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Council of Europe Co-Operation Programme to strengthen the Rule of Law

1st meeting of the Bureau of the European Network for the Exchange of Information between Persons and Entities responsible for the Training of Judges and Public Prosecutors

(LISBON NETWORK)

(Web site of the Lisbon Network: www.coe.int/lisbon-network)

Palais de l'Europe (Room 7) Strasbourg, 16 (10h00) – 17 (13h00) December 2004

QUESTIONNAIRE “B” ON THE ROLE OF TRAINING INSTITUTIONS IN RECRUITMENT AND INITIAL TRAINING OF JUDGES AND PROSECUTORS

Questionnaire “B” on the role of training institutions in recruitment and initial training of judges and prosecutors¹

- 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..)?

Prosecutors Office Act

§ 15. Requirements for prosecutors

(1) An Estonian citizen with active legal capacity who has attained at least 21 years of age, has acquired education according to an accredited law curriculum of academic studies, is proficient in Estonian to the extent established by or pursuant to law, who is of high moral character and has the necessary abilities and personal characteristics may be appointed as the Chief Public Prosecutor, a leading public prosecutor, leading prosecutor, public prosecutor, senior prosecutor, specialised prosecutor or district prosecutor.

The background of persons applying for prosecutor's service will be checked. The officials of the Prosecutor's Office authorised by the Chief Public Prosecutor have the right to interview previous colleagues, representatives of educational institutions etc in order to ascertain the moral character and other personal characteristics of the person and if necessary, obtain a written explanation from the interviewed person with his or her permission;

The Candidates have to pass the exam – written test and oral test (questions about Constitution, Criminal Law, Public Service etc). On the basis of the results the selection will be made.

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

Chief Prosecutor and Personal Department of the Prosecutors Office are responsible for that. The Minister of Justice or the Chief Public Prosecutor authorised to appoint prosecutors to office shall announce a public competition for a position of public prosecutor, specialised prosecutor, district prosecutor and assistant prosecutor in the official publication *Ametlikud Teadaanded*. Applicants shall be given at least two weeks after the date of publication of the notice for submission of their applications.

- 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;

The prosecutors' competition and evaluation committee is responsible for the selection of the candidates. Members of the prosecutors' competition and evaluation committee are:

Prosecutor General

2 State Prosecutors

2 District Prosecutors

1 Judge

1 Lawyer from the University

1 Official from the Ministry of Justice

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

An accredited law curriculum of academic studies is required.

- V. 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...)?

Look answer I.

- 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?

An Estonian citizen with active legal capacity who has attained at least 21 years of age, has completed higher education, is proficient in Estonian to the extent established by or pursuant to law, is of high moral character and has the necessary abilities and personal characteristics may be appointed as an assistant prosecutor (these are minimum requirements for the person who wants to become a prosecutor)

The candidates should have knowledge about Estonian Law, they have to be fluent in Estonian and they should know two foreign languages, basic skills needed to use the computer, good communication skills, responsibility, sense of duty, intellectual capability etc.

- VII. Please give information on:

There is no initial training for Prosecutors, but every Assistant Prosecutor works in close cooperation with higher level Prosecutor (State Prosecutor or District Prosecutor) who has obligation to instruct him/her.

- 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;

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- 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?

The average is 5 training days per year.