European Judicial Training Network

Exchange Programme for Judicial Authorities

SUMMARY OF THE REPORT (TRAINERS)

This summary will be published on the website of the European Judicial Training Network with your authorisation. It should be written, if possible, in French or in English and should contain the main elements of your report.

I) Trainer’s details

Surname: 
First name(s): 
Nationality: SPANISH
Functions: PROFESSOR OF THE SPANISH JUDICIAL SCHOOL
Level:

X National ☐ Decentralised

Length of service: ONE YEAR

II) Details of the exchange

Country: ITALY
City: ROME
Training institution: CONSIGLIO SUPERIORE DELLA MAGISTRATURA
Dates of the exchange: 22nd FEBRUARY-5th MARCH 2010
Nature of exchange:

X National ☐ Decentralised
III) Main elements developed during the exchange report (methodology and training courses, legal system, best practices, e-learning etc.)

Methodology and training courses in the field of continuing training, including best practices in this area. Selection and appointment of judges. Criminal legal system and Public Audiences. Supreme Court of Cassation. General Prosecution Office before the Supreme Court of Cassation.

IV) Summary (2 pages)

The Italian system of judicial training is currently undergoing a process of deep change as a consequence of the legal reforms carry on by the Italian Parliament since 2005, which have instituted the Superior School for the Magistracy (Scuola Superiore della Magistratura), as a body for initial and continuing training of Italian magistrates (judges and prosecutors).

The Superior School for the Magistracy will be an independent institute governed by a board composed by representatives chose by the Superior Council for the Magistracy (CSM) and by the Ministry of Justice. However, by the moment, the Superior School for the Magistracy has not been installed already. That’s why the Ninth Commission (Nona Commissione-Tirocinio e Formazione Professionale) of the CSM still is in charge for initial and continuing training of Italian magistrates.

The Ninth Commission of the Superior Council for the Magistracy (CSM) is responsible for the organisation of all training activities at a national (centralised level) and for the design of the yearly training programme. To this purpose the Ninth Commission is advised by a technical organ: the Scientific Committee (Comitato Scientifico) of the CSM, a collegiate body composed of 16 members (12 magistrates and 4 university professors in legal matters) appointed by the CSM.

Over the last years, both the initial and continuing training have been aimed at providing an in-depth study of the procedural institutions, but also at enhancing and promoting greater commitment on behalf of judges in the context of the cases to be decided, based on a better comprehension of their functions and practices.

The CSM has also introduced European law in its yearly training programmes and has promoted EJTN, to contribute and to encourage the collaboration and dialogue between the Judiciaries in Europe.
Since 2000, as a part of the continuing training, a decentralised training is provided in every Court of Appeal district, where an office has been set up.
Since last years’ programmes (including 2010) the CSM is trying to give a wider point of view of the Justice, with the participation of any actor involved in the legal system, where they can express their experiences.

The specific topics’ selection of the training programmes is done by the Ninth Commission of the CSM taking into account different sources, some made by the Italian magistrates themselves through the questionnaires of assessment of previous training activities, or innovations in the fields of legislation and case-law. Particular attention is paid to topics such as European Law, protection of fundamental rights at an international level, and judicial assistance in civil and criminal matters.

In some exceptional cases participation of the Italian magistrates in training activities organised by the CSM at a national or decentralised levels is mandatory.

With regard to training methodology, the CSM has also adopted new complementary training methods like e-learning - as part of a specific distance training programme- which is based essentially on topic discussion forums coordinated by experts. Other alternative methodologies, such as workshops for the study and discussion of court cases, research groups with one or more coordinators and debate groups on specific topics are also applied. According to the decision issued by the CSM on the 13th of March 2003 the relevant documentation regarding the different training activities (lectures and other learning materials) should be distributed among the trainers and trainees at least 30 days before starting the training activity.

In the framework of the exchange I had the opportunity to participate in the capacity of trainee in the course “Restorative Justice”, which was implemented in Rome from the 1st to the 3rd of March 2010. The objective of this course was to offer a systematic framework of the legal norms, where participants magistrates and university trainers, mainly as the Dr. C M from Milan University, Professor V P from Catania University, or Magistrate M Bd who painted an European panorama of Restorative Justice.

X I hereby authorise the publication of this summary on the EJTN website, and if necessary, the report of the exchange.

BARCELONA, on 3rd MAY 2010

Signature

With the support of the European Union