

Questionnaire “B” on the role of training institutions in recruitment and initial training of judges and prosecutors

I. What are the ways of acceding (and the respective related procedures) to the functions of judge and prosecutor (examination, selection based on a file, etc.)?

In order to become a judge or prosecutor in the Republic of Albania, a person should graduate as a magistrate from the School of Magistrates, after 3 years of theoretical and practical training program.

To gain the right to be admitted to the School, a candidate for magistrates should have a University law diploma and high results within a predetermined number in the admission examination in the School.

II. How, following which periodicity and by whom, is the assessment of vacancies to be filled done?

The assessment of vacancies is done every year from the High Council of Justice for judges and the General Prosecutor for prosecutors.

III. What are the bodies which proceed to the selection of the candidates to the initial training for the function of judge or prosecutor? According to the way of acceding to the function of judge or prosecutor (cf. question I. above), please specify: a) the qualification of the persons proceeding to the selection: members of these selection bodies are they: i) exclusively judges and prosecutors? ii) in majority judges and prosecutors? iii) in majority persons who are neither judge nor prosecutor? and b) the selection procedure; do members of these selection bodies benefit from a specific training, for instance in the field of assessment techniques? If so, please give details;

Selection of candidates for judges and prosecutors to be admitted to the Initial Training is done from the School of Magistrates. It is done from an assessment commission, by way of a written and oral examination. The assessment commission is composed of judges, prosecutors, law professors, and well-known jurists. No fixed proportion regarding judges, prosecutors, or other jurists

IV. What qualifications are requested from candidates (university degrees, previous professional experience)?

Criteria asked from the candidates are as follows:

- Written request
- Law diploma
- Average grade above 8. (8 out of 10)
- Medical certificate
- Clear criminal records
- Recommendations

V. In the case of a selection done by way of an examination, what are the selection modalities (multiple choice questionnaire, written and oral examinations, psychological tests, etc...)?

In the School of Magistrates, the selection of the candidates for judges and prosecutors is done by way of a written and oral examination.

VI. What is the value of passing of initial examination (access to initial training as a tool for further selection, or as a tool to begin the professional career)? What are the consequences on curricula and assessment of training?

Tool to begin the professional career.

VII. Please give information on:

The framework of initial training;

The Initial Training in School is provided for in the Law on the School of Magistrates of Republic of Albania and also in the Internal Regulations of the School.

The duration of initial training – duration is 3 academic years

The qualification and the selection of trainers;

Selection of trainers is done from the board of the school. Director of school makes the proposal to the board and the board makes the appointment.

The method used in initial training (seminars, training periods in a jurisdiction, training period in other places, period of the curriculum during which these training periods take place);

First year of school – interactive lectures and seminars, short courses.

Second year of school – pre-professional practice, mock trials, practice in different justice institutions.

Third year of school – professional practice under the guide of an experienced judge or prosecutor.

The content of the initial training programs and its link with university curricula;

The Initial Training Program includes the following subjects:

- Civil Law
- Criminal Law
- Civil Procedure
- Criminal Procedure
- Commercial Law, Bankruptcy, Competition
- Constitutional Law
- Community Law
- Administrative and Public Procurement Law

- Family Law
- Labour Law
- Human Rights
- Professional Ethics
- Legal reasoning and writing
- Management of Court and Cases
- Private International Law
- Customs and Taxation Law
- Intellectual Property Law
- Commercial Mediation and Arbitration

Apart from theoretical subject, during the second year, candidates attend the following practical courses:

- Ombudsman
- Registration of property
- Property Insurance law
- Criminology
- Family Law
- Civil Procedure
- Trafficking
- Domestic violence
- Gender awareness
- Legal forensics
- Mock trials.

VIII. Is there an exit examination? If so, what is the value of this exit examination? Please give details about the methods of selection, the selection bodies and their membership;

At the end of each subject there is an exit examination, which is done to evaluate the work of the candidate. The examination is conducted from the subject pedagogue. Apart from this, an evaluation of the candidates is made from the Pedagogical Council of the School.

IX. Are there provisions for the training and tutoring for judges and prosecutors in the first years of their career (complementary training)? If so, what are the modalities?

There are no provisions for the training and tutoring for judges and prosecutors in the first years of their career but during the second and third years of the Initial Training Program in School, the candidates for magistrates have a tutor while they have their pre-professional and then the professional internship.

