



CCPE(2025)5

Strasbourg, 17 October 2025

**CONSULTATIVE COUNCIL
OF EUROPEAN PROSECUTORS
(CCPE)**

**CCPE Opinion No. 20 (2025)
on diversity and inclusivity within prosecution services**

I. Introduction

1. In accordance with the terms of reference given by the Committee of Ministers, the Consultative Council of European Prosecutors (CCPE) has prepared this Opinion on diversity and inclusivity within prosecution services.
2. The Reykjavík Principles for Democracy adopted at the 4th Summit of Heads of State and Government of the Council of Europe also stress the commitment of member states to ensuring judicial independence and impartiality.
3. The independence and autonomy of prosecution services constitute an indispensable corollary to the independence of the judiciary.¹
4. Independence, impartiality and the effective functioning of prosecutors depends on many important factors and elements, including the human resources policies of prosecution services. Systems of criminal justice vary throughout Europe and different systems are rooted in different legal cultures which means that there is consequently no uniform model for all states.² However, diversity³ and inclusivity⁴ within prosecution services could have an important added value for the delivery of fair and impartial justice.
5. The need for a focus on diversity flows from both the complex fabric of today's societies and the benefits to be achieved from reflecting this situation in the composition of prosecution services, as for any public entity. A variety of backgrounds, experiences and perspectives among prosecutors could be beneficial to their decision-making process, as well as could have the potential of increasing public confidence in the justice system.
6. The principle of non-discrimination enshrined in the European Convention on Human Rights (ECHR)⁵ provides the foundation from which to address the concepts of diversity and inclusivity. Robust and credible measures to prevent discrimination are fundamental to achieving a diverse and inclusive prosecution service. Consequently, the degree of diversity and inclusivity within a prosecution service could be an indicator of the organisation's effectiveness in combating discrimination.

¹ CCPE Opinion No. 9 (2014) on European norms and principles concerning prosecutors, Rome Charter, Section IV.

² Report on European Standards as regards the Independence of the Judicial System: Part II – the Prosecution Service, adopted by the Venice Commission at its 85th plenary session (Venice, 17-18 December 2010), para 7.

³ In this Opinion, diversity refers to those groups experiencing inequality and subjected to discrimination across a broad range of human identities, characteristics and protected grounds including, but not limited to, the protected grounds for discrimination under the European Convention on Human Rights (ECHR).

⁴ In this Opinion, inclusivity refers to ensuring that all individuals, whatever their human identities, characteristics and protected grounds under the ECHR, can participate fully and equally within the prosecution service.

⁵ As enshrined in Article 14 of the ECHR and Article 1 of Protocol No. 12. See the well-established case law of the European Court of Human Rights under the different grounds covered by Article 14, for instance on grounds of gender in *Pajak and Others v. Poland*, 24 October 2023 (gender discrimination as regards retirement age); *García Mateos v. Spain*, 19 February 2013 (failure to enforce a judgment acknowledging gender discrimination), *Jurčić v. Croatia*, 4 February 2021 (gender discrimination on employment health-insurance coverage).

7. The Opinion duly takes into account Recommendation Rec(2000)19 of the Committee of Ministers of the Council of Europe on the role of public prosecution in the criminal justice system, Recommendation Rec(2012)11 of the Committee of Ministers on the role of public prosecutors outside the criminal justice system and previous CCPE Opinions, in particular Opinion No. 7 (2012) on the management of the means of prosecution services, Opinion No. 9 (2014) on European norms and principles concerning prosecutors, including the Rome Charter, Opinion No. 13 (2018) on the independence, accountability and ethics of prosecutors.
8. Furthermore, the Opinion takes into account the Council of Europe Gender Equality Strategy 2024-2029, as well as relevant instruments of the Council of Europe's Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI), European Commission for Democracy through Law (Venice Commission), European Commission for the Efficiency of Justice (CEPEJ) and European Committee on Legal Co-operation (CDCJ). The Opinion also takes account of the responses of the CCPE members to a questionnaire on diversity and inclusivity within prosecution services.
9. The CCPE wishes to thank the expert appointed by the Council of Europe, Mr Niall Crowley (Ireland), for preparing the preliminary draft of the present Opinion, as well as for his significant contributions in the process of preparing the final text of the Opinion.

II. Purpose and scope of the Opinion

10. The CCPE has emphasised that the recruitment and career progression of prosecutors should be implemented on the basis of the candidates' skills, merit, integrity, ethical values and other objective criteria, as well as being free from any kind of discrimination. Consequently, the promotion of diversity and inclusivity should be complementary to and not compromising the importance of professional skills of prosecutors. Recruitments and career progression that rely on excessive discretion, suffer political interference or occur outside predefined transparent procedures should be avoided.⁶ They should be regulated by law in accordance with impartial procedures and allowing for the possibility of impartial review.⁷
11. Thus, in the context of human resources policies of prosecution services, the overall purpose of the present Opinion is to encourage an open approach that encompasses diversity and inclusivity as well as avoids the potential exclusion of minorities or of any particular groups within society. The Opinion also aims at providing an understanding of diversity and inclusivity, as well as their practical implications for human resources policies, while illustrating their benefits for the activities of prosecution services in relation to their effectiveness.

⁶ CCPE Opinion No. 19 (2024) on managing prosecution services to ensure their independence and impartiality, para 57.

⁷ CCPE Opinion No. 9 (2014) on European norms and principles concerning prosecutors, Rome Charter, Section XII. See also CCPE Opinion No. 13 (2018) on the independence, accountability and ethics of prosecutors, Recommendation III.

12. Prosecutors should have the necessary and appropriate means to exercise effectively their mission, which is fundamental to the rule of law.⁸ The human resources component is one of the key parts of the legal and organisational framework that should be put in place to ensure that prosecutors can fulfil their professional duties and responsibilities.⁹
13. In this context, the Opinion takes into account that, first, there is an internal perspective on diversity and inclusivity within prosecution services. More diversity and inclusivity among prosecutors could contribute to the appraisal of situations as well as circumstances involving parties with diverse backgrounds. In this way, decisions could benefit from prosecutorial diversity, and this could help make prosecution services more attuned to the existing differences across the various groups that make up society, including groups that experience inequality. Further, having prosecutors with a variety of backgrounds and experiences can be beneficial for the quality of interactions and discussions among peer prosecutors. This can have practical effect in avoiding any risks of group think which may result from a lack of diversity.
14. The CCPE wishes to recall the general principle of margin of appreciation developed by the European Court of Human Rights, whereby member states enjoy some leeway in the decisions they take in certain areas covered by the European Convention of Human Rights. It also applies to measures taken to tackle discrimination, which has a bearing on pursuing diversity and inclusivity. In this respect, the effective work of prosecution services requires the combination of many elements, qualities as well as needs, the professional skills of prosecutors remain the core requirement, taking due account of different legal systems and cultures. Therefore, the CCPE considers it important to follow a practical approach whilst being in line with the case law of the European Court of Human Rights.
15. There is an external perspective in that diversity and inclusivity among prosecutors could contribute to strengthening trust in the prosecutorial system by better reflecting the different groups in society. The values, perspectives and experiences of participants in the proceedings may often vary to a significant degree from those of prosecutors. Achieving a better alignment in this regard could have a positive impact on prosecution services by reducing any perceived gap between prosecutors and participants in the proceedings.
16. The Opinion furthermore notes the importance of pro-active action in integrating the promotion of diversity and inclusivity in educational and training systems, as well as the importance of raising awareness of the possibility of a career in the prosecution services in order to encourage candidates with the required qualifications from a variety of backgrounds.
17. Since the present Opinion relates to prosecution services, its provisions should be understood as applying not only to prosecutors but also accordingly to the staff working for prosecutors.

⁸ CCPE Opinion No. 9 (2014) on European norms and principles concerning prosecutors, Rome Charter, Section XVIII.

⁹ CCPE Opinion No. 19 (2024) on managing prosecution services to ensure their independence and impartiality, para 10.

III. Legislation and regulations to promote diversity and inclusivity within prosecution services

18. The CCPE is mindful of the centrality of the principle of merit, in terms of ability and aptitude, in the appointment as well as career progression of all prosecutors and staff within prosecution services. At the same time, the CCPE is cognisant of the imperative to underpin and enable this principle of merit with the principles of diversity and inclusivity.
19. Legislation, regulations and constitutional provisions concerning equality also cover prosecution services at all levels. Even though the detail and coverage of such provisions might vary from one jurisdiction to another, they can address both the employment and the wider functions of the prosecution services.
20. Equality legislation brings fairness and wellbeing to bear on the prosecution service's: recruitment, selection, pay, employment conditions, training, career development opportunities, promotion, work environment, delivery of services, and service provision environment.
21. Equality legislation addresses fairness in requiring that the prosecution services do not discriminate, encompassing, in particular, both direct discrimination¹⁰ and indirect discrimination.¹¹
22. The CCPE recognises the bias that can be carried in artificial intelligence (AI) generated content, referring to machine learning, deep learning, and data-generating AI models etc. While such risks can in part be addressed by equality legislation, additional challenges remain, as AI may reproduce biases by exploiting legal loopholes; some forms of discrimination, though ethically problematic, may not constitute a legal violation; and the fast-evolving nature of AI risks leaving legislation behind. Attention is therefore drawn to the importance of complementing equality laws with specific ethical standards and regulatory frameworks for AI, so as to ensure both legal and ethical safeguards against bias and discrimination.¹²
23. In prohibiting harassment, including sexual, as well as in requiring that organisations, including prosecution services, take steps to prevent such behaviour and provide a remedy where it occurs, equality legislation contributes to professional wellbeing.
24. While the term diversity is not explicitly mentioned, the protected grounds covered by equality legislation give concrete, useful meaning to diversity and reflect the breadth of

¹⁰ The prohibition of direct discrimination is an important protection in relation to discrimination at the individual level, where someone is treated less favourably than another person in a similar situation, due to their membership of one of the protected grounds.

¹¹ The prohibition of indirect discrimination is an important protection in relation to discrimination at the institutional level, where a seemingly neutral provision or condition required by an organisation has the effect of disadvantaging a prosecutor or potential prosecutor or service-user, due to their membership of one of the protected grounds, unless the provision or condition can be justified by a legitimate aim and the means of achieving this aim are necessary and appropriate.

¹² Guidelines provided in the Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence are beneficial in this respect.

this concept. The protected grounds are the core focus across the member states in relation to diversity.¹³

25. Inclusivity is enabled where provisions require or allow workplace and service provision opportunities as well as outcomes to be facilitated or enabled across this diversity of people. In this pursuit of inclusivity, objective and necessary professional criteria are still maintained in recruitment as well as promotion.
26. Provisions that give direct effect to inclusivity may start with different grounds, depending on the national legal system. For example, as regards the disability ground, the practical implications of such diversity are recognised in provisions made in equality legislation in relation to making reasonable accommodation.¹⁴
27. Such provisions can, further, allow for action to address disadvantages, remove particular barriers and take account of specific needs for all disadvantaged groups.
28. Statutory equality duties provided for in equality legislation in a number of member states, require prosecution services to be pro-active in giving effect to the principles of diversity and inclusivity and establish a framework for pursuing a planned and systematic approach to diversity and inclusivity, requiring prosecution services, to take steps such as to:
 - a. Appoint a senior officer to be responsible for diversity and inclusivity;
 - b. Establish organisational structures to drive the focus on and give practical effect to diversity and inclusivity;
 - c. Provide training to prosecutors to ensure organisational capacity in relation to issues of diversity and inclusivity;
 - d. Identify and remove barriers to inclusion, as well as respond to the specific needs that arise from diversity across the protected grounds;
 - e. Take steps to ensure pay transparency and address inequalities that emerge;
 - f. Review and address the impact of decisions, organisational plans as well as policies, as they are drafted, on diversity and inclusivity; and/or
 - g. Review and evaluate the situation in the organisation with regard to diversity and inclusivity; along with developing action plans to progress diversity and inclusivity as well as addressing any barriers and gaps identified in the review undertaken.
29. The CCPE considers that equality legislation provides a bedrock for the CCPE's commitment to diversity and inclusivity. It is also of the view that there is a positive opportunity in this for prosecution services to be encouraged and supported to be proactive as well as exemplary in responding to such legislation.

¹³ In most instances these include gender, gender identity, gender expression and sex characteristics; race, national and ethnic origin, skin colour, citizenship and language; disability; age; religion and belief; and sexual orientation. In many instances, they further include a focus on such as: property, wealth, and social origin; political belief; family status; and trade union membership. In a number of instances, they encompass an open list with an 'other' category.

¹⁴ Employers and service providers, including the prosecution services, are required to adjust and make adaptations to facilitate people with disabilities to access work opportunities, perform their duties to full effect, build collegiate relationships at work, and progress their careers, and to access their services, provided that a disproportionate burden does not result on the employer or service provider in doing so.

IV. Policy instruments and initiatives for encouraging diversity and inclusivity within prosecution services

30. Policy instruments and initiatives include, in particular, policy strategies that have a specific focus on individual protected grounds. Such policy instruments can further include policy strategies, including those on human rights and such as gender equality strategies and anti-racism strategies that run for several years. The focus on human rights leads more directly to specific mention in such policy strategies of the justice system, including prosecution services. There are also instances of policy strategies that directly address the development and operation of the justice system, including the prosecution services, which include a focus on diversity and inclusivity.
31. These policy strategies drive action and set standards for diversity and inclusivity in the ongoing work, as well as for the delivery of their functions by the prosecution services, together with driving initiatives by prosecution services to train prosecutors to strengthen their capacity to comply with and implement such standards in their day-to-day work.
32. This focus on the principles of diversity and inclusivity in service delivery by prosecution services is further developed, in some instances, through codes of conduct or codes of ethics, policies or guidelines specifically established to govern the prosecution services and the manner in which they operate. Such codes, policies or guidelines can be put in place by the statutory authorities that have responsibility for prosecution services, or by governing bodies concerned with prosecution services, or by the prosecution services themselves.
33. The CCPE emphasises the importance of prosecution services being focused on in member states' policy strategies concerned with diversity and inclusivity. Prosecution services are encouraged to engage with the structures responsible for the development and implementation of these policy strategies, as well as give practical effect to such policy strategies.
34. In alignment with public sector personnel recruitment and management policies or guidelines, or on their own initiative in the absence of such wider documents, prosecution services can put in place strategies or handbooks or internal regulations to govern their management processes and as appropriate, their recruitment processes, doing so in a manner that reflects a commitment to diversity and inclusivity.
35. The CCPE emphasises the importance of prosecution services investing in building prosecutors' capacity to give adequate and appropriate effect to such policies and guidelines, as well as of ensuring prosecutors' awareness of their importance and content.

V. Practical actions and measures for diversity and inclusivity within prosecution services

36. Prosecution services are encouraged to take a planned, systematic approach to diversity and inclusivity. This starts from a focus on the creation and operation of an organisational infrastructure to establish as well as sustain an appropriate, effective focus on diversity and inclusivity.

37. A planned and systematic approach to implementing equality legislation thus involves prosecution services in such as:
- a. Having an organisational policy in place that: establishes their commitment to equality, workplace and service provision environment that is free from harassment, including sexual, and is welcoming of diversity; sets out their ambition for diversity and inclusivity; as well as identifies the steps that they will take to realise this commitment and ambition;
 - b. Establishing leadership for this commitment and ambition as well as creating cross-organisational committees, to give effect to and drive the practical expression of this commitment and ambition;
 - c. Periodically reviewing or auditing workplace systems and workplace environment in the organisation, as well as workplace outcomes from a diversity and inclusivity perspective, to ensure alignment with this commitment and ambition, together with developing and implementing plans to address issues or gaps that emerge from such review or audit;
 - d. Having a system in place to take issues of diversity and inclusivity into account, as well as ensuring they are addressed in decision making and in the development of policies and plans;
 - e. Having systems in place to receive and address, in a timely, fair and effective manner, any complaints of discrimination, harassment, sexual harassment, or failure to make reasonable accommodation for prosecutors, those seeking such a role or service-users with disabilities.
38. Further, there are prosecution services that have developed their own organisational strategies, which include diversity and inclusivity. In some instances, prosecution services have developed their own specific diversity and inclusivity strategies. Prosecution services have also, in some instances, entered into collective agreements with prosecutors associations that include a focus on together with action for diversity and inclusivity.
39. The CCPE welcomes the positive steps taken by prosecution services where they have put in place an organisational infrastructure, or elements of such an infrastructure, for a planned, systematic approach to diversity and inclusivity, as well as recognises the potential in such an approach for the prosecution services.
40. Practical examples of actions being taken in favour of diversity and inclusion by prosecution services include reaching out to students and a wider public in promoting employment in this sector. This involves awareness initiatives as well as placements for students, together with events and seminars for a wider public. Such initiatives provide important and valuable opportunities to present the commitment of the prosecution services to diversity and inclusivity, as well as to directly engage with and involve a diversity of groups.

41. Further, flexibility and adaptability to meet specific needs are evident in recruitment processes, office arrangements and work organisation in the prosecution services to progress diversity and inclusivity, as well as in the provision of services. This flexibility and adaptability are most evident in relation to:
- Gender equality and mainstreaming related arrangements including those for work-life balance, for the right to disconnect, for family friendly approaches to work organisation such as leave arrangements, job sharing, remote working, reduced hours, breast-feeding facilities, menopause policy, time off without loss of pay for medical visits, childcare support and other measures;
 - Disability related arrangements including those for accessible physical infrastructure, adaptation of premises and equipment, provision of specific equipment, flexible working arrangements, remote working, job design and other measures;
 - Arrangements related to socio-economic status applicable to specific situations where economic disadvantages might discourage a full and effective engagement with the recruitment process, with financial aid being made available to candidates to address such disadvantages, and other measures.
42. Prosecution services have availed of the potential under equality legislation to address disadvantage in order to take action to progress diversity and inclusivity, while retaining requirements in relation to job criteria as well as candidate suitability. Practical examples of such measures include:
- a. encouragement to apply for vacancies that target particular groups, as well as more general encouragements for a diversity of applicants in communicating vacancies, and in 'inclusive employer' organisational branding;
 - b. use of internships and student work placements with a particular focus on diversity and inclusivity;
 - c. training of prosecutors that includes a focus on diversity and inclusivity as well as building capacity in this regard, and, more specifically, training of recruitment boards;
 - d. gender-neutral recruitment¹⁵ or promotion practices where the level of experience required is computed in a manner that takes into consideration time out of the workplace for family reasons;
 - e. target setting for the employment of people from particular groups, including statutory requirements in this regard, while retaining professional criteria and job suitability requirements;
 - f. target setting for the share of women in senior management positions;
 - g. ensuring a presence of candidates from a diversity of groups at interview stage, as long as they are considered qualified;

¹⁵ It should be noted that overall in Europe, the higher is the hierarchical level, the lower is the proportion of women in the judiciary, including judges and prosecutors, and the longer is the list of countries where this percentage remains below 50%. This does not mean, however, that the situation is static. The proportion of female professional judges has increased between 2012 and 2022 for all courts. Above all, this general increase is more pronounced the higher the hierarchical level, see the CEPEJ 2024 Evaluation Report of European Judicial Systems (2022 data), Part 1. General Analyses, page 68.

- h. use of internal mentoring and traineeship programmes to encourage staff working within the prosecution services that do not have a legal qualification to obtain legal qualifications and progress their careers, with particular impact on diversity and inclusivity;
 - i. stimulating leadership committed to diversity and inclusivity;
 - j. building awareness of diversity and inclusivity to inform interactions, behaviours as well as communication across the organisation.
43. The CCPE encourages the innovation and ambition evident in the practical initiatives of the prosecution services in relation to diversity and inclusivity. The spread of such initiatives is important and serves as a reservoir of good practice available to share among prosecution services.
44. Prosecution services of member states not only learn from each other, but can also build and draw from relationships as well as joint initiatives developed with other institutions that have an expertise in the field of diversity and inclusivity. In this regard, there are prosecution services that have, in particular, looked to equality bodies and to equality-related observatories.
45. The CCPE considers that equality bodies, equality-related observatories and similar institutions holding an appropriate expertise on equality, have the potential to offer valuable support to the prosecution services as well as their capacity to apply the principles of diversity and inclusivity in their work. The CCPE encourages the prosecution services to build positive working relationships with such institutions.

VI. Equality data

46. The collection of reliable equality data, beyond the grounds of gender and age, remains a challenge across public services, including prosecution services. The collection of personal data can be a sensitive issue and data protection is deemed imperative in this regard. However, data protection does not preclude the collection of personal data in relation to the various diversity grounds, once such data is anonymised or such data is collected and used for a stated purpose that is communicated to those involved, as well as where their provision of such data is voluntary.
47. The CCPE is cognisant of the need for high quality equality data across the various diversity grounds. Such data establishes a picture of the current situation for diversity and inclusivity in the prosecution services. They enable the identification of challenges and gaps in this regard. They also provide a bedrock of evidence from which to develop policy as well as practice for diversity and inclusivity and to track progress made as a result. For the sake of transparency, this data should be brought into the public domain where practicable.

VII. Recommendations

48. Whereas:
- a. Diversity and inclusivity within the prosecution services have the potential to positively contribute to the quality and legitimacy of, enable trust in, as well as serve

an informed, balanced approach to their work by prosecution services and lead to the delivery of fair and impartial justice;

- b. Equality legislation provides a bedrock for diversity and inclusivity within the prosecution services and in their delivery of services, with its prohibitions on individual and institutional discrimination and on harassment, including sexual harassment, as well as its requirements for reasonable accommodation of people with disabilities, and with, in some instances, statutory equality duties to drive and give direction for a proactive approach by the prosecution services to diversity and inclusivity;
- c. Prosecution services are challenged to be visible, effective as well as exemplary in their compliance with equality legislation, and have responded to this challenge with a body of practice emerging that includes establishment of an organisational infrastructure of policy, structures and systems to make planned and systematic progress on diversity and inclusivity;
- d. Prosecution services have evidenced ambition and innovation in addressing diversity and inclusivity, in particular taking steps to adapt working arrangements to address specific diversity-related needs of prosecutors and staff and ensure barriers do not arise to their participation and contribution, as well as encourage and secure diversity and inclusivity within their organisations.

49. The CCPE agreed on the following recommendations:

- a. The overall legal framework for non-discrimination and equality could be strengthened and evolved with statutory equality duties to stimulate and give direction for proactive approaches to diversity and inclusivity by prosecution services¹⁶ including usefully the employment role as well as their delivery of services.
- b. Prosecution services could usefully establish an organisational infrastructure to promote as well as comply with equality legislation and progressing diversity and inclusivity, with:
 - i. An organisational policy for diversity and inclusivity in the workplace and in service provision, setting out commitments and steps to be taken;
 - ii. A cross-organisational committee, along with responsibility allocated at a senior level, to drive and give effect to such a policy;
 - iii. Organisational systems to ensure:
 - 1. training to build awareness and enable capacity to implement such policies;
 - 2. management decision-making being informed by such policies; and

¹⁶ See also the Recommendations 1-12 provided in the CEPEJ Guidelines on Gender Equality in the Recruitment and Promotion of Judges (2022) which may, *inter alia*, be applicable, to some extent, to prosecutors as well.

3. speedy and effective response to any complaints for breaches to such policies.
- c. Codes of conduct, or codes of ethics, or internal policies or guidelines could usefully be put in place by prosecution services, or by the relevant authorities or governing bodies, which would include appropriate, ambitious commitments to diversity and inclusivity in employment as well as in service provision by prosecution services.
 - d. Recruitment and management policies applicable to prosecution services could usefully include appropriate, ambitious commitments to diversity and inclusivity in the workplace.
 - e. While ensuring job criteria are met and candidate suitability ensured, prosecution services could usefully develop and implement a dedicated strategy, encompassing:
 - i. Engaging in initiatives targeting a diversity of groups to: raise awareness of as well as promote careers in the prosecution services; provide internship programmes for these groups; encourage applications for employment from these groups; and provide training and mentorship programmes to enable their career progression once employed;
 - ii. Establishing systems and measures within the prosecution service to respond to the specific needs that arise from diversity for particular prosecutors and staff members in order to enable and ensure their access, participation as well as contribution in the workplace, and for service-users to enable and ensure their access; and
 - iii. Taking proactive measures to strengthen and increase diversity and inclusivity in the workplace at all levels, building representation from across the diversity grounds at all levels of the organisation.
 - f. Prosecution services could usefully share and learn from good practice in member states on diversity and inclusivity.
 - g. Equality data, across the diverse grounds, could usefully be gathered and used by the prosecution services to track and understand progress being made as well as inform improvements on diversity and inclusivity.