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JUDICIAL TRAININGS FOR LAWYERS, PROSECUTORS, AND JUDGES TOOLKIT



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AUTHORS

- **Silvia Antoaneta Berbec**, Lawyer in Bucharest Bar, Romania
- **Elena Lazar, Lawyer**, Bucharest Bar Romania
- **Flaminia Delle Cese**, Legal and Policy Officer, Italian Coalition for Civil Liberties and Rights
- **Gennaro Santoro**, Legal Advisor, Italian Coalition for Civil Liberties and Rights
- **Dr. Tatyana Novosiolova**, Research Fellow, Law Program, Center for the Study of Democracy, Bulgaria
- **Miriana Ilcheva**, Senior Analyst, Law Program, Center for the Study of Democracy, Bulgaria
- **Xenophon Contiades**, Professor of Public Law, President of the Centre for European Constitutional Law, Greece
- **Zoi Anna Kasapi**, Lawyer, Scientific Associate at the Centre for European Constitutional Law, Greece
- **Sara Saavedra Garlito**, Lawyer and project manager, Trabe Iniciativas para la Economía Social y Solidaria, Spain
- **Marta Martínez Sierra**, Lawyer expert on violence against women, Trabe Iniciativas para la Economía Social y Solidaria, Spain.

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FOREWORD

European judicial training represents a substantial tool in the process of building the European area of justice. Lawyers, prosecutors, and judges must have a good knowledge of the EU acquis and its cooperation instruments, as well as an appropriate understanding and mutual trust in the different national systems.

Judicial training represents a key tool for building mutual trust and cooperation between legal practitioners from EU Member States, in order to protect victims of human trafficking, both European and foreign citizens and to have an active contribution in the fight against the phenomenon.

It is very important that the information presented in these events to be consistent, useful, timely, so that it can be further used in the daily work by legal practitioners who attend such events.

The purpose of this publication is to present in detail the way in which trainers and organisers can prepare such an event, from pre-training actions until the final evaluation to assess the events' impact upon the target groups.

The publication was elaborated in the project *Training lawyers, prosecutors, judges to ensure better rights protection for migrants and refugees victims of human trafficking* that is implemented with the financial support of the Justice Programme of the European Union, coordinated by Pro Refugiu Association-Romania in partnership with Center for the Study of Democracy-Bulgaria, Centre for European Constitutional Law-Greece, Italian Coalition for Civil Liberties and Rights, Association Trabe Iniciativas para la Economia Social i Solidaria-Spain.

1. PRE-TRAINING

Human trafficking is one of the most heinous crimes and a serious human rights violation that extends beyond boundaries and jurisdictions. In order to combat and prevent human trafficking, it is necessary that all relevant stakeholders adopt a holistic approach with integrated action on prosecution, prevention, and protection.

The objective of judicial training is to provide knowledge, resources and empowerment for legal professionals in addressing issues related to human trafficking in all its dimensions. After the training, participants will be better equipped to recognise the indicators of human trafficking, and ensure conviction of traffickers with celerity, surety, and certainty. Participants should leave the course not only understanding trafficking better and equipped with knowledge and tools, but also empowered to play a part in combating trafficking in accordance with their role, responsibilities, and level of influence.

In order to reach these objectives, it is necessary that a diverse range of stakeholders to be involved in organising and delivering the training.

1.1. Advertising the training course

In view of the specialised audience of a judicial training and the institutionalised setting of inviting participants, advertising is an optional stage of preparing a judicial training course. Nevertheless, if used, advertising can be done via websites of professional associations, specialised legal media, judicial training institutions, etc.

1.2. Selection of target audience, optimal number of participants

The selection of training participants depends on the type, scope, and purpose of the training to be delivered. A judicial training can benefit from bringing together participants from diverse legal professions and/or branches of magistracy, at a different career stage, and/or performing different roles and duties at their workplace, e.g. administrative managers and line magistrates. Representatives of judicial administration may also contribute to the diversity of audience on some topics. If participants come from different countries, a language requirement could be introduced. Keeping the number of participants (excluding speakers) in the range of 20-25 people allows flexibility and interaction and provides for effective facilitation.

Prospective training participants should be given a reasonable notice when sending the training invitations, especially in view of court sessions and various scheduled or urgent procedural actions legal professionals may have to perform. In principle, invitations to 'liberal' legal professions, like attorneys, are sent individually, while invitations to magistracy are very often sent to the respective administrative managers. Differing procedures and 'chains of command' should be taken into account as to permissions for a magistrate to take time off work to participate in a training and how long in advance the notice and invitation should be sent.

Selection procedures

It might happen that a higher number of individuals than the envisaged maximum number in the training apply for participating. In this case, the training organiser should set and disclose the selection criteria that will define the final list of participants.

The event's organiser may choose among several main selection process procedures, keeping in mind the advantages and disadvantages of each:

- *First come, first served*: this method for selection participants may motivate early registration and ensure that the target number of participants is reached as soon as possible. However, this method may prevent participants with relevant experience from participating and contributing to the discussion.
- *Selection based on the individual's experience and background*: this method may facilitate the participation of individuals from different legal backgrounds ensuring adequate numbers of participating lawyers, judges and prosecutors. However, it may cause delays in reaching the envisaged number of participants from each of the targeted participant groups.
- *Selection based on the reason(s) for participating*: priority may be given to those legal professionals that demonstrate their willingness to acquire specialised expertise in the legal area that is approached by the training.
- *Selection based on the likelihood to participate in other transnational events*: priority may be given to those legal professionals that have never had the opportunity to participate in other transnational events along colleagues from other EU Member States and/or are likely to have fewer such opportunities in the future.

Apart from the *first come, first served* method, the other listed methods can be used in combination to define an adequate participant list that guarantees the good implementation of the training.

The training organiser should prepare and circulate towards the target audience a registration form through which individuals can express their interest in attending the event. The registration form could be sent by email, made online available on event's organiser or on other dissemination platforms. Among its main purposes is for trainers and organisers to gain insight on the general profile of the audience expected.

Through this form participants will be asked to provide information such as:

- Name and surname
- E-mail address
- Profession
- Bar/Tribunal/Prosecutor's Office/Institution/Organisation/other
- Brief description of the individual's professional experience
- Reason(s) for attending the training
- Previous participation in similar and/or related trainings (if any)
- Topics and/or issues that the individual would like be addressed in the training
- Preferred training methods
- Expected results of the training

Appropriate personal data collection disclaimers should accompany the registration form.

1.3. Trainers, speakers, and other stakeholders

Legal trainers

The participation of legal trainers is at the core of the delivery of any training on human trafficking-related issues designed for legal professionals. Lawyers, prosecutors, and judges with experience in the subject matter of the training not only transmit their knowledge of relevant legislation and case law, but also share the challenges they have encountered in their work, and the solutions they have found to overcome them. In fact, trainers should have advanced to expert knowledge depending on the audience and the training thematic. Trainers should be able to transmit different levels of knowledge, including, at minimum, knowledge on the practical application of the principles underpinning human trafficking

Guest speakers

Guest speakers could be invited to training to share their experience. If guest speakers are invited their role should be focused on specialized issues within the general topic of the training. Their presence would be important in particular when participants to a training have different levels of knowledge on the topic. Speakers should be selected based on their expertise according to the topic of each event, for the project in question: judicial cooperation in criminal matters in cases concerning refugees and other third-country nationals' victims of human trafficking; the relevance of the Charter of Fundamental Rights of the European Union in protecting victims; financial compensation procedures; unaccompanied minor victims of human trafficking; legal assistance for victims, etc.

It is important for both training organisers and potential participants to have information concerning the speaker who will intervene before the training.

Relevant information that speakers should provide in advance include:

- Education
- Professional experience
- Participation in previous training/workshops/conferences
- Presentation points and/or statement
- Slides for presentation (if applicable)

International governmental organisations

Representatives of international governmental organisations may be able to brief participants on how to coordinate anti-trafficking activities at the international level. Relevant organisations include in particular UN agencies such as the United Nations Office for Drugs and Crime (UNODC), the United Nations High Commissioners for Refugees (UNHCR) and the International Organisation for Migration (IOM).

Non-governmental organisations (NGOs)

NGOs are a fundamental resource to bring experiences of anti-trafficking activities in the field. Depending on the country of delivery of the training and on the topics that are going to be covered, the training organiser may facilitate interventions of representatives of NGOs working in countries of origin, transit and/or destination of victims of human trafficking.

Institutions

Institutions' representatives may share their knowledge concerning the anti-trafficking policies and the decision-making process of any initiative to prevent, combat, and punish human trafficking. Institutions are intended as a vast category including international, regional and national entities (e.g. Ministry of Justice, Ministry of Labour and Social Affairs, Anti-trafficking institutions, Ombudspersons, etc.).

Local law enforcement agencies

Law enforcement agents represent key stakeholders in the fight against human trafficking. Their active involvement in the training may be relevant to share challenges in identifying and prosecuting traffickers.

Administrative staff

Finally, at least one member of the administration team of the entity that organise the judicial training should be involved in the preparatory work and in the delivery of the training, to ensure smooth implementation of all the sessions.

1.4. Choice of venue

The location where the training will be delivered is extremely relevant to ensure a high level of participation. When the training is addressed to legal professionals, a mapping exercise of the possible training locations should be undertaken well ahead of the selected training dates. The training organiser should map the most important locations where legal professionals usually work, so as to look for training locations in the immediate vicinity. This includes, for example, courts, prosecutors' offices, bar associations, legal training institutions.

The venue should be suitable for the activities to be completed during the training, but should at the same time allow for easy logistics in case some legal professionals have to be available on call for urgent matters. Halls with loose seating are preferable to standard board rooms, since these allow for a greater degree of flexibility when planning training activities, e.g. arranging circles for group work, or more standard seating for plenary sessions. The size of the training venue should correspond to the number of trainees. Audio-visual equipment, flip charts, and Wi-Fi should be available. In case there will be interpretation at the event, interpretation equipment (interpreters' booth and headphones) should either be available on site or renting should be arranged well in advance.

1.5. Simultaneous interpretation

In case of an international training with interpretation provided, the choice of method of interpretation and suitable interpreters is crucial for the smooth running of the training process. Simultaneous interpretation should always be the method of choice, as consecutive interpretation may slow down the execution of the training considerably. Interpreters with previous experience in (judicial/legal) trainings should be sought and should in any case be provided with terminology glossaries and all training materials and other supporting documents well in advance.

1.6. Course duration

The training content should be consistent with the time allocated for the event. It is important to ensure that participants are not overwhelmed. At the same time, due to the extreme importance of creating informal judicial ‘networks’ among regions and countries, sufficient time should be allowed for interaction outside of the sessions, in addition to practical exercises.

1.7. Practical information and other logistics

Prior to the training, all confirmed participants need to be provided with practical information and joining instructions regarding the location of the training venue, hotel/restaurant, if not at the same location, and contact details of the organisers. Forms and details about the reimbursement of expenses should also be provided in advance, or at the opening of the training at the latest.

The training organiser should make sure that the practical information about the training appropriately disseminated to ensure all selected participants ultimately show up at the event. A series of activities listed below should be carried out in order to reach this purpose.

The training organiser should prepare a **list of stakeholders** who are potentially interested in the training and/or dissemination of information about it. Potential supporters in disseminating information about the training might include courts, prosecutor offices, local bars, other judicial training providers.

A training information sheet should be made available to potential participants and to organisations and institutions that may be interested in supporting the dissemination of the training.

A training information sheet might contain information such as: main topic of the training, name of the event’s organiser, website of the organiser, name of the project, contact data of the person responsible to provide further details, event’s audience, training dates and duration, costs (e.g. grant-sponsored training, certain fees that should be paid by participants etc.).

2. LEGAL NEEDS ASSESSMENT

Starting from the training providers' needs to design a training plan, it requires some important decisions in which the research methodology plays an important role.

The identification of needs can take place in the following two phases:

- A survey targeting lawyers and magistrates that can provide through questionnaires the necessary data to create the training framework.
- Needs identification, developed at the end of the training sessions, which serves as an example for the elaboration of a plan adapted to an academic field and a specific area.

In order to carry out the two research phases, it is recommended to perform an inquiry that provides us with quantitative and qualitative information through the development of data collection tools and actual collection and analysis of data.

The plan is not only to generalise and propose a training plan but also to be able to observe and analyse the aspects that affect the professional legal practice and prevent people from carrying out their work effectively; what are the deficiencies felt and experienced by the protagonists in carrying out their work; what are the internal and external factors that cause frustration among respondents and difficulties for their institutions.

Through the research of training needs, the goal is to find the “clues” to respond to multiple needs dictated by reality. Asking the different actors what their needs are represents a first step towards reflection, since it “forces” an introspection that can potentially generate a critical attitude.

In view of the major challenges facing actual and future justice, the training of lawyers, judges, and prosecutors need to be carried out appropriately, so that its results can be beneficial to both professionals and society as a whole.

2.1. Legal needs assessment objectives

The general objectives of legal needs assessment are the following:

- Identifying the training needs of legal professionals who in their day-to-day work deal with victims survivors of human trafficking.
- Elaborating conclusions to provide tools for the development of possible training plans.
- Developing a training framework proposal with plans that cover the most pressing needs identified.
- Implementing the training plan at a particular context based on the identified needs.

The specific objectives are:

- Identify if the target group has specific skills in the area and if those are enough to carry out its activity.
- Recognise whether or not they have specific training needs to carry out their daily activity reflecting the changing nature of the phenomenon of human trafficking in recent decades.
- Distinguish the difficulties that cause major problems for the justice innovation process.
- Receive positive or negative feedback from the legal professionals about the continuous and specialised formation.

2.2. Methodology

The inputs from the tools used in the process are based on experience and practice, and provide a multitude of information.

Below are the steps taken in order to identify and analyse the training needs of different agencies, institutions and specialised entities in different countries, to lead to the development of a training plan:

- Documentary review as a basis for the development of the conceptual framework.
- Creating and selecting the data and sample collection tools.
- Preparation of instruments for collecting the information.
- Collecting data.
- Classification and interpretation of the information collected.
- Drawing up conclusions.
- Creating a general training plan.
- Implementing the training plan in different contexts.

2.3. Data collection techniques

The selected techniques will be used according to the established goals and instruments.

Questionnaire:

The questionnaire contains closed questions that participants must answer based on a Likert scale, with several alternatives ranging from nothing, important or necessary to essential, and open questions where they are invited to set out everything they consider appropriate on the subject.

The questionnaire can be divided into three parts and each part in different sections that provide information about:

1. The professional profile of the respondent - requesting general information
2. The assessment and needs of legal operators in relation to topics such as:
 - International judicial cooperation
 - Application of the Charter of Fundamental Rights of the European Union.

- Legal framework and judicial practices to grant financial compensation.
 - Rights of unaccompanied minors who are victims of human trafficking.
 - The right to a lawyer for victims of human trafficking who are refugees and third-country nationals
3. Request for information on training needs related to human trafficking, asylum, and international protection.

For confidentiality reasons, and also in order to obtain answers as real and reliable as possible, questionnaires should be anonymous and no data should allow answers to be linked to an actual respondent.

QUESTIONNAIRE MODELS

Model 1 LEGAL NEEDS ASSESSMENT QUESTIONNAIRE

The questionnaire is developed within the projectthat is implemented with the financial support ofThe project is coordinated byin partnership withThe main objectives of the project are

The questionnaire is made up of 2 parts:

- The first part is intended for institutions with competencies in the initial and continuous training of lawyers, prosecutors, and judges.
- The second part is intended for lawyers, prosecutors, judges.

The data that will be obtained by completing this questionnaire will be compiled into a report; the information will be used throughout the project in order to organise trainings that correspond to the current legal needs of lawyers, prosecutors, and judges.

Questionnaire Part 1 – can be completed by institutions with competencies in the initial and continuous training of lawyers, prosecutors, judges

1. The name of the institution:

2. In the period....., your institution organised trainings for lawyers, prosecutors, judges, on the following topics:

Topics	Indicate with X
International judicial cooperation in criminal matters in cases involving refugees and other third-country nationals victims of human trafficking subjected to exploitation in EU Member States	
The application of the Charter of Fundamental Rights of the European Union to victims of human trafficking requesting asylum in Europe	
The legal framework and judicial practices to grant financial compensation for victims of human trafficking who are refugees/other third-country nationals exploited in EU Member States	
The rights of unaccompanied minors who are victims of human trafficking	

The right of access to a lawyer for victims of human trafficking who are refugees and other third-country nationals.

3. If in the periodyour institution organised events on legal topics concerning trafficking in human beings and these subjects are not mentioned at question no. 2, please present briefly some information about these events (number of events, topic, type of target group lawyers/prosecutors/judges)

4. In organising these events, is your institution using an already existing training curriculum/programme specially elaborated on aspects related to fight against human trafficking and victims' rights protection? If yes, can you indicate if the curricula are publicly available? (Please indicate website/link.)

5. Did your institution collect feedback from participants in order to assess the degree of satisfaction on the quality of information delivered and assimilated by participants, trainers' interactivity with participants, time allocated for interactive debates, other recommendations from participants for future events? If yes, can you briefly underline the most relevant answers & recommendations from participants?

6. When implementing events, from your institution's point of view, what are the most challenging aspects encountered concerning the selection of participants, logistics, delivery of trainings, and evaluation?

Questionnaire Part 2 – can be completed by lawyers, prosecutors, judges

1. Profession:

2. Length of service (years) as lawyer/prosecutor/judges:

3. Name of the institution (Bar/Court/Prosecutor Office):

4. During....., did you participate at trainings that addressed the issue of combating trafficking in human beings, the rights of victims of human trafficking? If so, please provide details:

Number of trainings attended:

Type of events (organised at national and/or EU level):

Name of the institution(s) that organised the event(s):

A brief description of the legal topics addressed within the event(s):

5. Regarding the modalities in which the information was delivered during these events, please provide brief details by answering the following inquiries:

Did the training have an interactive approach (trainers-participants) more than 50% or less?

Was there enough time allocated for questions, answers, debates?

What type of training methods had been used? (lectures, case-law debates, working groups, plenary sessions, other...)

6. Which legal issues do you think should be looked at in greater detail during the trainings addressing the issue of trafficking in human beings, the protection of victims, the link between human trafficking-illegal migration and judiciary cooperation?

Model 2 Identification of training needs

The following survey that focuses on identifying training needs, is an instrument that provides us with information in order to plan training activities according to the needs identified in the legal field, and at the same time adjust them to the time frame that the participants prefer, based on their personal and professional needs.

For this reason, we ask you to complete the survey we provide, thanking you in advance for your collaboration.

1. Occupation:
2. Department/Unit:

Please mark with an X.

1. Have you taken any training course in the last two years?

- YES
 NO

2. Why do/Would you take a training course?

- I do not take courses.
 To develop and improve my knowledge.
 For personal gratification and interest.
 Because I want to change jobs/be promoted to a higher career level.
 Other

3. In general, what system should the course be based on?

- Full attendance
 Virtual
 Other

4. How long would you like the courses to last?

- A one-day course
 10 hours
 20 hours
 30 hours
 40 hours
 More than 40 hours

5. What schedules do you prefer?

- In the morning
- In the afternoon
- After working hours
- Weekends

6. Please indicate the two main reasons that prevent/make it difficult for you to attend the training courses

- Personal reasons
- Difficulty in completing the course during working hours
- Lack of information or knowledge of the course
- Other

7. In which of the following areas would you be interested to be trained for your professional development?

- Introduction to the existing legal and political framework on human trafficking.
- Regulation of human trafficking in the international context.
- Data and statistics on the current situation of human trafficking.
- Countries' responsibilities to prevent and punish human trafficking.
- Protection of victims/survivors of trafficking.
- International judicial collaboration on human trafficking.
- Asylum and trafficking.
- Minors' trafficking.
- Good practices in legal assistance for the victims/survivors.
- Protection of human rights for victims of trafficking.

Model 3 Questionnaire for the institutions with competence in the initial and continuing training of lawyers, prosecutors, and judges.

1. Name of the institution:

2. Has your institution organised, between....., training courses for lawyers, prosecutors and judges, with the following topics:

Topic	Mark with an X
International judicial cooperation in criminal matters in cases involving refugees and third-country nationals, victims of human trafficking subject to exploitation in EU Member States	
The implementation of the Charter of Fundamental Rights of the European Union to victims of human trafficking seeking asylum in Europe.	

Legal framework and judicial practice for granting financial compensation to the victims of human trafficking, who are refugees/third country nationals, exploited in EU Member States.	
The rights of unaccompanied children who are victims of human trafficking.	
The right of access to a lawyer for victims of human trafficking who are refugees/third-country nationals.	

3. Has your institution organised, between, trainings on legal issues related to human trafficking or other topics not mentioned in the previous question?

YES ___ NO ___

If so, can you indicate the subject-matter of these trainings and to whom they were addressed?

4. When these events are organised, does your institution use a specific training programme regarding the following aspects?

Topic	Mark with an X
Fighting against human trafficking and protecting the victims' rights.	
International protection and migration, with a gender perspective.	
Migration contexts of victims of human trafficking.	
Psychological and social consequences of victimisation by human trafficking.	

Can you indicate if the training materials are publicly accessible (indicate the website/link)

5. Has your institution gathered feedback from the participants in order to evaluate the level of contentment with the quality of information, the interactivity of the trainers with the participants, time for interactive discussions or other recommendations for future events?

YES ___ NO ___

If so, can you indicate any significant recommendations?

6. From your institution's point of view and after all the trainings that had been carried out so far, what are the most challenging aspects found regarding the selection of participants, logistics, training development, and evaluation?

7. In general and in relation to other training courses on other topics, are training courses on human trafficking, international protection and Human Rights of interest?

Model 4 Questionnaire for lawyers, prosecutors, and judiciary.

1. Name of the respondent (optional):

2. Occupation:

3. Length of service (years) as prosecutor or judge:

4. Name of the institution (official college, prosecutor's office, court):

5. Betweendid you participate in training sessions related with fighting against human trafficking and victims' rights?

YES ___ NO ___

If so, please provide details:

- Number of training courses attended: _____
- National or international trainings: _____
- Name of the institutions that organised the events:

- Brief description of legal issues addressed during the training course:

6. Regarding the training methods used at these events, please provide some details by answering the following questions:

Did the training have participatory approach?

Do you think that enough time was dedicated to questions, answers, debates? _____

What kind of methodology was used in trainings? (lectures, debates on case-law, working groups, plenary meetings, others)

7. Do you have knowledge of any of the following topics?

Topic	Indicate with X
Combating human trafficking and protecting victims' rights	
International protection and migration, with a gender perspective.	
Migration contexts of victims of human trafficking.	
Psychological and social consequences of victimisation by human trafficking.	

8. What legal issues do you think should be developed in the training courses dealing with the trafficking in human beings: protection of victims, the relation between human trafficking and migration, or judicial cooperation?

9. In your daily professional activity, do you feel the need to update your knowledge regarding international protection, asylum, and human rights mechanisms?

3. TRAINING PROGRAMME

A training programme model can provide the base on which a consistent judiciary training for lawyers and magistrates in legal areas that approach the human trafficking phenomenon could be built. This model can bring consistency and direction for a training; it is a flexible presentation that can be adapted according to the particularities of future events.

This section presents what should be included in a training programme when the following legal topics are addressed:

- International judicial cooperation in criminal matters in cases involving refugees and other third-country nationals as victims of human trafficking
- Legal framework and judicial practices to grant financial compensation for victims of human trafficking who are refugees and other third-country nationals
- Rights of unaccompanied children victims of human trafficking
- Charter of Fundamental Rights of the European Union and its applicability to victims of human trafficking requesting asylum in European Union
- The right to a lawyer for victims of human trafficking refugees, third-country nationals

It is important for the trainers to be able to use multiple delivery styles, to consider the fact that most people do not learn through “Power Point” but through a variety of ways, such as auditory and visual examples. Therefore, it is relevant for the trainer to use multiple methods that once incorporated in the event’s structure can make it interactive. This will ensure that different learning styles are met, and also makes the training more interesting.

The training should always have a participatory nature, requiring participants to share their experience related to human trafficking cases. The trainers must have previous experience in training, should be familiar with the legal topic, framework, jurisdiction, and have appropriate skills in dealing with groups composed of lawyers and magistrates. The trainers must be flexible and be able to reorganise and adapt training materials as necessary.

General learning objectives in organising trainings focused on human trafficking topic: participants will gain understanding of existing good practices for countering human trafficking; participants will learn about the practical functioning of new and existing international norms or national legislation; participants will develop an appreciation of the trends in institutional practice and case law concerning trafficking.

Details on techniques, methods, materials are provided in the following chapters of this toolkit.

3.1. Introduction to the training - it can be used regardless of the topic of the event

Objective	Participants will become familiar with the objectives of the training
Techniques	<p>Introduction: Present the trainers and allow participants to introduce themselves. Use ice-breakers, use name tags with big groups to help people know each other quickly.</p> <p>2. Discussion (a flip chart could be used): Ask participants to indicate their expectations for the training; the trainer can note their statements on the flip chart.</p> <p>3. Lecture: The trainer can give details about the event programme and work-plan; it can be a verbal presentation and/or accompanied by a written sheet. The trainer should explain the main objectives of the training, highlighting that the event will be interactive & dynamic.</p>
Duration of time	15 – 30 minutes
Possible questions that participants can ask the trainers at this time	<p>Will I be able to talk about my work experience, share information with colleagues on current challenges on the topic approached by the event?</p> <p>Are there any follow-ups to this training?</p>

3.2. Training - International judicial cooperation in criminal matters in cases involving refugees and other third-country nationals as victims of human trafficking

Specific Learning Objectives

- Which instruments for international cooperation can be used by magistrates and lawyers in the European Union and in relation to third-countries in cases concerning human trafficking victims who are refugees and other third-country nationals?
- Current problems arising from using these instruments in practice.
- Existing legal referral mechanisms between countries to uphold the rights of victims in human trafficking in cross-border cases (refugees and other third-country nationals)

Expected Outcomes

- Participants will acquire comprehensive knowledge on relevant legal instruments for international cooperation in human trafficking cases.
- Participants will know how to apply the existing legal framework when instrumenting human trafficking cases.
- On completing this training participants will be also able to explain why international cooperation is likely to be required in human trafficking cases; recall the different forms of international cooperation; describe the impact different legal systems have on extradition procedures; recall the process involved in making a formal request for mutual legal assistance; explain when it is appropriate and not appropriate to use

informal requests for international cooperation; describe the actions required when considering the repatriation of victims of human trafficking.

Subjects/Topics

- Principles of international cooperation in criminal matters
- International and EU normative regulations on cooperation in criminal matters, cases of human trafficking
- New features, updates on the EU legal framework
- Methods of cross-border investigation and referral mechanisms to uphold the rights of victims
- International criminal jurisdiction
- Confiscation of proceeds of crimes in cases involving foreign countries
- Legal arrangements for international cooperation in criminal matters (transfer of proceedings, execution of foreign sentences, recognition of foreign judgements)
- Practical challenges facing international cooperation

3.3. Training - Legal framework and judicial practices to grant financial compensation for victims of human trafficking who are refugees and other third-country nationals

Specific Learning Objectives

- Which international instruments and cooperation mechanisms are in place to handle properly cases on compensation claims in cross-border trafficking that affect victims refugees and third-country nationals subjected to exploitation on EU territory?
- What are the rights in force for victims of trafficking in Europe related to access to remedies?
- Effective financial investigations, freezing and confiscation of illegal assets as issues related to compensation claims of trafficked victims
- How to put into force the confiscation order of assets obtained by traffickers through cross-border illicit actions in EU Member States?

Expected Outcomes

- Participants will acquire knowledge on EU legal instruments that can be applied in cases concerning financial compensation for victims of human trafficking (as part of criminal procedures or through distinct action in civil courts).
- Shared good practices examples on this topic

Subjects/Topics

- The importance of compensation for trafficked persons
- EU legal framework on the right to compensation for trafficked persons

- Possibility of access to the right to compensation in practice (criminal court proceedings, civil court proceedings)
- What kind of damages can be compensated
- The confiscation of assets from traffickers.

3.4. Training - Rights of unaccompanied children victims of human trafficking

Specific Learning objectives

- Learn to review key concepts and guiding principles on unaccompanied children subjected to human trafficking
- Understand fundamental procedural and substantive rights for children in human trafficking cases
 - Existing legal remedies, access to compensation
 - Learn about procedural pathways – how to ensure the child’s situation as a whole and the best interest are considered and fully respected throughout the entire trial (the implications of child’s rights in the hearing procedure)
 - Legal problems that unaccompanied children are facing when reaching Europe.
 - International legislation and standards (Child Rights Convention, children’s rights in the European Union, EU policy on unaccompanied children)
 - Inter-cultural approach and child – lawyer/magistrate dialogue
 - Child-sensitive procedures in prosecution and court phases THB cases.
- Avoiding re-traumatisation.
 - How to ensure legal representation and legal aid for unaccompanied children in human trafficking cases.

Expected Outcomes

- To build the capacity of legal practitioners in improving their knowledge on children’s rights and the principles laid down in international and European legal instruments.
 - To ensure proper protection and respect of children’s rights in cases of trafficking in human beings.
 - To enhance the capacity of legal practitioners on the practice of child-centred justice, including how to put the child in the centre of judicial procedure and how to use child-friendly communication

Subjects/Topics

- Key definitions unaccompanied minors
- International & EU legislative framework and standards
- Fundamental procedural rights for unaccompanied minors victims of human trafficking (asylum seekers, third-country nationals)
 - Best interest of the child and its applicability in the judicial proceedings
 - Communication of lawyers and magistrates with minors in criminal proceedings. Child-friendly and intercultural approach. Practical tips

3.5. Training - Charter of Fundamental Rights of the European Union and its applicability to victims of human trafficking requesting asylum in Europe

Specific Learning objectives

- The applicability of the Charter's provisions in cases of trafficking
- Existing legal remedies for the rights to asylum for victims of human trafficking.
- The challenges of implementing the EU Charter at national level
- The protection of the Charter's rights in the European Union
- How to build a strong evidentiary record to ensure asylum eligibility of victims of human trafficking

Expected Outcomes

- Raising awareness on legal and practical challenges to establish the existence of the well-founded fear of persecution for survivors of trafficking asylum seekers
 - International and EU legal framework on asylum procedures (EU Directives, Dublin Regulation, etc.)
 - Increased capacity of legal practitioners on the Charter's provisions and its effectiveness in topical legal areas.

Subjects/Topics

- An overview of the EU Charter of Fundamental Rights (relevance of the explanations of the Charter and case law from the Court of Justice of the European Union and of the European Court of Human Rights relevant to human trafficking, asylum seeking victims of human trafficking)
 - The issue of direct effect of the Charter provisions
 - The relationship between the EU Charter of Fundamental Rights and the European Convention on Human Rights
 - Protection of victims of human trafficking and the Dublin Regulation – application and consequences in a trafficking context. Victim's right to remain on the territory during the examination of the asylum claim
 - The interactions between the legal provisions stipulated in the EU Charter of Fundamental Rights, Convention on Action against Trafficking in Human Beings and the 1951 Convention relating to the status of refugees. The application of these instruments in the context of the Dublin Regulation.
 - The identification of protection needs of victims of human trafficking requesting asylum in Europe.

3.6. Training – The right to a lawyer for victims of human trafficking refugees, third-country nationals

Specific Learning Objectives

- Existing legal aid laws and regulation at EU level
- Deontological norms for lawyers who assist victims of human trafficking.
- The role of lawyer in protecting victim's rights
- Strategic litigation – preparing case evidence
- Lawyers from several EU countries draw together example of strategies and solutions that can overstep barriers to the effectiveness of legal support in judicial proceedings.
- Best practices in legal assistance and representation of refugee victims & third-country nationals

Expected Outcomes

- Building the lawyers' capacity to ensure legal assistance and representation of foreign victims in human trafficking cases.

Subjects/Topics

- International and European legal framework on the right to legal assistance and representation for victims of human trafficking
 - Current difficulties in ensuring legal assistance and representation for foreign victims throughout the entire judicial proceedings (criminal & civil procedures)
 - Deontological norms for lawyers providing assistance and representation
 - Gathering evidences, the burden of proof, strategic litigation

The following information regarding the programme can be considered regardless the legal topic that will be addressed during the training.

Delivery techniques

- Invite as speakers "special guests" with extensive expertise on the topic that will be approached.
 - Lecture – Power Points, handouts
 - Analyse and debate cases in small groups and/or plenary session.
 - Questions & Answers
 - Exercises

The trainer needs to make sure that participants have sufficient time and everyone will have the opportunity to speak. At every event, in every group there will be people who tend to speak more, while others will be very quiet. Trainers/moderators should actively seek responses from quieter people – when getting feedback from individual or group work, rather than letting one single person give several responses; the trainer should go around the group and ask each person to give one response at a time, until there are no more points of feedback, providing in this way the opportunity for everyone to have their say.

Training materials

- Sheets with legal information, description of cases with a set of questions for debates etc.

The trainer should make sure that he/she has timed the material that will be used for each session/event. He/she should have a couple of “back up exercises” ready in case one session goes very quickly. When giving participants the exercises, the cases, the trainer should underline to participants the timing issue. It is important for the trainer to make sure participants understand the exercises and/or how to solve the cases. He/she should go through the exercises slowly with participants and check that they are clear.

Duration of time

When dealing with a certain legal topic that is divided into several sub-topics, it is important to note that there should be a balance between the time allocated to presentations, debates, exercises in which every attending person can actively participate.

Legal topics such as those mentioned above should be addressed for at least a day and a half, so that the information can be presented and discussed in a comprehensive manner with all participants (lawyers and magistrates) from different states. For a proper dynamic of the event, the time allocated for lecturers should not exceed 40%

Possible questions that participants can ask

The trainer must also consider any questions that may be asked during the event, so that he/she is properly prepared to provide an appropriate answer on the spot or check for an answer to provide until the end of training.

Depending on the legal issues listed above, we can indicate some of the potential questions that can be asked (and when developing a training programme, a trainer must also consider this):

- Are there any differences between the instruments for combating human trafficking and other normative acts that are related to other transnational offences?
- Are these instruments successfully applied between EU countries and third countries?
- When cases are dealt with in another national jurisdiction, how can access to justice be ensured in financial compensation claims?
- What are the major bottlenecks in the implementation of European legislation in relation to the rights of victims of human trafficking asylum seekers, third-country nationals?
- What are the most appropriate communication tips when interacting with unaccompanied children in human trafficking cases?
- What does the interface between human trafficking and the rights to request asylum consist of?
- Can the EU Charter on Fundamental Rights be correlated with EU Directives in ensuring the protection of victims that are asylum seekers/refugees/other migrants?

Sources

Given the limited time for presenting information, it is useful for the trainer to provide participants with accurate information about additional sources where they can review in detail, and data based on certain topics discussed in the respective event. Could be used also materials that were elaborated by institutions, such as:

- The Council of Europe
- The European Commission
- The European Court of Human Rights (HUDOC database)
- The Court of Justice for the European Union
- The European Union Agency for Fundamental Rights
- European Border and Coast Guard Agency (FRONTEX)
- EUROSTAT
- International Organisation for Migration
- The UN Refugee Agency
- The United Nations Children's Fund (UNICEF)
- United Nations on Drugs and Crime (UNODC)

4. DELIVERY OF THE TRAINING

4.1. Overall training delivery methodology

A training should follow a general format: an introductory session; divide the event into separate sessions addressing specific sub-topics including lectures and presentations by the trainers to set the theoretical background; work in groups and plenary sessions to debate specific case studies; time for questions and debates in order to ensure that the event has a proper interactive dimension; collection of participants' feedback at the end of the event as part of the assessment and evaluation process.

The overall design of the training events should be based on well-established methodologies of andragogy and legal training. It should be centred around a participatory approach, focused on individualised learning, using Biggs' method of constructive alignment. Training activities should be designed to meet specific learning objectives and expected outcomes, based on Bloom's taxonomy of educational objectives.

Biggs' method is used in outcome-oriented teaching and learning activities to link the intended learning outcomes (ILOs), teaching methods, and assessment.

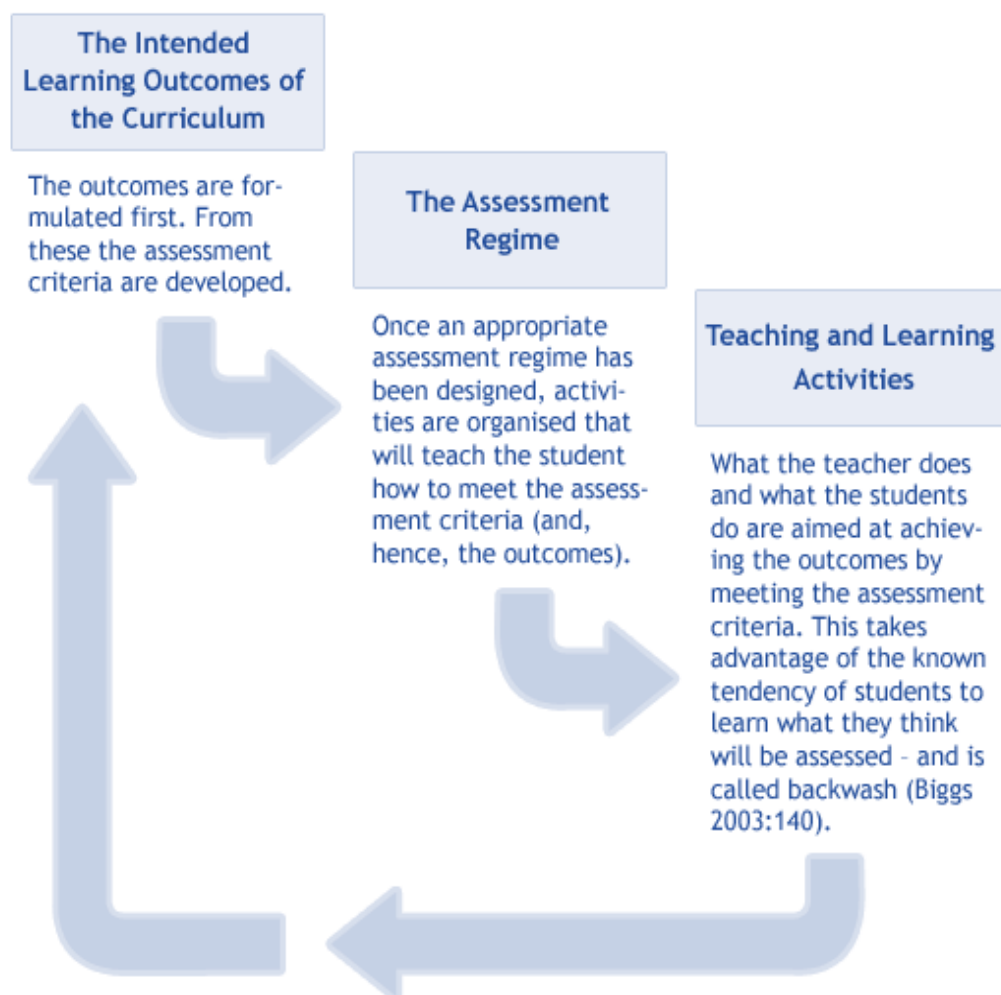
The two main concepts underpinning constructive alignment concern:

❖ **Learners:** learners construct meaning from the training process in a manner individual to them and their own personal experiences. The method recognises the importance of linking new material to familiar concepts and experiences, and extrapolating basic principles applicable in potential future scenarios.

❖ **Trainers:** the trainers are tasked with creating a deliberate alignment between learning activities and learning outcomes. They must provide learners with a pre-determined clear goal, a learning activity which is appropriate to achieve said goal, and specific assessment criteria, which will, in turn, be used to give a feedback to the learner.

Thus, constructive alignment starts with the intended learning **outcomes** and aligns teaching and assessment to them.

Figure 1: A Basic Model of an Aligned Curriculum



Source:

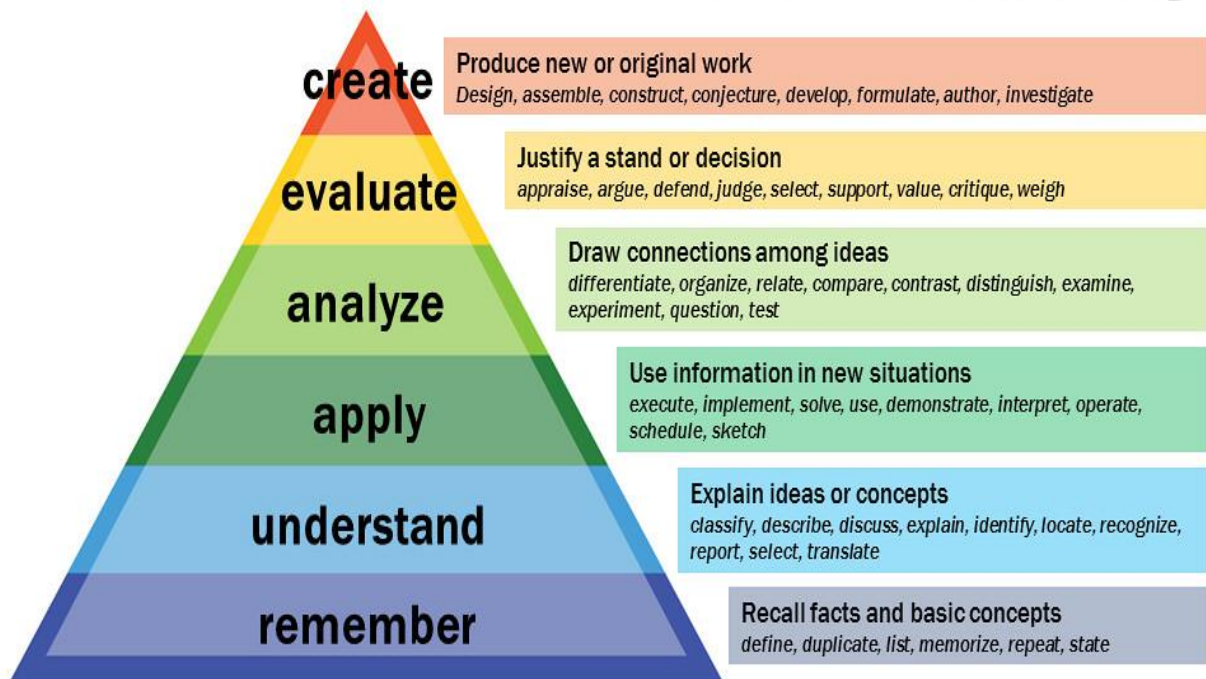
http://www.ucdoer.ie/index.php/Using_Biggs%27_Model_of_Constructive_Alignment_in_Curriculum_Design/Introduction

Assessment occupies a central role in aligned curricula. This methodology seeks to capitalise on the backwash effect¹ by using it to focus the participants' attention on specific points which bear particular significance for the ILOs.

To this end, specific assessment criteria will be pre-determined. All training events will include a pre-assessment part in their introductory session, during which participants will be asked to fill in short questionnaires. They will, then, be asked to fill in the same questionnaires following the conclusion of the training and compare their results in a plenary discussion. This will serve a dual purpose, both allowing trainers to gauge the participants' level of prior

¹ *Backwash* (also called *washback*) is the effect that knowledge of the contents of a test may have on the course which precedes it. It may be positive or negative. Source: <http://eltnotebook.blogspot.com/2011/12/an-elt-notebook-backwash-washback.html>.

Bloom's Taxonomy



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knowledge on the specific topics at hand and acting as an assessment tool, measuring progress achieved as a result of the training. The ensuing discussion will also provide an opportunity for a two-way feedback stream between participants and trainers.

Teaching and learning activities will be designed to meet the ILOs through the attainment of the different levels of educational objectives described in Bloom's taxonomy, shown below in figure 2.

Figure 2: Bloom's revised taxonomy of educational objectives

Source: <https://cft.vanderbilt.edu/guides-sub-pages/blooms-taxonomy/>.

The training activities will be designed using methods which will help participants gain different types of knowledge on various aspects related to human trafficking:

- **factual knowledge** (knowledge of terminology, knowledge of specific details and elements);
- **conceptual knowledge** (knowledge of classifications and categories, knowledge of principles and generalisations, knowledge of theories, models, and structures);
- **procedural knowledge** (knowledge of subject-specific skills and algorithms, knowledge of subject-specific techniques and methods, knowledge for criteria determining when to use appropriate procedures);
- **metacognitive knowledge** (strategic knowledge, knowledge about specific tasks, including appropriate contextual and conditional knowledge, self-knowledge).

4.2. Course Delivery

- **Opening remarks** – this is an optional part of the training, where an official representative of the hosting institution or organisation, if there is such, addresses the participants and underlines the importance of the training topic and their cooperation on the respective matter.
- **Welcome and introductions** – this part of the course allows the trainer(s), support staff and trainees to get to know each other better. Trainees could be asked to shortly introduce themselves providing information about their professional background and sharing one expectation they have about the training course, i.e. what they expect to get out of the course. During this part a course attendance sheet is circulated, featuring the funders and organisers of the course and appropriate personal data disclaimers, which may also be explained to participants orally.
- **Definition of Ground Rules** – the trainer could use this part of the course to provide participants with any housekeeping information, clarify the use of the cell phones, and address any other issues that may impact on the trainees' learning experience during the course. Reimbursement of expenses, certification of business travel, credits participants receive for attending the training, if there are such, and other documentary issues should also be clarified at this point.
- **Pre-assessment** – during this part, trainees complete a short questionnaire designed to evaluate their level of knowledge regarding the topics to be addressed during the course. The trainer could use the pre-assessment questions for an opening discussion on the key topics to be addressed during the course. This is an opportunity for the trainer to develop an understanding of the general level of knowledge of participants, their needs, and interest.
- **Course overview** – during this part the course learning objectives, learning objectives, and plan of the day are presented. Participants are invited to ask any questions they may have as to the training structure and plan.
- **Lecture sessions** – these should be kept short (about 15-20 minutes each). Each such session could be followed by a practical group exercise in the form of a case study or scenario, in order to illustrate the key concepts discussed as part of the lecture.
- **Practical tasks** – these could be completed in small groups and take the form of case studies, scenarios, etc. Careful thought should be given, so as to how the groups should be formed, in advance or shortly before each exercise, and to what extent they should comprise participants from the same office/location/legal profession. Each group shall designate a rapporteur, who could then shortly report the results of the group discussion to the plenary session.

- **Second/Subsequent days** – if the training lasts for more than one day, each subsequent day shall start with a recapitulation of the previous day, a plan for the coming day and a short reminder on the ground rules.
- **Conclusion and Q&A** – this part could be used to clarify any queries that trainees may have. The trainer could ask the trainees to reflect about their initial expectations about the course and the extent to which those have been met. At this point, certificates can be handed out, if planned, certifying participants' attendance and the (possible) credit points they have received. Consent forms may be handed out for distribution of (specific) participants' contact details to the whole training audience to facilitate further professional contacts.
- **Post-assessment** – during this part, trainees complete the pre-assessment questionnaire again. Both questionnaires allow them to 'see' how much they have learnt during the course. A discussion may be held on their findings, where recommendations may be sought for future events.
- **Evaluation questionnaire** – at the end of the course, trainees complete a questionnaire about their overall learning experience during the course, including both organisational and substantive aspects. Recommendations are again to be sought as the written format may be more conducive to sharing one's true opinion.

4.3. A model of training course checklist

The model training course check-list presented below covers all three thematic areas discussed in the preceding section. The check-list is indicative and can be modified and adapted depending on the context in which it will be used. It is intended as a generic practical tool that trainers can use when planning, preparing, and delivering training.

TRAINING COURSE CHECK-LIST	
Course title (in all working languages):	
Part 1: Logistics	
1. What is the course target audience?	
2. Are training participants coming from the same country? (if No, please go to 2a)	
2a. Which countries are training participants coming from?	
3. How many training participants are expected (please specify a range)?	
4. Which entities are organising/supporting/funding the training?	
5. Who is practically organising the training?	

6. Who is conducting the training (trainers and support staff)?	
7. How are trainers being recruited?	
8. What is the trainers' professional background?	
9. Does the trainer have experience with course facilitation?	
10. Has the trainer previously delivered similar type of training/a training before a similar audience?	
11. What measures will be taken to ensure the quality of the training (communication plan between organisers and trainer(s), collecting participants' profiles, etc.)?	
12. Would a training assistant be needed? (if Yes, please go to 12a)	
12a. How will a training assistant be recruited?	
13. How long will the course last?	
14. What steps will be taken to ensure that the course duration is consistent with the course content (timing of lectures and practical tasks, time allowed for informal communication, etc.)?	
15. How are training participants recruited?	
16. Will the training be advertised? (If yes, please go to 16a)	
16a. What channels will be used for advertising the training?	
17. What contingency measures are taken in case of last-minute dropouts?	
18. What is the professional background of recruited training participants?	
19. In which country is the training held?	
20. What venue is selected for the training (e.g. conference hall at a hotel, lecture hall at a university etc.)?	
21. What is seating arrangement in the selected venue (e.g. loose seating, board-room etc.)?	
22. Can seating be re-arranged without substantial difficulty?	
23. What facilities and equipment does the selected venue provide (e.g. audio-visual, screen, projector, Wi-Fi, smart board, etc.)?	
24. Will interpretation be needed? (If yes, please go to 24a and 24b)	
24a. Will simultaneous or consecutive interpretation be provided?	
24b. How will the interpreters be selected?	
25. Is practical information about the training (e.g. course location, joining instructions, instructions on reimbursement of expenses, etc.) made available to training participants?	
26. Are participants provided with individual training packs? (If yes, please go to 22a)	
26a. Do training packs contain: A name tag? A course agenda? A course syllabus?	

A glossary of key terms and jargon? Stationery? Consent forms (in case there is audio/video recording, photos etc.)? A list of course references? If the training packs contain any materials that are not listed, please indicate those as well.	
27. Will any training materials be sent to participants in advance?	
Part 2: Course Preparation	
28. Who is preparing the course materials?	
29. Will course materials be reviewed, if yes, by whom?	
30. What are the training course learning objectives?	
31. What are the training course learning outcomes?	
32. How will the achievement of the learning objectives be assessed?	
33. How will the achievement of the learning outcomes be assessed?	
34. What is the course plan?	
35. What training methods will be used during the course?	
36. Will any of the following types of course materials be used: A pre-assessment questionnaire? Lecture slides? Case studies? Scenarios? A post-assessment questionnaire? An evaluation questionnaire? If any training materials that are not listed here are being used, please indicate them, as well.	
37. Will the training materials be shared with training participants after the course (e.g. lecture slides etc.)?	
Part 3: Course Delivery	
38. How much time will be allocated for lectures during the course?	
39. How much time will be allocated for practical exercises during the course?	
40. What practical exercises will be conducted during the course?	
41. What measures will be taken to ensure that the course meets the needs and expectations of training participants (e.g. understanding participants' expectations, debriefing with participants after each session/day)?	
42. What measures will be taken to ensure that training participants are fully engaged and attentive during the course (e.g. energizing sessions, enough break time)?	
43. How will the performance of training participants during the course monitored and assessed?	
44. How will the overall course experience of training participants be evaluated?	

4.4. Training Methods²

Methods that could be used in a judicial training: brainstorming; icebreakers, presentations, alternation of lecturers and group work, debate, case studies, feedback, debriefing.

4.4.1. Brainstorming

Brainstorming can be used when a group of professionals need to generate ideas around a specific interest area. Its main advantage is that trainees are actively involved from the beginning of the training session. Using rules which remove inhibitions, people are able to think freely and move into new areas of thought. Participants are invited to generate ideas or solutions to challenging problems. Participants voice ideas as they occur to them. All ideas are noted down on a flipchart by the trainer and are not criticised. Only after all the responses are recorded a subsequent analysis or categorisation is made, followed by a discussion on the appropriateness of the ideas.

4.4.2. Icebreakers

Icebreakers are short exercises that could be used at the beginning of a training to allow trainees to get to know each other before the main work of the event begins. They also enable the trainer to assess group members at behavioural level. Some icebreakers can be used to separate people who already know each other and encourage the group to mix.

- make use of the personal or professional background of the participants;
- they are not subject related;
- they are participant related.

Examples:

Frequent questions to look into sharing professional and personal interests, hobbies, etc.

- **Silent I.D.** Give each person a piece of paper with instructions to write words or draw pictures that describe themselves without talking. Then they are to pin their paper on their chest, walk around, and look at each other. Pictures are collected and shuffled and participants try to identify to whom each picture belongs.

- **Paired Sharing.** Ask the participants to move around the room and find someone they do not know or who they know the least. When everyone is in pairs, the facilitator announces the topic partners can talk about, and a designated amount of time for it.

- **Who Is It?** People write down something about themselves they think no one knows. The leader reads the slips of paper and others guess who the person is. It is amazing to see the things some people reveal about themselves.

² Source *EJTN Handbook on Judicial Training Methodology in Europe*, 2016, available at <http://www.ejtn.eu/News/The-EJTN-Handbook-on-Judicial-Training-Methodology-now-available-in-23-languages/>

- **Common Ground.** In small groups, the participants come up with six things they have in common and share them with the large group.

4.4.3. Presentations

Presentations combined with group work are two training methods in judicial education that facilitate new knowledge acquisition. Considering that participation is an important factor ensuring success in learning, it is recommended to allow adequate time for group or individual discussions immediately after the presentations, both to allow uncertainties or confusions to be clarified, and also to guard against any danger of “mere didactic” teaching (i.e. “spoon-feeding”).

When to use presentations?

Presentations can be used in a variety of situations and for a variety of tasks:

- input from a leading practitioner to underline practicality issues;
- input from panel members to open up a comparative or interdisciplinary approach to the topic under discussion;
- short presentations from groups on allocated tasks, thus allowing identification of contrasting or novel approaches to a topic.

The scope of presentations is not the content itself, but the setting up of a platform for discussions and exchange of views on new topics that needs informational input.

The main challenges are:

- the attention span of the audience is maximum 20-30 minutes;
- the different learning styles of the audience might affect information transfer;
- the rapport with the audience requires appropriate language and body language;
- the structure of the presentation;
- the visual materials, PowerPoint slides designed following appropriate standards.

Preparation stage: tips for the trainer. No matter how short the presentation is, it should be audience-oriented. It is important to start by working out what the audience is interested in and/or expects from the trainer. The composition of the audience will determine how formal or informal a presentation should be.

Work on a clear and logical structure. There should be:

1. An introduction,

In the introduction, the audience should be informed about what the trainers should talk about.

2. A main body,

In the main body, the discussion should be broken down into a number of sub-topics that follow logically from one another.

3. A conclusion.

Finally, what will be said in conclusion it will depend on what was set out to be achieved. If the trainer is simply describing something, then a summary of the main points

should suffice. If the trainer tries to make a case for something, on the other hand, then a restatement of the main argument, or answering the question that was posed at the outset, might be more appropriate. The structure should be signalled to the audience.

The choice of words and style of discourse ensures message transfer. The trainer might want to say, for example, “The first point I want to make is [...]”, “In this section I am going to talk about [...]”, “In conclusion [...]”. Similarly, pauses between points, or gestures, such as holding up one finger for your first point, two for your second, and so on, can help emphasise important links.

It is very important to **get the right timing**, because other people may be relying on you are talking for a particular length of time, and no more or no less. In fact, you should probably aim for your presentation to be marginally shorter than the allotted time because it is quite likely that, on the day, you will embroider or depart from your prepared speech to some extent.

Delivery stage: tips for the trainer

- Consider the mode of delivery that you are going to employ: What sort of prompts are you going to use? What visual aids might be helpful? Will you be sitting or standing? What kind of gestures should a trainer use?
 - Consider the speed, volume, enunciation, and tone of voice.
 - Getting your speed right is not only important for ensuring that you stick to your time limit. If you speak too quickly, the audience will not be able to keep up with you; if you are too slow you are likely to bore them. Nevertheless, the appropriate speed will vary depending upon, for example, whether or not your listeners are expecting to take notes, whether they are listening to their native language, and their familiarity with or the complexity of the issues you are talking about.
 - The appropriate volume will vary depending upon the size of the room and how good its acoustics are; it is always worth asking the audience whether they can actually hear you. If you cannot make yourself heard without shouting, you should ask to use a microphone, otherwise your voice will sound strained.
 - Also be aware of the tone of your voice. When people are giving presentations (particularly if they are reading from a text), they often sound much more monotonous (and hence more boring) than they do when having an everyday conversation. In order to keep your audience’s attention, it is probably necessary to sound more animated and to use greater vocal variety than you would normally.

Checklist of the skills needed to be a good presenter

Could the speaker be heard from the back of the room?

Was eye contact continually used to involve the audience?

Were audio-visual aids used appropriately?

Was any material written on blackboards, whiteboards or on the video projectors visible from all parts of the room?

Did the trainer make appropriate use of any hand-outs?

Voice, eyes, technology, and training materials are all to be prepared in advance and even practised prior to the event.

4.4.4. Alternation of Lectures and Group Work

Lectures are useful when new knowledge is introduced to the audience. But learning occurs when participants are actively involved in their own learning process. A technique that delivers results is alternating between a lecture, with or without PowerPoint, and pair or group work.

Lectures

Description of the method. Lectures are structured presentations, aiming at knowledge transfer. Lectures, as a direct training method, represent a valuable and efficient instrument to explain ideas and theories in a short time. Lecturers should be used in combination with one or more participative training methods.

As an advantage, they could prove to be very useful in the context of large groups and in combination with other techniques that are more suitable for practical training. In order to transfer specific knowledge to the audience, the speaker controls the entire process, but this does not exclude a persuasive talk that stimulates the audience's involvement.

This method can have certain **disadvantages** when not applied correctly, such as one-way communication, passive role of participants, a low level of absorption and, as a result, the artificial assimilation of knowledge.

4.4.5. Group Work

Group work can be organised in such a way that two or three people are asked to discuss a particular topic together and then report back to the larger group. It is usually enough to ask the participants to discuss the topic with the person next to them. Small groups should be given a clear topic to address and allowed a short amount of time to discuss it. They are effective in the early stages of a training course when participants may still be experiencing some uneasiness in talking to their peers.

After the discussion, participants can be asked to give feedback to the whole group so that views can be shared and, where appropriate, this may be recorded on a flipchart. Instructions are very important. They lead the discussions. If the instructions are not clear, they can generate confusion, lack of focus or interest, and provoke boredom.

It is perhaps better to suggest that lectures should complement a group activity, rather than the other way around. Therefore, a case study, a simulation or role-play, or discussions on different topics could be conducted through small group work.

Advantages. Participants find small group discussions rewarding when:

- they have a chance to contribute.
- they are clear about the purpose of the discussion and prepared for it.
- the atmosphere is friendly and they are at ease emotionally.

- they have good leadership.
- they feel the learning is relevant.

Some of the **disadvantages** could be mentioned too:

- people know how to talk to others, but not with others – some talk too much, others too little; trainees dominate or are dominated; get off the point; talk around the point; repeat themselves.
 - groups may dismiss certain ideas and accept others without giving logical arguments.
 - groups may become personality-centred rather than task-centred.
 - groups may be given too many tasks in the allotted time.
 - the group leader is insufficiently prepared or misunderstands the position of leader – the leader’s authority may be seen as overwhelming.

Tips for the trainer One of the most important rules about group work is probably getting the seating right. It is necessary to arrange the seating and the equipment according to training needs; this may not always match the arrangement the venue offers. Seating will help determine the relationships between the trainer and the trainees, and among the trainees themselves.

4.4.6. Debate

It is a method of formally presenting an argument in a disciplined manner. Though logical consistency, factual accuracy and some degree of emotional appeal to the audience are elements in debating, one side often prevails over the other party by presenting a superior “context” and/or framework of the issue. The outcome of a debate may depend upon consensus or some formal way of reaching a resolution, rather than the objective facts.

In contrast with lectures, debate uses hypothetical questions to ask trainees in the judiciary to draw conclusions through their own reasoning process. The aims are to stimulate thinking and reasoning. There is no correct answer from the trainer’s standpoint. The hypothetical question only offers trainees a mechanism to process the ideas leading to a conclusion. At the end of each successful debating session, each participant will adopt a standpoint on the issue (either voluntarily or as directed).

Example. Debates can be organised in various ways.

Participants in a training programme (initial or continuous) are invited to take on the roles of judges, advocates or prosecutors. Then they could be engaged in a debating session on issues of major importance that will be filtered from these three perspectives.

Debates can also be organised to simply discipline the arguments and proper reasoning in initial training. Participants are split into two groups of debaters that will come up with arguments for and against, and through logical consistency and factual accuracy they will frame a standpoint. The debate is didactically important if the trainer considers the framing of the concept and the logical motivation in the reasoning process.

4.4.7. Case Studies

It is easy to get confused between the Case Study method and the Case Method, particularly as it applies to legal education. The Case Method in legal education was invented by Christopher Columbus Langdell, Dean of Harvard Law School from 1870 to 1895. Langdell conceived of a way to systematise and simplify legal education by focusing on previous case law that furthered the principles or doctrines of subsets of the law. To that end, Langdell wrote the first casebook, entitled *A Selection of Cases on the Law of Contracts*, a collection of settled cases that met his threshold of shedding light on the current state of contract law. Students read the cases and came prepared to analyse them during Socratic question-and-answer sessions in class.

Case studies do not usually provide clear-cut answers. They are intended to raise questions and allow participants to work through the decision-making process to find their preferred solutions. A case study can occupy one session within a training event or can be undertaken on an extended basis, being worked through as the training progresses.

Case studies provide readers with an overview of the main issue, background on the setting, the people involved, and the events that led to the problem or decision at hand. Cases are used to illustrate a particular set of learning objectives, and (as in real life) there are rarely exact answers to the dilemma at hand. At present, the case study method consists of the presentation of a specific incident, or scenario, with relevant background information, that is analysed in detail with a view to the identification of a solution. It creates the opportunity to understand and apply principles, regulations and rules to a real or imaginary scenario.

Case study architecture. Case studies are more effective when used in small groups, where the participants, who usually sit or work on their own, or more rarely with another judge, can learn from each other's experiences and analytical approaches and thereby reflect upon their own approach. They can also be used with larger groups.

Subjects that can be covered. Case studies can cover a wide range of subjects: substantive law, procedural and evidential issues, case management, managing behaviour, fair treatment or a mixture of these. They may take the form of a short hypothetical scenario, a problem, a role-play, or use materials that would normally constitute papers for a hearing.

Tips for the trainer. It is important for the use of case studies that their content be designed to achieve clearly defined aims and learning outcomes. Be aware that an unrealistic atmosphere and the lack of background detail may encourage impractical decisions.

4.4.8. Problem Solving: The Seven Steps of Problem Analysis

Problem solving could be addressed within a planning framework or it could be a spontaneous reaction or debate taking place when such a situation occurs.

This method can be used to identify problems, analyse them and find appropriate ways to resolve them. The manner in which solving problems can be approached varies from one problem to another. It could be applied within working groups or in the framework of informal discussions.

Using an organised **seven steps approach** in analysing a problem or case will make the entire process easier and can increase the learning benefits.

1. **Read the case thoroughly.** To fully understand what is happening in a case, it is necessary to read the case carefully and thoroughly. Making notes is a plus.
2. **Define the central issue.** Many cases will involve several issues or problems. Identify the most important problems and separate them from the less important issues.
3. **Functional areas.** After identifying what appears to be a major underlying issue, examine related problems in the functional areas (for example law, practice, budget and personnel, and so on). Functional area problems may help you identify deep-rooted problems that fall within the responsibility of judicial administrative management.
4. **Define the legal context:** frame the significant law, regulations, etc.
5. **Identify the constraints to the problem.** Constraints may limit the available solutions.
6. **Identify all the relevant alternatives.** The list should include all the relevant alternatives that could solve the problem(s) identified in step 2.
7. **Select the best alternative.** Evaluate each alternative in light of the available information. If you have carefully taken the previous five steps, a decent solution to the case should be apparent.

4.4.9 Feedback

It is essential when using such types of training methods and techniques, whereby the participants are actively involved in the learning process.

Feedback is an essential part of education and training programmes. It helps learners to become aware of their potential at different stages of training, raise their awareness of strengths and areas for improvement, and identify actions to be taken to improve performance.

Feedback can be treated informally, as in day-to-day encounters between trainers and trainees, between peers or between colleagues, or formally as part of a written assessment.

Any feedback should be:

➤ **Constructive;**

It is information-specific, issue-focused, and based on observations. It involves both praise and criticism in order to provide sound advice for improvement.

➤ **Objective;**

It is fact-based, measurable and observable.

➤ **Concrete;**

It relates to a behaviour existing in reality. The trainer does not relate to an abstraction. The observed behaviour is not a matter of interpretation.

➤ **Specific;**

It highlights strengths and weaknesses, giving specific examples or explanations.

➤ **Prompt;**

It should be given immediately or following an agreed timescale.

Feedback should always be two-way communication.

The trainee is the key stakeholder invited to debrief: Let trainees say whether or not they are satisfied, what was significant for them, what they see as the barriers when they are ready to apply what they have learned, and how they felt during the role play (moot court). There should also be time for feedback from the trainers.

4.4.8. Debriefing

Any procedure that involves group work should be finalised with a debriefing. The trainer provides opportunities for groups to report back to others and then gives a final concluding input.

There are two important steps to take in order to ensure that debriefing achieves its purpose:

This is an important aspect of group work: debriefing provides a review of the activity, identification of different viewpoints, and an opportunity to share ideas. It is crucial that reporting back reflects the group's views, rather than the view of any spokesperson for the group. The use of a flipchart during group discussions is recommended.

Groups should know in advance that there will be a plenary feedback session, and that each group should appoint a “rapporteur” whose job it will be to report within a given time on the group’s conclusions.

Once reporting back has taken place, the trainer leading the plenary session should stimulate discussions and critical reflections on the coherence of the views expressed and the quality of the evidence.

However, an important aspect is the appropriate usage of the training methods in accordance with the profile of the participants and the objectives or goals sought. The diagram below shows the key features of a training plan.

4.5. Use of methods according to the training topic

Table 1: Training – Judicial cooperation in criminal matters in cases involving refugees and third-country nationals as victims of human trafficking

TRAINING SESSION	TRAINING METHODS
Introductory session	1 presentation on the project, the training objectives and the ILOs Icebreakers
1st sub-topic: Current EU legal framework that enables EU Member States to cooperate across international borders and facilitate judicial procedures in cases concerning human trafficking, whose victims are refugees/other third-country nationals	Lectures/presentations on the legal framework and relevant case law Brief plenary discussion – Q&A Brief presentation of the case study and the seven steps of problem analysis 1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training) Brainstorming and debriefing within the group Debate in plenary session
2nd sub-topic: Jurisdiction in criminal proceedings, cases concerning third-country nationals exploited in origin-transit-destination states.	Lectures/presentations on the legal framework and relevant case law Brief plenary discussion – Q&A Brief presentation of the case study 1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training) Brainstorming and debriefing within the group Debate in plenary session
3rd sub-topic: Challenges and good practices to fight human trafficking and protect the rights of victims who are third-country nationals.	Lectures/Presentations on the theoretical and legal framework, practices, and relevant case law Brief plenary discussion – Q&A Brief presentation of the case study 1 case study discussed in group sessions using the seven steps of problem analysis (participants

	<p>have prepared the case study prior to the training) Brainstorming and debriefing within the group ➤ Debate in plenary session</p>
<p>4th sub-topic: Existing cross-border legal referral mechanisms to uphold the rights of victims of human trafficking (refugees/other third-country nationals)</p>	<p>Lectures/Presentations on the legal framework and relevant case law Brief plenary discussion – Q&A Brief presentation of the case study 1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training) Brainstorming and debriefing within the group ➤ Debate in plenary session</p>
<p>5th sub-topic: How is the principle of non-punishment of victims taken into account in cross-border cases that involve victims who are third-country nationals?</p>	<p>Lectures/Presentations on the theoretical and legal framework and the relevant case law Brief plenary discussion – Q&A Brief presentation of the case study 1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training) Brainstorming and debriefing within the group ➤ Debate in plenary session</p>
Concluding session	Plenary discussion and feedback

Table 2: Training – The legal framework and judicial practices to grant financial compensation for victims of human trafficking

TRAINING SESSION	TRAINING METHODS
Introductory session	<p>1 presentation on the project, the training objectives and the ILOs Icebreakers</p>
<p>1st sub-topic: EU legislation and practices concerning financial compensation for victims of human trafficking</p>	<p>Lectures/Presentations on the legal framework, practices, and relevant case law Brief plenary discussion – Q&A Brief presentation of the case study and the seven steps of problem analysis 1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training) Brainstorming and debriefing within the group Debate in plenary session</p>

<p>2nd sub-topic:</p> <p>National approaches to grant financial compensation to victims who are third-country nationals</p>	<p>Lectures/Presentations on the domestic legal frameworks and practices, and relevant national case law</p> <p>Brief plenary discussion – Q&A</p> <p>Brief presentation of the case study</p> <p>1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training)</p> <p>Brainstorming and debriefing within the group</p> <p>Debate in plenary session</p>
<p>3rd sub-topic:</p> <p>Confiscation and seizure of assets from the defendants</p>	<p>Lectures/Presentations on the legal framework and relevant case law</p> <p>Brief plenary discussion – Q&A</p> <p>Brief presentation of the case study</p> <p>1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training)</p> <p>Brainstorming and debriefing within the group</p> <p>➤ Debate in plenary session</p>
<p>4th sub-topic:</p> <p>Recognition and execution of confiscation orders issued by another EU Member State in cases concerning victims who are third-country nationals exploited in the EU</p>	<p>Lectures/Presentations on the legal framework and relevant case law</p> <p>Brief plenary discussion – Q&A</p> <p>Brief presentation of the case study</p> <p>1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training)</p> <p>Brainstorming and debriefing within the group</p> <p>➤ Debate in plenary session</p>
<p>Concluding session</p>	<p>Plenary discussion and feedback</p>

Table 3: Training - Rights of unaccompanied children victims of human trafficking

TRAINING SESSION	TRAINING METHODS
<p>Introductory session</p>	<p>1 presentation on the project, the training objectives and the ILOs</p> <p>Icebreakers</p>
<p>1st sub-topic:</p> <p>Child trafficking and child protection. EU legal framework criminalizing child trafficking</p>	<p>Lectures/Presentations on the theoretical and legal framework, and relevant case law</p> <p>Brief plenary discussion – Q&A</p> <p>Brief presentation of the case study and the seven steps of problem analysis</p>

	<p>1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training)</p> <p>Brainstorming and debriefing within the group</p> <p>Debate in plenary session</p>
<p>2nd sub-topic:</p> <p>Legal strategies to protect unaccompanied minors from the risk of being trafficked in EU Member States</p>	<p>Lectures/Presentations on legal strategies and relevant case law</p> <p>Brief plenary discussion – Q&A</p> <p>Brief presentation of the case study</p> <p>1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training)</p> <p>Brainstorming and debriefing within the group</p> <p>Debate in plenary session</p>
<p>3rd sub-topic:</p> <p>Principles concerning the protection of children who are victims of human trafficking</p>	<p>Lectures/Presentations on the theoretical and legal framework, and relevant case law</p> <p>Brief plenary discussion – Q&A</p> <p>Brief presentation of the case study</p> <p>1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training)</p> <p>Brainstorming and debriefing within the group</p> <p>➤ Debate in plenary session</p>
<p>4th sub-topic:</p> <p>Legal provisions and practices providing child-sensitive procedures in front of prosecutors and courts</p>	<p>Lectures/Presentations on the legal framework, practices and relevant case law</p> <p>Brief plenary discussion – Q&A</p> <p>Brief presentation of the case study</p> <p>1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training)</p> <p>Brainstorming and debriefing within the group</p> <p>➤ Debate in plenary session</p>
<p>5th sub-topic:</p> <p>Financial compensation paid to trafficking children</p>	<p>Lectures/Presentations on the legal framework, practices and relevant case law</p> <p>Brief plenary discussion – Q&A</p> <p>Brief presentation of the case study</p> <p>1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training)</p> <p>Brainstorming and debriefing within the group</p> <p>➤ Debate in plenary session</p>
<p>6th sub-topic:</p>	<p>Lectures/Presentations on the relevant case law</p> <p>Brief plenary discussion – Q&A</p>

Analysis of cases concerning unaccompanied minors, victims of human trafficking in the EU	Brief presentation of the case study 1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training) Brainstorming and debriefing within the group Debate in plenary session
Concluding session	Plenary discussion and feedback

Table 4: Training – The Charter of Fundamental Rights of the European Union and its applicability to victims of human trafficking requesting asylum in Europe

TRAINING SESSION	TRAINING METHODS
Introductory session	1 presentation on the project, the training objectives and the ILOs Icebreakers
1st sub-topic: An overview of the EU Charter of Fundamental Rights	Lectures/Presentations on the CFREU Brief plenary discussion – Q&A
2nd sub-topic: The applicability of Article 18 of the EU Charter in the case of victims of human trafficking third-country nationals requesting asylum	Lectures/Presentations on the relevant CFREU provisions and case law Brief plenary discussion – Q&A Brief presentation of the case study and the seven steps of problem analysis 1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training) Brainstorming and debriefing within the group Debate in plenary session
3rd sub-topic: Correlation of the provisions from the EU Charter of Fundamental Rights, EU Directives and Conventions ensuring the protection of victims with refugee/migrant status	Lectures/Presentations on the legal framework and relevant case law Brief plenary discussion – Q&A Brief presentation of the case study and the seven steps of problem analysis 1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training) Brainstorming and debriefing within the group ➤ Debate in plenary session

<p>4th sub-topic:</p> <p>The effectiveness of the asylum procedures in the case of victims of human trafficking. The interface between human trafficking and the right to request asylum</p>	<p>Lectures/Presentations on the theoretical and legal framework, and relevant case law Brief plenary discussion – Q&A Brief presentation of the case study 1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training) Brainstorming and debriefing within the group ➤ Debate in plenary session</p>
<p>5th sub-topic:</p> <p>Victims of human trafficking rights under the EU Charter for Fundamental Rights</p>	<p>Lectures/Presentations on the relevant CFREU provisions and case law Brief plenary discussion – Q&A Brief presentation of the case study 1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training) Brainstorming and debriefing within the group ➤ Debate in plenary session</p>
<p>6th sub-topic:</p> <p>Non-refoulement principle concerning victims who are refugees</p>	<p>Lectures/Presentations on the theoretical and legal framework, and relevant case law Brief plenary discussion – Q&A Brief presentation of the case study 1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training) Brainstorming and debriefing within the group Debate in plenary session</p>
<p>Concluding session</p>	<p>Plenary discussion and feedback</p>

Table 5: Training – The right to a lawyer for victims of human trafficking who are refugees and third-country nationals

TRAINING SESSION	TRAINING METHODS
<p>Introductory session</p>	<p>1 presentation on the project, the training objectives and the ILOs Icebreakers</p>
<p>1st sub-topic:</p> <p>The right to legal assistance for victims of human trafficking with refugee/migrant status. EU and national legal framework analysis</p>	<p>Lectures/Presentations the EU and domestic legal frameworks, and relevant case law Brief plenary discussion – Q&A Brief presentation of the case study and the seven steps of problem analysis</p>

	<p>1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training)</p> <p>Brainstorming and debriefing within the group</p> <p>Debate in plenary session</p>
<p>2nd sub-topic:</p> <p>The role of lawyers in protecting the rights of trafficked persons</p>	<p>Lectures/Presentations on the role of lawyers</p> <p>Brief plenary discussion – Q&A</p>
<p>3rd sub-topic:</p> <p>National strategic litigations: presentation of cases from different countries</p>	<p>Lectures/Presentations on strategic litigation, domestic examples and relevant case law</p> <p>Brief plenary discussion – Q&A</p> <p>Brief presentation of the case study</p> <p>1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training)</p> <p>Brainstorming and debriefing within the group</p> <p>➤ Debate in plenary session</p>
<p>4th sub-topic:</p> <p>Good practices in the provision of legal assistance from lawyers to victims in different stages (identification phase, interview at police, residence permits, asylum procedures, criminal trial procedures, compensation claims, application of non-punishment procedures)</p>	<p>Lectures/Presentations on good practices</p> <p>Brief plenary discussion – Q&A</p> <p>Brief presentation of the case study</p> <p>1 case study discussed in group sessions using the seven steps of problem analysis (participants have prepared the case study prior to the training)</p> <p>Brainstorming and debriefing within the group</p> <p>➤ Debate in plenary session</p>
<p>Concluding session</p>	<p>Plenary discussion and feedback</p>

4.6. CASE LAW SAMPLE PRESENTATION

Training Rights of unaccompanied children who are victims of human trafficking

Case: 08-80787, Court of Cassation, third instance, France (FR-002-3)

Key facts:

An Ivorian national was illegally brought to France at the age of 15 to work in the house of the accused and care for the children. The victim was especially vulnerable as she was a child with no legal residence status. Her parents died during the period she was subjected to forced labour. She did not have a passport and was fully dependent on the family she was working for. More specifically, the victim did not receive remuneration for her childcare and domestic work. She did not go to school and did not have any days off or holidays.

She did not have any private space in the house as she was sleeping on a mattress on the floor in the same room with the children.

Legislation applied: Article 225-14 of the Criminal Code on living and working conditions contrary to human dignity; Article 1382 of the Civil Code regarding civil damages; Article 4 of the European Convention on Human Rights.

The Court of Appeal decided to dismiss the claim based on the living and working conditions contrary to human dignity, by noting that the alleged victim had affective relationships with the children of the family and had similar housing conditions as the family members. In addition, the Court of Appeal issued a civil penalty on the grounds of illegal employment of an immigrant and the abuse of a person's situation of vulnerability to obtain unpaid services. The decision has been appealed and the case brought before the French Court of Cassation.

Discussions/Debates

- Do you agree with the decision of the first instance Court? Why/Why not?
- What do we understand by "forced labour" according to the jurisprudence of the ECtHR?
- What do you think the Court of Cassation decided?

Training Charter of Fundamental Rights of the European Union and its applicability to victims of human trafficking requesting asylum in Europe

Case: Administrative tribunal of Toulouse, 9 November 2018, N° 1805185

Key Facts:

The applicant, a Nigerian citizen victim of a prostitution network of the Italian state, arrived in France and claimed asylum. Following a transfer order to Italian authorities issued by the prefect of la H.G, joined with house arrest, she lodged an appeal before the administrative tribunal of T., asking for the annulment of the transfer orders and for eligibility

to provisional legal aid. In addition, the applicant also asked the prefect to put an end to the transfer-order procedure and allow its asylum application file.

The applicant claims that the transfer order poses a risk of being exposed to inhuman and degrading treatments, as well as to systemic deficiencies of the Italian asylum system, disregarding Articles 3.2 and 17.1 of the Dublin regulation (EU) 604/2013 and Articles 3 and 4 of the ECHR. Furthermore, she argues that Article 4 of the Directive 2013/32/EU on asylum procedures and Articles 5 and 35 of the Dublin regulation aforementioned have not been correctly transposed into national law, in such a way as to ensure the right to effective remedy.

The applicant also complains about procedural issues - violations regarding the identity of the agent conducting her personal interview, the notification of the transfer order, and the justification made by the prefect in relation to the responsible Member State for her asylum claim.

The administrative tribunal of T. first reminds of the applicable provisions regarding the designation of a Member State to an asylum claim and its alternatives and Articles 3 and 17 of the Dublin regulation, recalling that it is for the judge to search for a risk of being exposed to inhuman and degrading treatments as a result of the reception conditions in the initially-designated Member State.

Discussions/Debates?

What would be the applicable law?

- Discussion on Articles 3.2, 17.1 and 35 of the Dublin regulation (EU) 604/2013, Articles 3 and 4 of the ECHR and Article 4 of the Directive 2013/32/EU on asylum procedures
- Discussion on Article 47 of the Charter

Training Legal framework and judicial practices to grant financial compensation for victims of human trafficking refugees and other third-country nationals

ECHR: Chowdury and Others v Greece, Application No. 21884/15, 30 March 2017

Key Facts:

The facts relate to 42 Bangladeshi nationals with undocumented status who worked in a strawberry farm in Manolada in Greece. The employers of the farm promised the workers wages of 22 euros for seven-hour labour and 3 euros for each overtime hour. They worked in plastic greenhouses picking strawberries every day from 7 a.m. until 7 p.m. under the supervision of armed guards. They lived in tents made of cardboard boxes and nylon without

running water, nor toilets. They kept being threatened by their employers that they would only receive their salaries if they kept on working for them.

After going on strike several times in order to receive their wages a further group of Bangladeshi nationals were recruited to work in the fields. Fearing that the wages of those recruited for the 2012-2013 season would not be paid, 100-150 of the workers demanded their salaries from their employers. Consequently, they were shot at by an armed guard, who seriously injured several of the workers.

After the hospitalisation of many of the workers and a subsequent investigation by the Amaliada prosecutor, the Patras Criminal Court acquitted the four defendants of trafficking in human beings on the ground that the objective element of the crime had not been established in the case. They convicted one of the guards and one of the employers for grievous bodily harm and unlawful use of firearms.

The Criminal Court appreciated that the workers had been aware of the conditions of living and the amount of salary and had freely accepted them, adding that during their free time they could move freely in the region and that there had been no proof that the workers' free consent had been vitiated or exploited.

Furthermore, the workers had the possibility to negotiate their salaries and their illegal stay in Greece had not been used as a mechanism to force the workers to continue working for their employers. The Court's decision was later appealed by the defendants. The applicants in turn requested the Prosecutor of the Court of Cassation to quash the decision of the Criminal Court, taking into consideration that the Court had not adequately examined the allegation of human trafficking and that a correct application of the Greek Criminal Code requires examining whether third country nationals' vulnerabilities had been capitalised upon in order to exploit them. The Prosecutor denied such a request, indicating that the conditions to appeal had not been met.

Before the European Court of Human Rights the applicants argued that they were subjected to forced labour and human trafficking and that Greece has failed to fulfil its positive obligation under Article 4 to protect them against these abuses, to conduct an effective investigation, and to prosecute the perpetrators.

Discussions/Debates?

- Do you consider that the decision of the Criminal Court was correct? Why/Why not?
- What do you understand by forced labour according to the jurisprudence of the ECtHR?

ECtHR: L. O. v France, Application No. 4455/14, 26 May 2015

Key Facts:

The Applicant, a Nigerian national, had been working in a restaurant in Benin City. One day, a client offered her work as a babysitter for his family in France. She accepted and the

client made all of the administrative arrangements for her departure, including obtaining a passport for her, which he kept in his possession. The Applicant arrived in France on 16 December 2010. She was locked up in an apartment for the first week and raped by that client repeatedly. Afterwards she was forced into prostitution by him, telling her that she owed him €50,000 for her travel and accommodation expenses. As a consequence, she began prostituting herself in Paris. Whenever she was unable to pay the weekly sum established by the client, she was beaten and raped by A. He also personally threatened her family on one of his visits back to Nigeria.

In 2011, the Applicant claimed asylum on the basis of a risk of FGM and arranged marriage. Her application was rejected by the French Office for the Protection of Refugees and Stateless People ('OFPRA') in its decision of 23 September 2011, confirmed on appeal on 16 April 2012. On 30 December 2013, she was arrested and consequently ordered to leave the French territory. While in detention, she filed a subsequent application, explaining that she had been a victim of a human trafficking network and that she had been unable to disclose this in her original application due to pressure from her trafficker. Her application was rejected on 14 January 2014 on the grounds that she had not provided sufficient evidence for the credibility of her application to be assessed.

Before the European Court of Human Rights ('ECtHR') the applicant claimed that forcing her to return to Nigeria would constitute a breach of article 3 of the Convention. She also asked for interim measures under Article 39 of the European Convention on Human Rights ('ECHR'). The following day, the ECtHR advised the French Government not to return the Applicant to Nigeria pending the outcome of proceedings.

Discussions/Debates?

- What do you think the ECtHR will decide on this case?
- What are the risks of her returning in Nigeria?
- What does Article 39 of the Convention provide in this respect?

Training International judicial cooperation in cases involving refugees and third-country nationals victims of human trafficking

Case: National Asylum Court, 24 March 2015, France, Decision No. 10012810

Key Facts:

The case concerns a Nigerian national from the Edo State who was forced into prostitution after being trafficked in France. She later reported to the police the names of those involved in the prostitution network and applied for asylum, also mentioning that she would be ostracised by her social and familial network, that she had not repaid the debt for her journey to Europe, and that she would be regarded as cursed by her community in Nigeria.

Stating that whilst the victims of trafficking were disapproved by the Nigerian society and given that the majority of female victims were later prostitutes in Europe, the French Office for the Protection of Refugees and Stateless People (OFPRA) found that this was not enough to constitute a particular social ground in accordance with the 1951 Geneva Convention and the Qualification Directive.

Moreover, the Office considered that no information had been provided to suggest that she would be submitted to persecutory acts if returned to Nigeria and, consequently, dismissed her asylum application.

This argumentation was later rejected by the CNDA in an appeal dated the 29 April 2011, which was subsequently brought forward in a subsequent appeal to the Council of State by the French Office for the Protection of Refugees and Stateless People (OFPRA). Quashing CNDA's decision the Council of State appreciated that OFPRA should have investigated whether, beyond the procuring networks from which they were at risk, the surrounding society or institutions perceived her as having a particular identity that would make her part of a social group within the meaning of the said Convention.

Discussions/Debates?

- Which criteria provided by the 1951 Geneva Convention determine a "social group"?
- What do you understand by "social group" according to the Directive 2011/95/EU?

Case: Dolj Tribunal, Romania, File No. 11476/63/2012

Key facts

By the complaint filed on 24.10.2011, the injured party B.A. requested the criminal prosecution of defendants T.M.I, G.A.V and G.D.M., showing that during the summer of 2011, by the false promise of finding a job, they recruited her, and subsequently transported her to Spain, where by threat they forced her to go to a club, to prostitute for their benefit.

In summer 2011, through a former schoolmate P.M., the injured party B.A. met two young people from Filiași city, the defendants T.M.I and G.D.M., whom she met on several occasions. During the discussions with the defendants T.M.I and G.D.M, they proposed the injured party B.A. to go with them to Spain, where she could find a well-paid job, without specifying its nature, and told her that they had been to Spain and Italy several times.

One evening, while returning from the restaurant with the defendants T.M.I and G.D.M, but also the witness P.M., the injured party B.A. was invited to the place of the two, where she also met defendant G.A.V., the sister (pregnant) of the first and the wife of the second. During the discussions the defendant G.A.V., she also advised her to go to Spain with them, where they could find a legal job.

The doubts of the injured party B.A. regarding the fact that she could get thrown "to the street", that is to say, prostitution, were removed by the accused G.A.V. who claimed

that she had a younger sister who had died under similar conditions, so she had no intention of doing the same, swearing herself on her unborn child. Moreover, the defendants T.M.I. and G.A.V. offered to help her by paying her the trip to Spain, the money being paid back by her for what she would have earned legally in that country. Given the delicate family situation of the injured party B.A. who was in a tense relationship with her parents because of a failed exam, she accepted the proposal, and decided to leave home.

The defendants of G.A.V., T.M.I., and G.D.M. partially acknowledged that they covered the travel expenses to Spain of the injured party B.A., facilitating her employment in a nightclub, where she had to dance, consume or maintain relationships with clients, claiming that this was done at the express request of the injured party, who was well aware of the situation.

Discussions/Debates?

- What is the applicable legal framework to this situation?
- Should the victim be entitled to compensation?
- What will be the decision of the tribunal?

5. TRAINING EVALUATION

The training review focuses on improvement and collecting quantitative and qualitative information on all aspects of training in order to determine whether the objectives have been achieved, and also the level of competence once the training ends.

Knowing the degree to which training programmes contribute to achieve objectives related to the improvement of knowledge and work practice, it is essential to reach a common understanding of the achievements, deficiencies, and lessons learned.

We have to consider evaluation as one important part of the whole training process, since it allows us to provide a transformation in generating knowledge and learning, as well as making decisions in relation to our methodologies and knowledge.

This phase of the process guarantees the effectiveness and reliability of the whole training process.

The final goal of this evaluation reference is to determine the quality of the training process carried out through four specific objectives:

1. To evaluate the quality of the training action itself through the participants' satisfaction questionnaire.
2. To determine the learning process of knowledge and skills developed through the training actions.
3. To measure the impact of each training action on the participants' daily performance.
4. To determine the impact of the training actions on the abilities and professional improvement of legal operators and professionals dealing with women victims of human trafficking.

5.1. Evaluation methodology

In order to evaluate the quality of the training courses, a series of tools are established for the collection of information and subsequent use in the establishment of actions that lead to the continuous improvement of the trainings and to the satisfaction of the participants involved.

There are 4 levels proposed in the evaluation of the training actions:

1. Reaction or satisfaction of the participants.

➤ What is evaluated? It seeks to investigate how participants react to training: how they assess the relevance of the contents, the performance of teachers, the organisation, the methodology, the fulfilment of the objectives, and other general aspects of the training intervention.

Aspects to evaluate:

- Organisation
- Methodology
- Applicability
- Competence and pedagogical aptitude of the trainers
- Organisation of the planning and development of the training action

➤ How is the information obtained? Generally, it uses questionnaires that participants respond at the end of the training. Other techniques can also be implemented, such as work groups, or in-depth interviews. The use of satisfaction questionnaires is standardised in most training schools.

➤ What instruments can we use? We can use instruments such as the satisfaction questionnaire. This evaluation questionnaire will have both a quantitative and a qualitative part of the process. In the event that the training process had different trainers, these satisfaction instruments should collect information from each participant.

➤ When? This evaluation will take place on the last day of the training.

2. Learning

The first results of the training are valued, which in many cases constitute the main objective of the training activities. If the participant has not learned, they cannot advance to the next levels.

➤ What is evaluated? It seeks to know the effectiveness of the formative action when developing the competences of the participants. Evaluation tests respond to this level gradually based on the demonstration by various means of the acquisition of a particular competence.

➤ How is the information obtained? The evaluation of this level is carried out by means of learning assessment instruments, for example: test, performance observation, evidence portfolio, or other modalities appropriate to the type of competence to be evaluated.

➤ What instruments can we use? To carry out this evaluation we can use knowledge assessment instruments. These instruments can be both a written test in which to be able to measure knowledge, or scenarios through case simulations, in which in addition to the content we can additionally evaluate the knowledge and the skills acquired (such as communication, collaboration, behaviour, etc.)

➤ When? This evaluation is carried out continuously (in the case of simulations or play role) and at the end of the training (in the case of the knowledge questionnaire).

3. Transfer or application

It means moving one step further in the knowledge of the effects of training; in addition to changes in people's competencies, it seeks to assess the extent to which this training is being applied in work environments.

- What is evaluated? Although the training has been developed correctly, it may happen that the learnings are not implemented for different reasons. Beside verifying whether learning is transferred to work performance, the evaluation identifies the factors that influenced the transfer. It constitutes another step in the verification of the changes generated by the training.
- How is the information obtained? Participants and their direct supervisors usually provide information through questionnaires and queries. This type of evaluation is more prevalent in the private sector.
- What instruments can we use? For this evaluation we can use a knowledge transfer survey of the professional activity that is completed by the beneficiaries of the training. With this survey we will have indicators of learners' perception regarding the transfer of training content to their professional performance.
- When? The transfer evaluation will be carried out two months after the completion of the training.

4. Impact

The translation of the training impact results. The assessment of the "cause-effect" relationship is achieved at this level, and it has to do with the impact of the training generated in the different areas of the organisation. But in addition to this, the impact assessment should not only focus on whether there are improvements or effects on the organisation, but also on identifying obstacles or factors that prevent such effects from being operational.

- What is evaluated? It seeks to verify the achievement of training objectives with different scope according to the type of intervention. These can be impacts that the training action has generated on the result of the work of people, on organisational results or on society as a whole.
- How is the information obtained? Define reliable, simple, and valid indicators that can be measured. It is also necessary to investigate the qualitative impacts that the training generated.
- What instruments can we use? For this level of evaluation, a survey similar to that of content transfer is developed, but this time it is aimed at people with a supervision/coordination role of the training attendees.
- When? The transfer evaluation shall be carried out at three to six months after the completion of the training.

5.2. Questionnaire models

Some questionnaire models are provided below for the three steps of the evaluation.

1. Satisfaction questionnaire

Model 1 SATISFACTION QUESTIONNAIRE OF THE TRAINING COURSE

1. Transnational training in.....date.....

The aim of this questionnaire is to ascertain your level of satisfaction with the training received.

Please, indicate, with an "X", from 1 to 5 your satisfaction level with the training received on the following aspects, from 1 ("strongly disagree") to 5 ("strongly agree"). If you consider you do not have enough information to answer a particular question, leave it unanswered.

CRITERION 1. TRAINING PLANNING	1	2	3	4	5
The dates and times of the training seemed appropriate to my needs.					
The training programme was made available well in advance.					
<i>Observations:</i>					
CRITERION 2. TRAINING DEVELOPMENT	1	2	3	4	5
Planned activities have been implemented.					
The pace of training has made possible to deal with all the issues properly.					
The materials recommended and used have been appropriate to the contents.					
The provided documentation and materials (manuals, sheets, reports, etc.) are clear and comprehensible.					
The audio-visual materials that have been used reinforced learning.					
The allocated time for training was suitable.					
<i>Observations</i>					
CRITERION 3. EVALUATION OF CONTENTS	1	2	3	4	5
Understanding content required previous knowledge.					
I believe the information provided is extensive.					

The information provided is up to date.					
The training topics are well connected.					
The contents will be useful for my professional development.					
<i>Observations</i>					
CRITERION 4. TRAINING STAFF	1	2	3	4	5
Training staff is sufficient and qualified to carry out training planning.					
The methodology in the presentation and organisation of the contents is adequate.					
The training staff allows/encourages me to participate in the training.					
The questions raised are resolved promptly.					
The personal treatment and the relationship environment of training staff/attendees are correct.					
<i>Observations:</i>					
CRITERION 5. RESOURCES AND SERVICES	1	2	3	4	5
The facilities and equipment are sufficient for the training development.					
Access to various sources of information, databases, and bibliographic collections is guaranteed to meet the needs of educational development.					
Necessary technology exists for the collection, processing, storage, transfer, and presentation of data and information.					
<i>Observations:</i>					
OVERALL RESULTS. Evaluate the whole training process	1	2	3	4	5
The training has met my expectations					
I am satisfied with the quality of the training staff					
I consider the training is useful					
I would recommend the training to other colleagues					

Model 2 TRAINING EVALUATION QUESTIONNAIRE

Transnational training in.....date.....

Part 1 of the Questionnaire

1. How do you evaluate the topics covered in this training? *Please mark with an X*

Very interesting	Interesting	Not interesting

2. Will the information obtained following your participation in this training be useful in the exercise of your profession?

Very useful	Useful	Not useful

3. Did the trainers have an interactive approach towards participants, in presenting the information?

Very interactive	Interactive	Insufficient interaction

4. How do you evaluate the training methods used for information delivery?

The training methods were varied and allowed interaction between trainers and participants	The training methods were not sufficient varied in order to allow a proper degree of interactivity between trainers-participants

5. Do you consider that there was sufficient time allocated to discuss each topic?

Plenty of time	Sufficient time	Limited	Insufficient time

6. Other suggestions/comments for the implementation of future judicial trainings for lawyers, prosecutors, and judges.

Part 2 of the Questionnaire (knowledge evaluation, depending on each training topic)

Training International judicial cooperation in criminal matters in cases involving refugees and other third country nationals victims of human trafficking

Questions	YES	NO
1. Is there a legal framework in your state that allows and facilitates the cooperation between the EU Member States on border issues in cases of human trafficking and refugees with third countries involved? If the answer is yes, could you mention it?		
2. Are there agreements between your Member State and third States on cooperation in cases of trafficking in human beings and refugees?		
3. Is there a specific penal/criminal law in your country on human trafficking victims that are third-country nationals?		
4. Therefore, does the legislation of your State provide for crimes of human trafficking committed in transit?		
5. Does your State have a Protocol of Good Practice against Trafficking in Human Beings from third countries?		
6. Do you consider that the human trafficking victims' rights are adequately protected in your State?		
7. In your State, do relevant regulations apply to victims of human trafficking and refugees in cross-border cases?		
8. If such legislation exists, is it effective and efficient in your State so as to guarantee the victim's rights?		

9. As regards the principle of non-punishment of victims of trafficking in human beings in cross-border cases, is it applied in your State?		
10. If such practice exists, is it effective and efficient in your State so as to guarantee victims' rights?		

Training Charter of Fundamental Rights of the European Union and its applicability to victims of human trafficking requesting asylum in Europe

Questions	YES	NO
1. As a legal professional, are you familiar with the EU Charter of Fundamental Rights?		
2 Do you find it effective in addressing the rights of victims of human trafficking?		
3 Are you familiar with the various ways in which Article 18 of the EU Charter is applied?		
4 Does Article 18 of the EU Charter apply in your State to victims of trafficking who are third-country nationals seeking asylum?		
5. Do you consider that there is an analogy between the EU Charter of Fundamental Rights, EU Directives, and Conventions to ensure protection for victims with refugee status?		
6 Has your state adopted regulations that transpose the EU Directives and Conventions so as to ensure the protection of the above-mentioned victims?		
7 Are legal and administrative asylum procedures effective for victims of human trafficking?		
8 Is there a specific asylum regulation in your state, in the case of victims of human trafficking?		
9 Does your State's domestic legislation contain the Principle of Non-Refoulement for refugees' victims of human trafficking?		

Training - Rights of unaccompanied children victims of human trafficking

Questions	YES	NO
1. Did you previously know the situation of unaccompanied children in the context of your country?		
2. Do you know the European legal framework on children's rights?		
3. Could you indicate the European legal framework criminalising child trafficking?		
4. Do you know the legal strategies on the protection of unaccompanied minors from the risk of being trafficked in the EU Member States?		
5. Is the right to be compensated for children survivors of human trafficking included in the EU legislation and national regulations?		
6. In practice, is financial compensation to children trafficking survivors possible?		
7. Do you know the rights of children in judicial proceedings?		
8. Do you know your national legal regulation regarding the procedure for determining age for children whose cases pose doubt as to their minority?		
9. Do you consider that the right of children to be heard in judicial proceedings is respected in the determination age process?		
10. The protection of unaccompanied migrant children is necessary because their situation of vulnerability leads to their exposition to organised crime or human trafficking. Do you consider the policies and European legal framework to protect them are sufficient?		

Training Legal framework and judicial practices to grant financial compensation for victims of human trafficking that are refugees / other third-country nationals

Questions	YES	NO
1. Are there harmonized guidelines at European level to calculate damages and compensation payments for victims?		

2. The right to reparation includes the right to file appeals and obtain reparation proportional to the seriousness of the damage suffered. Do you think that European governments fully comply with their acquired obligations?		
3. Do you consider compensation to victims a restorative tool?		
4. Do you consider the confiscation of the benefits of crime as a way to prevent them from being reused for new criminal activities?		
5. Does the confiscation and seizure of the defendant's assets contribute to the dismantling of the financial and economic structure of human trafficking networks?		
6. In practice, do you consider that the Member States apply economic sanctions to traffickers, in order to fulfil civil responsibility towards the victims?		
7. When full compensation cannot be obtained from the offender, should the State strive to compensate the victim by other means?		
8. Do you consider that there are very significant differences from one country to another in terms of amounts claimed for damages and the amounts granted?		
9. Do you think that most victims have the information and the support to request compensation?		
10. Is the right to compensation recognised internationally, and is it well established in the EU legislation and national regulations?		

Training - The right to a lawyer for victims of human trafficking who are refugees/other third-country nationals

Questions	YES	NO
1. Is the Declaration on the Elimination of All Forms of Discrimination Against Women approved by the Assembly General of the United Nations one of the first international legal instruments of trafficking in persons?		
2. Does the Istanbul Convention present an international legal framework for human rights that allows you to deal effectively and strategically with any kind of violence against women?		
3. As a defense lawyer, do you consider that the protection measures for victims of trafficking are for short-term and exclusively in judicial matters?		
4. Do you consider empathy is a necessary psychological quality for lawyers who provide legal assistance to victims of trafficking?		

5 Do you consider that national strategic litigation allows this issue to be included in the judicial agenda and to verify the level of international Treaties?		
6 Do you consider that the preliminary interview to the judicial declaration is an essential procedure to identify a victim of trafficking?		
7 Do you consider that at the beginning of the judicial procedure it is essential to have a forensic medical report of the trafficking victim that includes the physical injuries and sequelae and their psychological situation?		
8 During the development of the judicial process, do you consider important to have a stable and permanent service of judicial interpreters who allow you to conduct interviews with the victim of trafficking?		
9 Do you think that the training provided allowed you to improve your ability to identify and protect victims of trafficking?		
10 Do you consider that the judicial procedure facilitates the exemption of the victim from punishment for the criminal offenses that he/she has committed in the situation of exploitation suffered?		

Model 3: TRAINING TRANSPARENCY QUESTIONNAIRE MODEL

This questionnaire is intended to improve the knowledge on the impact of training on your professional development. Please indicate with an "X" your level of agreement or disagreement with the following statements.

What were the main reasons why you did the training?

	1	2	3	4	5
Acquisition of new professional skills in a field that was unknown					
Acquisition of new professional skills in my work area					
Professional promotion					
Others (specify)					

What has been the impact of training in professional development?

	1	2	3	4	5
There are aspects learned in the training that I put into practice in my job					

I frequently apply the knowledge acquired in my professional practice					
I have resolved doubts or errors in my professional activity					
I have discovered new situations in which I can apply this knowledge					
The training allowed me to obtain better results in my professional practice					
The training improved the quality of my professional development					
The training improved the quality of the relationship with the beneficiaries					
<i>Observations:</i>					

What aspects would you like to continue to learn?