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TRAINING NEEDS ASSESSMENT FOR THE SERBIAN JUDICIAL ACADEMY

Results and recommendations

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LIST OF ACRONYMS

AP	Action Plan for Chapter 23
CFCU	Department for Contracting and Financing of EU Funded Programmes
ECHR	European Convention on Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
ERA	Academy of European Law
EIPA	European Institute for Public Administration
EU	European Union
HJC	High Judicial Council
ICT	Information and Communication Technologies
JA	Judicial Academy
MoJ	Ministry of Justice
PC	Programme Council
PROFID	Project Fund for Institutional Development
RS	Republic of Serbia
SCC	Supreme Court of Cassation
SPC	State Prosecutorial Council
SPO	State Prosecutor's Office
TNA	Training Needs Assessment
ToT	Training of Trainers
USAID	United States Agency for International Development
WG	Working Group

I INTRODUCTION

It is essential that judges receive detailed, in-depth, diversified training so that they are able to perform their duties satisfactorily. Acknowledging this, several international instruments recognise the importance of judicial independence and hence judicial education and training. **Article 6 of the Convention on the Protection of Human Rights and Fundamental Freedoms** provides that “*everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.*” The **United Nations Basic Principles on the Independence of the Judiciary 1985** recognises that “*consideration be first given to the role of judges in relation to the system of justice and to the importance of their selection, training and conduct.*” The **International Covenant on Economic, Social and Cultural Rights** and the **International Covenant on Civil and Political Rights** both guarantee the exercise of those rights, and the International Covenant on Civil and Political Rights further guarantees the right to be tried without undue delay. There are a number of regional frameworks that also provide guidance to states on their obligations with respect to judicial training, The European Charter on the Statute of Judges of 1998 makes numerous references to the level and scope of appropriate training that judges should receive both pre-service and in-service. The Council of Europe has also developed a set of instruments governing key aspects for establishing an efficient system of education and training of judges. These include: the Committee of Ministers Recommendation No. (2010) 12 on Judges independence, efficiency and responsibilities; Recommendation No. (2004) 4 on the European Convention on Human Rights in university education and professional training; the Opinions of the Consultative Council of European Judges (CCJE) No 1 (2001) and No 3 (2002); and most importantly the Consultative Council of European Judges (CCJE) (2003) Opinion No 4 on appropriate initial and in-service training. The need for the independence of judicial training institutions, the importance of appropriate training for young judges, particularly focused on the acquisition of skills and “judgecraft” qualities, as well as the recognition of time spent on training as an investment in the quality of justice, are amongst the core principles enshrined in these instruments. Recently, on 28 June 2016, the General Assembly of the European Judicial Training Network adopted Nine Principles of Judicial Training.¹ The principles establish key statements relating to the nature of judicial training, the importance of initial training, the right to regular continuous training and the integral nature of training in daily work. The principles also address the dominion of national training institutions regarding the content and delivery of training, clarify who should deliver training and stress the need for modern training techniques as well as express the need for funding and support commitments from authorities.

In Serbia, pre-service and in-service training for holders of judicial offices is provided by the Serbian Judicial Academy, which started operating in January 2010, as a legal successor of the Judicial training Centre.²

The primary goal of the Judicial Academy is to contribute to the professional, independent, unbiased, and efficient performance of judicial and prosecutorial functions and competent and efficient administering of affairs by judicial and prosecutorial staff. The Judicial Academy fulfils this mission through the provision of initial, continuous and specialized judicial training.

To date, the balance of resources between the initial and continuous training provided through the Academy has been in favour of initial training, as duly noted in the Serbia Judicial

¹ http://www.ejtn.eu/PageFiles/15004/Judicial%20Training%20Principles_EN.pdf

² The Law on Judicial Academy, *Official Gazzete of the Republic of Serbia*, Nos. 104/09, 32/14 – the Decision of the CC.

Functional Review.³ As recommended the Serbian judiciary should invest in a large-scale continuing training program as part of a strategic effort to lift the capacity of its existing resources.⁴ This document consequently recommends that, as a priority, the Judicial Academy should conduct a systematic training needs assessment to elevate the capacity of the judicial system.⁵ The Action Plan for Chapter 23⁶, adopted in April 2016, states that the judicial training curriculum must include all areas of law, including EU law (Activity 1.3.1 of the AP). The two documents, as well as the Draft Judicial Academy Strategic Plan 2016-2020 clearly set a mandate for the Judicial Academy to advance its existing training need assessment process and ensure that the training curriculum is both comprehensive and tailored to the needs of the potential trainees.

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The aim of this report is to assist the Judicial Academy in:

- assessing the existing regulatory framework and practice within the Judicial Academy concerning training needs assessment,
- conducting a comprehensive training needs assessment for the Serbian judiciary in the forthcoming period and
- institutionalizing the mechanisms for a continuous training need assessment.

The report was prepared in the July-September 2016 period.

The report contains three main sections:

1. Findings related to the existing TNA process within the Judicial Academy
2. Methodology and findings of the TNA conducted in the July-September 2016 period
3. Recommendations

II A SUMMARY OVERVIEW OF JA ORGANISATION AND JUDICIAL TRAINING DELIVERED BY IT

³ Multi Donor Trust Fund for Justice Sector Support in Serbia *Serbia Judicial Functional Review*, p. 297

⁴ Serbia Judicial Functional Review, p. 298.

⁵ Ibid.

⁶ Action Plan for Chapter 23, Republic of Serbia, Negotiation Group for Chapter 23, April 2015, see here <http://www.mpravde.gov.rs/files/Action%20Plan%20Ch%2023%20Third%20draft%2020.04.2015..pdf>

The Judicial Academy (JA) is uniquely positioned to provide significant added value not only to the proper functioning of the judiciary, but also to the success of the envisaged judicial reforms.

The National Judicial Reform Strategy⁷ relates to the Judicial Academy as one of the key stakeholders in the reform processes, envisaging a number of new functions to be assumed by this judicial educational institution. While the Strategy aims at creating conditions in the long-term perspective for the Judicial Academy towards the sustainable provision of initial and continuous training, being a newly established institution the JA does not dispose of sufficient technical and organizational capacities to ensure adequate quality assurance of its training delivery, daily working processes and improvement of its overall performance. The significant changes still remain in order for the JA to reach its maximum potential through a qualitative shift from delivery of services in terms of numbers trained towards the provision of quality judicial education services.

The Action Plan for Chapter 23, as the key negotiation document in the EU accession process that provides a clear overview of the necessary legislative changes and actions to be taken to align the Serbian judicial system with European standards, recognizes the JA's role in achieving independence, impartiality, accountability, professionalism, competence and efficiency of the judiciary in Serbia.

1. JA Organisational setup

The Managing Board, Programme Council and the Director are at the core of the Academy governing structure.

The Management Board, among other responsibilities, is in charge of

- Adoption of the program and rules for the entrance and final examination for future judges and prosecutors;
- Adoption of the initial, continuous and special training curricula, with the approval of the High Judicial and State Prosecutorial Councils;
- Adoption of the training curricula for legal assistants, trainees and interns, and administrative staff initial courts and prosecution offices and
- Adoption of basic and advanced training curricula for mentors and trainers

The Program Council has responsibility for curriculum development and in determining the scope and content of all training activities of the JA. In relation to the Training Curricula, the Program Council:

- Determines the draft rules for all training programs
- Appoints members of standing commissions, with the consent of the Managing Board, as well as other *ad hoc* commissions and working groups;
- Appoints permanent trainers from the rank of judges and prosecutors, with the consent of the HCC and SPC;
- Appoints mentors and *ad hoc* trainers and;
- Decides on objections filed against the ranking list of candidates who have taken the entrance examination for initial training.

Directors' responsibilities include as follows:

⁷ National Judicial Reform Strategy for the period 2013 – 2018, (Official Gazette of the Republic of Serbia, No. 9/10), see here <http://www.mpravde.gov.rs/en/vest/3394/the-national-judicial-reform-strategy-for-the-period-2013-2018-.php>

- Enforcement of the decisions of the Managing Board and the Programme Council;
- Coordination and organization of the work of the Academy;
- Participation in the work of the Managing Board and of the Programme Council, including the reporting on his/her work of the Managing Board.

The Program Council has formed nine Standing Commissions that are in charge of the following activities:

- The entrance exam of beneficiaries of the initial training;
- The initial training and the final exam;
- The continuous training;
- The training of judicial and prosecutorial assistants and trainees;
- The training of judicial and prosecutorial staff;
- The training of mentors and lecturers.

Members of the Standing Commissions are appointed by the Programme Council, with the approval of the Managing Board. The domain of the six Standing Commissions is regulated by the Law on the JA⁸ and the JA Statute, while Article 26 of the JA Statute envisages that these commissions comprised if judges and prosecutors, who are so appointed by the Programme Council.

In addition to the JA governing structure, the JA has programmatic and technical staff, as envisaged by Article 21 of the Law on the Judicial Academy. The core of the work in training development and delivery is carried out by JA training coordinators. There are 7 training coordinators, whose task is to ensure the delivery of trainings, monitor the implementation of the program and suggest and justify the need to change the program during the calendar year.

2. Initial training

In line with the mandate entrusted to it by the relevant regulatory framework⁹, the Judicial Academy **has** so far enrolled **six** generations in the initial training program, with a total of **140** students. In addition, it reports over 10 000 participants in the continuous training program who have attended trainings until now. The Judicial Academy, on annual level, organizes from 300 to 500 training events, often in cooperation with international organizations that most often propose themes and lecturers. **The Initial Training** is defined as an organized acquiring of practical and theoretical knowledge and skills, understanding of the role and basic principles of the conduct of a judge and a deputy public prosecutor for the purpose of independent, professional, and efficient performance of the function of a judge in misdemeanor and basic courts and of a deputy public prosecutor in a basic public prosecutor's office.

⁸ Article 18 of the Law on the JA, Article 24 of the JA Statute ([http://www.pars.rs/files/akademija_statut\[11\].pdf](http://www.pars.rs/files/akademija_statut[11].pdf))

⁹ Law on judges (Official Gazette of the Republic of Serbia, No. 116/2008, 58/2009 - decisions of the Constitutional Court, 104/2009, 101/2010, 8/2012 - decisions of the Constitutional Court, 121/2012, 124/2012 - decisions of the Constitutional Court, 101/2013, 111/2014 - decisions of the Constitutional Court 117/2014, 40/2015, 63/2015 - decisions of the Constitutional Court and 106/2015); Law on Public Prosecution (Official Gazette of the Republic of Serbia, No. 116/2008, 104/2009, 101/2010, 78/2011 – other law, 101/2011, 38/2012 - decisions of the Constitutional Court, 121/2012, 101/2013, 111/2014 - decisions of the Constitutional Court, 117/2014 and 106/2015); Law on High Judicial Council (Official Gazette of the Republic of Serbia, No. 116/2008, 101/2010, 88/2011 and 106/2015); Law on State Prosecutorial Council (Official Gazette of the Republic of Serbia, No. 116/2008, 101/2010, 88/2011 and 106/2015); *Decision on Changes and Amendments to the Rules of Procedure of High Judicial Council* (Official Gazette of the Republic of Serbia, No. 29/13) 13.01.2016.

The initial training lasts for 24 months, and candidates have an additional 6 months to get prepared for the final exam. The theoretical part of the training accounts for only 10% of the entire training. Thus, students at the Academy have the opportunity to attend lectures and workshops dedicated to the European Convention and the jurisprudence of the European Court for 12 days. Beneficiaries are also provided with training in dealing with family relations and with juvenile criminal offenders and they get certificates for this training. Also, attendants are obliged to attend all the continuous training courses, which are organized at the seat of their appellate court, although it seems that they should attend only the training that is specialized for the work and adapted to the need to improve their knowledge and skills.

The Programme is prepared by the Working Group for the initial Training, formed by the Programme Council, with members that are covering the different legal areas that are part of the Initial Programme. The Programme considers the legislative changes, reform initiatives and responsibilities from the strategic documents. The 2016 Programme also considered the improvements of certain elements of the Programme in line with PROFID study, especially linked to the practical skills and competencies,

The Programme is presented to the Programme Council, and as the proposal is sent to the Managing Board for adoption. After the adoption, the Programme is shared with the HJC and SPC for final comments and consent.

The process itself is well defined including the timetable for the adoption (by the end of May). However, similar to the Continuous Training Programme there is no formal procedure that will regulate the whole process. Both, the written consent of the Councils and the Initial Training Programme are available at the Academy web page.

After the analysis of the initial training programme PROFID study¹⁰ noticed that the programme is comprehensive and contains all the relevant themes in the area of human rights. However, the programme is assessed as the over-extensive for the planned number of classes and, therefore, it is necessary to increase the number of classes, in order to ensure continuity in improvement of knowledge and skills.

3. Continuous training

3.1. Continuous training for holders of judicial offices

Continuous training is defined as the improvement of theoretical and practical knowledge and skills for the purpose of professional and efficient performance of a judicial and a prosecutor's position. Beneficiaries of the continuous training are judges and prosecutors. Practice shows that the Programme of the Continuous Training is based on

- Laws newly adopted in line with the judiciary reform framework and the requirement of the European Integration process
- Training of judges and prosecutors in the priority areas identified in the strategic documents (Ch 23 AP etc.) such as the anticorruption, anti trafficking, money laundry and organized crime related legislation
- The European legal standards
- Training for judges and prosecutors related to implementation of international human rights conventions
- Training needs of the judiciary expressed through evaluation of training and questionnaires and identified by the Working Groups of the Programme Council and/ or Programme Council
- The initiative for the organization of training courses coming from courts and prosecutor's offices

¹⁰ PROFID, Study on Development Requirements of the Judicial Academy, January 2014.

➤ Donors initiatives

The continuous training is voluntary, except when it is stipulated as mandatory, by a law or a decision of the High Court Council and of the State Prosecutorial Council in case of change of specialization, major amendments of regulations, introduction of new working techniques, for the purpose of elimination of deficiencies in the work of a judge and a deputy public prosecutor identified during their work, as well as for judges and deputy public prosecutors who are, for the first time, elected to a judicial, or a prosecutorial function, and have not attended the initial training programme.

Mandatory training is predominantly prescribed with respect to key laws, such as the Law on Civil Procedure or the Criminal Procedure Code, specifically within a short period of time (usually 2 months) in which judges should undergo the training, but without providing financial resources and lecturers. It is often impossible to provide training for all the judges, and hence there are examples where training is mandatory for a minimum specified number of judges. For example, in August 2014, mandatory training was conducted for minimum two judges of the courts at the territories where notaries have not been appointed. In such a case, only the judges who have completed the training are assigned cases with which public notaries deal and this practice indicate that it is possible to introduce a narrow specialization of judges in order to increase their efficiency, as well as the quality of decisions. In addition, it would be desirable to have an updated plan of adoption of new laws in place, so that training courses could be timely planned and up to the moment of commencement of implementation of new, key laws. In addition to well selected themes, it is necessary that a training programme is practically oriented, with examples from practice, particularly the jurisprudence of international bodies.

Judges and deputy public prosecutors who are for the first time elected to their positions, and have not finished the initial training, are obliged to attend a special continuous training programme. The contents and the duration of a special continuous training programme are determined by an act of the Programme Council depending on the professional experience of beneficiaries. Beneficiaries of a special continuous training programme are both the judges and deputy public prosecutors, who are designated by the decision of the High Court Council, or of the State Prosecutorial Council, when it is necessary for the purpose of elimination of deficiencies in the work of a judge and a deputy public prosecutor, identified during evaluation of their work. In such a case, continuous training is mandatory. The decision of the High Court Council, or of the State Prosecutorial Council, for certain categories of judges and prosecutors, may prescribe mandatory continuous training, specifically in case of election to a court, or a public prosecutor's office of a higher instance, change of specialization, major amendments of regulations, and introduction of new working techniques.

It is important to note that the JA currently does not use competency frameworks and that such frameworks are also not used by the HJC and the SPC during the process of recruitment and promotion of holders of judicial offices. The creation of competency frameworks or models is becoming recognised as best practice in other EU countries.¹¹

3.2. Continuous training of judicial and prosecutorial staff

Training of judicial and prosecutorial staff is organized as acquiring of knowledge and skills for the purpose of professional and efficient work performance. The beneficiaries of such training

¹¹ This system is a complex one and has been piloted in Poland and Belgium. The key idea behind the process is that first the necessary competences a holder of judicial office needs to have should be identified, after which the current competences of each individual holder of judicial office are assessed and cross-compared to the set standard. If gaps are identified, the holder of judicial office is referred to training that will help overcome that gap. In that way, training needs analysis is individualized and has a clear objective of helping a judge gain the necessary competence.

are judicial and prosecutorial staff administering administrative affairs. The training is voluntary, unless a separate law stipulates otherwise. The training programme for judicial and prosecutorial staff is adopted by the Managing Board the proposal of the Programme Council, with the approval of the High Court Council, or the State Prosecutorial Council. The programme is adopted for each category of judicial and prosecutorial staff.¹² The programme should be passed for each category of judicial and prosecutorial staff.

This training is intended for the administration and there is a developed curriculum in place for it, but there are insufficient financial resources to provide continuous training. The problem is also that not all the courts have gotten court managers, as well as that court presidents have been in the acting status for a long time. However, such training would greatly contribute to the professionalization of courts and prosecutor's offices, due to which it is necessary to provide financial resources and lecturers as promptly as possible.

3.3. Continuous training of judicial/prosecutorial trainees, assistants and advisors

The organization of a training programme for judicial assistants and trainees as well as judicial and prosecutorial staff is also responsibility of the Academy, pursuant to Article 50 of the Law on the Judicial Academy.

The proposal for a special training programme for judicial and prosecutorial assistants and trainees is determined by the Programme Council, in cooperation with court presidents and public prosecutors, adopted by the Managing Board and submitted to the High Judicial Council and State Prosecutorial Council for verification. Judicial and prosecutorial assistants and trainees are obliged to attend a special training programme, except for those who have completed the initial training. Judicial and prosecutorial volunteers have the same rights and obligations related to training, as trainees.

In practice, however, training courses are common for judges and judicial associates, although they should be separated due to different levels of knowledge of judges and associates and the need for their professional development. Court presidents, or public prosecutors, once a year, submit to the Academy reports on the work of judicial and prosecutorial assistants and trainees, as well as the opinions of mentors.

¹² Articles 51 – 53 of the Law on Judicial Academy.

III FINDINGS RELATED TO THE EXISTING TNA PROCESS WITHIN THE JUDICIAL ACADEMY

Effective training in judiciary depends on knowing what is required for a professional, a target group and for the system as a whole. Ideally, a judicial training curricula should correspond to concrete problems, be based on needs assessment, have specific objectives that shape the training curriculum, and be subject to periodic evaluation.¹³ However, it is often difficult to distinguish between needs assessment, curriculum development and training evaluation. In order to ensure that their training curricula are indeed needs-oriented, judicial training institutions need to develop mechanism for continuous training assessment as a part of their general framework, where the adoption of a separate act governing the process is particularly beneficial in cases where the judiciary faces frequent changes of legislation, in order to streamline the process, define the roles of various key actors and stakeholders and set a realistic yet strict timeframe.

There is no separate regulatory act governing the TNA process within the Serbian Judicial Academy.

The Statute of the Judicial Academy envisages that the Programme Council defines the initial and continuous training curricula¹⁴ and, in addition, that the Programme Council Standing Commissions draft the training curricula, monitor and analyse the delivery of training and advance the training in line with international standards and EU law.¹⁵ The Law on JA does not specify any timeframe for conducting TNA and feeding that information into the training curriculum; moreover, it does not specify the bodies in charge of the TNA. There is only a provision stipulating that the JA is obliged to submit a framework annual program for the next calendar year to the courts and public prosecutor's offices for voluntary continuous training once a year, no later than 1st of December.¹⁶ These provisions, however, do not regulate the training needs assessment process within the JA in sufficient detail, and hence there are no clear regulatory guidelines on how to gather and process various inputs and feed them into the curriculum development.

Despite the lack of regulatory framework, the JA has developed and established sound TNA practices. These ensure the continuous flow of information from a number of sources to the Programme Council Standing Commissions and the Programme Council itself.

These sound practices include the following:

- JA has a standard practice of post-training evaluation. Post-training evaluation sheets include an open invitation to the trainees to propose future training topics. The information thus collected from trainees is then regularly processed by the JA training coordinators and the JA evaluation officer. The processed information, including key topics of interest, is reported to the Programme Council Standing Commissions and the Programme Council, in order to be considered in the curriculum development. This means that the JA implements the standard practice of using post-training evaluation as a part of its TNA process.
- JA has a standard practice of demanding post-training reports from its trainers. The trainers are required not only to report on the training delivered, but also on the needs

¹³ C. Thomas Review of Judicial Training and Education in Other Jurisdictions Judicial training in other jurisdictions p. 37

¹⁴ Article 23 of the JA Statute

¹⁵ Article 25 of the JA Statute.

¹⁶ Article 46 of the Law on the JA, Article 53 of the Statute of the JA.

for additional training identified during the training. This information is processed by the JA coordinators and, similarly to the training topics proposed through trainees' post-training evaluation sheets, communicated to the Programme Council Standing Commissions and the Programme Council

- JA has a practice of ad-hoc surveying of holders of judicial offices in order to identify their specific training needs. This practice is sporadic and, when conducted, focuses on a specific target group or a specific set of competences.
- JA regularly monitors the work of the Government and the Parliament in order to track legislative changes and identify training needs for the judiciary based on them.
- JA reports on the progress in implementation of the Action Plan on Chapter 23, which includes a set of pre-defined training needs for the Serbian judiciary that needs to be catered to on a continuous basis
- JA Programme Council Standing Commissions and the Programme Council comprise senior and higher-level judges and public prosecutors, who identify the need for the advancement of competences and skills of holders of judicial offices based on their everyday practice and insight into the main contentious issues in the work of judges and prosecutors.
- High Judicial Council and State Prosecutorial Council can order that judges and prosecutors undergo mandatory training, inter alia, in case of considerable changes to regulations and introduction of new working techniques.¹⁷ Such an order constitutes a priority training need.
- JA training coordinators are in regular, daily contact with the trainees in both initial and continuous training. The information collected from the trainees on informal and formal basis concerning their training needs is also regularly communicated to the JA Programme Council Standing Commissions and the Programme Council.

However, there are also some deficiencies identified in the current TNA practices of the JA

- There is no timeline for conducting the TNA. As mentioned above, the only time limit relates to the delivery of the continuous training curriculum, while there is no clear indication as to when the TNA-related activities are to be conducted.
- The current TNA process is not streamlined and is not structured. There is no clear delineation of the roles of the various actors who de facto take part in the TNA process
- Given the lack of regulatory framework, the TNA process is largely perceived as insufficiently transparent. This perception is supported by the lack of information on the existing TNA practices on the JA webpage.
- The JA has not developed the practice of surveying a wider stakeholder community in order to identify the needs for advancement of competences and skills within the judiciary, as perceived by the actors outside it. The inputs on training needs given by stakeholders outside the judicial community are considered on an ad-hoc basis, in direct contact between the JA and the given institution/organisation, and there is no clear mechanism of feeding the training needs formulated in this manner in the curriculum.
- Despite the fact that the High Judicial Council and State Prosecutorial Council have a final say with regards to the curricula adoption¹⁸ their role in the TNA process has not been prominent. There is a need to further structure and streamline the cooperation of the two highest judicial bodies and the JA in the TNA process in order to ensure that the training needs of the judiciary are catered to.

¹⁷ Article 43 of the Law on the JA, Article 50 of the Statute of the JA

¹⁸ Article 9 of the Law on the JA

So far, the TNA process conducted in the above-described manner has proven to be instrumental in the development of the JA curriculum. However, the current level of development of the Judicial Academy requires that the process be more structured and streamlined. This would be instrumental in setting clear roles for all the actors in the process, strict timelines for different steps in the TNA process and instruments for conducting TNA on a continuous basis.

IV TRAINING NEEDS ASSESSMENT FOR THE SERBIAN JUDICIARY IN THE FORTHCOMING PERIOD

In order to identify the current training needs and also to provide recommendations for the future to the Serbian Judicial Academy, a training needs analysis was carried out in the July-August 2016 period. The training needs analysis was conducted using various methods already verified in comparative practice and utilized by the Serbian Judicial Academy, in order to:

- a) assess the current training needs of holders of judicial offices and administrative staff in Serbia
- b) showcase new methods for collecting inputs for future training needs assessments for the Serbian judiciary
- c) provide feasible recommendations on institutionalization of existing and introduction of new TNA mechanisms for the Serbian judiciary.

The training needs assessment was conducted using a mixed method approach for data collection, using the following methods:

1. Desk research – to identify the training needs pre-defined in the Serbian Action Plan for Chapter 23 and other relevant public policy documents and laws.
2. Interviews with key stakeholders – members of the Judicial Academy managing and Program Council, representatives of professional associations of judges and prosecutors, JA alumni association, representatives of the HJC and the SPC, representatives of the Bar, JA training coordinators
3. Survey - court presidents and public prosecutors and stakeholder community
4. Focus group

1. Pre-defined training needs

Desk research included the training envisaged in key Serbian public policy documents, such as the Action plan for Chapter 23, the National Program for Countering Shadow Economy, National Anti-Corruption Strategy, the National Financial Investigation Strategy, the National Gender Equality Strategy.

This exercise was conducted in order to identify all the pre-defined obligations related to training of holders of judicial offices and judicial and prosecutorial staff that the Serbia has undertaken, since the Judicial Academy needs to ensure that the activities set out in Serbian public policy documents are observed.

1.1. Training needs identified in the Action Plan for Chapter 23

Civil Law

1. Training of judges on enforcement proceedings - Activity 1.3.7.5. of the AP

Timeframe: Continuously, commencing from I quarter of 2016

In the current JA training curriculum, training on enforcement and security topics is organized as a part of a separate course intended for civil law judges, which is mandatory pursuant to a decision of the Supreme Court of Cassation.

Given the fact that the new law had just started to be applied in practice, there is a need for more focused training on these issues for judges of all instances. The JAP project and the JA will jointly implement trainings on enforcement proceedings for judges of higher courts.

Criminal Law

1. Establishing a system of training and education in the field of international criminal law for the related group of judges and prosecutors: - induction training for the newly appointed members of state bodies dealing with war crimes; - continuous education training for judges and prosecutors in line with National strategy and prosecutorial strategy (ensuring that the latest IHL developments are included). - Activity 1.4.1.6. of the AP

Timeframe: Continuously, commencing from IV quarter of 2015.

The JA continuous training curriculum does not offer specialized training on war crimes and international humanitarian law, and judges and prosecutors dealing with war crime cases are not recognized as a separate category of trainees. The existing trainings focus on prevention of torture and other forms of inhuman or degrading treatment, judicial cooperation in criminal matters and fundamentals of international humanitarian law.

Other issues that are key for acting in war crime cases do not seem to be covered. In order to comply with the training needs identified in the Action plan, a more focused course dealing with war crimes and international criminal law needs to be developed for the related group of judges and prosecutors.¹⁹ Even though this is a relatively small target group, there is a need to make training on war crimes and international criminal law a permanent fixture of the JA curriculum, where special care should be taken to ensure that the training method is most suitable for advancement of competences in this field.

In addition, the JA should be responsive to the requirement set out in the Action plan to offer training on war crimes and international humanitarian law to other other judges and prosecutors on as needed basis.

2. Conduct training for police officers, prosecutors and judges to efficiently prosecute cases of corruption in public procurement (pursuant to Financial Investigations Strategy) – Activity 2.2.8.6. of the AP

Timeframe: Continuously

¹⁹ Pursuant to the Law on Organisation and Competence of Government Authorities in War Crimes Proceedings, Official Gazette of the Republic of Serbia No. 67/2003, 135/2004, 61/2005, 101/2007 and 104, prosecution and adjudication in war crimes issues is centralized within the special department of the Higher Court in Belgrade.

The 2016 continuous training curriculum of the JA includes a special course on criminal offences with elements of corruption, where focus is on abuse in public procurement cases. The course has two levels – basic and advanced. The advanced level reflects the training needs identified in the Action Plan for Chapter 23. This course needs to become a permanent fixture within the JA curriculum in the period covered by the Action plan for Chapter 23.

3. Continuous training of police and prosecutors for conducting financial investigations, monitoring cash flows, proactive approach and special investigative techniques - Activity 2.3.2.8. of the AP

Timeframe: Continuously, commencing from entry into force of the Financial Investigations Strategy

The existing training curriculum on prevention of corruption in public procurement cases caters for this training need on its advanced level. The course needs to become a permanent fixture within the JA curriculum. There is also a need to ensure optimum coverage and training delivery method for this course, since some interviewees have identified the need for additional training in knowledge and skills related to financial investigations.

4. Conduct training of enforcement judges in the field of: rights of individuals deprived of liberty, contemporary trends in enforcement of criminal sanctions -recognized standards in treatment and post penal support. - Activity 3.3.1.7. of the AP

Timeframe: Continuously, commencing from IV quarter of 2014

There is no special separate course on rights of individuals deprived of liberty, but this issue is an integral part of the human rights course. There is a need to cater for the need to training enforcement judges on post-penal support.

5. Conduct training for holders of judicial functions on alternative sanctions - Activity 3.3.1.14. of the AP

Timeframe/Deadline: Continuously

The 2016 JA curriculum does not include training courses for this subject-matter. The JA has reported that it had conducted such training in the 2010-2014 period. There is a need to include training on alternative sanctions in the training curriculum.

6. Conduct training and support continued certification of judges, prosecutors, lawyers and police officers in contact with juvenile offenders. - Activity 3.6.2.14. of the AP

Timeframe/Deadline: Continuously

This course is a part of the continuous training curriculum and is a part of the Judicial Academy's corporate memory. It needs to be continued as a permanent fixture of the JA curriculum.

7. Conduct training and informative sessions for police officers, public prosecutors and deputy public prosecutors, judges and employees of Centres for Social Work, on the protection of children victims / witnesses in criminal proceedings in order to avoid secondary victimization and distribute educational materials - Activity 3.6.2.16. of the AP

Timeframe: IV quarter of 2015 to III quarter of 2019.

This training need is catered for within the course on juvenile offenders, which is part of the Judicial Academy's corporate memory.

8. Conduct training of the police officers, prosecutor's and deputy prosecutors and judges in terms of stronger procedural safeguards. - Activity 3.7.1.15. of the AP

Timeframe: Continuously, commencing from II quarter of 2017.

Procedural safeguards are a part of the existing initial and continuous training curricula, within courses dealing with criminal procedure and human rights. However, additional efforts will have to be put in delivering trainings catering to this specific training need.

9 Conduct training for judges, prosecutors, members of judicial police, attorneys and police officers on the implementation of minimum standards regarding the rights, support and protection of victims in accordance with Article 25 of Directive 2012/29 / EU - Activity 3.7.1.19. of the AP

Timeframe: Continuously commencing from II quarter of 2017.

The current training curriculum offers limited general and specialized training for holders of judicial offices with regards to their awareness of the needs of victims and their skills in dealing with victims in an impartial, respectful, non-discriminatory and professional manner. Trainings aimed at advancing these skills should become a standard fixture of both initial and continuous training curricula.

10. Conduct training of judges, public prosecutors and deputy public prosecutors focused on acting in the cases of violence against women in the family, partner relationships and gender based violence. - Activity 3.7.1.25. of the AP

Timeframe: Continuously

Domestic violence issues are an integral part of the continuous training curriculum in the field of human rights for civil law judges, criminal law judges and Supreme Court of Cassation advisors. The trainings conducted by the JA in the field of domestic and gender based violence need to become a part of the JA corporate memory, enabling replication, which is necessary in to meet the requirement of the Action Plan, with particular focus on gender-based violence (also see National Gender Equality Strategy).

Human Rights

1. Conduct training of judges on international instruments and standards in the field of protection of national minorities from discrimination and ECHR practice. - Activity 3.8.1.21. of the AP

Timeframe: Continuously

The issues related to standards in the field are an integral part of the specialized human rights training in both curricula. As reported by the JA, a ToT on the topic was organized for eight selected judges of high courts in Serbia. In addition, the need for training on holders of judicial offices on minority rights could also be catered for by featuring minority-related issues in case studies and simulations within other courses to gain additional prominence.

2. Conduct joint training of the judges, prosecutors and deputy prosecutors and police officers, to advance their knowledge and skills for efficient suppression of hate crime. - Activity 3.10.1.3. of the AP

Timeframe: Continuously, commencing from IV quarter of 2015

The standards for efficient suppression of hate crime are integral part of the human rights training course within the current JA curriculum. Specialized donor-funded trainings on this issue should become a part of the institutional memory of the JA to allow for replication.

Special knowledge and skills

1. Introduction of European standards relating to respect of judicial decisions and limits of permissible critique of judicial decisions and procedures in the context of respect of judiciary's independence in the program of the Judicial Academy and the implementation of such training program in this area - Activity 1.1.6.5 of the Action plan

Timeframe: Continuously, commencing from III and IV quarter of 2016.

There is a course in place entitled PR in Public Prosecutor's offices. The course is planned as a measure to assist the holders of judicial offices in implementing communication strategies, including crisis management and actions in cases of leak of information from the public prosecutor's office or court or response to impermissible critique of judicial decisions and procedure. In 2016, the course was offered only to public prosecutors, even though the training need was identified for training on the topic for both judges and prosecutors. The Judicial Efficiency project will jointly deliver a set of PR trainings for both judges and prosecutors. This is also a course that could in part be organized as a multi-professional training exercise.

2. Organization of focused training of end users of existing platforms for the use of methodological instructions for "cleaning" the data, the implementation of "cleaning" and addition to the information in the ICT system - Activity 1.2.1.5. of the AP

Time frame: During II and III quarter of 2016.

These trainings will be implemented jointly by the Judicial Efficiency project and the Judicial Academy in the IV quarter of 2016. The trainings are planned as practice-oriented and a separate training-only ICT environment will be developed to facilitate trainings. This approach should be utilized in the development of any additional trainings related to the of new ICT solutions

3. Conducting training regarding cleaning data and addition of information in the ICT system - Activity 1.2.1.7. of the AP

Timeframe: during IV quarter of 2016 and I quarter of 2017.

These trainings will be realized jointly by the Judicial Efficiency project and the Judicial Academy in the IV quarter of 2016. The trainings are planned as practice-oriented and a separate training-only ICT environment will be developed to facilitate trainings. This approach should be utilized in the development of any additional trainings related to the of new ICT solutions

4. Preparing the program of training for work in preparatory departments for weighing of cases and carrying out training of judicial and prosecutorial assistants for work in preparatory departments for weighing of cases.- Activity 1.2.1.18. of the AP

Timeframe: During I and II quarter of 2017.

The organization of this training will be implemented jointly by the Judicial Academy and the Judicial Efficiency Project.

5. Organizing seminars for judicial office holders on integrity rules and ethics - Activity 1.2.2.12. of the Action Plan

Timeframe: Continuously, commencing from I quarter of 2015.

JA has included ethics in the curricula for both initial and continuous trainings. There is a need for the training to ensure wide coverage in order to achieve increased compliance with the judicial code of ethics. In addition, some interviewees have reported that in practice the training focuses mainly on disciplinary proceedings, and future training delivery should ensure that all topics currently included in the curriculum are covered.

This topic may be suitable for being partially developing as an e-learning course (e.g. situational behaviour questionnaires....)

6. Conduct training for public prosecutors, deputy public prosecutors, police officers and representatives of relevant associations of journalist, with regard to: - prevention of media leaks related to ongoing or planned criminal investigations - prevention of media leaks related to respect for privacy with regard to vulnerable persons (victims, children) – Activity 3.5.2.21.

Timeframe: Continuously, commencing from I quarter of 2016

The 2016 continuous training curriculum covers this topic as a part of the PR in Public Prosecutors' Offices course. The course should become a standard fixture of the JA curriculum.

Training delivery

1. Training should be organized for a wider range of participants, potentially through prescribing the minimum number of training days per holder of judicial office annually, whereby the training must include not only judicial officials but also presidents, secretaries and managers, judicial and prosecutorial assistants, administrative staff and persons engaged in judicial professions – Activity 1.3.1.6. of the AP

Timeframe: Continuously, commencing from I quarter of 2015

Currently the continuous training curriculum distinguishes between the following categories of trainees:

- Criminal-law judges and judicial assistants
- Civil-law judges and judicial assistants
- Administrative court judges, advisors and judicial assistants
- Commercial court judges, advisors and judicial assistants
- Supreme Court of Cassation advisors
- Misdemeanour Court judges
- Judges in non-contentious proceedings
- Administrative staff of the High Judicial Council
- Administrative staff in courts and public prosecutor's offices
- Court managers

- Court presidents
- Public prosecutors and deputy public prosecutors

However, this distinction is not consistent throughout the entire curriculum, as some special training courses are offered to all judges, regardless of the court they work in, while other courses are clearly intended for judges of a certain category, which is only visible from the target group in the training (e.g. the special training in EU law is intended for higher/appellate court judges and prosecutors. A separate course is intended for commercial court judges, where training of trainers was also carried out).

There is a need to make a clearer distinction of the target groups in the curriculum and fine-tune the trainings to cater for their specific needs. In addition, during the interviews a need was identified to single out one more target group for training – holders of judicial offices who have been appointed to office for the first time.

In Serbia currently there is no mandatory minimum number of training days, but information on trainings attended is entered into personal records of holders of judicial offices. The introduction of mandatory days of training should be carefully considered as a measure by the HJC and SPC so as to ensure that training attendance does not become a box-ticking exercise.

3. Teaching methods should be improved teaching through workshops, simulations and the introduction of distance learning - Activity 1.3.1.6. of the AP

Timeframe: Continuously, commencing from I quarter of 2015

Workshops, simulations, moot courts and small-group discussions are regularly listed as teaching methods for different courses; but it is not clear from the curriculum to what extent they are used in practice, since they are often listed as complementary teaching methods for each training course. There is a need to set a uniform classification and distinction of teaching methods, in order to both manage the participant's expectations and to facilitate planning of the course.

When training needs are identified, additional efforts need to be put in place to ensure that the training method used is best suited to advance the knowledge, skills and competences through the training delivered.

Distance learning methods are still not developed, but there is room to pilot them in some areas. This would also affect the planning and delivery of training, since part of the training needs would not have to be catered for through face-to-face teaching methods.

4. Development of monitoring system concerning quality of initial, continuous and specialized training that implies bidirectional evaluation system that would allow the assessment of the results of training or degree of advancement of knowledge of the participants, as well as the assessment of the quality of the program and trainers in cooperation with the Institute for quality assurance of education and with Faculty of Philosophy – Department for pedagogy and andragogy - Activity 1.3.1.7. of the AP

Timeframe: Continuously, commencing from I quarter of 2015

The Academy has started developing a comprehensive bidirectional system for monitoring the quality of initial, continuous and specialized training. Once developed, bidirectional evaluation system should become standard practice and be fed in the training needs analysis.

5. Cooperation of the Judicial Academy with its EU counterparts in the European Judicial Training Network – Activity 1.3.1.11. of the AP

Currently the Judicial Academy is cooperating with EJTN in the area of enhancement of methodology for training of trainers and resources for these activities is been secured from the

JA budget and support of international partners (OSCE and USAID). This cooperation could be further expanded to allow for study visits and attendance of selected courses for trainees undergoing both initial and continuous training. This would increase the scope of training methods offered and also allow for a more diverse, yet more focused, training on ECHR and EU law.

1.2. Training needs identified in the Action Plan for Implementing the National Program for Countering Shadow Economy

1. Provision of expert training for prosecutors and police in the prosecution of suspects of crimes against business entities. Measure 1.4., Activity 6 - Provision of expert training for judges in the prosecution of suspects of crimes against business entities - Measure 1.4, Activity 5 of the AP

Specialized training on prosecution and adjudication on crimes against commerce for a minimum of 80 public prosecutors, 60 members of the police force and 80 judges is envisaged by the National Programme for Countering Shadow economy. Specialised training on the topic is not envisaged in the 2016 continuous training curriculum.

1.3. Conclusions and recommendations

The analysis has shown that the Action Plan for Chapter 23 sets out a rather comprehensive set of activities related to training that the Judicial Academy needs to implement. These are in fact pre-defined training needs that have to be directly reflected in the annual continuous training curriculum of the Judicial Academy. The timeframe for the implementation of these activities is, for the most part, such that it envisages the defined trainings are to be delivered continuously. This means that the JA needs to ensure that the identified training needs are catered to in its in continuous training curriculum or provide a reasoned explanation for their exclusion from the curriculum.

It is clear that this extent of mandatory training activity that the JA needs to implement puts additional strain on the JA with regards to planning and delivery. Even though the pre-defined list of training needs to an extent streamlines the training needs assessment and curriculum development process, it is imperative that it does not limit or constrain the process at the same time; moreover, the training needs pre-defined in the Action Plan for Chapter 23 and other public policy documents are by no means an exhaustive identification of the training needs within the Serbian judiciary. The Action Plan for Chapter 23 is a commitment based on a given state of play within the Serbian judiciary and legal system – changes in both organization of trainings and regulatory framework take place frequently. In addition, new public policy documents (strategies and action plans) and laws are being adopted, and need to be analysed in order to ascertain whether they also include some pre-defined training needs or training needs that the Judicial Academy needs to respond to.

Having all this in mind, it is important to:

1. Make desk research, including the monitoring of implementation of national public policy documents and adopted laws as a mandatory part of the systematic TNA within the JA
2. Complement desk research with other TNA methods

2. Interviews with stakeholders

As a part of the current TNA, the project team conducted open-ended, individual and group interviews with a number of stakeholders in the July 15 – September 1, 2016 period. The time available only allowed for a series of interviews with key stakeholders and beneficiaries without any more sophisticated methods for gathering input from this group of stakeholders.

The interviews were conducted in parallel with the desk analysis of strategic project documents, public policy documents, relevant laws and the existing JA regulations and training curricula, so as to streamline the collection of inputs and also facilitate their processing and feeding into the next steps in the TNA.

The interviews were conducted using exploratory techniques as well as pointed questions to specific issues that had been identified during the document analysis stage. Information received was triangulated as much as possible.

The interviewees were chosen according to the Project proposal and Inception report. The interviews were conducted with representatives of the following Serbian organisations and institutions:

- High Judicial Council
- State Prosecutor's Council
- Supreme Court of Cassation
- JA Management Board
- JA Programme Council
- Deputy Republican Public Prosecutor
- Bar Association
- Judges' Association of Serbia
- Association of Prosecutors and Deputy Prosecutors of Serbia
- Judicial Academy Alumni Club
- Association of Judicial and Prosecutorial Assistants
- Judicial academy staff

Due to time constraints, the stakeholder group did not include the representatives of law faculties.

The interviews focused on the following key issues, as a part of the TNA carried out within the project:

- The existing TNA process in the JA and recommendations for its improvement
- The responsiveness of the existing initial and continuous training curricula in the JA to the TNA
- Contents of the existing initial and continuous training curricula in the JA, gaps identified in terms of competences, knowledge and skills and recommendations for improvement
- Training methods in the existing initial and continuous training curricula in the JA and recommendations for improvement

All interviewees have given meaningful, constructive and focused observations and provided recommendations for both the improvement of the TNA process within the JA and the current training needs within both the initial and the continuous training curriculum. Minutes of all meetings are attached to this report as Annex 1.

Their key recommendations with regards to the TNA can be summarized in the following manner:

TNA Process

1. JA needs to improve the transparency of its current TNA and curriculum development process and structure it further.

Most interviewees have stated that the current TNA process in the JA is not sufficiently transparent. Most interviewees stated that they did not know how TNA was conducted within the JA. All interviewees were aware of the existence of programme groups and coordinators for specific areas of law within the JA, but their roles in the TNA do not seem to be sufficiently clear to the interviewees. A structured and more transparent approach would also increase the ownership of the courses and curriculum offered by the JA.

2. JA should engage a wider stakeholder community in its TNA process.

Some interviewees have expressed their willingness to contribute to the identification of the training needs of judicial office holders. In addition, some interviewees have underlined that the opinion of stakeholders outside the judiciary, who are however in regular contact with it – such as barristers, civil right's defenders groups, professional association of judicial office holders – can help identify training needs within the judiciary, which the holders of judicial offices may sometimes overlook.

Training delivery

1. JA should consider developing special forms of support to holders of judicial offices appointed to office for the first time at the workplace

The interviewees stated that, regardless of the type of training previously undergone by newly-appointed holders of judicial office, there is a need to provide them with additional systematic support within the JA framework. One of the suggestions was to investigate the option of resorting to retired judges and prosecutors who, under the umbrella of the JA, could provide on-the-job advisory support to the newly appointed holders of judicial offices.

2. JA should develop the calendar of activities that will accompany its annual curriculum and distribute it to holders of judicial offices in due time

The interviewees were unanimous in stating that there is a need for a developed calendar of activities for trainings delivered by the JA. This would facilitate planning for the judicial office holders who wish to attend trainings, as they would not schedule hearings for the dates in which training they wish to attend is planned. As a result, the attendance of trainings could also be improved.

3. JA should offer trainings on topical issues from judicial practice but also support the improvement of a wide set of skills, such as public speaking, methodology of legal drafting, legal reasoning and legal research, use of ICT, foreign language etc.

The interviewees all stated that quality initial and continuous training for holders of judicial offices should cover knowledge of law, but also other judicial and non-judicial knowledge and skills. The interviewees also said they it would be valuable to have members of non-judicial professions as trainers on some of those competences and skills.

4. Multi-professional trainings are a useful training method and should be utilized more often

Most interviewees have stressed out that there are numerous benefits from organizing joint training sessions for holders of judicial offices and members of other professions, in order to improve knowledge and skills of both groups. A number of interviewees have focused on the importance of reaching a common understanding on a given legal topic by members of different

professions and also contribution to the understanding of the roles of each profession in certain types of proceedings (e.g. deciding on parental rights).

5. The application of the European Convention on Fundamental Human Rights and Freedoms should be integrated into regular training courses on other topics of law.

The interviewees were unanimous in stating that the issues related to proper application of the European Convention on Fundamental Human Rights and Freedoms should be integrated into regular training courses on other topics of law. The interviewees have stated that despite rather extensive training on the Convention that had been provided and is being provided through the Academy, judges and prosecutors still seldom cite the case law of the ECHR or resort to its concepts in their everyday work. This is why integrative approach to training on ECHR would be so important, as it would help judges and prosecutors link the concepts and standards of protection of human rights and the case law of the ECtHR to Serbian laws and the facts of the case before them.

6. JA would benefit from full utilization of the mechanism whereby judges and prosecutors are referred to it as full time trainers.

A number of interviewees have commented on the fact that the regulatory mechanism, whereby judges and prosecutors can be referred to the Judicial Academy as full time trainers would be instrumental in guiding the programmatic aspects of the TNA process.

The interviewees have also identified the following needs for training on law and skills

7. Training offered through the JA should be interactive

The interviewees were unanimous in stating that the training offered through the JA must not be limited to ex cathedra lectures, but be developed in a manner that mandates interaction between the lecturers and the trainees

Training on law (topics)

- Civil Law

Civil procedure (both in first and second instance, including burden of proof

Enforcement procedure

Labour law

Parental rights

Non-material damage

- Criminal Law

Domestic violence

Criminal Procedure

Protection and empowerment of victims, including secondary victimization

Deprivation of freedom

Forensics

Inspection of crime scene

Terrorism

Human trafficking

- Human rights

Non-discrimination

Freedom of speech
Freedom of thought and conscience

Training on special forms of knowledge and skills

Methodology of legal writing
Burden of proof
Judicial ethics and integrity
Evidence
Expert witnesses
Case management
Public speaking and witness interrogation
Conflict of interest

The majority of interviewees singled out legal drafting methodology as a skill that needs to be further improved through training. Training on issues such as damages, criminalistics techniques and forensics, judicial ethics, evidence and expert witnesses were also mentioned a number of times by the interviewees.

Since the interviewees do not constitute a representative sample of the Serbian judiciary, it was necessary to process the inputs obtained from them further and verify whether these are the true needs of the Serbian judiciary in the forthcoming period.

Therefore, the nominated topics and suggestions related to training delivery were cross-compared to the findings of the desk research and included in the questionnaire used to survey the members of the judiciary, as elaborated in section 3.

It should be noted that the inputs collected from the employees of the JA were based on the existing TNA practices within the JA, namely post-training evaluation, direct contact with trainees and work with the Programme Council and its Standing Commissions.

3. Survey - court presidents and public prosecutors and stakeholder community

The project and the JA have conducted a model survey of the judiciary in order to ascertain whether the training needs identified in the interviews with stakeholders from the judiciary and the JA training coordinators can be verified by a wider judicial community, and also to allow this wider judicial community to express their opinions regarding the training needs within the Serbian judicial system. Also, the survey was a pilot effort in participatory training need assessment - consulting the potential trainees on their needs on a wide range of issues, including knowledge of law, non-judicial knowledge, judicial and non-judicial skills and training delivery, which would go beyond the consultation process through post-training evaluation sheets and existing ad-hoc surveys. This exercise was fully in line with best comparative practices, where the holders of judicial offices are regularly surveyed in order to identify the training needs within the judiciary.²⁰ Although the questionnaire did not formally relate to

²⁰ For example, in Spain, survey of judges is an integral part of the process for continuous training, where questionnaires are sent to all holders of judicial offices and are filled in online. In Germany, leaders of court/prosecution offices gather information on career development, and hence on individual training needs of every holder of judicial office, through structured interviews with every judge/prosecutor once a year. In Bulgaria, extensive annual or bi-annual surveys are used to assess the training needs within the judiciary. Also, regional training needs assessments are also conducted once a year. In the Czech Republic, the judicial academy asks the management of court and prosecutor's offices to send them a letter containing their training needs for the forthcoming year. The Czech system also relies on inputs provided through online registration system. In Sweden, the needs for training of judges are identified based on a comprehensive bi-annual survey sent to all judges.

continuous training only, the intention of the project team was to support the development of a more comprehensive and training needs-oriented continuous training curriculum. However, the results obtained must be read as being applicable both to initial and continuous training needs.

The survey was conducted through a semi-structured questionnaire, which was developed using the existing survey questionnaires utilised by the JA as a starting point. The key objective of the questionnaire was to identify the priorities to be included in the training JA curriculum for 2016-2017 period and to identify the best models for training delivery. The questionnaire was designed so as to include thematic and functional questions, targeting holders of judicial offices and judicial/prosecutorial assistants and advisors and judicial/prosecutorial staff

Due to time constraints and the fact that the activity was conducted in the time of vacations, it was decided that the questionnaire should be sent to the courts and public prosecutors offices that are competent for procedures on regular or extraordinary legal remedies only. The key reasoning behind this decision lay in the fact that these courts are best suited, based on their everyday practice, to identify the key competences and skills of holders of judicial offices that need to be improved. It was decided that the basic courts and basic public prosecutor's offices will be invited to the focus group to further verify the results of the survey.

The questionnaire, attached to this analysis as Annex 2 (in Serbian language), was distributed to the following courts and public prosecutors offices:

- Supreme Court of Cassation
- All appellate courts – four courts of appeal of general jurisdiction, commercial appellate court and misdemeanour appellate court
- Administrative Court
- Higher courts in Belgrade, Novi Sad, Nis and Kragujevac
- Republican Public Prosecutor
- Four appellate public prosecutors
- Higher public prosecutors in Belgrade, Novi Sad, Nis and Kragujevac.

Additionally, within the same time period, the wider stakeholder community was surveyed through an open-ended question format. This is also a good comparative practice.²¹ Namely, a “justice-centred” training needs assessment carries: “a risk of a certain blindness when it comes to detecting inherent deficiencies of the judicial system and the corresponding training needs.” Therefore, the academia, the civil sector and other interested stakeholders should be included in the continuous training needs assessment, preferably through institutionalized mechanisms.

The stakeholder community included:

²¹ As recommended in the *EJTN Handbook on Judicial Training Methodology in Europe* (available at http://www.ejtn.eu/Documents/EJTN_JTM_Handbook_2016.pdf), a wider stakeholder involvement is a necessary part of the training needs assessment. This method is used to identify areas where the community or other stakeholders believe that judicial training or education would improve the overall functioning of the judicial system. This approach can complement surveys and also increase ownership and confidence in the judicial training. This type of information is often collected through informal meetings with key stakeholders, such as the case is in Bulgaria, or through participation of professional associations, including professional associations of judges and prosecutors, in the bodies responsible for developing training programmes and curricula. This approach used to be characteristic of USA and Canada, but some European Countries, such as Romania, have introduced the community assessment exercise as a formal and integral part of their continuous training needs analysis.

- Republican public defender
- Ombudsperson
- Commissioner for protection of equality
- Commissioner for information of public importance and persona data protection
- Anti-corruption agency
- Serbian Bar Association
- Office for Human and Minority Rights
- National Convention on the EU working groups for Chapters 23 and 24

The consultation with the wider stakeholder community was also a pilot instrument intended to test the value of data collected through such a mechanism for the TNA and curriculum development.

3.1. Survey results

A total of 11 answers to questionnaires was received from courts and public prosecutors offices, which accounts for a 52.4 % response rate.

In addition, a total of 5 partners from the wider stakeholder community have proposed training topics, which accounts for a 62.5 % response rate.

The comprehensive presentation of the results of the survey, as discussed at the focus group, in Serbian language, is attached to this Report as Annex 3.

The following are the key results of the survey:

Priorities – knowledge of law

The respondents were asked to prioritise pre-selected topics on which training should be organised in a given field of law. The topics were selected by the project team, in cooperation with the JA staff, based on the results of desk research, existing curricula and interviews with stakeholders. The following are the topics rated as topics with highest priority.

Legal field	Topic	Legal field	Topic
Civil law	<ul style="list-style-type: none"> ▪ Challenges in implementing the Law on Enforcement and Security ▪ Domestic violence – civil law aspects ▪ Challenges in implementation of Civil Procedure Law ▪ Interest rate and rent in civil law practice ▪ Law on the protection of the right to trial within reasonable time 	Criminal law	<ul style="list-style-type: none"> ▪ Criminal offences with elements of corruption ▪ Financial investigation ▪ Crimes against commerce ▪ Advancement of economic knowledge relevant to criminal proceedings ▪ Challenges in implementation of Criminal Procedure Code
Labour law	<ul style="list-style-type: none"> ▪ Labour Law – new institutes ▪ Sources of international and national law ▪ Law on prohibition of discrimination and its relation to Labour Law ▪ Challenges in implementation of Law on the Prevention of Mobbing 	Criminal law	<ul style="list-style-type: none"> ▪ Relations between police and public prosecutors ▪ Cybercrime
		Administrative law	<ul style="list-style-type: none"> ▪ Tax and customs regulations in practice ▪ General Administrative Procedure Law – changes to the procedure and new institutes ▪ Implementation of Planning and Construction Law
		Commercial law	<ul style="list-style-type: none"> ▪ Implementation of Companies Law ▪ Protection of Intellectual Property ▪ Implementation of Bankruptcy Law

Misdemeanor law	<ul style="list-style-type: none"> ▪Differentiating between misdemeanors and criminal offences – borderline cases ▪Implementation of Non-discrimination Law ▪Tax and customs misdemeanors ▪Domestic violence – misdemeanor aspects ▪Adjudicating in cases concerning asylum seekers
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Human rights	<ul style="list-style-type: none"> ▪Right to a fair trial ▪Human trafficking ▪Personal safety and freedom
EU law	<ul style="list-style-type: none"> ▪Relationship between EU law and national law – the role of the courts (preliminary reference) ▪Sources of EU law

Possibilities for multi-professional training (highlights)

The respondents were asked to identify the topic on which it would be useful to organise trainings with members of other professions, and identify the profession. The following table presents a highlight of the results.

Topic	Profession
Domestic violence	Social services Police
Civil procedure law	Barristers
Labour law and its relation with Non-discrimination law	Barristers Police
Criminal offences with elements of corruption	Police Economic court experts Financial investigation experts
Financial investigation	Police Financial investigation experts
Implementation of tax and customs regulations	Customs administration Tax administration Tax police
Planning and construction	Cadastre clerks
Privatization Law	Ministry of Economy Privatization office
Tax and customs misdemeanours	Customs administration Tax administration Tax police
Personal safety and freedom	Police
Right to a fair trial	Barristers

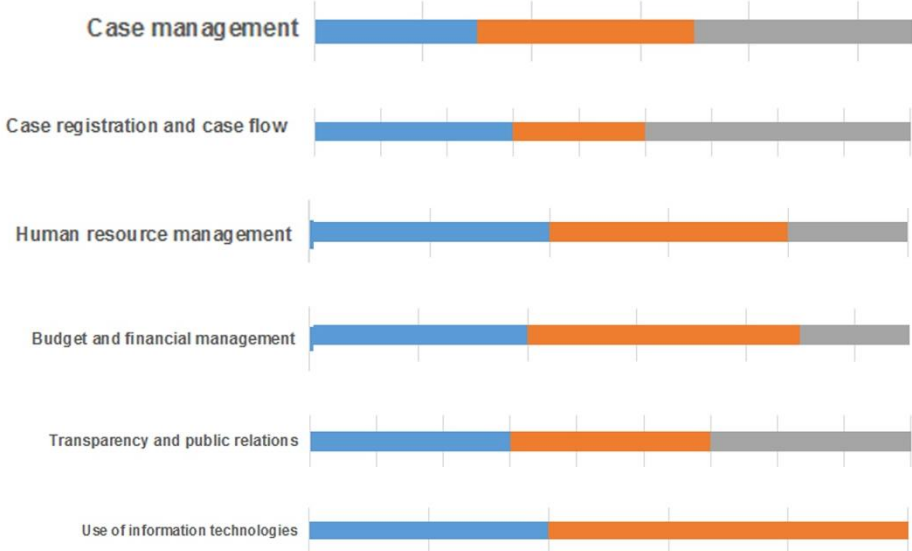
Special knowledge and skills – holders of judicial offices

The respondents were asked to prioritise the need for the advancement of a pre-defined set of special knowledge and skills necessary in judicial work. The following chart is a full presentation of the results.



Special knowledge and skills – court presidents/public prosecutors, court and prosecutorial managers

The respondents were asked to prioritise the need for the advancement of a pre-defined set of special knowledge and skills necessary in managing the work of courts and public prosecutors' offices. The following chart is a full presentation of the results.



Knowledge and skills – judicial and prosecutorial assistants and advisors

The respondents were asked to identify up to three competences and skills with regards to which there is a need to improve the knowledge and skills of judicial and prosecutorial assistants. The following table is a full presentation of the results.

Monitoring and tracking court practice
EU law
Managing the process
Implementation of the Criminal Procedure Code
Human rights
Criminal Procedure Code – appeal
Criminalistics techniques in practice
Criminal Procedure Code – evidence
Communication and public speaking
Ethics and integrity
Use of information and communication technologies
Methodology of drafting judgments
Legal analysis, legal reasoning and legal research
Communication with parties, examination, relation towards parties to the proceedings
Implementation of international treaties
Jurisprudence of the Supreme Court of Cassation and the ECtHR
E-judiciary
Tax, foreign exchange and customs misdemeanours
Foreign language skills

Knowledge and skills – judges and deputy prosecutors appointed to office for the first time

The respondents were asked to identify up to three competences and skills with regards to which there is a need to improve the knowledge and skills of judges and deputy prosecutors appointed for the first time. The following table is a full presentation of the results.

Monitoring and tracking court practice
EU law
Managing the procedure
Human rights
Criminal law and criminal procedure
Methodology of drafting judgments
Legal analysis and legal reasoning
Administrative procedure
Administrative dispute
Communication skills and public speaking
Ethics and integrity
Use of information and communication technologies
Cooperation with other professions
Case management
Use of databases on European law
Ethics and integrity
Relations with parties to the proceedings
Importance of trial within reasonable time

Knowledge and skills – court and prosecutorial staff

The respondents were asked to identify up to three competences and skills with regards to which there is a need to improve the knowledge and skills of court and prosecutorial staff. The following table is a full presentation of the results.

Digital recording of hearings
Work ethics
Case registration and case flow
Communication with parties
Ethics and integrity
Procedure of enforcement of non-pecuniary sanctions
Archive records and archiving
Case management
Information systems
Relations with parties to the proceedings
Use of information technologies
Communication skills
Team work
Ability to quickly adopt new knowledge and skills
Computer skills
Flexibility

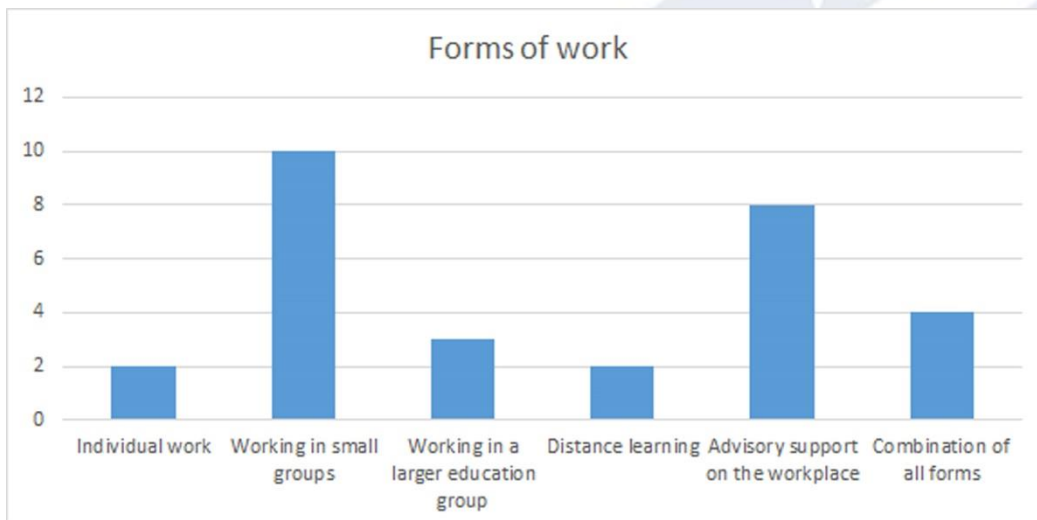
Preferred training methods

The respondents were asked to identify, among the pre-defined training methods, the methods they considered most useful in transfer of knowledge. The following chart is a full representation of the results.



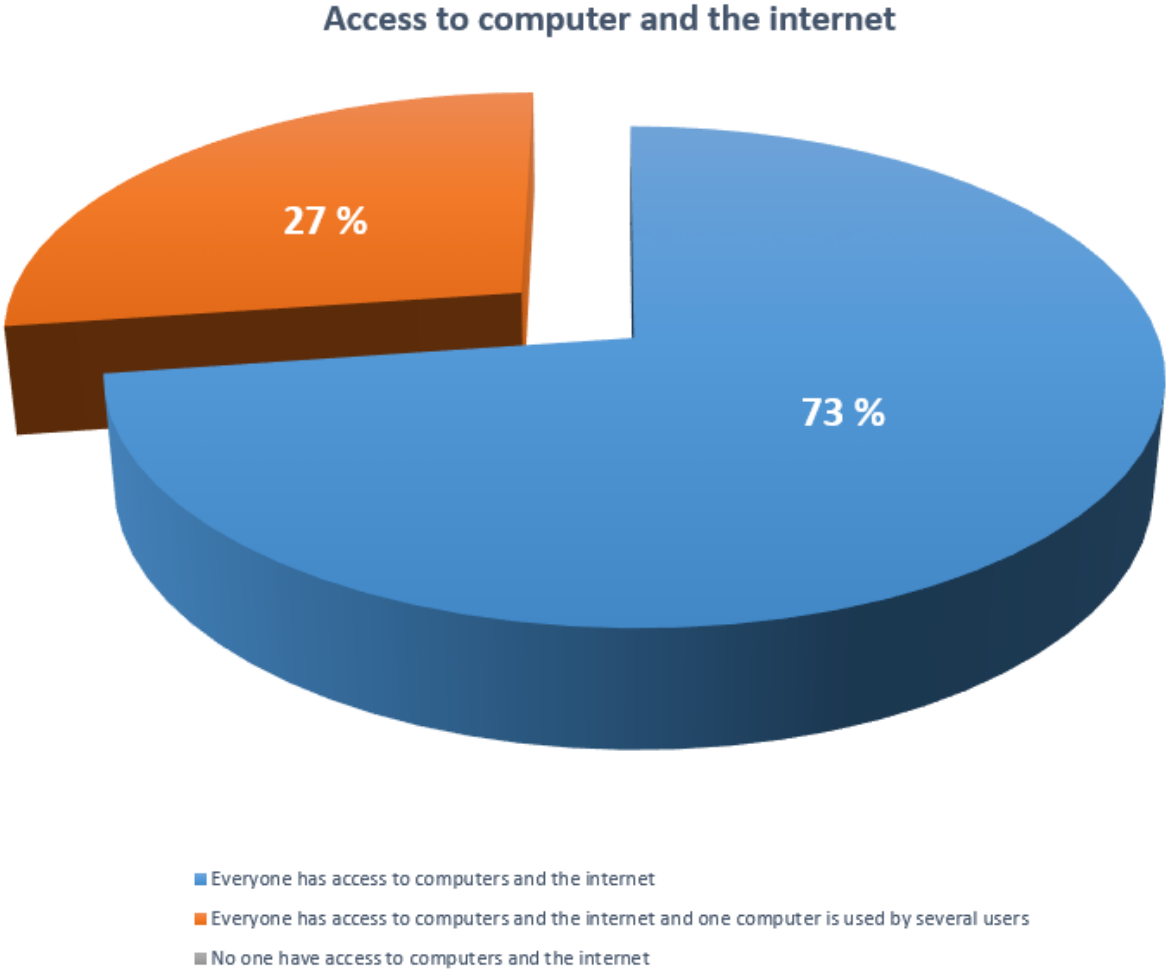
Preferred forms of work

The respondents were asked to identify, among the pre-defined forms of work, the forms they considered most useful in training delivery. The following chart is a full representation of the results.



Access to computers and internet

The respondents were asked to state whether their employees had access to computers and internet on their workplace. The following chart is a full representation of the results.



Topics proposed by the stakeholder community

The stakeholder community was asked to nominate topics from their area of competence with regards to which they considered there was a need to advance the competences and skills of judicial office holders. The following table is a full presentation of the results.

Sexual abuse of child – mechanism of child's position, indicators
Domestic violence and child abuse
Secondary victimization of children in court procedures and available
Instrumentalisation of children and conflict of loyalty in a conflict divorce
Instrumentalised child in the procedure for the enforcement of court decision
Direct implementation of international treaties and generally accepted
Control of property and income of public officials
Control of financing of political activities
Conflict of interest of public officials
Implementation of the Law on Free Access to Information of Public Importance
Implementation of Personal Data Protection Law – for holders of judicial offices
Prevention of discrimination – more intensive training
Prevention of discrimination towards sensitive social groups
Mechanisms of protection of human rights (strategy of prevention and
Implementation of general and special protocols for protection of women from
Wheel of violence and the position of women as victims of domestic violence
Stalking as a form of violence
Violence after the termination of marital/non-marital union and partner

3.2. Conclusions and recommendations

Firstly, given the short period and the limited target group of the survey, the results of the survey need to be interpreted in line with the JA strategic orientation and need to be additionally verified.

However, the survey has shown that the inputs collected through the desk research, interviewees with stakeholders and communication with JA training coordinators are a sound mechanism that reflects the needs of the judicial community. It also showed that the existing TNA practices within the JA do constitute a mechanism for developing a training-needs based curriculum that needs to be structured and streamlined further.

4. Focus group

The last stage of the training needs analysis was the focus group with representatives of the HJC, SPC, MOJ, and representatives of basic courts and basic public prosecutor's offices.

The focus group was held on September 6, 2016 at the Judicial Academy. It was attended by the representatives of the following institutions:

- High Judicial Council
- State Prosecutorial Council
- Basic courts and basic public prosecutor's offices from Subotica, Novi Sad, Valjevo, Kragujevac, Nis, Novi Pazar and Vranje.
- Judicial Academy – including regional offices in Kragujevac and Nis.

The focus group was also attended by representatives of international partners, who were invited in an observing capacity. This effort was aimed at presenting the future ways in which the JA will conduct TNA and potentially coordinate donor support to training development and delivery.

The full list of attendees is attached to this report as Annex 4.

The key objective of the focus groups was to cross-compare and verify the findings of the previous phases of the TNA process and recommendations for its future structuring, ensuring inputs from the key stakeholders and end users.

Firstly, the focus group has verified the survey results both with regards to the priority training subjects and methods of training delivery. There were, however, some suggestions on training needs identified in the practice of basic courts and public prosecutors' offices.

The recommendations formulated at the focus group were the following:

Training on law

- There is a need to put additional emphasis on the issue of material damages in the procedures concerning the protection of the right to trial within reasonable time
- There is a need to conduct more trainings concerning the implementation of the Criminal Procedure Code, particularly having in mind the role of the prosecutors in criminal proceedings.
- There is a need to organize trainings in the field of non-contentious procedure, preferably with member of other professions such as notaries public, social services and medical staff

Target groups for training

- There is a prominent need for training of judicial and prosecutorial staff; this is particularly true concerning the registry office and court enforcement officers
- There is a need to single out judicial/prosecutorial assistants and advisors as a separate target group for trainings provided by the Judicial Academy
- Trainees in initial training should be offered the opportunity to take part in trainings conducted as a part of continuous training programme

Training delivery

- Multi-professional trainings including judges and prosecutors would be highly beneficial
- Multi-professional trainings with barristers across all topics would be highly beneficial, as their work is significant for the work that of the judiciary
- Working meetings where judges and prosecutors from basic courts/prosecutors' offices can discuss issues identified within court practice with appellate judges/prosecutors is a useful training instrument and also a tool that helps standardization of court practice
- Development of a calendar of activities is imperative
- Integrative approach to training on European Convention on Human Rights is the next necessary step in improving the competences and skills of Serbian judges and prosecutors

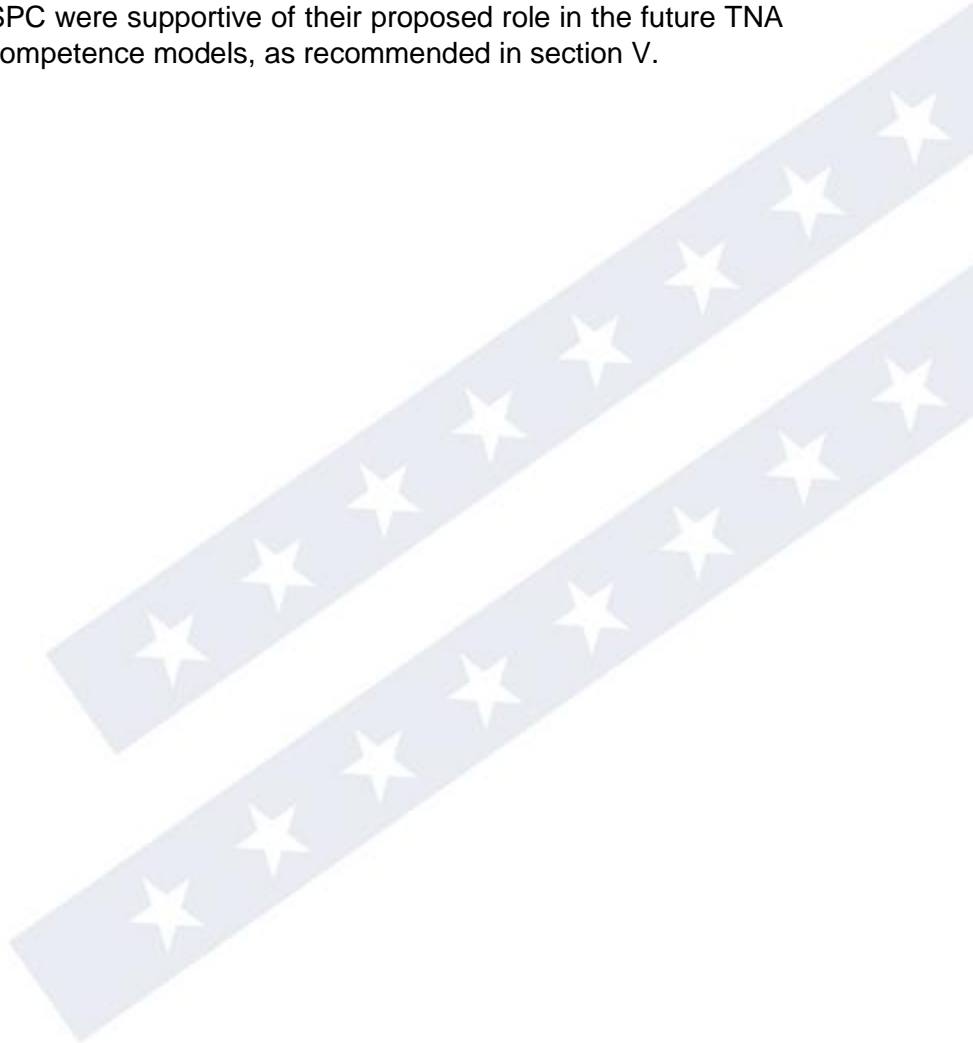
TNA Process

- Training needs assessment should assess the need to improve the competences and skills in both initial and continuous training
- Training needs analysis which includes surveying of holders of judicial offices and a consultation with a wider stakeholder community should become standard practice

4.1. Conclusions and recommendations

The focus group has provided the project team and the JA with a validation of the results of the survey, with certain constructive suggestions for inclusion of specific topics and training delivery methods in the JA training curriculum.

In addition, the focus group has unanimously supported the recommendations aimed at the structuring and improvement of the current TNA practices within the JA. It is particularly important that the HJC and the SPC were supportive of their proposed role in the future TNA process and creation of judicial competence models, as recommended in section V.



V RECOMMENDATIONS

The following recommendations address the specific future training requirements within the judicial system and the need to develop a structured method of assessing the training needs within the judiciary that will enable the JA to drive the training process and help elevate the overall capacity of the judicial system.

In the formulation of recommendation, special care was taken to ensure that they are realistic, responsive to the general regulatory and social context in which the Judicial Academy operates and feasible to implement in short and medium term. The recommendations however do drive the Judicial Academy further towards improved regulatory institutional setup for planning and delivery of trainings that are responsive to the needs of a competent and efficient judiciary in Serbia.

I STRUCTURED APPROACH TO TRAINING NEED ASSESMENT

1. TNA is a systemic and continuous formally regulated exercise

In order to standardize the existing TNA practice within the JA a Rulebook on TNA should be adopted by the JA. This act should specify the roles of the Programme Council, Programme Council Standing Commissions, JA staff (training coordinators), mentors, trainers, the HJC and the SPC in the TNA process. Moreover, the Rulebook should prescribe the instruments and mechanism that will be used in the TNA process, ensuring that the best existing JA and best comparative practices and lessons learned from the TNA process conducted by the project team are implemented, the coverage of the TNA and the timeline for conducting it.

It would be optimal for the TNA methods to include:

- desk research
- post-training evaluation
- inputs from trainers, mentors and JA training coordinators, including JA regional offices
- regular surveying of the judicial community
- regular stakeholder surveys
- focus groups
- inputs from the High Judicial Council and State Prosecutorial Council
- semi-annual consultations with appellate courts and prosecutors, the HJC and the SPC.

The Rulebook would need to ensure that the TNA does not only relate to knowledge of law, competences and skills, but also to the training delivery methods.

The optimal set up of the TNA mechanism that should be regulated by the Rulebook is the following:

The presidents of courts and prosecutors should be surveyed annually to map the training needs within their own organization. In the coming years, by benchmarking against previous years, it will be possible to identify the evolution and achieved competency gain, taking into account the loss due to the natural outflow of court staff.

In order for holders of judicial offices to be responsive to the needs of the society in performance of their duties, it is recommendable to identify survey a wider stakeholder community (the Bar, the ombudsperson, the Anti-Corruption Agency, the Commissioner for the protection of Equality, civil society etc) and feed this information in the creation of the training

curriculum. Consequently, the wider stakeholder community should also be surveyed on annual basis in parallel with the survey of courts and prosecutor's offices.

Additionally, the presidents of the Appellate Courts and related prosecutorial offices should be surveyed on quarterly basis regarding the possible fine tuning and adjustment of the ongoing Programme.

Finally, the Rulebook would need to set strict and feasible timeline for the conducting of the TNA, ensuring timely collection and processing of inputs that are then fed into the training curriculum, enabling the observance of the time limit for the delivery of the continuous training curriculum set by law (December 1). Ideally, the TNA process would commence in May of current year, for the forthcoming year, and be completed by September 1 of the current year.

The Rulebook should also clearly regulate the status of pre-defined training needs and urgent training needs mandated by the HJC and the SPC, as a priority.

When adopting the Rulebook, the JA should consider the recommendations related to proper conceptual planning of comprehensive training programmes and the need for a thorough knowledge of modern judicial training methodology as summarised in the European Judicial Training Network's Handbook on Judicial Training Methodology in Europe.²² This would ensure that the TNA process formalised through the Rulebook supports a participatory training approach to judicial training.

2. Training Needs Assessment is a joint effort of the Judicial Academy, HCJ and SPC

As recommended by Serbia Judiciary Functional Analysis, the Academy and the Councils need to work together to conduct the systematic needs assessment²³. Focused cooperation of the Academy and Councils would serve to make JA curricula more responsive to the needs of the judiciary.

In the future, the JA should take the initiative of polling the HJC and SPC concerning the training needs assessment. This should be done periodically and at a predetermined time in order to ensure a timely conclusion of the process so that the result can be used in the operational-planning process.

Electronic exchange of training-related data between the Judicial Academy and the Councils should be established in order to facilitate the process and help create clear links between training attendance and judicial performance assessment. In the long term, it would also support the development of a competency-based training model and merit-based judicial appointment and advancement system.

3. Training needs assessment supports the calendar of activities

The training curriculum for initial and continuous training should be accompanied with a calendar of activities that is planned in advance, responsive to TNA, but can also cater to urgent needs (e.g. legislative changes).

The Serbian judiciary is still facing a number of challenges in terms of frequent legislative changes and limited budget resources intended for training. The adoption of the new laws is often linked with the need for training, while the funds for the organization of the courses are

²² Available at European Judicial Training Network's Handbook on Judicial Training Methodology in Europe, 2016, available at http://www.ejtn.eu/Documents/EJTN_JTM_Handbook_2016.pdf

²³ FA – HJC strategic plan 2011 – 2013

not always available. In addition, the Action Plan for Chapter 23 sets out comprehensive training needs that the JA has to cater to. These all constitute a major challenge in developing a comprehensive annual calendar of activities.

However, there are measures that can mitigate this challenge. Within its annual programme framework, the JA should reserve percentages of time, budget and organizational capacities for catering to pre-defined and urgent training needs, while at the same time setting schedules for other trainings envisaged in the annual curriculum. The prioritisation of delivery of trainings catering to pre-defined training needs and urgent training needs should be clearly indicated, for transparency purposes.

The Calendar of Activities on at least three-month basis should be available on the JA web page to inform the training beneficiaries of the training events. The Calendar of Activities would be highly instrumental in the overall training planning, training delivery and the TNA process.

4. JA has a Department for TNA and curriculum development

The JA needs to consider, in its staffing table, the introduction of a separate TNA and programme development department. The department would be tasked with collecting and processing relevant information regarding the TNA and overall programme development, including the conducting of surveys, organisation of meetings with the presidents of appellate courts, desk analysis of current and pending public policy documents and laws in order to ascertain or anticipate future training needs, cooperation with the High Judicial Council and the State Prosecutors' Council, cooperation with donors in matching the established training needs and potential and agreed support to the work of the JA and budgeting the training planning and delivery. The Department would further be charged with depository responsibilities in order to ensure that all the trainings delivered by the JA become a part of the permanent institutional memory of the JA.

This department should be additionally supported by a certain number of judges and prosecutors should be referred as full-time lecturers to work at the Academy for a period of three years. A full-time lecturer could be very instrumental during the training need assessment process since in recording in real time the need to revise a training programme

5. JA needs to strike a balance between initial and continuous training

The JA needs to ensure a balanced dedication of resources to the initial and continuous training. In doing so, the JA should prioritize the training needs assessment for the continuous training for judges and prosecutors, and further calibrate the pilot instruments utilized in 2016 as a part of project support in conducting the TNA.

6. TNA needs to be targeted

The TNA process within the JA needs to be calibrated towards initial and continuous training separately. Additionally, within the continuous training-related TNA, JA needs to develop separate instruments targeting different groups of trainees, namely:

- holders of judicial offices
- court and public prosecutors' offices management
- court/prosecutorial trainees and advisors
- court and prosecutorial staff

This approach is particularly supported by a comprehensive set of competences and skills with regards to which a training need was identified for different target groups.

7. JA and its partners should develop a competence-based approach to training

Within the structured approach to needs assessment and prioritization, the JA should emphasize the judicial competence model in all its training initiatives. Indeed, this practical orientation ensures that participants can immediately and correctly apply the competencies they have achieved to daily assignments and tasks.

From the start, this puts the emphasis on integrating these competencies within the judiciary and adapting them to specific needs. A detailed model needs to be developed with the assistance of experts, and then tested and validated.²⁴

These competency standards are crucial to adequately conduct a needs analysis regarding competency development. The JA would rely on the HJC and the SPC to establish the required competency levels for every function or job profile. The standardization will be adjusted repeatedly according to the changing circumstances. This would enable an increasingly effective, focused and transparent competence management within the Serbian judiciary.

Although the recommended competency based model implies a shift from the former program approach, it would offer better support for the TNA process and selection of necessary or appropriate training initiatives (depending on the competence deficit). A visual representation of how a particular competence model is developed in an iterative and evolutionary way and to what extent certain forms of learning are more appropriate to enable growth at that level is attached to this report as Annex 5.

The development of this approach should be set as a mid-term (2-5 years) goal.

²⁴ The model defines the competences in three distinct domains *Technical judicial competences*. These competences focus on the technical/substantive aspects of the role or function. In other words, they are often linked to rules and procedures in the context of criminal law, social law, private international law, etc.

- *Administrative and organizational competences*

These are mainly aimed at planning, controlling, and directing the organization, but also deal with skills such as project management or business process management.

- *Social-communicative or psychosocial competences*

These include aspects such as communication skills and stress management, or, for example, analytical skills in the context of legal judgments.

II TRAINING REQUIREMENTS WITHIN THE SERBIAN JUDICIAL SYSTEM IN THE 2016-2017 PERIOD

Knowledge of law

The TNA conducted under the project has confirmed that the training needs of the Serbian judiciary encompass a wide spectrum of topics related to the knowledge of law. These topics, for the most part, are already covered by the JA initial and continuous training curriculum, either as separate courses or as parts thereof.

Catering to pre-defined training needs set out in the Action Plan for Chapter 23 and the needs for urgent training are a must in the continuous training curriculum – this obligation sets additional strain to the Judicial Academy in ensuring that the topics identified through the TNA exercise will indeed be included in the JA continuous training curriculum and that training on these topics will indeed be delivered in the 2016-2017 period. This will be true for any future TNA exercises conducted by the JA, as long as the list of pre-defined training needs dictates a considerable part of curriculum planning and delivery.

However, the need to develop and conduct structured TNA within the JA remains instrumental in ensuring that the JA's curriculum stays comprehensive and responsive to the needs of the Serbian judiciary, in the part that remains uncovered by pre-defined training needs and urgent training needs. Moreover, the TNA process conducted in line with the recommendations set above will help advance the ownership of the system with regards to the JA training curriculum.

Having this in mind, it would be very difficult to insist that all topic identified within the present TNA exercise are topics that must be included in the JA training curriculum, save for those already pre-defined. Currently the most prudent option would be to suggest that the JA Programme Council takes the priorities, as defined in the responses to the survey, as indicative priority topics related to the knowledge of law, which should be included in the JA curriculum for 2017. In doing so, the Programme Council would need to ensure sufficient coverage of various areas of law – this is particularly important given that the needs defined in Action plan for Chapter 23 are imbalanced in favour of criminal law.

The JA should consider shifting the focus of training on human rights, particularly the training related to the European Convention on Human Rights, from a general training on a given human rights topic and standard to integrated training. This that trainings on other topics need to include clear references to applicable human rights standards and relevant jurisprudence of the European Court of Human Rights but also the Serbian Constitutional Court and Serbian Supreme Court of Cassation.

Special knowledge and skills

Both initial and continuous training programme would benefit from putting additional emphasis on the development and advancement of special knowledge and skills within the Serbian judiciary. Among these, legal drafting methodology, legal reasoning and legal research, ethics and integrity and communication skills are a clear priority.

In addition, there is a need for training of court and prosecutor's office managerial staff, including, but not limited to, human resource management, budgeting and finance and use of information technologies.

Training delivery

It is imperative for the JA to continue advancing its training delivery and gear it towards interactive and innovative training delivery methods. Among these, study visits, working meetings and interactive lectures clearly stand out as those that are preferred by the judicial community. However, this must not limit the scope of various training methods and implementation of best adult learning practices in the trainings offered by the JA.

The existence of a variety of training methods needs to be ensured not only on paper, but also in practice, where particular attention needs to be given to matching the training delivery method to the topic of the training, and the future TNA will be instrumental in doing so.

Having in mind the fact that access to computers and internet is no longer a major challenge in the Serbian judiciary, the JA should consider the introduction of distance learning, through offering existing free e-learning contents developed by peer European judicial training institutions, and also start developing its own distance learning models.

The delivery of trainings in small study groups is a clear preference among the Serbian judicial community, and the JA should put additional efforts in delivering trainings according to this requirement. In doing so, the JA should utilise methods of work such as group discussions and working meetings, which are easily recognised and favoured by holders of judicial offices as a preferred working method wherever possible.

In order to broaden the JA assistance to the improvement of the functioning of the judiciary the JA should consider providing institutionalised advisory support to holders of judicial offices on their workplace. In doing so, the JA should resort to its existing pool of trainers, including retired judges and public prosecutors, to set up a peer-support facility that would be coordinated by the JA in close cooperation with court presidents, on needs basis.

In the forthcoming period, the JA should increase its offer of multi-professional trainings, as these were universally identified as an excellent training delivery mechanism. In doing so, the JA should particularly consider organising joint trainings for judges and prosecutors.

Evaluation

Considering the conceptual link between training needs assessment and evaluation, as well as the survey results, the JA should further explore the utilisation of the pre-training evaluation and post-training bi-directional evaluation as a part of the TNA process.

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