nationality
- Be of legal age
- Not to have the retirement age provided for in Article 386 of the LOPJ or to reach it during the time that the selection process lasts until taking office.
- Have a bachelor's degree in Law
- Not be subject to disability due to:
  1. physical or mental impediments to the exercise of judicial functions,
  2. have been convicted of an intentional crime, until rehabilitation is obtained,
  3. have been prosecuted or charged with an intentional offence until acquittal is obtained or an order of dismissal is issued,
  4. not being in the full exercise of civil rights.

The regulations for entry into the Prosecutorial Career are:

#### SPANISH CONSTITUTION

- 1 [Spanish Constitution](#)

#### INTERNATIONAL REGULATIONS:

- 2 [Convention on preventing and combating violence against women and domestic violence](#)
3. [Consolidated texts Convention for the Protection of Fundamental Rights and Freedoms](#)
4. [Charter of the United Nations and Statute of the International Court of Justice](#)
5. [Convention on the Elimination of All Forms of Discrimination against Women](#)
6. [European Social Charter](#)
7. [International Covenant on Economic, Social and Cultural Rights](#)
8. [International Covenant on Civil and Political Rights](#)
9. [ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation](#)

#### TREATIES AND EU REGULATIONS:

- 10 [European Regulation on the Protection of Personal Data](#)
11. [Organic Law authorizing the ratification by Spain of the Treaty of Lisbon](#)

#### ORGANIC LAWS:

- 12 [Organic Law on the Protection of Orphans Victims of Gender Violence](#)
13. [Organic Law implementing Regulation \(EU\) for the creation of the European Public Prosecutor's Office](#)
14. [Organic Law regulating euthanasia](#)
15. [Organic Law on the Protection of Personal Data and Guarantee of Digital Rights](#)
16. [Organic Law on Budgetary Stability and Financial Sustainability](#)
17. [Organic Law on Sexual and Reproductive Health and Voluntary Interruption of Pregnancy](#)

18. [Organic Law on the Financing of Political Parties](#)
19. [Organic Law for the effective equality of women and men](#)
20. [Organic Law on Comprehensive Protection Measures against Gender Violence](#)
21. [Organic Law on Political Parties](#)
22. [Organic Law regulating the Right of Association](#)
23. [Organic Law regulating the Right of Petition](#)
24. [Organic Law on the Rights and Freedoms of Foreigners in Spain](#)
25. [Organic Law regulating the conscience clause of information professionals](#)
26. [Organic Law on Freedom of Association](#)
27. [Organic Law regulating the Right to Education](#)
28. [Organic Law of the Judiciary](#)
29. [Organic Law of the General Electoral Regime](#)
30. [Organic Law regulating the "Habeas Corpus" procedure](#)
31. [Organic Law regulating the right of rectification](#)
32. [Organic Law regulating the right of assembly](#)
33. [Organic Law of the Court of Auditors](#)
34. [Organic Law on the Right to Honour, Personal and Family Privacy and One's Own Image](#)
35. [Organic Law on States of Alarm, Exception and Siege](#)
36. [Organic Law of the Ombudsman](#)
37. [Organic Law on Religious Freedom](#)
38. [Organic Law of the Council of State](#)
39. [Organic Law of the Constitutional Court](#)
40. [Royal Decree-Law on Labour Relations](#)

#### ORDINARY LAWS:

41. [Comprehensive Law for Equal Treatment and Non-Discrimination](#)
42. [Law establishing the minimum living income](#)
43. [Climate Change and Energy Transition Law](#)
44. [Law on Treaties and Other International Agreements](#)
45. [Law regulating the right to asylum and subsidiary protection](#)
46. [General Tax Law](#)
47. [General Budget Law](#)
48. [Government Act](#)
49. [Law on the Functioning of the Court of Auditors](#)
50. [Law regulating the Organic Statute of the Public Prosecutor's Office](#)

#### REGULATIONS OF THE CONGRESS AND THE SENATE

51. [Consolidated text of the Senate Rules of Procedure](#)
52. [Rules of Procedure of the Congress of Deputies](#)

In addition, we do not refer to what is stated in question number 2 in which the II Equality Plan of the Tax Career is developed.

## II. Policy level

6. Are the concepts of diversity and inclusion used in your country in policies that apply to all sectors, including prosecutors (e.g., in various policy documents, action plans or programs, guidelines, etc.)?

In Spain, the Directorate-General for Equal Treatment and Non-Discrimination and against Racism is the body under the Ministry of Equality responsible for proposing, promoting and developing the cross-cutting application of the principle of equal treatment and the elimination of

all forms of discrimination against persons on grounds of origin racial or ethnic origin, national origin, religion or beliefs, ideology, age, illness or any other personal or social condition or circumstance, and, especially, the following functions:

- The coordination of the policies of the General State Administration, autonomous communities, local entities, as well as with other public and private agents, of institutional action related to compliance with equal treatment and opportunities.
  - The preparation of reports and studies, and the analysis and assessment of statistics, in matters affecting equal treatment, non-discrimination, intolerance and ethnic-racial diversity, as well as their dissemination and exchange.
  - The proposal, in coordination with the competent ministerial departments and public administrations, of special measures in the social, economic, health, educational, employment, political and public sector participation, access to housing, cultural and other spheres, to ensure the adequate protection of certain national, ethnic or religious groups suffering from intolerance for any personal or social circumstance, in order to guarantee, under conditions of equality, their full enjoyment of human rights and fundamental freedoms.
  - The formulation of initiatives and activities of social awareness, information, training, participation and any others necessary for the promotion of equal treatment and non-discrimination, tolerance and dignity of the person, as well as the positive appreciation of ethnic-racial diversity.
  - The promotion of measures aimed at the assistance and protection of persons who are victims of discrimination, hate crimes, hate speech, attacks on their dignity and intolerance, without prejudice to the competences of other ministerial departments.
  - The proposal of cooperation instruments for the design of content of training plans for Public Administration personnel in areas related to equal treatment and non-discrimination, intolerance, hate speech and hate crimes.
  - Collaboration and coordination with international public and private agents linked to equal treatment and intolerance.
7. If so, how are these concepts defined? Are they based on the principle of non-discrimination and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do the general policies that are applied in all areas expressly integrate the principle of non-discrimination, and on what grounds do they cover the prosecutor's office?

As I have mentioned in previous questions, the regulation involves the development of the provisions of Article 14 of the Spanish Constitution: Spaniards are equal before the law, without any discrimination on grounds of birth, race, sex, religion, opinion or any other personal or social condition or circumstance.

This article binds all citizens, public authorities and institutions, including the Public Prosecutor's Office, and all of them must promote these values.

8. Is there a policy in your country specifically regarding diversity and inclusion among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all prosecutors' offices or to certain prosecutors' offices?

Answered in the previous questions.

9. If so, what is the status of this policy and who adopted it? What form does this policy take (e.g. in various policy documents, action plans or programmes, guidelines, etc.)?

[Answered in the previous questions.](#)

10. What kind of measures does this policy entail? Could you briefly describe the measures in question and what they cover?
- with respect to careers in the prosecutor's office (e.g., measures to attract candidates from underrepresented sectors of society; eligibility requirements for candidates for prosecutorial positions or criteria for promotion);
  - on the representation of which groups, minorities and segments of society;
  - the levels of the prosecutor's office concerned (senior office, regional and district offices, specialized prosecutors' offices);
  - any other measure.

[Recently, in addition, the Minister of the Presidency, Justice and Relations with the Courts, has presented the five main axes of the future Organic Law for the Expansion and Strengthening of Judicial and Prosecutorial Careers.](#)

### **III. Practical level**

11. Have practices emerged in the prosecutor's office to attract and recruit candidates from underrepresented sectors of society (e.g. gender, ethnicity, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecution system in general or specific prosecutors' offices?
12. Are diversity and inclusion taken into account in the process of selecting, hiring and promoting prosecutors? If so, in what form and in relation to all prosecutors' offices in your country?
13. Are there other measures developed in practice to promote diversity and inclusion in the composition of prosecutors' offices? If so, what are these measures and do they concern all prosecutors' offices?

[Order PJC/491/2024, of 23 May, published in the Official State Gazette number 126, of 24 May, establishes the regulatory bases for the granting of financial aid for the preparation of competitive examinations for entry into the Judicial and Prosecutorial Careers, the Corps of Lawyers of the Administration of Justice and the Corps of State Lawyers.](#)

[On the basis of this Order, the Ministry of the Presidency, Justice and Relations with the Courts, through the Centre for Legal Studies, is developing a programme of financial aid aimed at eliminating the socio-economic barriers that prevent or hinder the preparation of applicants for entry into the Judicial and Prosecutorial Careers, the Corps of Lawyers of the Administration of Justice and the Corps of State Lawyers.](#)

In addition to the above-mentioned provisions, the preliminary draft of the Organic Law amending Organic Law 6/1985 of 1 July 1985 on the Judiciary and Law 50/1981 of 30 December 1981 regulating the Organic Statute of the Public Prosecutor's Office, for the extension and strengthening of judicial and prosecutorial careers, reinforce the concepts expressed.

#### **IV. Evolution, challenges and suggestions**

14. Please indicate, if available, statistics on the composition of the prosecutor's office by gender and by diversity of origins, from junior to senior posts, in the prosecutorial system in general, in addition to specific prosecutors' offices.

According to data published on 7 March, women hold 46% of the management positions in the Public Prosecutor's Office, showing that more than 66% of all prosecutors in our country are women.

Of the total of 2,808 active prosecutors, 1,867 are women, reflecting a significant evolution in the composition of the Public Prosecutor's Office. Autonomous communities such as Navarre (77%), Madrid (76%) and the Basque Country (75%) have the highest percentages of women prosecutors, consolidating a presence that continues to increase.

On the other hand, 46% of the management positions in the Public Prosecutor's Office are held by women, one point more than last year and eight points more than in 2019. In total, there are 56 women among the 121 management positions. Six Superior Prosecutors' Offices of autonomous communities (Andalusia, Aragon, the Canary Islands, Madrid, the Basque Country and Asturias) are led by women, which represents 35% of the total.

The Public Prosecutor's Office has thus been ahead of the legislator and Organic Law 2/2024, of 1 August, on equal representation and balanced presence of women and men, which requires a minimum of 40%.

In the professional category of Chamber Prosecutor, the highest in the career, there are only 13 women compared to 21 men. During the year 2024, there were four appointments of Chamber Prosecutors and two of them were women. Specifically, the Prosecutor of the Coordinating Chamber for Minors of the Attorney General's Office and that of the Togada Prosecutor's Office of the Supreme Court.

In the case of provincial prosecutors' offices, 45 per cent are headed by women and 55 per cent by men. Of the ten provinces with the largest number of populations, there are women at the head of four of them: Madrid, Barcelona, Valencia and Las Palmas.

However, women are the majority in the heads of the Area Prosecutor's Offices (65%) since they are in charge of 17 of the 26 prosecutor's offices of this type.

Although women are the majority in the Attorney General's Office (57%), their presence is still a minority in the Supreme Court Prosecutor's Office (27%) and in other prosecutors' offices of special relevance, such as the National Court or the Special Prosecutors' Offices, where they represent 20%.

The presence of women is the majority in the age ranges that reach up to 55 years old. This is more pronounced in the range from 41 to 45 years of age. It is only clearly in the minority in the last age range (66 to 70).



The indicators indicate that there is still a long way to go in the care of children and family members. The data on work-life balance show a tremendously unequal reality: most requests for leave of absence and reductions in working hours to care for children or relatives have been submitted by women. Of the 19 requests for leave of absence for childcare, only one was made by a man. Likewise, two reductions in working hours were registered due to serious illness of a family member, in both cases requested by women.

15. Has there been any progress in your country to promote diversity and inclusion among prosecutors? If so, what measures have been taken?

The aforementioned II Plan for Equality in the Prosecutorial Career, which involved the creation of the figure of equality officer in the Area, Provincial and Superior Prosecutor's Offices and in non-territorial bodies.

16. If the current and past situation in this regard can be briefly compared (e.g., between now and ten years ago), what are the indicators (e.g., laws, regulations, policy documents adopted/implemented, diversified composition of prosecutors' offices, etc.)?

The presence of women in the Public Prosecutor's Office is the majority, to the point that three out of four prosecutors between 20 and 50 years of age are women. They represent 66% of the prosecutorial career out of a total of 2,795 prosecutors in Spain. It should be remembered that until 1966 women could not access it and it was not until 1974 that the first woman entered.

The autonomous communities with the highest percentage are Madrid (79%), the Basque Country (77%), Navarre (74%), Catalonia (73%) and Castilla La Mancha (71%). On the other hand, Cantabria (55%), La Rioja and the Canary Islands (both with 57%), the least.

However, in recent years, only 14 women (38%) compared to 23 men (62%) have the professional category of Chamber Prosecutor, the highest in the career to which access is made by discretionary appointment of the Attorney General of the State.

For their part, the Senior Headquarters of the Public Prosecutor's Offices of Andalusia, Aragon, the Canary Islands, Cantabria, the Community of Madrid, the Valencian Community, the Basque Country and the Principality of Asturias are occupied by women (47%), while 43% of the Provincial Headquarters have a female chief prosecutor.

It should be noted that among the latter are Madrid and Barcelona, the two provinces with the largest population.

On the other hand, in Area Prosecutors' Offices, a destination generally of complex management, the percentage of women is higher than that of men: 58% compared to 42%.

17. Have there been any challenges or obstacles to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?

The achievement of real and effective equality between women and men in the prosecutorial career, both in their access and in the development of their profession, has been and is a priority objective for the Attorney General's Office.



The Action Plan approved and cited in previous points moves in this direction by including concrete measures to implement the conditions to achieve the  
Currently the existing obstacles have been removed and proof of this is that the presence of women in the Public Prosecutor's Office is in the majority, to the point that three out of four prosecutors between 20 and 50 years of age are women.

18. Could you provide examples of prosecutors' offices – at any level – with a diverse, inclusive and representative composition, along with details of the measures taken to achieve this?

Attached is a link to a file on equality indicators in the prosecutorial career:  
<https://www.fiscal.es/documents/d/fiscal/indicadores-igualdad-2024-1>

19. What other measures could you suggest to move towards a more diversified and inclusive service of the prosecutor's office?

The aforementioned Action Plan establishes the lines of work to advance in effective equality

- To know the situation of the Public Prosecutor's Office in terms of equality, through the obtaining, publication and analysis of precise sociological data that allow the evolution and results obtained to be assessed, as well as to identify the areas that require special action.
- Raise awareness in the public prosecutor's career of equality and gender perspective, through training, the promotion of parity and the involvement of managers.
- Strengthen and promote the exercise of the social rights of the prosecutorial career through their adequate dissemination, as well as encourage co-responsibility and conciliation.
- Promote the use of inclusive and non-sexist language.

## Sweden / Suède

### I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?

The foundational legal principle for these issues in Swedish law is the principle of non-discrimination. There are no laws on diversity and inclusivity.

However, when it comes to gender equality there is legal support for more pro-active aspirations towards achieving gender equality. In the Swedish constitution it is stipulated that the prohibition against discrimination does not apply to efforts striving to achieve gender equality. These regulations apply to all sectors of the Swedish society.

2. If so, how are these concepts defined?

There is a prohibition against discrimination stated in the Swedish Constitution.

There is also the **The Discrimination Act (2008:567)**, which prohibits discrimination that is associated with any of the seven grounds of discrimination: sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

The prohibition encompasses six forms of discrimination. The different forms are:

- direct discrimination
- indirect discrimination
- inadequate accessibility
- harassment
- sexual harassment
- instructions to discriminate

The prohibition has one exception regarding sex as a ground for discrimination. This exception allows affirmative action in recruiting if the purpose is to achieve gender equality between sexes. For affirmative action to be legal it requires that the two different candidates' qualifications are more or less at the same level. No affirmative actions are allowed on other grounds than sex.

The Discrimination Act also contains obligations for employers to work with "active measures" in order to prevent discrimination and promote equal rights and opportunities.

3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?

See above (Q2) regarding the grounds covered by the Discrimination Act.

The Discrimination act applies to all sectors of the society, including the private sector and all governmental agencies.

The Swedish Prosecution Authority, as all employers in Sweden, have to take active measures. Active measures are prevention and promotion measures aimed at preventing discrimination and serving in other ways to promote equal rights and opportunities.

The provisions on active measures regulated in the Discrimination Act entail that all employers are obligated to

- continuously apply a four-step approach (investigate, analyse, take measures and monitor/evaluate) within the following five areas:
  - working conditions
  - provisions and practices regarding pay and other terms of employment
  - recruitment and promotion
  - education and training, and other skills development
  - possibilities to reconcile gainful employment and parenthood.
- promote gender balance in different types of work – including in management positions
- establish, follow up and evaluate guidelines and routines to prevent harassment, sexual harassment and reprisals
- carry out annual pay surveys (in order to eliminate any discrimination in pay based on sex).

4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?

There is no specific reference to the prosecution service in any law on the topic of non-discrimination. As mentioned, (Q1) there are no laws on diversity and inclusivity.

5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:

No specific law or regulation regarding this exists for prosecutors or the prosecution service.

- careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);
- representation of different underrepresented groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

## II. Policy level

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?

The Swedish constitution grants agencies, such as the Swedish Prosecution Authority, a large amount of independency. Policies from outside the agency with detailed instructions on how the prosecution service should be governed are rare and the agency interprets relevant legislation independent.

The government has however adopted several national action plans/national strategies within the general area of diversity and inclusivity. Examples of such documents are:

- The national action plan against racism and hate crime.
- The national action plan for equal rights and possibilities of HBTQI-persons.
- The national strategy for the inclusivity of the Romani people.

These documents do however not specifically target any efforts regarding diversity and inclusivity within the prosecuting agency.

7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?

N/A

8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?

There is no national policy specifically for prosecutors within this field.

However, the Swedish Prosecuting Authority, as all other larger employers, is required to have its own policy for non-discrimination and equal treatment, which also describes the mandatory active measures that should prevent discrimination.

The Swedish Prosecuting Authority's internal Plan for Equal Treatment has the following definitions.

- **Diversity:** Our unique identities are created by gender, age, ethnic and cultural background, sexual orientation, disability, gender identity and gender expression. Education, family circumstances, socio-economic background, values, interests and experiences, etc. also play a role.
- **Equal treatment** means that all employees have the same opportunities, rights and obligations in all essential areas of working life. Equal treatment is about the right to be oneself, to have the right to define oneself, one's culture and one's ambitions. This concept also includes the obvious fact of not being negatively discriminated against or subjected to reprisals.

- An **inclusive approach** means creating a culture where people's different backgrounds, experiences and perspectives are respected and taken into account. This approach should apply both within the authority and in external communications.

9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?

The Swedish Prosecution Authority's Plan for Equal Treatment is adopted by the authority's Director of Human Resources and reviewed every third year. It applies to the whole authority. It is a policy that develops the employer responsibility in accordance with the Swedish Discrimination Act.

In the Prosecuting Agency's Plan for Equal Treatment the following goals are stated.

- To prevent harassment based on sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.
- To achieve gender parity in all positions.
- To increase diversity within the agency.
- To make it easier for employees to combine employment with parenthood.
- To prevent unjustified wage differences that can be attributed to gender or any other of the grounds for discrimination.

10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:

- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);
- concerning representation of which groups, minorities, and segments of the society;
- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);
- any other measures.

In accordance with the Discrimination Act the equal treatment policy includes active measures.

In order to increase the diversity among applicants for positions within the agency one of the active measures is that every prosecution chamber is required to, once a year,

- Inform about the work of a prosecutor in an upper secondary school in areas where there is a high proportion of people with an ethnic background other than Swedish and/or where study habits at home are low or,
- Inform at a university/high school or
- Arrange information meetings with the junior law clerks at the courts.

Another active measure is that the HR department is responsible for quality assurance of the various parts of the recruitment process, such as requirement profiles, advertising texts, advertising channels, selection and interviews. The intention is to eliminate all conscious and unconscious structures that can lead to discrimination.

### **III. Practical level**

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?

The majority of the Swedish prosecutors are women. This is due to the fact that women are in majority in all the Swedish law schools. The reason for this is that women as a group attains higher grades than men, and the law schools are quite popular amongst students.

Despite the higher number of female lawyers, the Swedish Prosecution Agency tries to recruit in a gender balanced way. When developing recruitment advertising, the HR-department tries to make them in a way that they attract both men and women, but also people from different backgrounds, for example in the use of pictures of different people.

When recruiting, a system with points based on tests and interviews are used, in order to prevent any irrelevant consideration that can discriminate against certain groups.

This concerns the whole authority.

12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?

No, recruitment is strictly based on merits.

13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?

N/A

### **IV. Evolution, challenges and suggestions**

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

Numbers from 2024

Prosecutor - 68% women

Chief Prosecutor and Deputy Chief prosecutor - 60 % women

When it comes to diversity in backgrounds, such as ethnicity or religion, no statistics are available since these grounds are not registered on an individual level in Sweden.

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?

See reply to question 10.

16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?

Within the Swedish Prosecution Authority, there has been an increase in number of women in the positions as Prosecutors and Chief Prosecutors and Deputy Chief Prosecutors.

### **Statistics from 2015**

Prosecutors - 60% women

Numbers regarding Chief Prosecutors and Deputy Chief Prosecutors not available.

The authority has no analyse of the reason for this development. However, an explanation might be found in the reasoning under Q11. There hasn't been any big changes in legislation in the period 2015-2025.

17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?

There has not been any major challenges or barriers that the prosecution service had to deal with.

18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?

N/A

19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?

Ideas that could be considered is for example to target recruitment advertising towards groups and professions that have a better diversity in backgrounds than the prosecution agency. This could be the amongst lawyers or other part of the private sector. Or increase the outreach activities targeted to earlier in the legal career at universities.

# Türkiye

## I. Legislative and regulatory level

1. Do the notions of diversity and inclusivity established in law or regulations in your country apply to all sectors, including to the prosecution service?

In our country, the concepts of equality, diversity and inclusivity are established in the Constitution, laws and regulations. The concepts of diversity and inclusivity are applied to all sectors, including the judiciary. In addition, the Declaration of Ethics for Turkish Judiciary, which was adopted and published by our Council (CJP) includes these concepts, especially in the first part, and emphasises their importance for both judges and prosecutors.

2. If so, how are these concepts defined?

In our country, diversity and inclusivity have been defined at the Constitutional level and Article 10 of the Constitution titled 'Equality Before the Law' stipulates that everyone is equal before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds; that the state has the obligation to ensure that this equality exists in practice; that no privilege shall be granted to any individual, family, group or class; and that state organs and administrative authorities are obliged to act in compliance with the principle of equality before the law in all their proceedings.

3. Are they based on the principle of non-discrimination, what grounds are covered (e.g. gender, ethnic or social origin or other grounds)? If not, is the principle of non-discrimination enshrined in law? What grounds are covered? Is the principle addressed in your prosecution service?

As a continuation of the response to Question 2, both primary and secondary legislation include further provisions to promote diversity and inclusiveness. Violations of this constitutional principles are also defined as criminal offense under our law.

'Hatred and Discrimination' is regulated as a criminal offence in the Turkish Penal Code and a sentence of imprisonment for a term of one to three years is envisaged as a penal sanction.

In the first part of the Declaration of Ethics for Turkish Judiciary, the articles 1.3 which provides that "(judges and prosecutors) recognise that living together requires respecting differences, treating each other with understanding and treating everyone equally." and the article 1.4 which provides that "(judges and prosecutors) absolutely reject discrimination on the basis of language, religion, sect, race, ethnicity, nationality, sex, political view, social and economic status, birthplace, lifestyle, age, health status, physical appearance, marital status and so on, and they do not use a discriminatory discourse. They know that positive discrimination enshrined in the Constitution shall not be considered as violation of the principle of equality. They recognise that positive discrimination in the Constitution does not mean a violation of the principle of equality." are related to these concepts.

4. Are there any references in the legislation and regulations of your country to diversity and inclusivity or to the principle of non-discrimination in connection specifically with the



composition of the prosecution service? If so, what form does this reference take (legislation, regulation, other)?

The Constitution of our country refers to the principle of non-discrimination in relation to diversity and inclusivity. The obligation to act in accordance with the prohibition of discrimination extends to the composition of the judiciary as well as all other proceedings. In addition, included in the first part of the Declaration of Ethics for Turkish Judiciary and these Constitutional provisions are referred to in the above-mentioned articles.

5. If so, could you please briefly describe what measures are set out in law or regulations to promote diversity and inclusivity among prosecutors, or to prevent any discrimination in the composition of the prosecution service. Do those measures cover:

In the judiciary, special attention is paid to preventing discrimination in both recruitment and promotion within the framework of the afore-stated relevant provision of the Constitution. In this context, women and men can be candidates for judicial posts under equal conditions. In this sense, there is, of course, no quota applied. In order to ensure this equality and quantitative balance and to ensure the participation of all values represented in society, all eligible candidates are encouraged, all applications are accepted for every status and position from among those with equal professional criteria, and this balance and equality are observed in administrative acts. All practices are based on objective professional competition on the basis of equality. No group, caste, etc. is supported in violation of the professional profession criteria defined in the Constitution and laws. What is essential in our practice is objective professional criteria and individuals are expected to fulfil these professional requirements in any case.

- careers in the prosecution service (e.g. eligibility requirements for being candidates for prosecutorial posts; criteria for promotion);

There is no concrete regulation. There are statutory objective requirements for professional progression, promotion and candidature for posts. Anyone who meets these conditions can apply.

- representation of different underrepresented groups, minorities, and segments of the society;

There is no concrete regulation. Anyone who fulfils the objective legal requirements to be a candidate for office may apply.

- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);

There is no concrete regulation. It is applied the same for everyone who fulfils the objective legal conditions.

- any other measures.

## II. Policy level

6. Are the concepts of diversity and inclusivity used in your country in policies applying to all sectors, including the prosecution service (e.g. in various policy documents, plans or programmes of action, guidelines, etc.)?

In our country, diversity and inclusivity are used in the policies applied to all sectors, including the judiciary, and attention is paid to this issue.

7. If so, how are these concepts defined? Are they based on the principle of non-discrimination, and what grounds are covered (e.g. gender, ethnic and social origin, or other grounds)? If not, do general policies applying across the board integrate expressly the principle of non-discrimination, and on which grounds do these encompass the prosecution service?

Discrimination based on language, race, colour, sex, political opinion, philosophical belief, religion, sect or any such grounds is prohibited. The legislation is not restricted by using the term "any such grounds".

8. Is there a policy in your country regarding specifically diversity and inclusivity among prosecutors? Also with a focus on the principle of non-discrimination, if so, does it apply to all or specific prosecution offices?

Turkey has a policy on diversity and inclusivity among prosecutors (it is also same with judges), which also focuses on the principle of non-discrimination.

This policy is implemented by the Ministry of Justice for the recruitment of assistant judges and prosecutors (the stage prior to their admission to the profession of judge and prosecutor) and by the Council of Judges and Prosecutors after their appointment as judges and prosecutors (In this nation, both professions are accorded equivalent status, and there exists the possibility of transition between them). In the appointments process, the Council of Judges and Prosecutors employs a policy of diversity and inclusivity that is applied consistently across all prosecution offices.

9. If so, what is the status of this policy and by whom was it adopted? What form does this policy take (e.g. in various policy documents, plans or programmes of action, guidelines etc.)?

While the primary legislation which ensures diversity among prosecutors in Turkey is the Article 10 of the Constitution entitled "Equality before the Law", the Strategic Plans of the Ministry of Justice and the Council of Judges and Prosecutors, the Judicial Reform Strategy Document and the 12th Development Plan also include provisions on equality and diversity regarding appointments and promotions in the judiciary and public offices.

In Turkey, the Ministry of Justice is the primary institution responsible for preparing the judicial strategy. The preparation process involves consultation with a wide range of stakeholders, including: 1) Judicial institutions, 2) Bar associations, Judges and prosecutors' associations, 3) Academics and civil society organizations and etc.

The 12th Development Plan was drafted in 2023 and officially covers the years 2024–2028. It was adopted by the Turkish Parliament and came into force as a binding strategic framework for government action.

10. What kind of measures does this policy entail? Could you please briefly describe the measures concerned and what they cover:

As previously stated, there exist objective criteria based on the Constitution and laws for prosecutor positions in our country. With these criteria, processes are managed with an objective evaluation in the framework of a professional competition.

- regarding careers in the prosecution service (e.g. measures to attract candidates from underrepresented sections of the society; eligibility requirements for being candidates for prosecutorial posts or criteria for promotion);

There are no special measures or quotas for underrepresented segments of society. Anyone who fulfils the objective requirements to be a candidate for office may apply.

- concerning representation of which groups, minorities, and segments of the society;

There is no concrete regulation. Anyone who fulfils the objective conditions to be a candidate for the posts may apply.

- which levels of the prosecution service are concerned (highest office, regional and district offices, specialised prosecution offices);

There is no concrete regulation. Anyone who fulfils the objective conditions to be a candidate for the posts may apply.

- any other measures.

### **III. Practical level**

11. Have practices emerged in the prosecution service for attracting and recruiting candidates coming from underrepresented sections of society (e.g. gender, ethnic origin, social origin, or other grounds)? If so, what form does this practice take and does it concern the prosecutorial system in general or specific prosecution offices?

Throughout the judiciary, including the prosecution service, there are common objective criteria for recruitment and promotion, and those who meet these criteria are not treated in a discriminatory manner on grounds of gender, ethnicity, social origin or other grounds.

12. Are diversity and inclusivity taken into account in the process of selection, recruitment, and promotion of prosecutors? If so, in which form and concerning all prosecution offices in your country?

To be appointed to the position of assistant judge and prosecutor (the stage prior to admission to the profession of prosecutor, upon successful completion of which they are admitted to the profession of judge or prosecutor), it is required to be under 45 years of age for those who have resigned from the profession of lawyer, and under 35 years of age for those who will be appointed by graduates of law faculties. There is no age criterion for those seeking to re-enter the profession after resignation.

In terms of auxiliary justice personnel, although there are separate positions for the employment of the disabled, those to be appointed as assistant judges and assistant prosecutors must not have any physical or mental illness or disability that may prevent them from performing their profession as a judge or prosecutor anywhere in the country.

Prosecutors are reviewed for promotion every two years if they are not promoted to the first class, and every three years if they are promoted to the first class (a prosecutor is promoted to the first class in ten years on average when they meet the necessary success criteria).

Apart from these job-specific criteria, objective criteria such as success in written and oral examinations at the time of recruitment, completion of a certain number of cases at the time of promotion, attendance at a certain number of professional training courses and a certain length of service are equally applied to all persons working as prosecutors without any discrimination. In our country, judges must follow the same rules.

13. Are there any other measures developed by practice to promote diversity and inclusivity in the composition of prosecution offices? If so, what are these measures and do they concern all prosecution offices?

As stated above, there are objective criteria, based on the Constitution and laws, for prosecutorial positions in our country. These criteria are applied to manage processes through objective evaluation within the framework of a professional competition. The criteria underpin a commitment to recognising and valuing each individual equally. Individuals who meet the specified criteria for candidacy are eligible to apply.

In our country, we actively foster equality and quantitative balance in the positions and ensure the participation of all the values represented in society by encouraging all eligible candidates, accepting all applications for each situation and position among those with the same professional criteria, and respecting this balance and equality in administrative acts. All applications are processed through a professional competition on equal terms, but on the basis of objective legal criteria.

#### **IV. Evolution, challenges and suggestions**

14. Please indicate, if available, statistics on the composition of the prosecution service by gender and by the diversity of backgrounds, from junior to senior roles, in the prosecutorial system in general, in addition to specific prosecution offices.

In our country the professions of judge and prosecutor are regulated under the same constitutional status. They are accepted into profession through same exam and procedure and it is possible to switch between these professions during professional career process. For this reason, it is deemed appropriate to share statistics together regarding these two professions.

- As of 13.02.2025, in Türkiye, there are 8142 prosecutors. Of all these prosecutors, 6562 are men, 1580 are women. In Türkiye there are 17536 judges. Of all these judges, 9245 are men, 8291 are women.
- 622 judges work at in Ministry of Justice, the Council of Judges and Prosecutors and the Constitutional Court.
- There are 7472 prosecutors who serve at the Civil Courts of First Instance and 5980 of them are men, 1492 are women. 10999 judges work in these courts and 5242 of them are men and 5757 are women.

- At Regional Courts of Appeal, 424 prosecutors serve and 396 of them are men, 28 are women. 2582 judges work in these courts and 1593 of them are men and 989 are women.
- Of all 200 prosecutors who work in the Court of Cassation 168 are men and 32 are women. Of all 959 judges who work in this Court 329 are men and 630 are women.
- 964 male and 425 female judges serve at administrative jurisdiction first instance courts.
- 360 male and 179 female judges serve at Regional Administrative Courts.
- 18 male and 28 female prosecutors and 227 male and 219 female prosecutors serve at the Council of State.

15. Have there been any developments in your country for promoting diversity and inclusivity among prosecutors? If so, what steps have been taken?

With Judicial Reform Strategy that was adopted in 2009, it was planned to restructure the Council of Judges and Prosecutors according to broad-based representation basis and on the basis of objectivity, impartiality and transparency in the light of international documents.

With constitutional reform of 2010, it was rendered possible to elect members from among lawyers, academicians and first degree judges to the Council of Judges and Prosecutors which previously consisted of only senior judges and prosecutors.

In 2016 Human Rights and Equality Institution of Türkiye was established to serve as a national prevention mechanism for protection and development of human rights, ensuring the right to equal treatment of individuals, prevention of discrimination and fight against torture and mistreatment.

While judiciary had consisted of only first instance courts until 2016, in this year regional courts of appeal started to operate and the first step towards three-degree ordinary jurisdiction was taken. In this way, for both judges and prosecutors, a broad-based participation in trial processes and legal practice has been achieved, allowing them to specialize through different career plans and positions, and an effective and multi-stage judicial process has been aimed.

16. If you can briefly compare the current and past situations in this respect (e.g. between now and ten years ago), what are the indicators (e.g. laws, regulations, policy documents adopted/applied, composition of prosecution offices diversified, etc.)?

In the previous question, developments of the last 15 years have been outlined.

17. Have there been any challenges in or barriers to this process? If so, what has been done to overcome those challenges/barriers and/or can you suggest how to overcome those challenges/barriers?

It is considered that a civil constitution regulation that is prepared in a democratic and participatory manner and that will protect and regulate achievements in democracy and human rights will make a contribution.

In the current situation, amendments on human rights and equality, as well as its manifestation, diversity and inclusion, can only be protected at the constitutional level within the limits set by the current Constitution.

18. Could you please provide examples of prosecution offices - from any level - with a diverse, inclusive and representative composition, together with the details of the measures that were taken to achieve it?

As mentioned above, in our country, all suitable candidates are encouraged to apply in order to ensure equality and a quantitative balance in appointments, and to promote the participation of all values represented in society. For each position and situation, all applications from candidates with equal professional qualifications are accepted. This approach to balance and equality is also embedded in the spirit of administrative practices and decisions. While the principle of equality forms the basis for all applications, merit-based and balanced competition grounded in objective legal criteria is also observed.

As it is mentioned above of all 8142 prosecutors in Türkiye, 6562 are men and 1580 are women. Of all 17536 judges in Türkiye, 9245 are men and 8291 are women. As it can be seen, when it comes to judges, there is a reasonable gender balance, however there is high disparity between the number of male and female prosecutors.

In our country, the prosecutor's profession is less preferred by women. As another example, in our Council, again with the same approach, women do not prefer to be Council inspectors, although it is an administrative title and career profession and inspectors are elected from among Council judges and prosecutors. In this context, our Council strives to encourage these preferences and to support incoming request according to objective criteria and professional competence.

With this approach, in our country, as a role model, the number of female prosecutors and the number of female chief prosecutors, as an example for female prosecutors in their career path, continue to increase day by day. In Türkiye, there is not a country chief public prosecution office; however, for administration of provincial organization, there are chief public prosecution offices in provincial centres as the highest judicial administrative authority. While the number of female prosecutors commissioned in these centres was 4 in 2015, the current number is 8. Again with the same approach, the number of female Inspectors and Chief Inspectors in our Council continue to increase. While in 2015, there were 3 female inspectors serving in the Inspection Board of our Council, currently there are 5 female chief inspectors and 15 female inspectors.

19. What further steps could you suggest for moving towards more diversified and inclusive prosecution service?

It is considered that a civilian constitutional reform, prepared in a democratic and participatory manner and aimed at safeguarding the democratic and human rights achievements of the past 42 years, would make a valuable contribution.

The inclusion of diversity and inclusivity in written norms, supported by reform efforts responsive to internal dynamics and international harmoniousness, and consistent with the envisaged principles, is acknowledged to contribute to the internalization of these principles