

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 prosecutors³

- 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..)?

There is not yet initial training for the judges in Finland at the moment. We are just reforming the system of the training of judges for the initial training. The prosecutors have an one year initial training to become a prosecutor.

You must have a higher university degree in law and completed one year training on the bench in the court of first instance to have a formal right to enter the profession.

At the moment the training to become a judge can be described as “learning by doing”, which means, that the usual way to the profession of a judge is through by working as a referendary clerk (senior secretary) in the court of appeal and after that to be appointed as a judge in a district court or a court of appeal.

In the future there will be an initial training for candidates besides of that.

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

The court of appeal announces the vacancies open and the Judicial Appointment Board will asses the suitability of the applicants. The judges will be appointed by the President of the Republic.

- 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

³ Members of the Lisbon Network are invited to send their replies to the Secretariat by E-mail (valerie.schaeffer@coe.int) for 31 March 2005 at the latest.

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;

In the future there will be the Judicial Training Board to choose the candidates to the initial training. The board will consist mostly of judges, but also from other persons of the legal profession.

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

The qualifications will be :

- a Masters Degree in Law
- Finnish citizenship
- Suitability
- Professional skills
- Other skills needed in the profession of a judge

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...)?

There will not be an entrance 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?

In the future the training activity will be more as a merit than today although without a formal position.

VII. Please give information on:

a) the framework of initial training;

There will be both theoretical studies and practical training in the training program.

b) the duration of initial training;

The duration of the training program will from one year to 2 and ½ years depending on the professional experience of the candidate.

c) the qualification and the selection of trainers;

The selection will be done by the Judicial Training Board.

d) 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);

There will be seminars, practical training periods, discussions with the tutor, exercises, reading and examination.

e) the content of the initial training programmes⁴ and its link with university curricula;

This will be decided later on. They will be subject related to the work of a judge and the proceedings.

VII. 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;

There is no exit examination.

VIII. 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 tutors will work in the initial training phase. For those, who will be appointed from the open carrier, there might in some cases be a tutor appointed.

⁴ For example: deontology, European and international law, foreign languages, international judicial co-operation, issues related to discrimination; practical studies in the field of forensic medicine, police, cadastre, social security, labour law, alternative dispute resolution (ADR), etc.; familiarization with the functioning of jurisdictions such as Supreme Courts, State Councils, etc...