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REPUBLIKA E SHQIPËRISË
JUSTICE APPOINTMENTS COUNCIL

METHODOLOGY ON EVALUATION AND SCORING FOR THE RANKING OF HIGH JUSTICE INSPECTOR CANDIDATES¹

1 Evaluation, scoring and ranking of candidates for the vacant position as High Justice Inspector is made on the basis of the special criteria provided in paragraph 3 of Article 147/d of the Constitution and, to the extent that it is not otherwise provided by these provisions, the general evaluation criteria provided in Article 240 of Law no. 115/2016.

2. Pursuant to paragraph 2 of Article 229 and paragraph 6 of Article 240 of Law no. 115/2016 “On the governance institutions of the justice system”, more detailed rules on the criteria and procedure for the evaluation, scoring and ranking of HJI candidates are set out in the normative sub-legal act, the decision of the Justice Appointment Council no. 5, dated 02.04.2019 “On the criteria and procedure for the evaluation, scoring and ranking candidates for vacancies in the Constitutional Court and the High Justice Inspector”².

3. Further details of the special and general evaluation criteria and the detailed determination of their specific weight in the scoring and ranking of HJI candidates are given in Annex 2 of the Decision no. 5 of the Justice Appointment Council, dated 02.04.2019 “On the criteria and procedure for the evaluation, scoring and ranking candidates for vacancies in the Constitutional Court and the High Justice Inspector”.

¹ Approved by Decision no.51 of 21.06.2019 of the Justice Appointment Council

² Published in the Official Journal no. 46, dated 4 April 2019

<http://qbnznew.qbz.gov.al/eli/fz/2019/46/78c76647-ff37-431c-b9ec-76501167cf68>



4. In the provisions of the above-cited laws and in Decision no. 5 of the Justice Appointment Council, dated 02.04.2019, the criteria for the evaluation, scoring and ranking candidates are classified in three categories:

- a) Professional merits;
- b) Moral merits;
- c) Organizational, leadership and management merits.

5. Annex no. 1 of Decision no. 5 of the Justice Appointment Council, dated 02.04.2019, determines in further details the breakdown of assessment criteria into categories, the list of criteria that make up each category, the maximum score of each of them, as well as the documentary resources and methodological principles subject to the evaluation and scoring of the Constitutional Court judge candidates.

6. In paragraph 12 of Decision no. 5 dated 02.04.2019, the Justice Appointment Council decided to approve the methodology containing explanations on the way how the Council is orientated and reasons, according to the specific qualities and data of each candidate in relation to the legal conditions and criteria for candidacy, for their evaluation and scoring.

7. This Methodology on Evaluation and Scoring for the Ranking of HJI candidates explains the orientations that the Council takes into account in evaluating and scoring according to each of the categories of candidate's merits.

1. PROFESSIONAL MERITS (50 points)

A. Educational and professional background (10 points)

Educational background (2 points)

According to this evaluation criterion, assignment of points by the Council to each candidate is based on the achieved result of higher education in law, second level diploma or equivalent to it, inside or outside the country, according to the stipulations in Article 7/a, point 1 letter "b", point 3 letter "d" of Law no. 8577/2000, Article 240 point 1 letter "c" of Law no. 115/2016, Article 124 of Law no. 80/2015 and sub-legal acts issued pursuant to this law regarding higher education.

For the assignment of points for each candidate regarding this evaluation criterion, the Council is orientated by the evaluation of the achieved result in law education and educational institutions attended by them, starting with the minimum legal result of average grade 8 and taking into consideration the state and type of school where the average grade of education has been achieved.

The provision of Article 7/a, point 3 letter "d" of Law no. 8577/2000 requires as a condition the average grade of 8 and above (or equivalent to it) even for the schools abroad or in the SoM, without specifying any advantages with additional points for the type of completed higher education, but only for the level of average grade. So, the evaluation for each candidate will take into account the assignment of 1 point starting from the average grade of 8.

Based on these considerations, the Council will be orientated in assigning points to each candidate according to the following evaluations:



- a) Average grade 8 - 9 = 1 point
- b) Average grade above 9 = 2 points

Given the different systems for the assessment of higher education results in different countries, as appropriate, the Council is orientated to generate an average grade equivalent to grade 8 by dividing the score achieved by the candidate with the maximum score determined by the relevant system, as well as from the internationally recognized Conversion Table for this purpose.

Postgraduate qualifications (5 points)

Postgraduate qualifications contribute to increased professionalism. This criterion assesses the type and level of engagement of a candidate in attending professional training activities that enable the achievement of greater professionalism in the exercise of professional functions and obligations.

Postgraduate qualifications, as one of the indicators through which the professional level of candidates is assessed, referring to the legal criteria for evaluation and the scoring methodology determined according to Law no. 8577/2000 "On the organization and functioning of the Constitutional Court of the Republic of Albania", and Law no. 115/2016 "On the governance institutions of the justice system", which are also given in detail in Annex no. 1 of Decision no. 5, dated 02.04.2019 of the Justice Appointment Council "On the criteria and procedure for the evaluation, scoring and ranking candidates for vacancies in the Constitutional Court and the High Justice Inspector", are assigned in total 8 points.

To carry out a more objective assessment of candidates who are holders of academic titles, scientific degrees, or having completed the School of Magistrates or other long-term studies, executive masters and other trainings, the criteria set out in the Law on Higher Education (Law No. 80/2015), which was in force at the moment of adoption of amendments to Law no. 8577/2000 and the Law no. 115/2016, should be taken into consideration.

Therefore, the Council will be orientated that, in the evaluation and scoring of the professional merit of candidacies for this legal criterion, may assign:

1. For *Academic Titles* (including the titles of "Professor" and "Associate Professor") :

- a) Professor: 3 points
- b) Associate Professor: 2,5 points

2. For the *Scientific Degree of "Doctor"*: 2 points

3. If the academic title or the scientific degree "Doctor" (PhD) was obtained at universities of OECD or EU member countries, 0.5 points are added to the candidate.

4. For *Long-term studies*, including the School of Magistrates, Executive Master and long-term specialized studies, to be evaluated as follows:

- a) Executive Master 1 - 1,5 points
- b) Long-term specialized studies 1 - 1,5 points
- c) School of Magistrates 1,5 - 2 points

5. If the candidate, in addition to the School of Magistrates,

- a) has also completed the executive master or long-term specialized studies, 0.5 points are added;
- b) has obtained the scientific degree "Doctor", 1 point is added;



c) has obtained the academic title “Associate Professor”, 2 points are added;
ç) has obtained the academic title “Professor”, 3 points are added.

6. If the executive master or the long-term specialized studies were completed or obtained at universities or institutions of OECD or EU member countries, 0.5 points are added to the candidate.

7. For *Other trainings*, including trainings with a minimum duration of 2 weeks, taking into consideration the general duration of trainings in certain fields, the training institution, and the training accompanied by an evaluation certificate, the Council may assign up to 1 point for the candidate.

Knowledge of foreign languages (3 points)

In assessing the knowledge of foreign languages, in cases when the Council deems it necessary, it will appoint foreign language experts who shall give an opinion on the language skills of the candidate.

The candidate’s language skills may be evaluated up to 2 points.

For the specific assessment in points of each candidate regarding the level of foreign language skills, the Council will be based on:

a) In international tests and methods, the criteria on the level of knowledge of foreign language used by higher education institutions according to the provisions of Law no. 80/2015, especially Articles 76 and 78 thereof, as well as instruction no. 52 dated 03.12.2015 (as amended) “On the determination of the levels of foreign languages and international tests for admission to second and third cycle study programs in higher education institutions”, including the Common European Framework of Reference for Languages.

b) In the written opinion provided by the experts, who, after the interview with the candidate for this purpose, will give their assessment on the level of foreign language knowledge. In addition to the interview, the expert may also support his/her opinion in the written work of the candidate in foreign language.

The Council will consider in the evaluation and scoring of the level of foreign language skills, according to this criterion, the knowledge by the candidates of five foreign languages, English, French, German, Italian and Spanish, as indicated in Articles 76, paragraphs 4 and 78, paragraph 3 of the Law no. 80/2015. Specifically, the Council will consider the level of English and French language skills in its evaluation.

Evaluation of the level of foreign language knowledge will be orientated on the language or one of the languages that the candidate himself/herself declares in advance that he/she prefers to be tested during the interview. On the other side, by accepting to lose the relevant points for this evaluation criterion, the candidate may choose, according to his/her own consideration, not to be subject to the Council’s assessment of foreign languages during the interview.

The Council also takes into account the knowledge of other languages declared for which he/she is not tested during the interview, provided that they are accompanied by valid assessment documents for their level of knowledge. In such a case, the candidate, in addition to the concrete evaluation with points for the foreign language chosen by him/her for scoring, 1 point may be added.



In addition, depending on the professional CVs of the candidates and the valid documentation submitted by him/her, the Council will determine, on a case-by-case basis, candidates who do not need to undertake the verification action in the interview of the level of foreign language knowledge. Such cases may be, inter alia, attendance of full-cycle higher studies at recognized universities abroad.

B. Overall professional qualification (30 points)

Following a first screening of the candidates according to their education and professional background (Section A *Educational and professional background*), this Section B scheme aims to identify those candidates who have performed outstandingly in the respective profession. Section B aims to evaluate and score the candidates based on their distinguished and excellent professional results, broadly considered.

In scoring each candidate the Council will assess both the quantity and quality of professional results, with a particular focus being placed on quality. Accordingly, the Council may consider assigning a maximum of 25 points as part of the qualitative assessment, and a maximum of 5 points as part of the assessment of the quantity of professional results.

Quantitative evaluation

The quantitative evaluation may be carried out in the light of the information detailed in the CV or other documents providing statistical evidence of the quantity and typology of the works and professional documents of the candidate, prepared in fulfillment of professional functions and activities, according to the respective profile. This quantitative information may relate to documents including but not limited to: court decisions, requests for trial, indictments, lawsuits, submissions for case defense, acts opposing decisions, administrative acts and submissions in administrative practices prepared with contributions from the candidate, different representations of public or private interests before justice bodies or institutions inside or outside the country, presentations, articles and scientific and professional publications.

In assigning the available scores the Council may take a comparative approach; i.e. by referring to the productivity of an 'average' colleague. Average productivity may result in 1 score; the remaining scores may be assigned depending on the typology of the works and professional documents of the candidate.

Qualitative evaluation

Among all the works and professional documents produced during his/her career, the candidate selects and submits to the Council the five most relevant according to him/her, showing his/her intellectual and professional capacities to the highest extent.

Additional elements on the quality of the professional results may be drawn from official documents for the results of the professional evaluation process presented by the candidate or requested by the Council from the relevant authorities, and official documents revealing the quality and achievements during the work experience, from national and international institutions.

All five documents will be evaluated by the Council on the basis of indicators such as:

1. Originality and/or impact (including plagiarism check) of the document

The Council, in this case, shall assess the level of new knowledge extracted from the five documents submitted by the candidate – instead of summarizing knowledge already known – although the candidate may have drawn arguments from other research work to back up his/her arguments. In the case of magistrates and advocates, this may be assessed through the ability to influence the evaluation of new case law or new interpretation of the law, where legal gaps exist or where the law is unclear. In the case of law professors and lecturers, originality and impact could be interpreted as contributing to a new viewpoint to existing research, or, whether the works of the candidate have drawn new conclusions from a series of published research data. In the case of senior employees in the public administration, originality is interpreted as the ability to influence and contribute to new sound policy decisions in compliance with law, constitutional principles and international standards, tailored to the local context.

2. Analytical skills

Analytical refer to the ability to collect and analyze information and to identify solutions through a logical development of legal concepts. A key element to analytical thinking is the ability to identify cause and effect relationships and examine how new concepts, institutes, provisions relate to the original ones, or how they apply them in context. In the case of magistrates and advocates and, to a certain extent, in respect of law professors and lecturers these would be assessed through the ability to identify a legal issue, frame it within general doctrinal principles, identify the relevant sources of law and to provide arguments regarding the applicable principles and law provisions in order to solve the problem. Analogously, in the case of senior employees in the public administration analytical skills would be construed as the ability to anticipate problems by identifying in advance the consequences of policy decisions and provide effective solutions thereto.

3. Research skills

Research skills refer to the ability to search for, locate, extract, organise, evaluate and use information that is relevant to a particular topic. In this respect, the Council would assess the extent to which, in the 5 works submitted, the candidates make use of and compare different sources from the national legal system; sources from different legal orders; identify relevant national and international case law and relevant data in support of a certain decision or interpretation.

4. Accuracy and conciseness

Accuracy refers to the proper coverage of topics in appropriate detail, while conciseness relates to conveying only the needed material, reducing repetitions and removing unnecessary details. The Council would assess here whether the documents presented by the candidates contain a clear problem statement; outline preliminarily the problem; make correct and consistent use of technical terms, refer to and handle effectively, in the right place and according to the type of intent of the act, the consolidated judicial practice, the unified practice of the High Court, the case law of the CC, the ECtHR and the whole jurisprudence.

5. Clarity



Clarity refers to ease of understanding and readability. The Council shall assess here whether the works submitted by the candidates make use of: simple and direct language; correct use of grammar and syntax rules; careful choice of language, paragraphs and sentence structure to express the meaning; effectively worded headings in order to guide readers and to help them keep the large picture in focus.

Given the explanations above, the Council will evaluate the five documents according to these indicators, setting for each of them the following maximum scores:

Indicator	Maximum Scores*
Originality and impact	6
Analytical skills	6
Research skills	4
Accuracy and conciseness	5
Clarity	4
Total	25

*In case of plagiarism the overall results may be assessed as 0.

C. Additional professional qualification (10 points)

Relevance of professional experience regarding the role and functions of the HJI (7 points)

Ideally the position of HJI would be filled in by a candidate with expertise and demonstrated ability in inspections and investigations, including criminal, civil, administrative, disciplinary or human rights investigations, as well as in public administration, or management analysis.

Accordingly, this third component of the assessment of professional merits aims to assess the importance and usefulness of the specialization achieved regarding the role and functions of the HJI. As such, the perspective of assessment is different from the evaluation of 'overall professional qualification' in Section B above.

In scoring the candidates, the Council will consider the specific involvement of the candidate in conducting or supporting civil, criminal and/or administrative investigations, as well as professional experience as general investigators, auditor, attorney, analyst, evaluator, prosecutor, inspectors, and other investigative research specialist. The Council will consider in particular the type, complementarity, depth and duration of special or profiled engagement in such activities.

Accessory professional engagement (3 points)

This criterion is aimed at assessing only engagements, which have not been evaluated by the Council under the previous criteria, either under the 'overall professional qualification' or under the 'specialization in constitutional or human rights law OR expertise in other special areas of law'. The Council may evaluate, in particular, presentations in national and international scientific conferences (based on speeches submitted); contributions to drafting of legislation (based on documented input provided); consultations, as documented; relevant honorary positions and engagements in the legal field; etc.

In assigning the available scores, the Council may consider aspects such as, quantity and quality of the engagement, the role played by the candidate and impact in the specific activity, and international expansion of the engagement.

2. MORAL MERITS (30 points)

The assessment of moral merits can be problematic, because such characteristics of a person are extremely difficult constructs to define. A common criticism is that assessments of moral merits tend to have high failure rates, are subjective, and the use of very stringent scoring may result in the rejection of honest candidates.

Where sufficiently reliable sources reveal deficiencies of a candidate in such regards, the respective candidate should be ranked lowly, though he/she might have outstanding cognitive skills. In order to avoid that a person with such outstanding cognitive skills, but low moral merits is highly ranked, the ranking scheme provides for a rather high range of scores.

One of the big challenges of the Council will be to find respective sources and to determine their reliability. The Council members will need to corroborate information received.

Integrity is a characteristic a person has or does not have. Therefore, in case of indications from reliable sources regarding a deficiency in integrity, the Council will possibly score 0.

Being aware of these background considerations, under this section the Council will assess whether and to what extent the candidate respects, endorses and upholds the founding values of the work of the HJI, such as integrity, reserve and discretion, and responds to the public's expectations, demonstrating personal qualities of wisdom, loyalty, courage, seriousness and prudence. The HJI at the head of the inspectorate office should be aware that the professional behaviour, private life and conduct in society have an influence on the credibility of the organization, on the image of justice and on public confidence in the justice system.

In these regards, the work of the Council will be guided by the quality standards for inspections and evaluations elaborated in other countries, especially the Council of the Inspectors General on Integrity and Efficiency (CIGIE) standards elaborated in the United States.³ Also, by analogy to the principles on judicial ethics elaborated for judges, the work of the Council will be guided and informed by the Bangalore Principles of judicial conduct and the related commentary,⁴ and the principles on judicial ethics elaborated by the European Network of Councils for the Judiciary (ENCJ).⁵

Ethical and moral integrity (15 points)

The HJI should fulfil his/her role with integrity, in the interests of justice and society. Ethical and moral integrity of the figure of the HJI should apply both in public life and personal life. Integrity is

³ CIGIE, Quality Standards for Inspection and Evaluation, January 2012, <https://www.ignet.gov/sites/default/files/files/iestds12.pdf>

⁴ UNODC, Commentary on the Bangalore Principles of Judicial Conduct, September 2007, https://www.unodc.org/documents/corruption/publications_unodc_commentary-e.pdf

⁵ ENCJ WORKING GROUP Judicial Ethics Report 2009-2010, <https://www.encj.eu/images/stories/pdf/ethics/judicialethicsdeontologiefinal.pdf>



the attribute of rectitude and righteousness. Building, by analogy, on the ethical principles elaborated for judges, the Council may assess the following elements (as set out in the ENCJ principles):

1. Independence in the exercise of duty

Ideally the HJI knows the ins and outs and challenges of the work of a magistrate on one hand, and on the other hand is free of corporatist connection and mindset, in order to be able to investigate and carry out inspections. The Council may consider the following when assessing this indicator:

- The candidate showed independence in this work so that opinions, conclusions, judgments, and recommendations will be impartial and will be viewed as impartial by knowledgeable third parties.
- The candidate is not in such informal relationships with magistrates that could lead reasonable third parties with knowledge of the relevant facts and circumstances to conclude that the HJI or inspectors are not independent and, thus, are not capable of exercising objective and impartial judgment in conducting and reporting on an inspection or carry out an investigation?

2. Obligation of honesty, fairness and respect

The Council may consider, in evaluation, that the fulfillment of this professional obligation requires that the candidate in the exercise of his/her profession and functions must demonstrate and prove that in a conscious and truthful manner he/she avoids any behavior that shows lack of respect, self-restraint, sensitivity, attention or inappropriate and offensive approaches, not just mere avoidance of behavior that formally qualify as being in violation of the law.

In addition, the Council may consider in evaluation whether and to what extent the candidate has shown care and shows care to the following:

- The candidate exercises and has exercised (in the past) the professional functions without favoritism.
- The candidate does not seek unwarranted interventions in order to achieve any transfer, appointment or personal promotion, nor act to seek the benefit of any advantages for himself/herself or for others.
- The candidate refuses to accept any gifts or advantages for himself/herself or for those close to him/her while exercising the function of judge or other profession.
- The candidate exercises the professional functions by applying loyally the rules of procedure.

3. Obligation to respect honor and dignity

Regarding dignity, the Council assesses whether the candidate, on one side, has shown and promises to show attention and interest in respecting the dignity of individuals and, on the other side, whether the candidate proves that he or she behaves and acts in accordance with the law.

Regarding honor, the Council assesses whether the candidate proves that he/she does not prejudice honor in behaviours and activities by ensuring that through his/her professional practice and life and his/her person, he/she has not violated and does not endanger the image and public figure of the judge, the court, and the justice system.

Therefore, the Council may also consider whether, as well as to what extent, the following applies to the candidate's behaviour and performance: Does the candidate behave with courtesy with regard to all professionals and staff involved in day-to-day work, the administration and secretariat, clerks, advocates and lawyers, magistrates, other involved parties, clients, students, and the press?

The Bangalore Principles set out that there are no degrees of integrity as so defined. Integrity is absolute. For the position of the HJI, integrity is more than a virtue: it is a necessity. Therefore, according to the circumstances, in assigning the available scores under this indicator, the Council may consider the following options:

- a) If there is no information available indicating that the candidate lacks integrity, the conclusion should be in favour of the candidate.
- b) If there is information that the candidate is (or has been in the past) in one of the situations envisaged above, 0 points will be assigned under this indicator.

Personal knowledge of a candidate by members of the Council cannot be considered a sufficient source, by itself. In general terms, the Council will draw information from sources such as expressions used by the candidate as documented or in public statements, records of hearings, evidence from official documents, etc.

Reputation (8 points)

There are different types of personalities (different sciences have identified different types), depending on which, a person tends to become known to a wider or more restricted circle of persons. Extrovert and activist personalities naturally seek and may obtain more publicity, while introvert or withdrawn personalities, will rather act on a smaller and more limited scale.

In addition, a person may have had the chance to become known by a wide public due to random occasions, for example due to his/her expertise in a certain area which at a certain point in history becomes relevant for society, or not, or his/her position in a certain period of time, while another person was not exposed to public relations but has established a reputational aura within his/her more limited professional environment.

The Council will take care that the different kinds of personality or other more random occasions and the effects it has on the reputation do not put certain candidates *ex ante* (based on predictions rather than facts) at an advantage or disadvantage in relation to others.

In general, the rationale of this indicator is to assess whether and to what extent the candidate fulfils the expectations of citizens and the society in respect of both professional qualities, such as reserve and discretion, diligence and respect, and personal qualities such as wisdom, loyalty, humanity, seriousness and prudence.

Reputation, as such, is built on and draws from integrity and professionalism, which are also assessed elsewhere in the scoring and ranking scheme. A good reputation triggers trust, but reputation goes beyond the *de facto* performance of the individual; a substantive part of the reputation is related to perception. Indeed, according to the CIGIE, the standard for inspection work is that “in all matters relating to inspection work, the inspection organization and each individual inspector should be free both in fact *and appearance* from personal, external, and organizational impairments to independence”. Accordingly, to avoid overlaps with the assessment made under other sections, the Council may consider assessing here only aspects which were not evaluated before.

In assigning the available points the Council may assess the extent to which the following perception prevails:

- The candidate has avoided conduct likely to promote the belief that his/her decisions are driven by motives other than the fair and reasoned application of the law.
- The candidate carries out his/her professional duties in a diligent and efficient manner; he/she is considered a hard-working person with hands on attitude, and is a model for others in commitment
- The candidate removes excess and extravagance in the exercise of his/her functions.
- The candidate performs professional functions with loyalty, i.e. the candidate does not exceed the powers entrusted in him/her and exercises them, and he does not conduct activities resulting beyond the legal limits in relation to the legal status and the professional duties carried out
- The candidate has a sense of humanity.
- The overall behaviour of the candidate can be considered appropriate in relation to the professional duties and general expectations for the HJI. Seriousness and propriety require abstention from a range of counterproductive work behaviors such as:
 - o theft/destruction or abuse of property;
 - o misuse of information, including impeding organizational knowledge flows (for example, intentionally hiding knowledge when colleagues request it, or accumulating information, while concealing the fact that they possess it);
 - o misuse of working time, staff and resources for private purposes,
 - o *cyber-loafing*, i.e. Surfing the web in any form of non-job- related tasks, including lengthy private phone calls;
 - o bullying (p.e. Progressive and systematic maltreatment of colleagues or subordinate staff, through verbal abuse, gossiping, social exclusion, or the spreading of rumors);
 - o poor attendance (absenteeism, lack of information on absences at work);
 - o behaviors and activities in everyday life for the realization of different individual interests that are not perceived as being expected or appropriate by an individual in the exercise of a certain professional function or duty assigned or who may exercise the duty of the HJI;
 - o alcohol or drug use, etc.

Commitment to the pursuit of the causes of civil society (2 points)

This criterion is aimed at assessing only engagements, which have not been evaluated by the Council under the previous criteria, in particular under ‘accessory professional engagement’.

Engaging in a field other than law offers a candidate the opportunity to broaden his or her horizons and gives the candidate an awareness of problems in society which supplements the knowledge acquired from the exercise of duties in the legal profession.

As regards judges, the Bangalore principles of judicial conduct clearly set out that a judge may participate in community education and may engage in appropriate extra-judicial activities so as not to become isolated from the community. The Council considers that the same approach can be applied to the figure of the HJI. In this respect, the Council, may assess whether the candidate engages with and/or commits to any of the following activities:

- Participation in community civic education, in the form of speaking, teaching or participating in other extra-judicial activities.
- Engagement in the arts, sports, and other social and recreational activities, if such activities do not detract from the dignity of the candidate’s office or interfere with the performance of duties.

- Participation in community, non-profit-making organizations of various types as a member of the organization and its governing body. Examples include charitable organizations, university and school councils, lay religious bodies, hospital boards, social clubs, sporting organizations, and organizations promoting civic, environmental, cultural or artistic interests.

3. ORGANIZATIONAL, LEADERSHIP AND MANAGEMENT MERITS (25 points)

Quality of the program and vision presented (8 points)

The Council will assess here the quality, depth and originality of the evaluations and objectives identified by the candidate in the programme and vision document, for the purpose of achieving a qualitative and effective organization and functioning of the office of the HJI in the exercise of the functions and competencies specified in the Constitution and the law.

In relation to this indicator the Council may assess the following:

- Does the candidate understand his/her role as HJI and the role of the Office of the HJI as such?
- What is the vision of the candidate in relation to main challenges this new institution will be faced with, from both substantive and organizational perspectives?
- How does the candidate propose to address these challenges?

Decision-making skills (10 points)

The Council will assess here the level of skills acquired in the experiences, positions and responsibilities covered, as regard aspects dealing with management, conduct and administration of the affairs.

The HJI at the head of the office will be required to adequately manage a team, lead and inspire the employees, keep discipline and oversight, plan or oversee inspections.

Investigation of disciplinary misconducts will regularly follow complaints. Ideally, the HJI is aware of weaknesses of the system. By conducting proactive investigations, the HJI collaborates with other partners to efficiently identify and stop malpractices and deficiencies. Though, as a rule triggered by external factors, inspections need to be planned and well structured. The ideal candidate therefore is able to guide and monitor the planning of investigation procedures.

As manager he/she will have to take every-day decisions. Some of these decisions have major impacts on the institution, team members or the justice system in general. To minimize negative consequences, decisions that are complex or have a high impact should be made using a systematic analytical approach rather than a 'gut feel' approach.

Inspection planning must ensure appropriate and careful selection of inspection topics and preparation of their conduct. These activities must be adequately coordinated to avoid duplication. Research, work planning, and coordination should be thorough enough, within the time constraints

of the inspection, to ensure that the inspection objectives are met.⁶ The ideal candidate for the position of the HJI would thus have strong planning, coordination and organizational skills, and proven ability to work under pressure and to honor deadlines.

With a view of establishing uniform standards in the institution the HJI will need to elaborate standard operating procedures, including but not limited to manuals, guidance papers, forms, templates and IT structures.

In assessing the extent to which candidates have developed these skills throughout their past professional experience, the Council may decide to assign additional scores to candidates who have held leadership positions, oversight roles or carried out functions involving decision making with direct effect on third parties, setting up of time frames for deliveries and planning work assignments. The council will assess here:

- a) the candidate's ability to clearly organize administrative activities through the assignment of tasks and issuance of orders to ensure timelines and the best use of the available resources,
- b) the overall organization of the structure where the candidate has exercised a leading role;
- c) planning and efficient use of public funds, according to the needs of the structure;
- C) the candidate's ability to lead, inspire persons and lead by model both the supervised staff and third parties;
- d) oversight skills of the candidate, with a view to improving information in public reports.

Communication and public representation skills (5 points)

The ability of the candidate for clear, timely and transparent communication is assessed through the communication skills indicator. Communication skills play a key role in the performance of the function of the HJI. The CIGIE standards set out that "Each inspection organization should seek to facilitate positive working relationships and effective communication with those entities being inspected and other interested parties." Communication is a core leadership function. Effective communication and effective leadership are closely intertwined. Effective communication is relevant both internally (i.e. in the performance of the duties of the institution) as well as externally.

Good communicators are also good listeners. Listening allows to gain a clear understanding of another's perspective and knowledge. Good communicators affirm their statements with actions and are able to play with their congruent speech and action as role model in their institution. Good communicators are able to inspire people. The public image of the new institution to be shaped through communication with the public and the media is crucial to building up its credibility and to enhancing public trust in the judiciary.

Accordingly, the Council will assess whether a candidate is able to communicate with others, whether the candidate expresses him/herself in a clear, easily understandable, measured way, with respect, and in a non-discriminatory manner.

In addition, the Council will assess whether the candidate has experience in establishing good communication within an institution and in communicating sensitive matters in a transparent manner to the public, by abiding to the rules of confidentiality of investigations and inspections; or at least has the potential for it.

⁶ See also CIGIE

Information of this kind can be drawn especially from the interview, as well as from documentary sources.

Team work, and work in multidisciplinary environment (1 point)

The adequate candidate to become HJI has broad professional competences and skills. He/she should provide evidence of the ability to adapt quickly to new developments. The candidate should demonstrate a methodical approach to work as well as the ability to be part of a working community, i.e. to work in teams with colleagues and staff members. Under this indicator, the Council will assess the exposure of the candidate to team work, international and multidisciplinary environments during the career.