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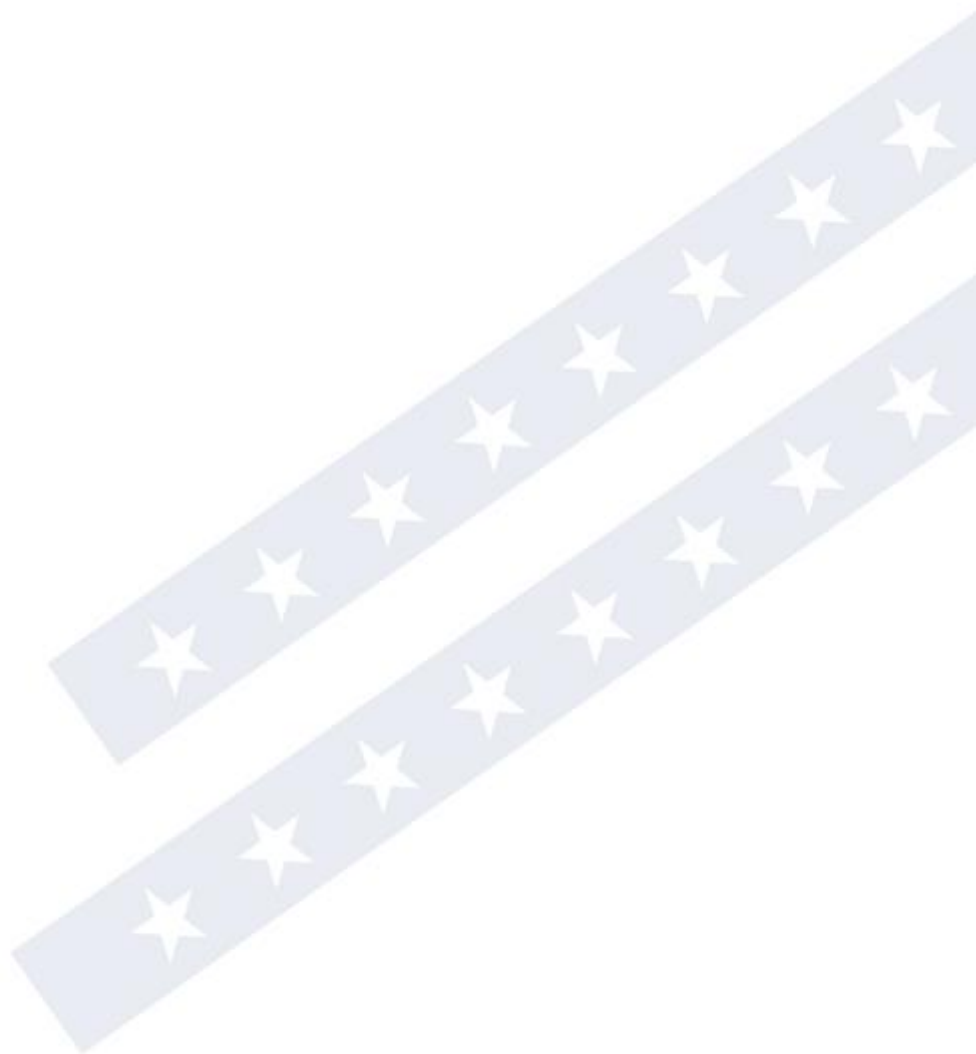


REPUBLIC OF SERBIA

MINISTRY OF  
JUSTICE

# EUROPEAN UNION'S SUPPORT TO THE JUDICIAL ACADEMY





# TRAINING NEEDS ASSESSMENT FOR THE SERBIAN JUDICIAL ACADEMY

Results and recommendations

Olivera Purić and Ana Knežević Bojović

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## LIST OF ACRONYMS

AP	Action Plan for Chapter 23
ECHR	European Convention on Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
EU	European Union
HJC	High Judicial Council
ICT	Information and Communication Technologies
JA	Judicial Academy
PATEM	Judicial Academy Electronic Training Management Tool
PC	Programme Council
PPO	Public Prosecutors' Office
RS	Republic of Serbia
SCC	Supreme Court of Cassation
SPC	State Prosecutorial Council
TNA	Training Needs Assessment
WG	Working Group

## I INTRODUCTION

In order to identify the training needs within the Serbian judiciary 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, under project Component 2: Enhancing educational activities of the JA in order to improve efficiency and effectiveness of trainings, Activity 2.1: In close cooperation with the High Judicial Council and the State Prosecutorial Council, conduct a needs assessment analysis in order to identify future training requirements within the judicial system

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 2016 training needs assessment was conducted using a mixed method approach for data collection, including the following:

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.

As a result of this TNA process, recommendations have been formulated to address the specific training requirements within the Serbian judicial system but also 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 recommendations, 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 also aimed to 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.

In line with the recommendations, the project has supported the Judicial Academy in drafting and adopting a Rulebook on TNA.

TNA Rulebook envisages the following:

- Training needs assessment is a continuous process, which is performed by the Judicial Academy staff, as a way of providing expert assistance to the Programme Council, its standing commissions and programme groups in establishing the proposal of the annual training curriculum. In doing so, the Judicial Academy staff take the following actions:

1. Compile a list of trainings the Academy is obliged to conduct based on laws, public policy documents, HJC or SPC decisions and that are related to EU integrations and forward it to the Programme council and programme groups each September 1. The list must be updated regularly and the updated version forwarded to the Programme council and programme groups each March 1 or earlier, if necessary.
2. Regularly monitor the legislative process, and draft a list of trainings that the JA could conduct that are related to the planned regulatory interventions.
3. Regularly survey all courts and all public prosecutor's offices in order to identify the training needs of judges, prosecutors, judicial assistants, court and public prosecutor's office management and staff for the forthcoming year. The relevant questionnaire is to be sent to all courts and public prosecutor's offices in the first week of May, the answers are to be sent back by June 7, processed by the JA staff and forwarded to the Programme council and programme groups by July 1. The JA staff also surveys the training needs of notaries public and public enforcers in the same manner.
4. Survey the stakeholder community – independent state bodies, public defender, the Bar, the civil sector – on the training needs of the judiciary. The inquiry is to be sent to the stakeholder community in the first week of May, the answers are to be sent back by June 7, processed by the JA staff and forwarded to the Programme council and programme groups by July 1.
5. Regularly collects and processes data related to training needs included in mentor's reports, reports submitted by trainers and in post-training evaluation forms filled by the trainees. The processed data is forwarded to the programme groups twice a year, on March 1 and September 1.
6. Organise regular working meetings of the programme groups with representatives of appellate courts, of the HJC and the SPC, in order to adjust the proposal of the training curriculum and the training delivery to the specific needs of courts and public prosecutors' offices from the territory of each court of appeal.
  - Based on the data forwarded by the JA staff, the programme groups draft the proposal of the training curriculum and forward it to the Programme Council. The Programme Council adopts the proposal of the annual training curriculum at the latest by October 1 of the current year for the next year, and forwards it to the JA Management board. When drafting the annual training curriculum, the programme groups must take special care of the trainings the JA is obliged to conduct, and treat them as priority trainings. When developing the quarterly training calendar, the Programme council and JA staff reserve a certain number of trainings for conducting trainings based on a decision of the HJC or the SPC. In addition, if the HJC or the SPC adopt a decision on mandatory training during the implementation of the annual training curriculum, such training shall be treated as priority training and the training calendar shall be adjusted accordingly.
  - JA Management board adopts the annual training curriculum at the latest by November 1 of the current year for the following year.

The Judicial Academy has started to implement the TNA Rulebook in 2017, with Project support.

## II TRAINING NEEDS ASSESSMENT FOR THE SERBIAN JUDICIARY 2017

The 2017 TNA process outlined in the present report covers the January 1 – June 9, 2017 TNA activities carried out within the JA, with Project support, and in line with the TNA Rulebook. The report will present the TNA inputs collected through a desk research of the pre-defined training needs and inputs collected in various forms of communication with relevant stakeholders. Finally, it will provide a set of recommendations for the JA.

### 1. Pre-defined training needs

The desk research included the training envisaged in key Serbian public policy documents, such as the Action plan for Chapter 23, Action Plan for Chapter 24, the National Program for Countering Shadow Economy, National Anti-Corruption Strategy, the National Gender Equality Strategy and various laws, HJC or SPC decisions.

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.

The training needs related to the **Action Plan for Chapter 23** in the 2016 TNA report have remained the same.

These include the following:

- **Civil law:** Training of judges in enforcement proceedings
- **Criminal law:**
  - Training and education in the field of international criminal law for judges and prosecutors;
  - Training for police officers, prosecutors and judges to efficiently prosecute cases of corruption in public procurement;
  - Training of police and prosecutors for conducting financial investigations, monitoring cash flows, proactive approach and special investigative techniques;
  - 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;
  - Training for holders of judicial functions on alternative sanctions;
  - Training and support continued certification of judges, prosecutors, lawyers and police officers in contact with juvenile offenders;
  - Training and informative sessions for police officers, public prosecutors and deputy public prosecutors, judges and employees of Centers for Social Work, on the protection of children victims / witnesses in criminal proceedings in order to avoid secondary victimization and distribute educational materials;
  - Training of the police officers, prosecutor's and deputy prosecutors and judges in terms of stronger procedural safeguards;
  - 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;
  - 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.



- **Human rights:**
  - Training of judges on international instruments and standards in the field of protection of national minorities from discrimination and ECHR practice;
  - Joint training of the judges, prosecutors and deputy prosecutors and police officers, to advance their knowledge and skills for efficient suppression of hate crime.
- **Special knowledge and skills:**
  - Training on 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;
  - Training regarding cleaning data and addition of information in the ICT system; 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;
  - Training for judicial office holders on integrity rules and ethics; 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)

According to the Action Plan for Chapter 24, the Judicial Academy has the responsibility to deliver trainings (education and capacity building) for holders of judicial offices, public prosecutors, judicial staff, police officers and civil servants, on a number of topics. The training needs related to the **Action Plan for Chapter 24** include the following:

- Training for judges, judicial staff and civil servants on the implementation of EU law and private international law regulations related to judicial cooperation in civil matters<sup>1</sup> - on a continuous basis
- Training for judges, prosecutors, judicial and prosecutorial staff and civil servants related to judicial cooperation in criminal matters (including European arrest warrant)<sup>2</sup> – on a continuous basis
- Training for judges, prosecutors, judicial and prosecutorial staff and civil servants related to cooperation with EUROJUST<sup>3</sup> - on a continuous basis
- Training for bodies in charge of proactive investigation of organised crime, economic and financial crime and the criminal offence of money laundering, including training on complex financial investigations<sup>4</sup> - on a continuous basis
- Training for police officers, prosecutors and judges on frauds committed by legal persons<sup>5</sup> - on a continuous basis
- Training for 20 judges and prosecutors every year on financial investigations<sup>6</sup> - on a continuous basis

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<sup>1</sup> Activity 5.1.4. of the Action Plan for Chapter 24

<sup>2</sup> Activit 5.3.5 of the Action Plan for Chapter 24

<sup>3</sup> Activity 5.4.3. of the Action plan for Chapter 24

<sup>4</sup> Activity 6.2.4.8. and Activity 6.2.5.5. of the Action plan for Chapter 24

<sup>5</sup> Activity 6.2.4.13. of the Action plan for Chapter 24

<sup>6</sup> Activity 6.2.7.11. of the Action plan for Chapter 24

- Training for Special Prosecutor's Office for Cybercrime and judges on cybercrime<sup>7</sup> - on a continuous basis

The training needs related to **existing laws and HJC and SPC** decisions include the following:

- Training for judicial office holders on proceeding in cases concerning juvenile delinquents. This training need is also identified in the Action Plan for Chapter 23
- Training for judges on the new Law on Enforcement and Security. This training need is also identified in the Action Plan for Chapter 23.
- Training for judges and prosecutors on the implementation of the new Law on the Prevention of Domestic Violence. This training need is also identified in the Action Plan for Chapter 23.
- Training of judges and prosecutors on the new Law on Organisation and Competences of State Bodies in Countering Organised Crime, Terrorism and Corruption. The law should start to be implemented as of March 1, 2018. This training need is partially identified in the Action Plan for Chapter 23.

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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. The pre-defined list of training needs to an extent streamlines the training needs assessment and curriculum development process, while at the same time leaving restricted space for catering to the other training needs of the Serbian judicial system, both in terms of topics and budget availability. It is imperative that these JA responsibilities are recognised by all key players – both the bodies responsible for short- and medium-term planning of the JA trainings and the future trainees, in order to help set training priorities, on the one hand and trainee's expectations with regards to the topics that can be included in the JA annual continuous training curriculum, on the other.

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<sup>7</sup> Activity 6.2.9.1.3. of the Action plan for Chapter 24

## 2. Identifying training needs through various communication methods with beneficiaries and stakeholder community.

In line with the TNA Rulebook, the project and the JA have collected and processed data related to training needs of the Serbian judicial system through different forms of communication with beneficiaries and the stakeholder community. These include the following:

### **1. Collecting and processing data related to training needs included in mentor's reports, reports submitted by trainers and in post-training evaluation forms filled by the trainees.**

The project and JA have collected data related to training needs from post-training evaluation sheets filled by the trainees in all the trainings delivered by the JA in the January 1 – May 9, 2017 period.

### **2. Surveying all courts and all public prosecutor's offices in order to identify the training needs of judges, prosecutors, judicial assistants, court and public prosecutor's office management and staff for the forthcoming year. The survey was additionally supported through the holding of focus groups with representatives of judges, public prosecutors, judicial and prosecutorial assistants and support staff in courts and public prosecutor's offices.**

The project and JA have conducted a comprehensive survey of the judiciary in order to consult the potential trainees on their training needs related to a wide range of issues, including knowledge of law, non-judicial knowledge, judicial and non-judicial skills and training delivery, which goes beyond the consultation process through post-training evaluation sheets and existing ad-hoc surveys.

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, and was calibrated through consultations with JA coordinators, the data from mentor's reports and evaluation sheets, and lessons learned in the 2016 process. The key objective of the questionnaire was to identify the priorities to be included in the training JA curriculum for 2018 period but also in the medium term. 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.

The questionnaire, attached to this analysis as Annex 1 (in Serbian language), was distributed to all courts and public prosecutors' offices in Serbia. It was also distributed to the HJC and SPC, to ensure their early participation in the programming process.

The questionnaire was sent on May 10, 2017, and the responses were requested by June 9, 2017. The Project and JA have received a total of **160** responses from courts, public prosecutor's offices, HJC and SPC out of a total of 246 institutions, which amounts to a **64.26%** response rate.

In order to enhance the surveying process, ensuring understanding of the requirements of the TNA process and quality responses, the project and the JA have organised focus groups with judges, public prosecutors, judicial and prosecutorial assistants and support staff in courts and public prosecutor's offices in the seats of four appellate courts and public prosecutor's offices. The focus group schedule was the following:

Date	City	Focus group includes
June 2	Belgrade	Judges, judicial assistants, judges appointed for the first time, court staff
June 5	Novi Sad	Judges, prosecutors and deputy prosecutors, judicial and prosecutorial assistants, judges and deputy prosecutors appointed for the first time, judicial and prosecutorial staff
June 6	Belgrade	Prosecutors and deputy prosecutors, prosecutorial assistants, deputy prosecutors appointed for the first time, prosecutorial staff
June 8	Nis	Judges, judicial assistants, judges appointed for the first time, court staff Judges, judicial assistants, judges appointed for the first time, court staff
June 9	Nis	Prosecutors and deputy prosecutors, prosecutorial assistants, deputy prosecutors appointed for the first time, prosecutorial staff

The focus groups included more than 120 participants from basic, higher and appellate courts (including Commercial Appellate Court) and public prosecutors' offices, misdemeanour courts and commercial courts.

### 3. Surveying the judicial professions on their training needs

The project and JA have asked the Notaries Public Chamber and the Chamber of Court Enforcers to indicate their training needs, through proposing up to five topics for training of their members. The request was sent on May 10, 2017, and the response was requested by June 9, 2017.

Both Chambers have sent their responses.

#### **4. Surveying the stakeholder community – independent state bodies, public defender, the Bar, the civil sector – on the training needs of the judiciary**

The wider stakeholder community was surveyed through an open-ended question format. The request was sent on May 10, 2017, and the responses were requested by June 9, 2017.

The stakeholder community included:

- Constitutional Court
- Republican public defender
- Ombudsperson
- Commissioner for protection of equality
- Commissioner for information of public importance and personal data protection
- Anti-corruption agency
- Office for Human and Minority Rights
- European Integration Office
- National Convention on the EU working groups for Chapters 23 and 24
- Belgrade Center for human rights
- YUCOM (Yugoslav committee of lawyers)
- Fund for Humanitarian Law
- Bank's Association
- Serbian Chamber of Commerce
- Serbian Bar Association
- Intellectual Property Office
- JA Alumni Club
- Forum of Judges
- Association of judicial and prosecutorial assistants
- International stakeholder community

A total of **5** responses from the stakeholder community were received

## 2.1. Processing data from reports and evaluation sheets

The following topics were nominated by trainees as topics on which training is needed in their post-evaluation sheets from trainings held in 2017:

<b>Legal field</b>	<b>Topic</b>
<b>Civil Law</b>	Law on Enforcement and Security
	Damages
	Interpretation of contracts
	Costs of proceedings
	Legal reasoning in civil judgments
<b>Criminal Law</b>	Domestic violence
	Financial investigations
	Corruption prevention
	Countering terrorism
	Criminal Procedure Act in practice
<b>Administrative Law</b>	New Administrative Procedure Law
	Law on Administrative Disputes
	Protection of electoral rights
	Personal data protection
	Tax law
<b>Commercial Law</b>	Companies' Law in practice
	Bankruptcy Law in practice
	Mortgage in procedures before commercial courts
	Law on Enforcement and Security
	Banking arrangements
<b>Misdemeanour Law</b>	Traffic misdemeanours
	Scene investigation of traffic accidents
	Misdemeanour liability and current jurisprudence

	Implementation of the Criminal Law Convention on Corruption in misdemeanour proceedings
	Legal drafting
<b>Human Rights</b>	Non-discrimination legislation in practice
	Right to a fair trial
	Refugee law
	Human rights aspects of countering terrorism
	Domestic violence and ECHR standards
<b>European Union Law</b>	Capacity building for harmonising national legislation with EU internal market law
	Judicial cooperation in criminal matters: mutual legal assistance instruments
	EU company law
	EU patent law
	Judicial cooperation in civil matters
	EU contract law in the digital age

These inputs show that there is still a rather individualistic approach to the nomination of topics for training by the trainees. In addition, the nominated topics show that training is still very much understood as training on law, not training on skills or non-judicial knowledge. In order to mitigate this, the post-training evaluation should gear the trainees towards nominating not only legal topics but also on non-judicial knowledge and soft skills.

## 2.2. Surveying courts and public prosecutor's offices – Findings and results

### Focus group

The participants were proactive and provided constructive inputs and recommendations both regarding the surveyed training needs and the TNA process. The focus groups have brought the attention to the fact that TNA has to be considered in the wider social context (e.g. judicial and prosecutorial appointment process, understaffing, lack of material resources, overburdening with cases, and the like), which affects the responses and perception of training needs. The summary findings of the focus group are the following:

- 
- *All topics included in the questionnaire were verified as relevant*
  - *The effectiveness of multi-professional trainings as a model that advances the work of all institutions involved was stressed, and should be utilised more in the future*
  - *There is a need to advance training methods through ensuring a more interactive approach to knowledge transfer, and including case studies and examples adjusted to national regulations and context*
  - *It is necessary to integrate the jurisprudence of the ECtHR, Supreme Court of Cassation and the Constitutional Court into all training efforts*
  - *The possibility of trainings contributing to a more standardised jurisprudence should be examined*
  - *It is necessary to advance both judicial and non-judicial skills and knowledge and integrate them into all thematic trainings on knowledge of law*
  - *The availability of training materials and further transfer of knowledge need to be improved*
  - *The availability and transparency of information related to training and invitations for training need to be improved*
  - *Judicial and prosecutorial assistants should be systematically included in trainings together with holders of judicial offices*
  - *There is a need to organise trainings for judicial and prosecutorial staff*
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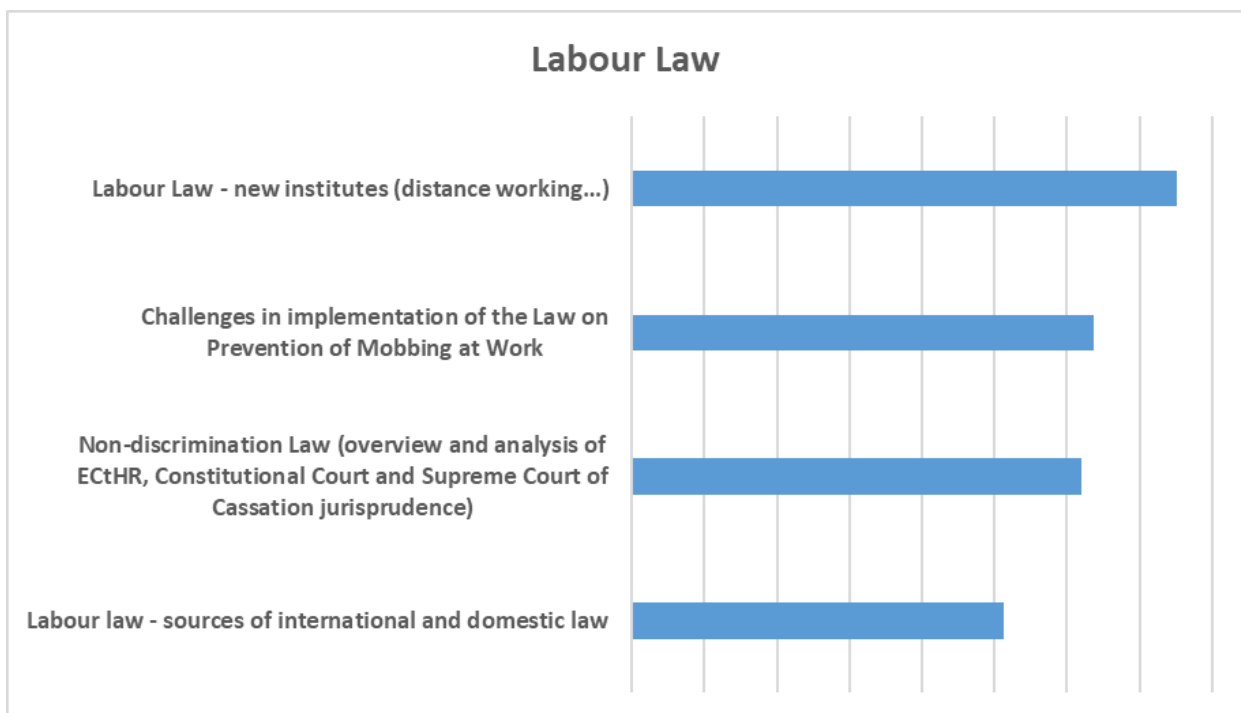
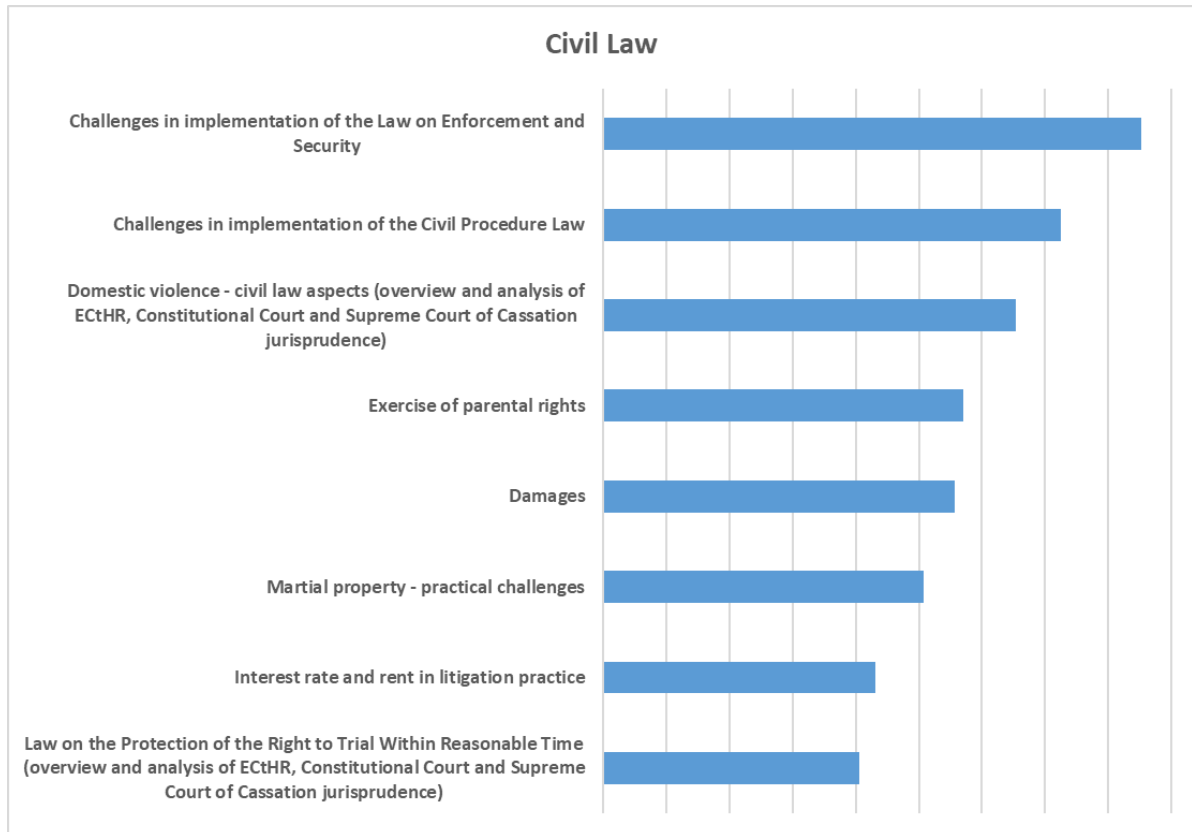
## Survey

### ***Prioritization of topics nominated in the questionnaire***

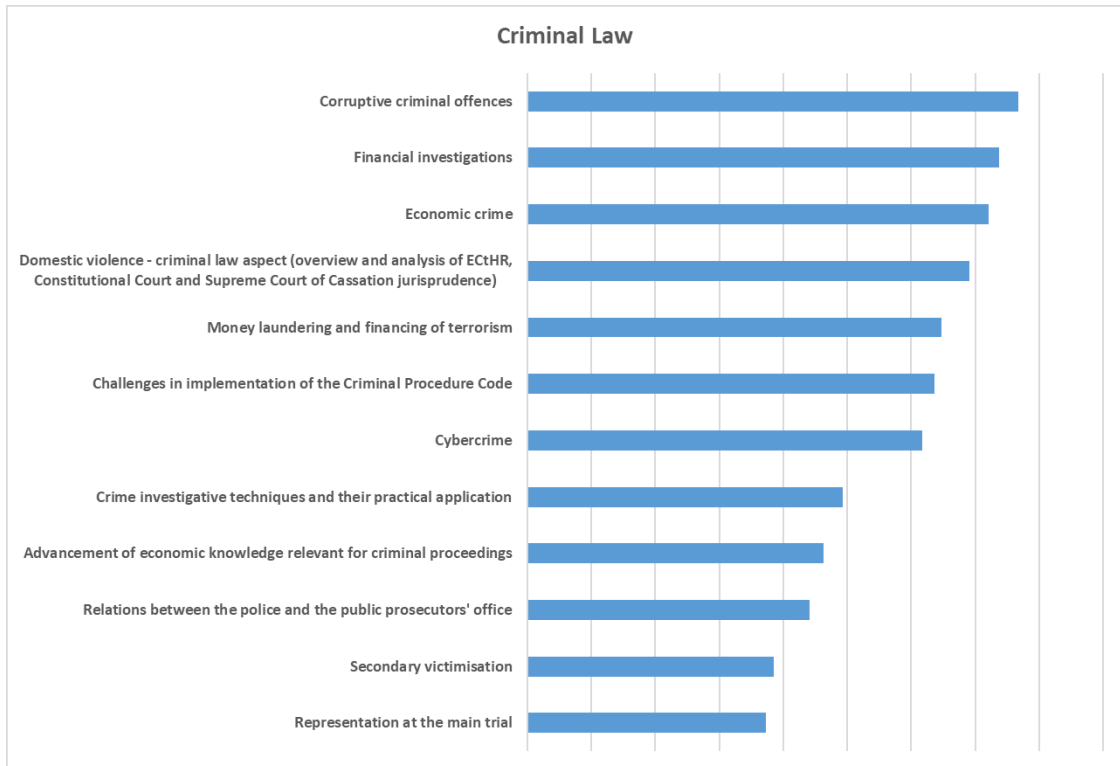
The following is the graphical representation of responses to selected questions in the questionnaire, where the respondents were asked to prioritize the offered training topics in nine topical fields. The results presented herein show the cross-comparison of results for courts and PPOs of all instances, in nine topical categories including the answers obtained from the HJC and the SPC, and a cross-comparison of results for courts and PPOs of all instances, the HJC and the SPC combined. A detailed presentation of survey results per court and PPO levels and per nine topical categories (basic, higher, appellate etc.) is provided in Annex 2.

The results were obtained by calculating the average mark each topic has obtained from all courts of the same level, where topics awarded 1 are most important, and topics awarded the highest number are least important.

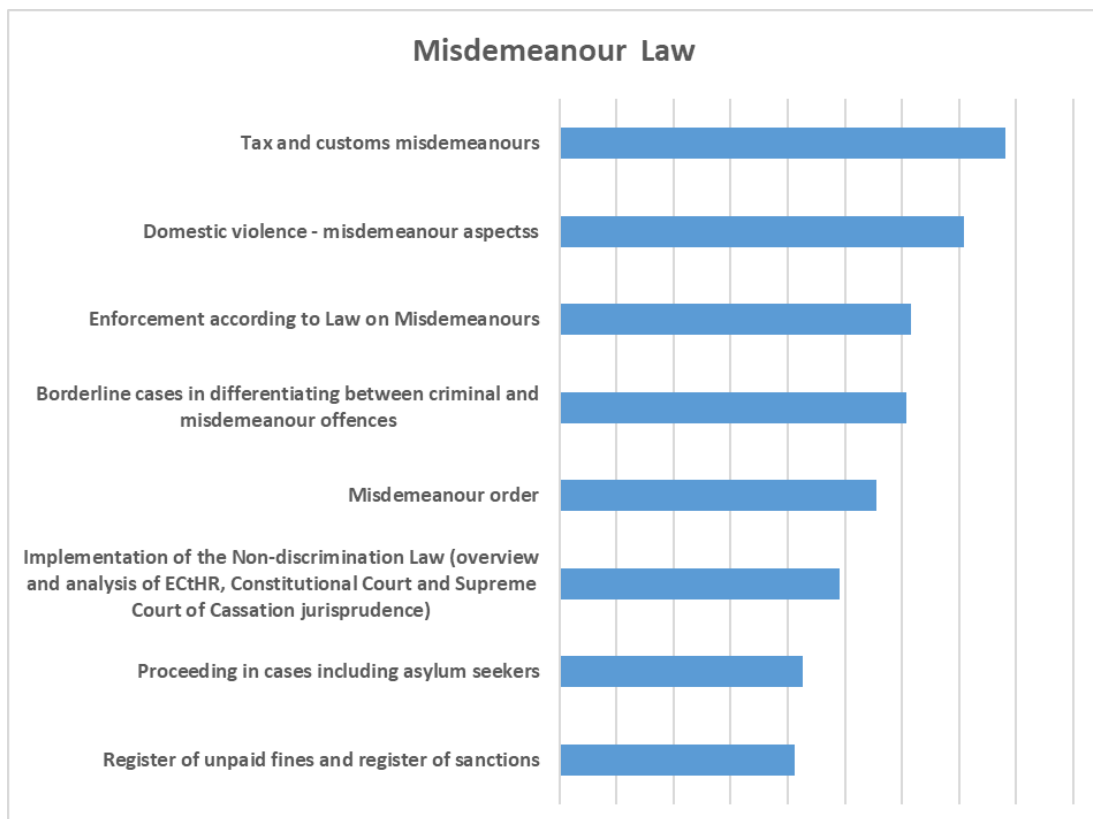
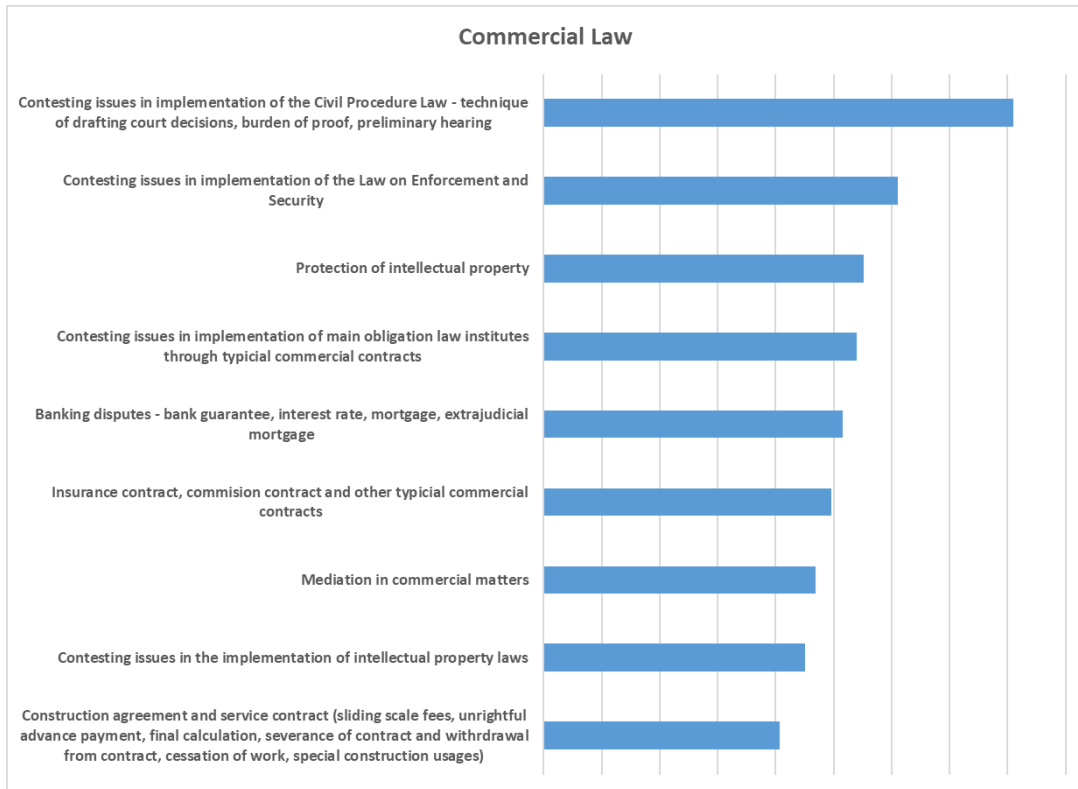
**Cross-comparison of results for courts of general jurisdiction and commercial courts of all instances and Administrative Court**



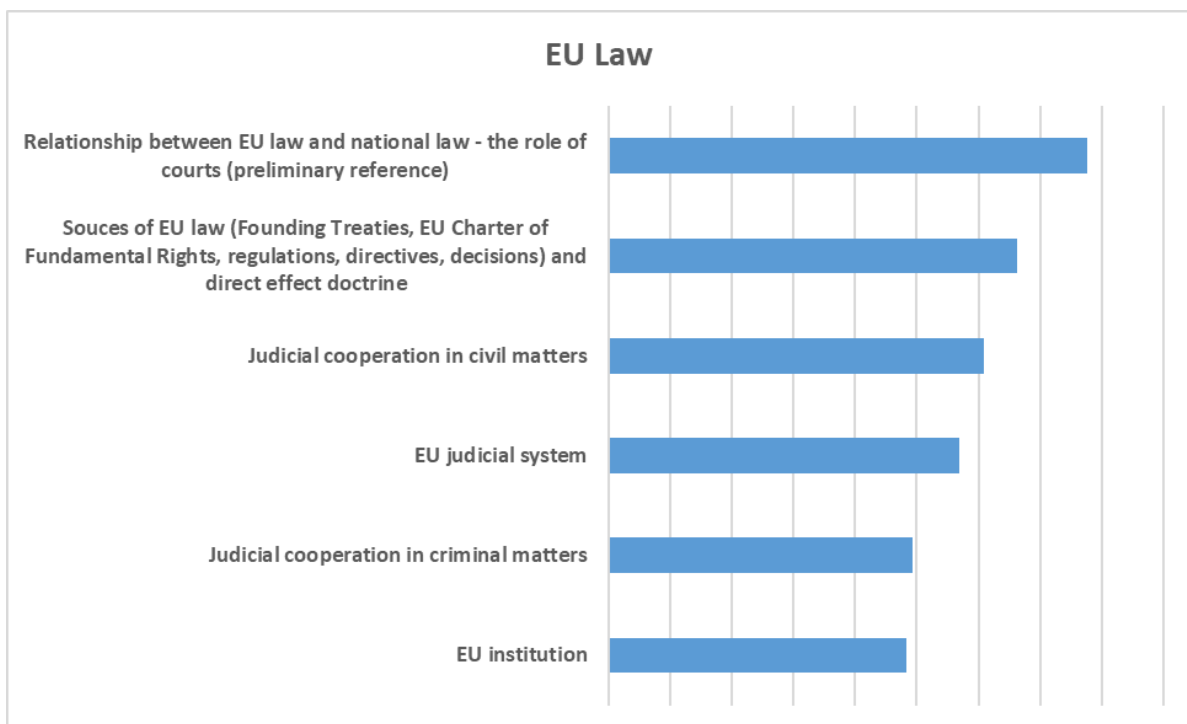
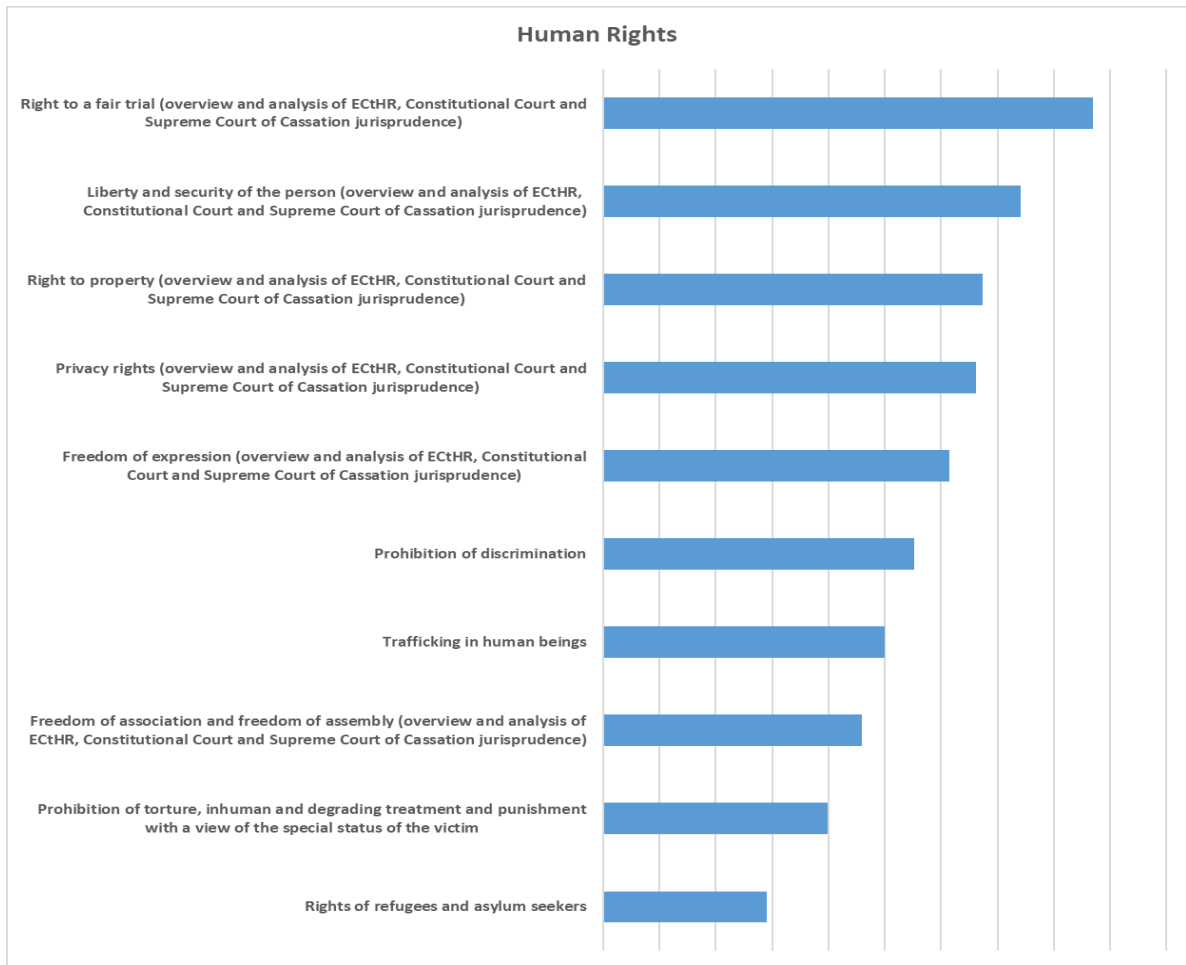
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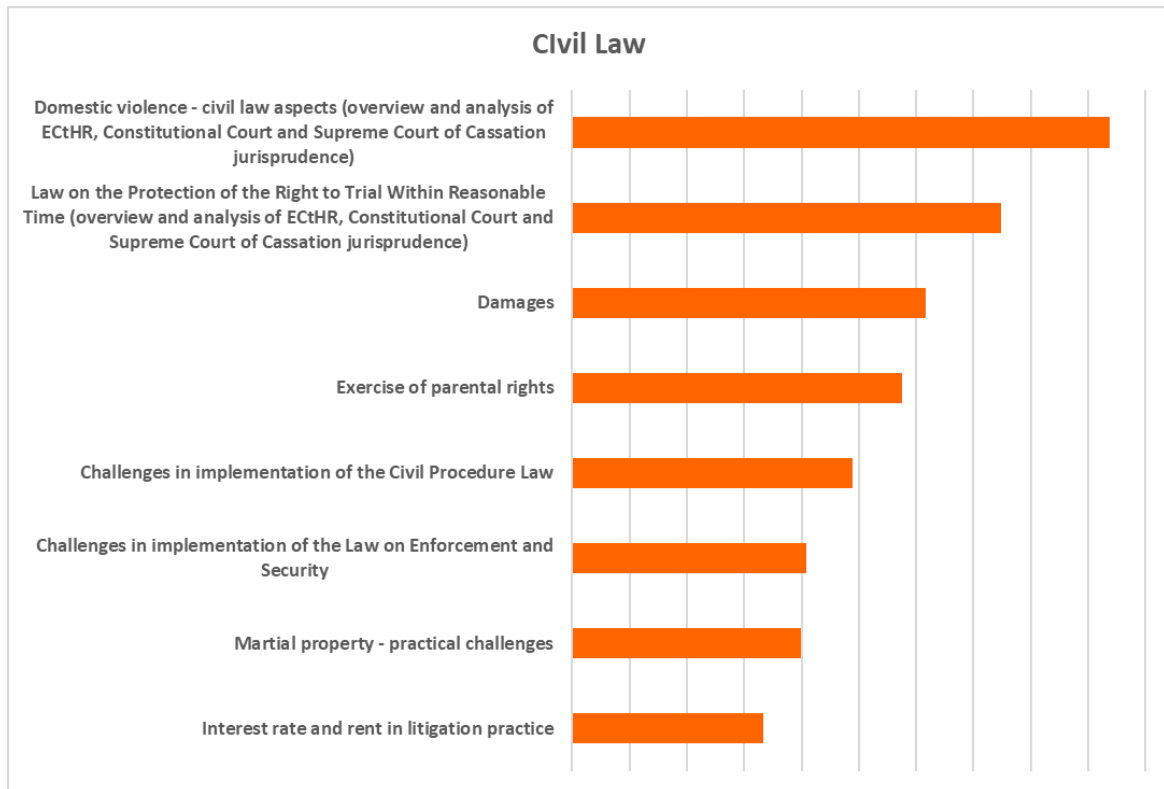
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Cross-comparison of results for courts of general jurisdiction and commercial courts of all instances and Administrative Court



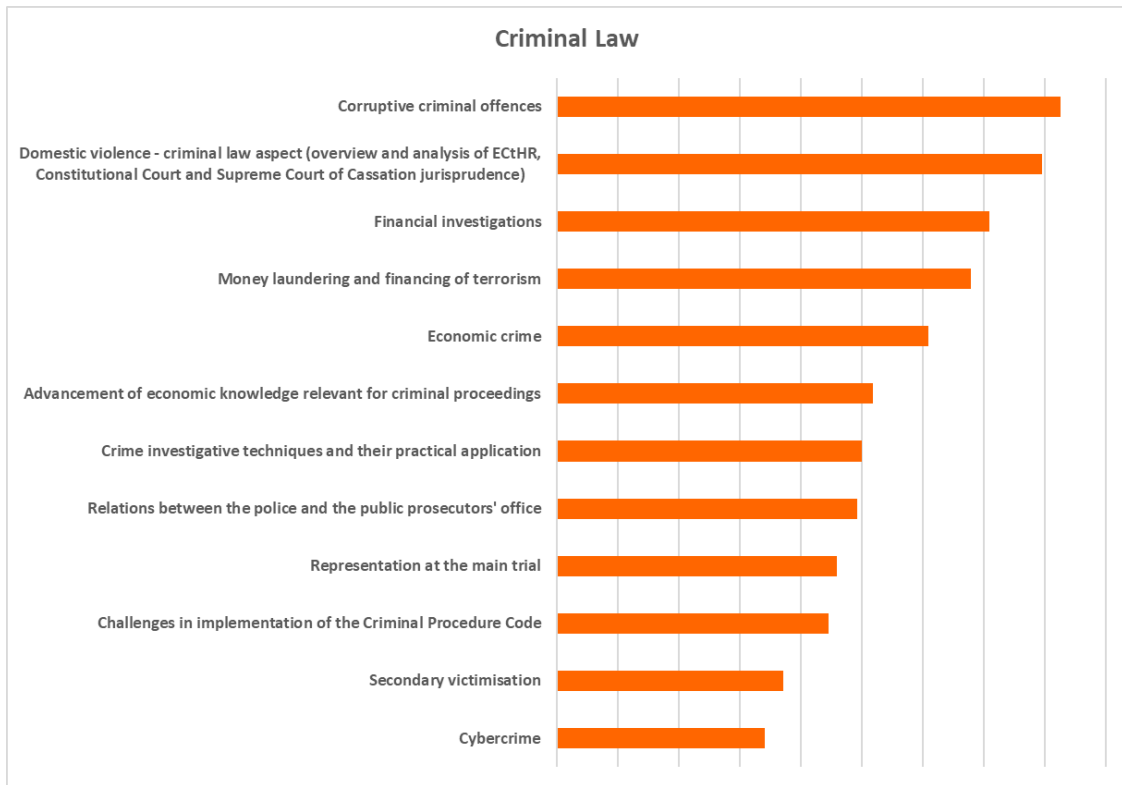
## Cross-comparison of results for public prosecutors' offices of all instances



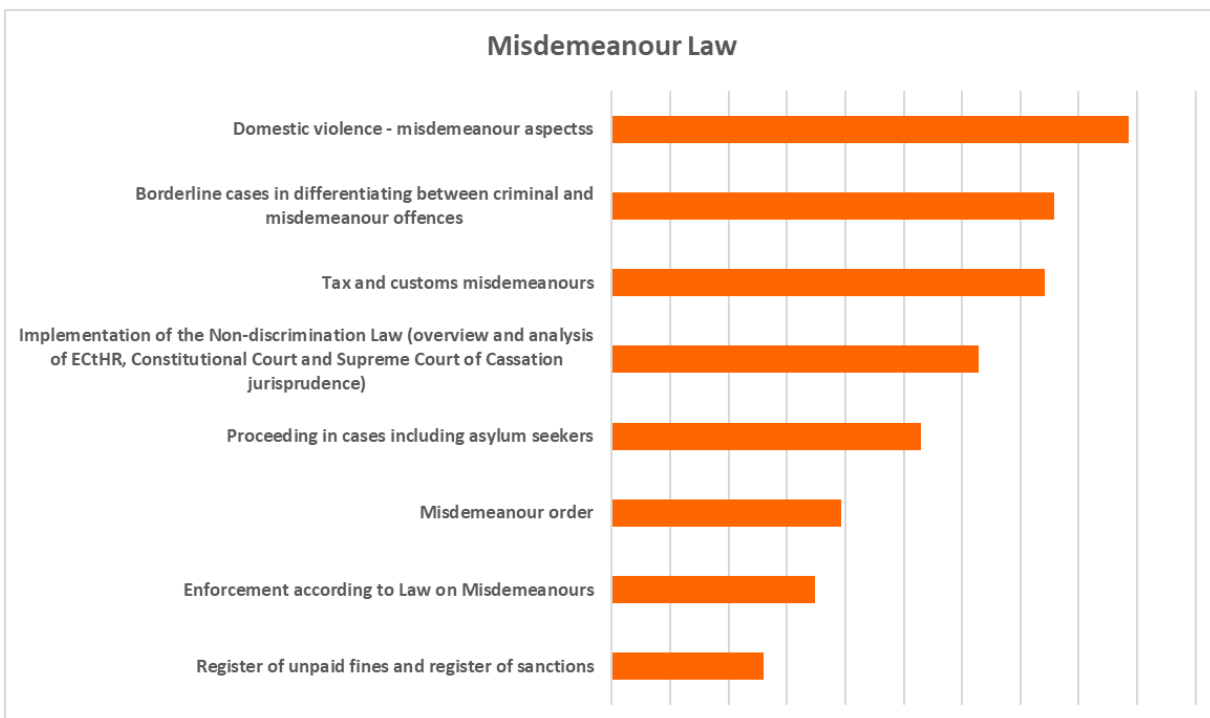
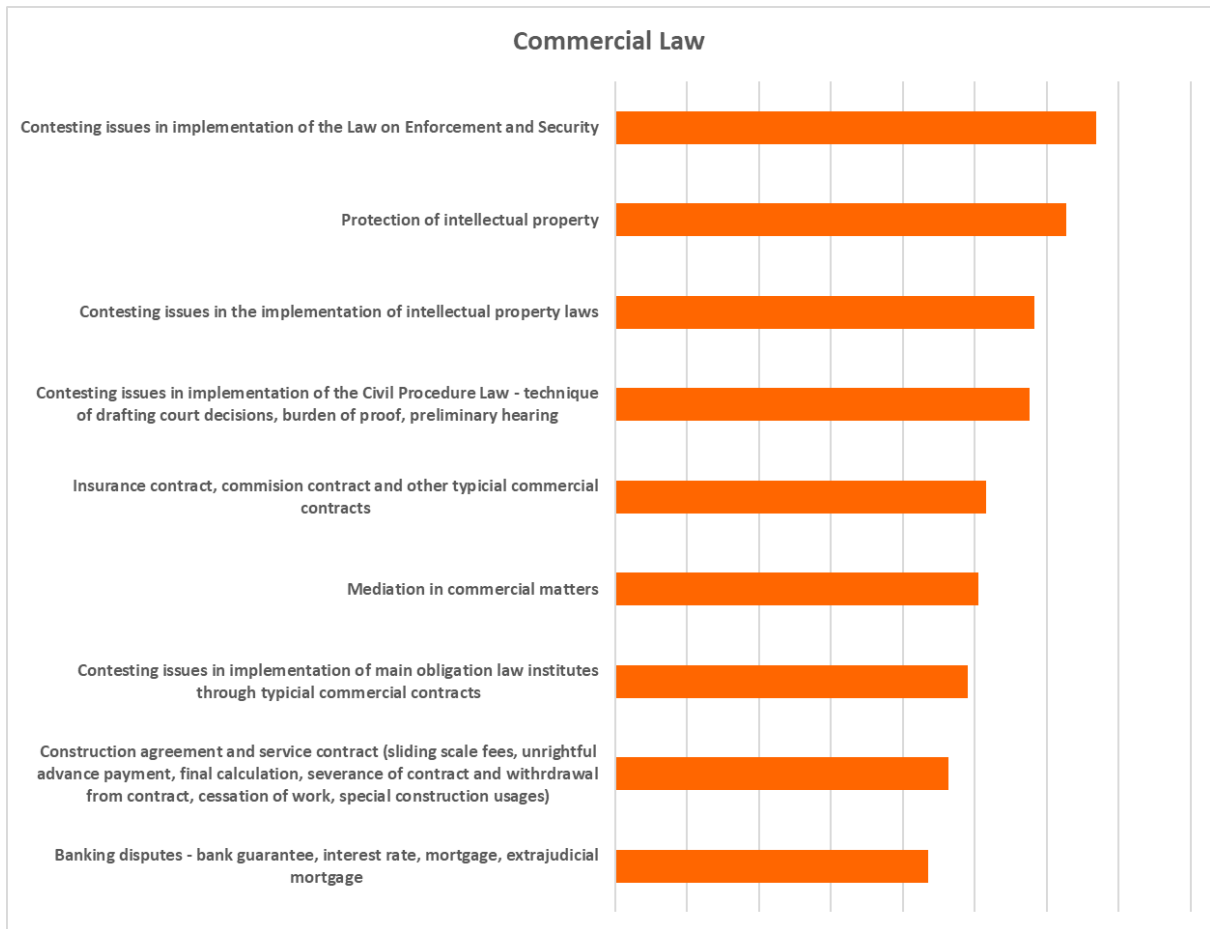




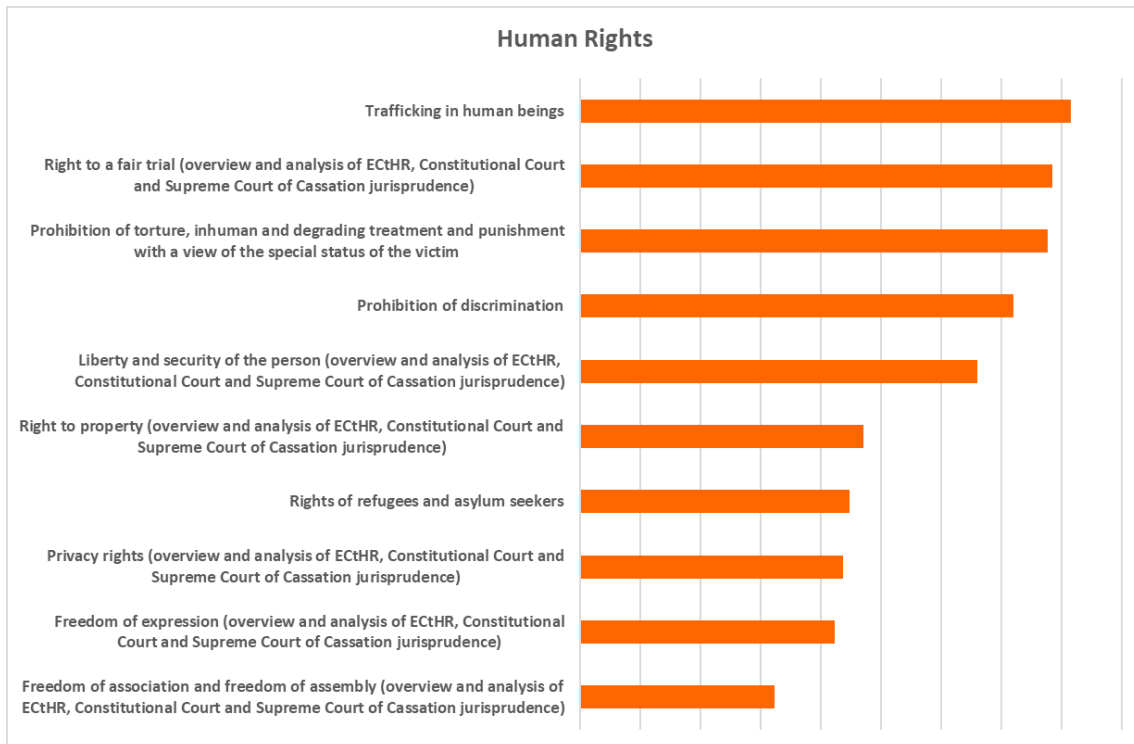
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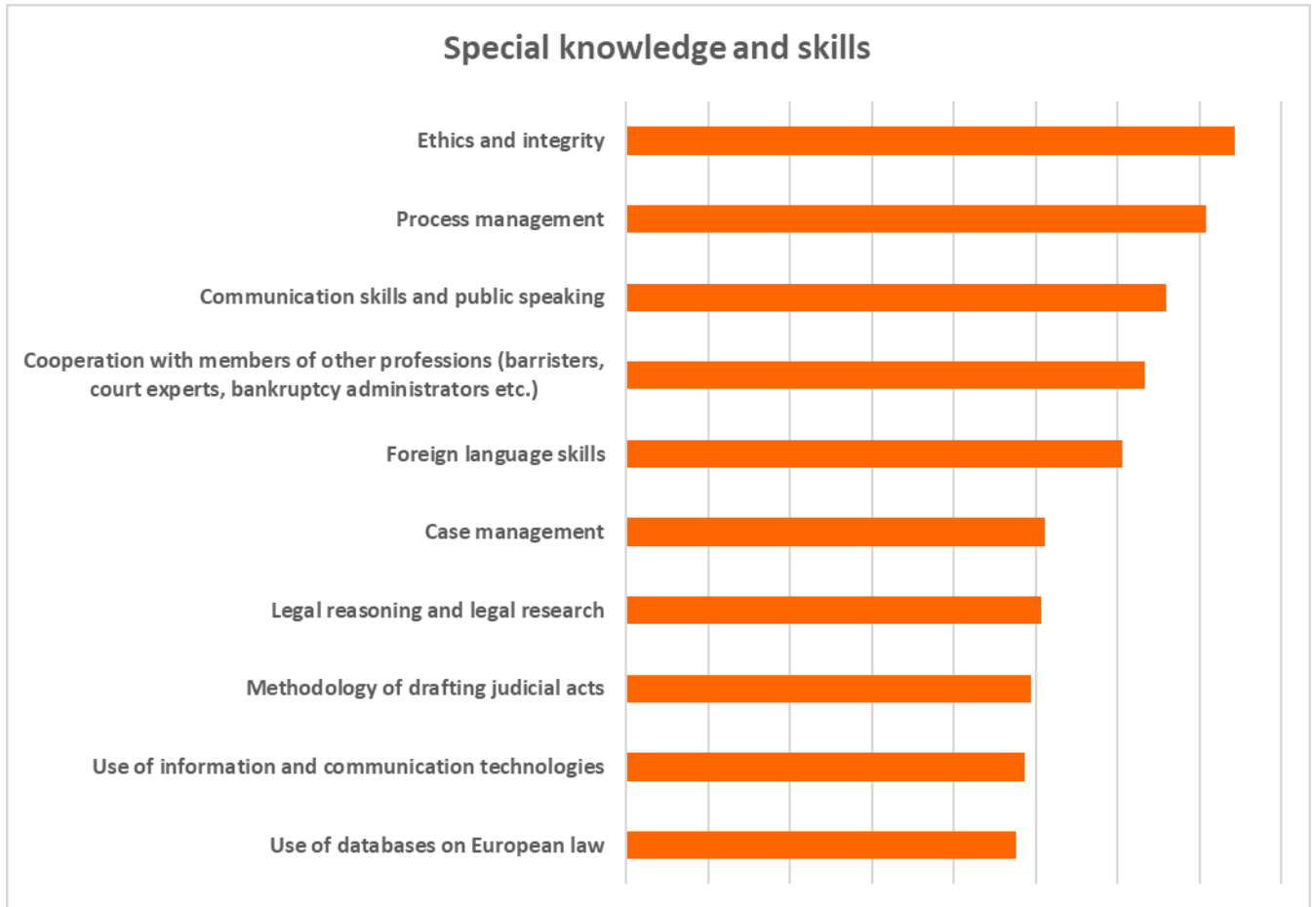
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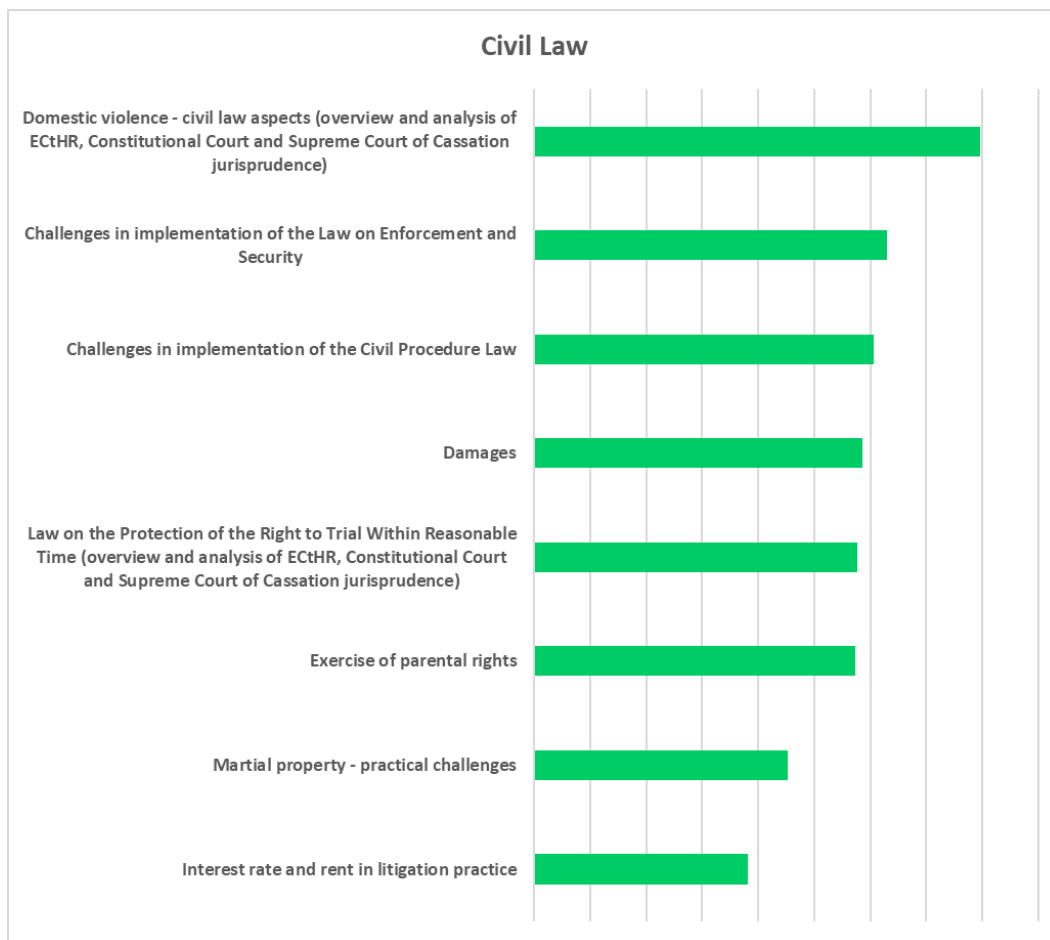
## Cross-comparison of results for public prosecutors' offices of all instances



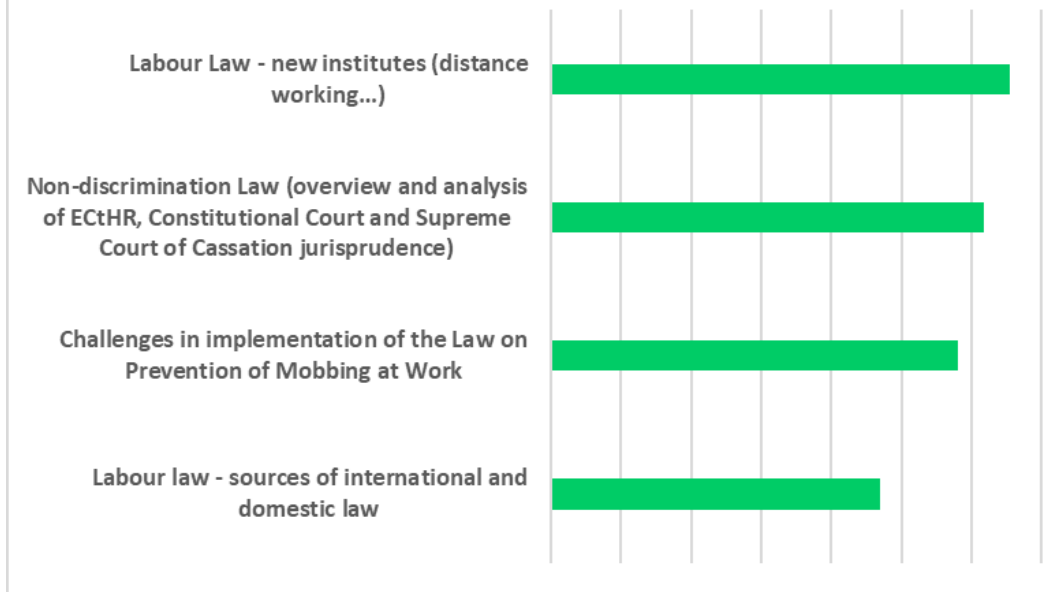
Cross-comparison of results for public prosecutors' offices of all instances



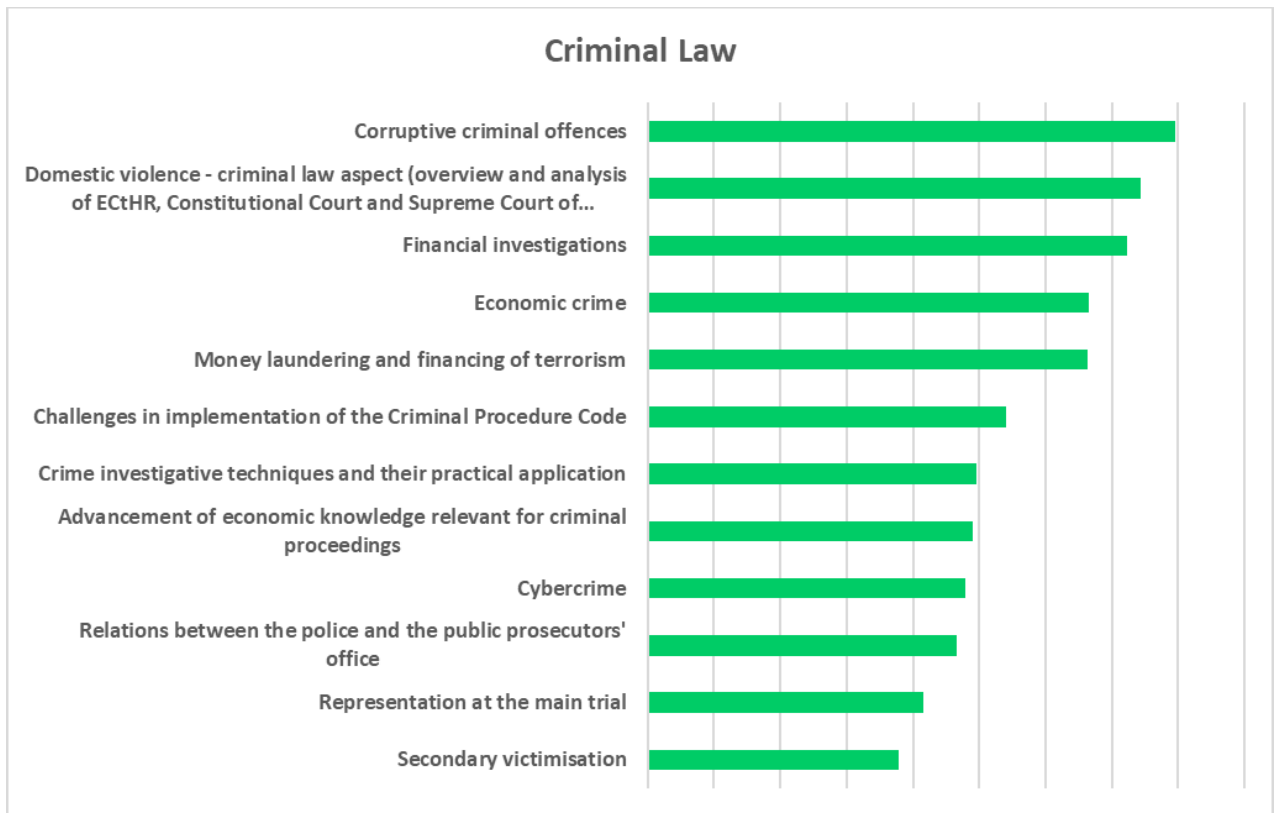
**Cross-comparison of results of courts and public prosecutors offices of all instances**



## Labour Law



Cross-comparison of results of courts and public prosecutors offices of all instances

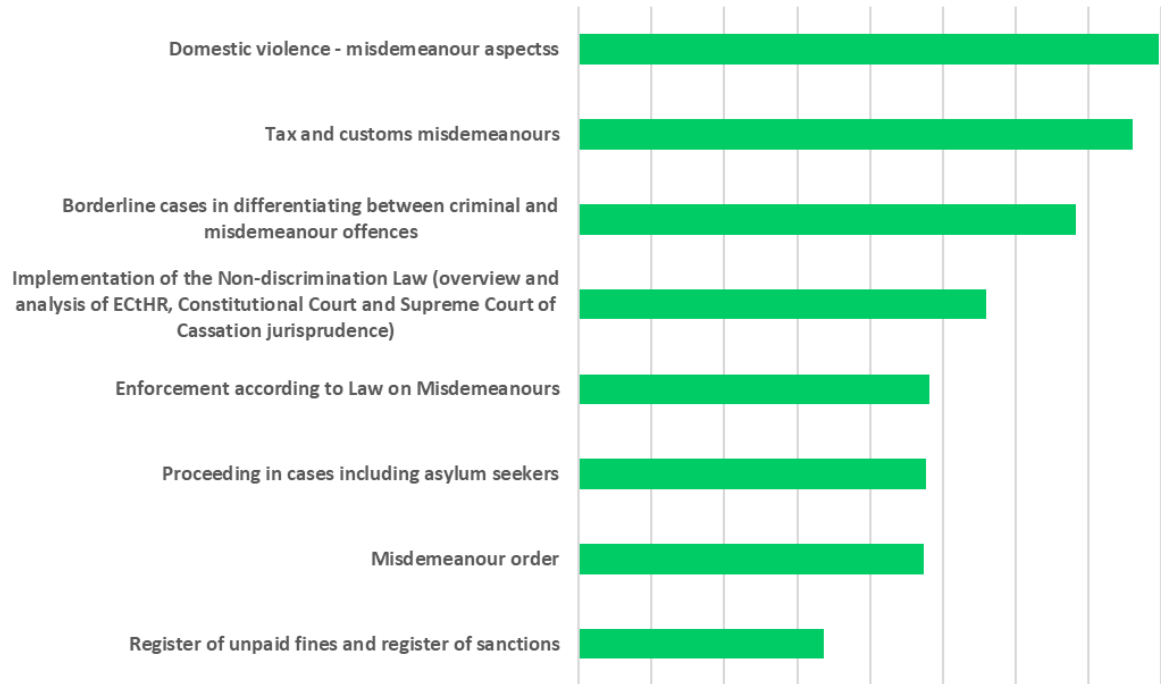


Cross-comparison of results of courts and public prosecutors offices of all instances



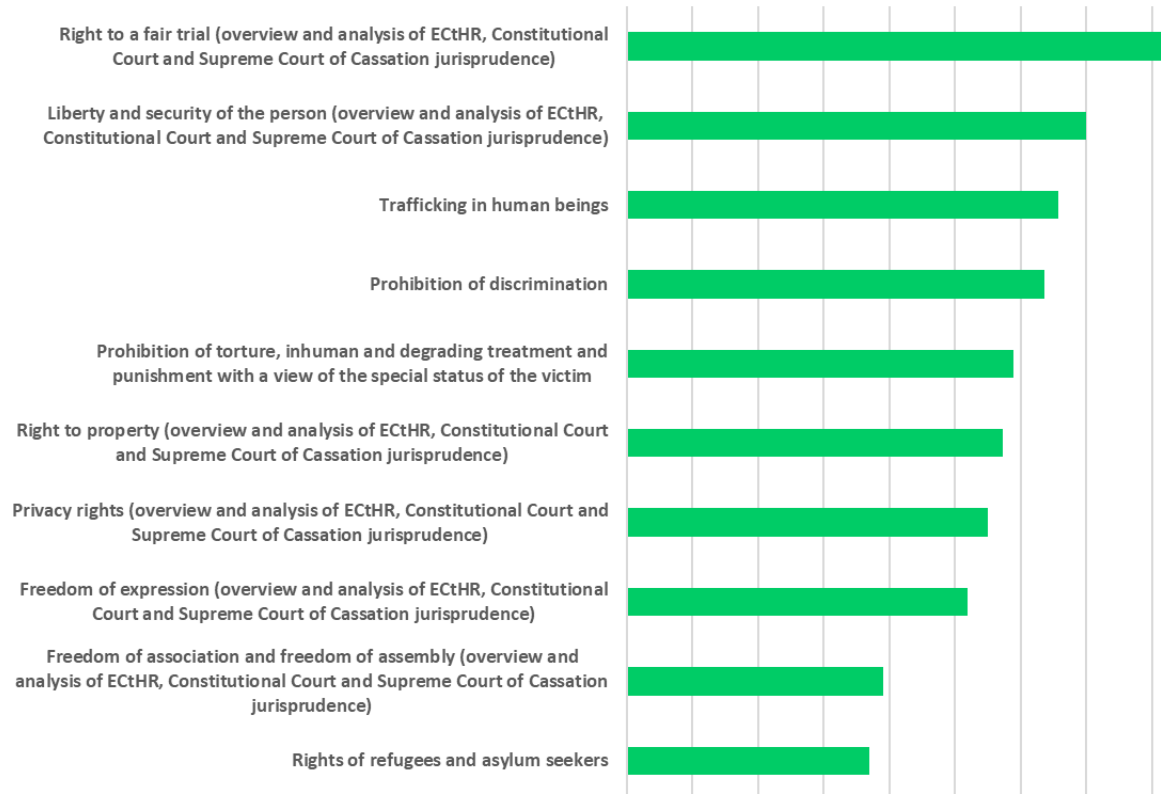


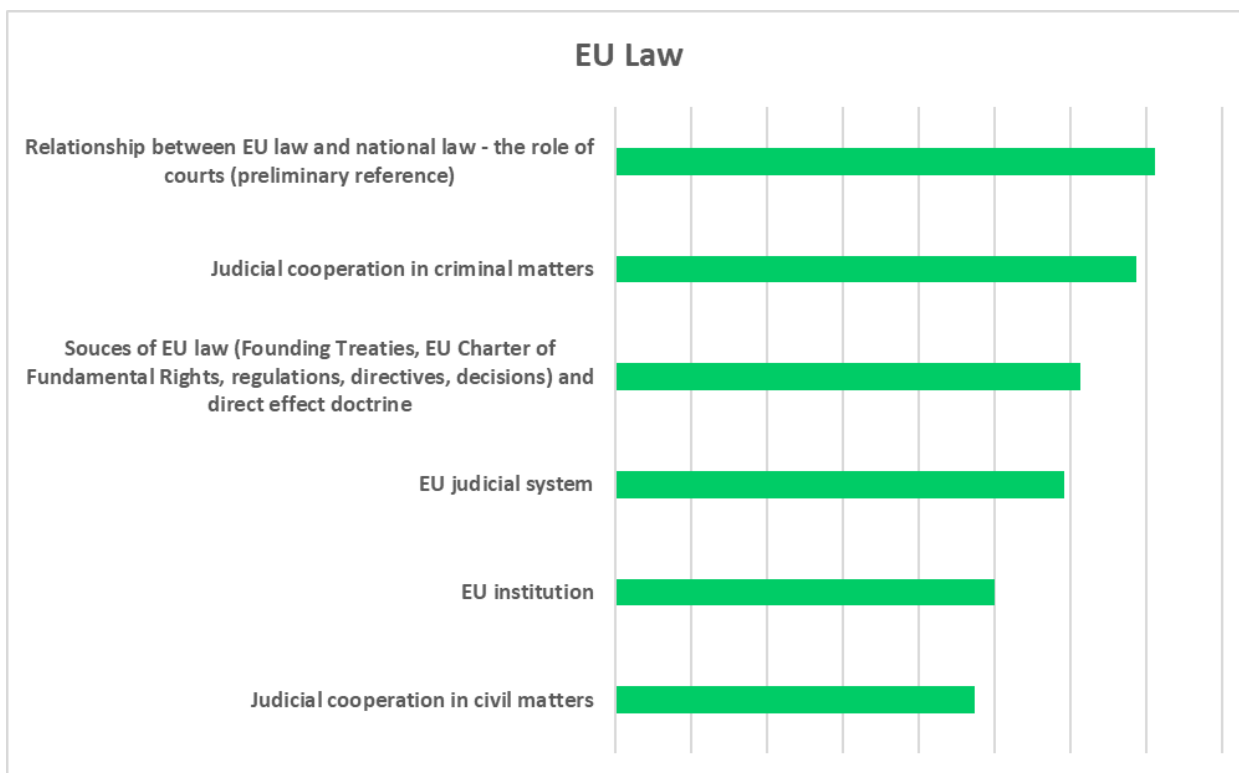
## Misdemeanour Law



Cross-comparison of results of courts and public prosecutors offices of all instances

## Human Rights





Cross-comparison of results of courts and public prosecutors offices of all instances



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*The graphical presentation of combined responses from courts and PPOs of all instances, the HJC and the SPC provides the JA with an overview of the most relevant training topics for the entire Serbian judiciary. The analysis provided in the Annex enables the JA Programme Council to further calibrate the trainings in the annual training curriculum according to the needs of specific target groups according to different court and PPO instances.*

*The respondents have clearly prioritized certain topics such as Domestic violence or financial investigations, which is a clear response to the adoption of new legal tools. Some of these priorities are already identified in the APs for Chapter 23 and 24, which will to an extent facilitate the work of the Programme Council, particularly in the area of Criminal law.*

*At the same time, the responses show the need for trainings on fundamental procedural and substantive laws, which should guide the Programme Council in striking a delicate balance between trainings related to new legislation, including large-scale trainings, and addressing the systemic challenges in implementation of essential procedural and substantive laws.*

## Topics and multi-professional trainings nominated by respondents

In the questionnaire, the respondents were asked to nominate up to three topics that were not already proposed in each of the nine topical areas and also to nominate three topics where multi-professional training would be most useful, and the professions with which the training should be organised.

The responses to the questionnaire showed that the number of additional topics nominated for each area of law by courts and PPOs was considerable and non-uniform. In only a small number, selected "hot" topics were nominated by two or more courts or PPOs. The same applies for the proposed multi-professional trainings, which were, however, clearly recognised as a necessary training method – namely, multi-professional trainings were proposed constantly for a variety of highly-specialised topics, but also in a very general manner – as a suggestion that multi-professional trainings should be organised jointly with police officers, social services, court experts, barristers, etc.

Due to such variety of answers, presenting them in the same way as the prioritized topics sections in the present report would not be beneficial, as it would actually provide a highly-compartmentalised list of topics, akin to "wish list", which the present TNA seeks to avoid. It was assessed that currently the most prudent option would be to present up to three most relevant topics nominated by courts and public prosecutors' offices. Special attention was given to topics nominated by the appellate courts and PPOs. This is because, given their jurisdiction, the appellate courts and PPOs have a comprehensive and analytical view of the most topical issues in practice, also reflecting the needs of basic and higher courts and PPOs. It is also noteworthy that in their responses, the courts and PPOs have frequently re-nominated the topics that have already been included in the questionnaire – such responses were omitted from the analysis below, as they were clearly reflected in the prioritization of the topics already nominated in the questionnaire.

Moreover, the respondents have frequently nominated topics related to skills e.g. legal drafting methodology as a topic under the given area of law (e.g. legal drafting of civil judgments, drafting commercial court decisions), which means that **skills are still mainly perceived as a topical, not a systemic instrument.**

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*This is also a lesson to be learned in the future TNAs, where the questionnaire should be structured in a way that will provide answers the processing of which will be most useful to the Programme Council, while best reflecting the trainees' needs.<sup>1</sup> In addition, this shows a clear need to further foster the outreach activities related to the surveying, e.g. through focus groups, in order to ensure quality answers to the questionnaire.*

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## **NOMINATED TOPICS**

### **Civil Law**

<b>Courts</b>	<b>PPOs</b>
Property rights	Collaterals
Family law	Family law
Protection of whistle-blowers	Implementation of the Law on Notaries Public

### **Labour law**

<b>Courts</b>	<b>PPOs</b>
Protection of whistle-blowers	Protection of whistle-blowers
Calculation of gross and net earnings	Disciplinary liability
Applying the Law on Civil Servants	Right to work – criminal-law aspect

### **Criminal law**

<b>Courts</b>	<b>PPOs</b>
Criminal offences against environment	Environmental protection in criminal law
Criminal offences against human rights	Distinction between criminal offences and misdemeanours – ne bis in idem
Juvenile delinquency	Juvenile delinquency

### **Administrative law**

<b>Courts</b>	<b>PPOs</b>
Distinction between the jurisdiction of courts and administrative bodies	Law on Local Self-Government
	Public prosecutor's powers in administrative procedure

### **Commercial law**

Courts	PPOs
Contentious issues in the application of the Companies Act	Bankruptcy law
The status and procedural role of creditors and third parties in bankruptcy proceedings	
Restructuring and reorganisation procedure	

## Misdemeanour law

Courts	PPOs
Corruptive misdemeanours	Relations between the Criminal Code, Criminal Procedure Code and Misdemeanour Law
Misdemeanours related to work	Cooperation between PPOs and misdemeanour courts and inspectorates prior to initiation of proceedings
Audit misdemeanours	Ne bis in idem

## Human rights

Courts	PPOs
Protection of human rights in civil litigation	Initiation of proceedings before the ECtHR
Affirmative action and mobbing	Rehabilitation and damages
Relationship between national courts and the ECtHR	

## EU law

Courts	PPOs
Consumer protection	The process of Serbia's accession to the EU

## Special knowledge and skills

Courts	PPOs
Stress management	Leadership and managerial skills
Human resource management	International cooperation

Backlog management	Harmonisation of prosecutorial and judicial practice
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*With respect to the nominated topics, the JA Programme Council should consider the possibility of integrating them in the training curriculum, where feasible and also where the nominated topics complement or deepen the reach of other topics, either pre-defined or singled out as priorities in the questionnaire.*

*In addition, the JA Programme Council can use the nominated topics in its strategic mid-term planning and the development of the judicial competency models.*



## **MULTI-PROFESSIONAL TRAININGS**

### **Multi-professional trainings in civil law**

<b>Courts</b>	<b>PPOs</b>
Damages – with court experts	Damages in cases of unlawful arrest with police officers
Domestic violence and family law – with the Social Services, court experts and police officers	Domestic violence and family law – with social services and police officers
Interest rate and rent – with court experts	Litigation procedure – with barristers and Social services

### **Multi-professional trainings in labour law**

<b>Courts</b>	<b>PPOs</b>
Damages – with court experts	Right to work – criminal-law aspects with police officers and judges
Mobbing – with psychologists	Mobbing – with barristers
Calculation of gross and net earnings – with economists and accountants	Anti-discrimination law and Labour Law with police officers

### **Multi-professional trainings in criminal law**

<b>Courts</b>	<b>PPOs</b>
Economic crimes and financial investigations - with public prosecutors and police officers	Economic and financial expertise related to financial investigations, commercial crimes and corruptive crimes
Domestic violence – with police officers, prosecutors and Social Services	Relations between PPOs and police – with police officers
Expertise related to traffic accidents – with police officers	Expertise related to traffic accidents – with police officers

### **Multi-professional trainings in administrative law**

<b>Courts</b>	<b>PPOs</b>
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Restitution – with the Restitution Agency	Tax and customs offences – with Tax Administration, Customs Administration and police officers
	Asylum Law – with police officers

### Multi-professional trainings in commercial law

Courts	PPOs
Contentious issues in the application of the Companies Act	Construction Agreement – with judges and court experts
The status and procedural role of creditors and third parties in bankruptcy proceedings	Protection of intellectual property – with judges, court experts and police officers
Restructuring and reorganisation procedure	Banking disputes – with judges and barristers

### Multi-professional trainings in misdemeanour law

Courts	PPOs
Domestic violence – with police officers, Social Services	Domestic violence – with judges, police officers and Social Services
Procedures against juvenile delinquents – with police officers and Social Services	Ne bis in idem – with misdemeanour judges and basic court judges
Tax and customs misdemeanours – with Tax Administration and Customs administration	Tax and customs misdemeanours – with Tax Administration and Customs administration

### Multi-professional trainings in human rights

Courts	PPOs
Right to a fair trial – with barristers	Prohibition of torture – with police officers
Freedom of expression – with journalists and Commissioner for Information of Public Importance	Prohibition of discrimination – with police officers, Social Services and barristers
Freedom of association – with NGOs	Human trafficking – with police officers and judges

### Multi-professional trainings in EU law

Courts	PPOs
Judicial cooperation in criminal matters with police officers, prosecutors and barristers	Judicial cooperation in criminal matters – with judges and police officers
Relationship between EU law and national law – with prosecutors and police officers	Relationship between EU law and national law – with judges and police officers
Judicial cooperation in civil matters – with the Ministry of Justice and Ministry of Foreign Affairs	EU Accession process – with judges, police officers, Ministry of Justice, Ministry of Foreign Affairs and EU integration office

### Multi-professional trainings in special knowledge and skills

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*With respect to the multi-professional trainings, the JA Programme Council should spearhead their integration in the judicial training curriculum, particularly where they support increased awareness of the economic, social or political context in which the judiciary operates.*

Courts	PPOs
Process management – with court experts	Communication skills and public speaking – with communication experts and journalists
Medical knowledge – with medical professionals	Legal drafting – with judges
Use of information and communication technologies – with police officers and court experts	Use of information and communication technologies – with police officers and judges

### Trainings for judicial and prosecutorial assistants

The questionnaire asked the respondents to nominate up to three topics on which training should be organised for judicial and prosecutorial assistants. The responses were rather

diversified and in order to provide useful inputs, the three most important topics proposed by different courts and PPOs are selected and presented herein:

<b>Basic courts</b>	<b>Basic PPOs</b>
Legal drafting methodology	Legal drafting methodology
Process management	Law on the prevention of domestic violence
Trial within reasonable time	Representation in the main trial

<b>Higher courts</b>	<b>Higher PPOs</b>
Legal drafting	Communication skills and public speaking
Domestic violence	Working with juvenile delinquents
Law on Enforcement and Security	Ethics and integrity

<b>Appellate courts</b>	<b>Appellate PPOs</b>
Legal drafting methodology	Foreign language skills
Domestic violence	
Process management	

<b>Commercial courts</b>
Legal drafting
Process management
Law on Enforcement and Security

<b>Misdemeanour courts</b>
Legal drafting
Process management
Communication skills and public speaking

<b>Republican Public Prosecutors' Office</b>
Challenges in the implementation of Criminal Procedure Act

Main trial representation skills
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Legal drafting
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It is evident that **legal drafting, process management, communication skills and knowledge and skills related to prevention of domestic violence** are the most important set of knowledge and skills on which training should be organised for this group of trainees.

## Trainings for judges and prosecutors appointed for the first time

The questionnaire asked the respondents to nominate up to three topics on which training should be organised for judges and prosecutors appointed for the first time. The responses were rather diversified and in order to provide useful inputs, the three most important topics proposed by different courts and PPOs are selected and presented herein:

Basic courts	Basic PPOs
Legal drafting methodology	Law on the Prevention of Domestic Violence
Process management	Financial investigations
Ethics and integrity	Ethics and integrity

Higher courts	Higher PPOs
Legal research and writing	Communication skills
Process management	Representation on the main trial
Law on Enforcement and Security	Ethics and integrity

Appellate courts	Appellate PPOs
Process management	
Domestic violence	
Legal research and writing	

Commercial courts
Legal drafting
Process management
Ethics and integrity

Misdemeanour courts
Legal drafting
Process management
Tax and customs misdemeanours

Republican Public Prosecutors' Office
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Challenges in the implementation of the Criminal Procedure Code
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Costs of proceedings
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Money laundering
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It is evident that **legal drafting, process management, and ethics and integrity** constitute the most important set of knowledge and skills on which training should be organised for this group of trainees.

**Trainings for judicial and prosecutorial staff**

The questionnaire asked the respondents to nominate up to three topics on which training should be organised for judicial staff. The responses were rather diversified and in order to provide useful inputs, the three most important topics proposed by different courts and PPOs are selected and presented herein

<b>Basic courts</b>	<b>Basic PPOs</b>
Use of information and communication technologies	Use of information and communication technologies
Application of the Court Rules of Procedure	Monthly and annual reports
Communication skills and providing information to citizens	Registration of cases and managing cases

<b>Higher courts</b>	<b>Higher PPOs</b>
Managing cases	Case flow and case management
Use of information technologies	Use of information technologies
Applying the Court Rules of Procedure	Data protection and prevention of data leaks

<b>Appellate courts</b>	<b>Appellate PPOs</b>
Use of information technologies	Use of information technologies
Case registration and case management (including training on new procedural laws)	Communication skills
Application of Court Rules of Procedure	Work in the PPO Registry

<b>Commercial courts</b>
Applying the Court Rules of Procedure
Communication skills
Ethics and integrity

<b>Misdemeanour courts</b>
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Enforcement in the Law on Misdemeanours
Case registration and case management
Ethics and integrity

High Judicial Council
New General Administrative Procedure Act
Law on Civil Servants in practice
Budget planning and preparation, budget execution

It is evident that Court Rules of Procedure, **case registration and case management, and use of information technologies** constitute the most important set of knowledge and skills on which training should be organised for this group of trainees.

**Training organisation**

In the questionnaire, the respondents were asked to provide their suggestions on how to improve training in terms of: applying for trainings, training organisation (delivery, location, venue, materials) and training evaluation. The respondents were uniform in proposing the following:

Courts	PPOs
<b>Application for training</b>	<b>Application for training</b>
Timely and transparent information related to trainings	Timely and transparent information related to trainings
Ensure inclusiveness of training for all categories of trainees	Strengthen the application process through improved outreach to individual trainees
<b>Training organisation</b>	<b>Training organisation</b>
Training in programme cycles	Training in programme cycles
Ensure that training materials are available on time, including e-formats	Training schedule adjusted to yearly trial schedules
<b>Training evaluation</b>	<b>Training evaluation</b>
Post-training evaluation through written tests	Introduction of pre- and post-training evaluation
Survey on most successful trainings delivered each year	Linking the results of evaluation with selection of future trainers

**Timely and transparent information** related to trainings remains a key recommendation for the improvement of training delivery. **It is imperative for the JA to start publishing its training schedule on a three-months basis, which is enabled through the Project-supported PATEM.**

2.3. Surveying judicial professions – Findings and results

The following are the training topics proposed by the Notary Public Chamber and the Bailiffs Chamber:

NOTARY PUBLIC CHAMBER	BAILIFFS CHAMBER
Form of legal transaction	Implementation of the Bailiffs' Tarif
Delegated competences of notaries public – wills and testaments	Deciding on third party objections and on motions to delay enforcement
Notary public deposit	Enforcement on immovables
Collaterals	Enforcement on debtor's claims
Notaries' public obligations according to the Law on the Prevention of Money Laundering and Countering Corruption	Enforcement on movable property



*Both chambers have singled out the topical issues from their practice, and also strongly highlighted the need for joint trainings with judicial office holders.*



## 2.4. Surveying stakeholder community - Findings and results

The topics proposed by the stakeholder community are diverse and include the following:

General Administrative Procedure Act and its new institutes	Prevention of all forms of discrimination (including relevant EU acquis)
Novelties introduced by the Law on Enforcement and Security and contentious issues in practice	Protection of rights of national minorities (including relevant EU acquis)
Implementation of the Law on the Protection of Right to Trial Within Reasonable Time	Protection of persons with disabilities (including relevant EU acquis)
Damages – regulatory framework and jurisprudence	Protection of refugees and internally displaced persons (including relevant EU acquis)
Transformation of the right of use to ownership of immovable property, including administrative and court practice	Personal data protection (including relevant EU acquis)
Bankruptcy proceedings where the Republic of Serbia is the statutory representative of bankruptcy creditors	Sensitisation on the position of multiply marginalised groups
Implementation of the Law on the State Surveying and Cadastre of Immovables	Hate crime
Burden of proof in non-discrimination cases	Differentiating between discrimination and other violations of rights in court proceedings
Civil Procedure Law in practice	Planning and Construction Law in practice
Law on Authorship and Related Rights in practice	Law on Maintenance of Residential Buildings
Family Law in practice	Inheritance Law in practice
Criminal Procedure Law in practice	Law on Prevention of Domestic Violence in practice

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*The nominated topics clearly show that the stakeholder community still dominantly perceives judicial training as training on law, even though some stakeholders have proposed training on skills or practical aspects in certain legal fields.*

*The low response rate from the stakeholder community shows that there is a need for further outreach on the part of the JA in including its partners in this process on regular basis. Improved understanding of the TNA process can also facilitate future donor coordination efforts and improve cooperation between the JA and other public sector institutions and stakeholders.*

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## III RECOMMENDATIONS

The following recommendations address the **specific future training requirements** within the judicial system and the need to further calibrate the 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, **fostering an advanced educational culture**. This will be instrumental in achieving a shared understanding of **judicial training as a process rather than as a series of individual training events**.

What should be taken into account is the fact that the multitude of inputs in the present TNA **reflect individual rather than systemic needs** of the Serbian judicial system. For this reason, the recommendations particularly address the need for the JA to advance its **systemic and strategic approach to judicial training**, in close cooperation with the HJC and SPC.

### I Future training requirements in the Serbian judiciary

When it comes to the specific future requirements related to training, the 2017 full-fledged TNA has confirmed the findings of the 2016 exercise. Consequently, the majority of the recommendations on future training requirements can be reiterated.

#### *Relevant topics*

1. 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 and improvement of soft skills.

Catering to pre-defined training needs set out in the AP for Chapter 23 and AP for Chapter 24 and the needs for urgent training, these being a must in the continuous training curriculum, puts an additional strain on the Judicial Academy to ensure that the topics identified through the TNA exercise are indeed included in the JA continuous training curriculum for the forthcoming period. This will be true for all 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 continue conducting 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 short, medium and long term**. In doing so, the JA should continue fine-tuning the various TNA instruments, the survey questionnaire in particular.

2. 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 and skills, which should be included in the JA curriculum for 2018. 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 and AP for Chapter 24 are imbalanced in favour of criminal law - while preserving the option of catering to the particular needs of courts and PPOs of certain instances**.

3. The JA should also move towards an **integrated knowledge and law skills development approach**. In particular, the JA should consider the need for trainings on knowledge of law topics 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 as a norm.

4. The JA annual training curriculum needs to cater to the needs of not just holders of judicial offices, but also to **needs of judicial and prosecutorial assistants and judicial staff**, since only such an approach shall contribute to the smooth functioning of the judicial system and delivery of justice.

5. It is imperative for the JA to continue advancing its training delivery and gear it towards interactive and **innovative training delivery methods**, including distance learning, working meetings and study visits, while ensuring cost-effectiveness.

6. The Project has already provided support to the JA in **introducing the minimal set of information** that has to be included in the training curriculum for every training topic, including the standardization of training methods and forms of training. This will be instrumental in moving the JA towards a more strategic approach to planning of both the entire training curriculum but also of individual training events, and will facilitate the **delivery of training and development of training materials in a standardized way**. It will also foster the delivery of training in cycles, using different training methods and formats (see II Fostering educational culture, point 6 below).

## II Fostering an advanced educational culture

### 1. Training in the judicial sector should be in line with the Nine Judicial Training Principles formulated by the EJTN

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.<sup>8</sup>

It is essential that all key stakeholders in the judicial sector are aware of these principles and act in line with them.

Special care should be devoted to the full observance of the fourth principle, which reads: **Training is part of the normal working life of a judge and a prosecutor. All judges and prosecutors should have time to undertake training as part of the normal working time, unless it exceptionally jeopardises the service of justice**

Furthermore, it should be recognised that judicial training is an exercise the outcome of which is the **improved quality of justice and better service for citizens**.

The Project support the idea of increasing the effectiveness of training by making training events longer (3 days as the general rule, with at least 4 morning or afternoon sessions each)

<sup>8</sup> <http://www.ejtn.eu/News/Principles/>

and to increase the number of days that judicial office holders are granted leave from their courts to attend training.



## **2. There is still a need for JA to strike a balance between initial and continuous training**

As recommended in the 2016 TNA, 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, but also for other categories of trainees within its mandate, such as judicial staff and members of judicial professions. This process should be supported by enhanced recognition of various training target groups in the work of the JA Programme Council, i.e. through the introduction of working groups for judicial staff, judges and prosecutors appointed for the first time etc.

## **3. JA needs to dedicate sufficient resources to TNA and strategic planning**

As recommended in 2016 TNA Report, the JA needs to consider, in its staffing table, the introduction of a **separate TNA and programme development department, with sufficient staff and dedicated resources**. 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 who are 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, particularly in recording in real time the need to revise a training programme

## **4. Evaluation supports the judicial training process**

The JA should **shift the focus** from ensuring large-scale trainings on the entire spectrum of topics within its mandate, whether pre-defined or identified in the TNA, and gear its training efforts towards providing **quality and sound-impact training** to the Serbian judiciary.

This also means that all the stakeholders need to redefine their perception of successful training and thus ensure that quality post-training and impact evaluation become the objective assessment of training quality. This information can then be further fed in to the process of planning and delivery of further trainings.

It is only in this way that the intrinsic link between TNA, training delivery and training evaluation is established and sustained.

<p>The Project is presently working in an efficient mechanism for evaluating the impact of training, and is ensuring that local experts would be able to use it in the future.</p>
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## 5. Legal knowledge is just a part of judicial training

According to best comparative practice, recognised by the EJTN, training judges and prosecutors should not be limited to knowledge of law exclusively. **The so-called "German rule" calls for a diversified annual training curriculum, comprising 45-50% of the courses allocated to strictly legal issues, some 25-30% of annual training events are devoted to knowledge in other disciplines in relation to law e.g. medicine, economic, following a multi-disciplinary approach, whilst the remaining training events are dedicated to advancement of other soft skills.**<sup>9</sup> The present TNA has shown that judicial training in Serbia is still primarily understood as training in knowledge of law by both judicial office holders and the stakeholder community. Judicial Academy should gear the judicial sector towards a shift in this perception through introduction of a training curriculum that is more in line with the mentioned "German rule" and couple this effort with outreach activities related to this standard aimed at training beneficiaries and stakeholders, including TNA and focus group exercises. It would be advisable for the JA to strategically put the "German rule" into practice, setting **minimal targets for the portion of the continuous training curriculum to be dedicated to non-legal knowledge and soft skills.**

The JA electronic training management platform, PATEM, which has been supported by the Project, and its reporting facilities will be instrumental in first assessing the existing state of affairs and monitoring the accomplishment of these goals. Further, the Project will support this effort through the development of Judgecraft modules to be included in the 2017 and 2018 continuous training curriculum.

The Project recommends to introduce a process of transition by which the percentage of subject matters will be achieving the explained distribution rule. In this sense, 2018 should see a comprehensive offer of training activities in non-legal education and in judicial skills; in 2023 skills and non-legal should constitute 40-50% of the training on offer by the JA.

## 6. Training should be organised in cycles

One of the constant challenges that the Serbian JA faces is the need to organise and deliver large-scale trainings related to introduction of new laws. These trainings consume a considerable portion of the JA resources and shift the focus from other topics.

It is important for the JA to recognise the need for ensuring continuous training through a variety of training methods at both basic and advanced knowledge levels – the **multi-faceted approach to training related to Domestic violence is a good example of such practice, and the present TNA has confirmed the need and usefulness of this approach, which will be further supported through the development of Judgecraft training modules under the Project.**

This format of training, while sometimes focusing on a smaller target group, allows for in-depth development of legal knowledge and also integrates training on skills, and, as an end result, contributes to the quality of justice services delivered. EU law is a topic that is particularly well-suited for this format, combining different topics, methodologies and goals.

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<sup>9</sup>

[http://www.ejtn.eu/Documents/Methodologies\\_Resources/Best%20practices%20Lot%201%20EN/IC\\_10\\_Germany\\_EU\\_en%20\(3\).pdf](http://www.ejtn.eu/Documents/Methodologies_Resources/Best%20practices%20Lot%201%20EN/IC_10_Germany_EU_en%20(3).pdf).

When developing continuous training curricula, the JA needs to recognise the importance of delivering such **high-quality, in-depth and tailor-made trainings and their contribution to increasing the overall quality of justice.**

In addition, it is necessary for the JA to recognise the need for occasionally repeating successful training exercises, in the light of the natural fluctuation of judicial office holders and their advancement to superior courts and PPOs, ensuring a constant and continuous level of knowledge and skills in courts of all instances.

The Project recommends immediate adoption of the following training cycles:

#### JUDGECRAFT TRAINING CYCLE

1. JC 1: Judicial ethics; judicial reasoning; judgement drafting.

2. JC 2: Judicial skills; access to sources of interest for judicial office holders; IT for Judges and Prosecutors

#### EU LAW

1. History; Institutional Law; Sources of Law

2. Judicial enforcement and review within the EU: procedural Law; the national judge as Eu judge; the dialogue of jurisdictions

3. Modules on different EU Law fields: Competition, Cooperation in Civil matters, EU Criminal Law, Environmental Law, i.a.

#### ECONOMIC KNOWLEDGE FOR JUDICIAL OFFICE HOLDERS

1. Basic

2. Advanced

## 7. JA fosters innovative training methodology

EJTN Principle 7 reads: Active and modern educational techniques should be given primacy in judicial training.

The TNA has clearly identified **multi-professional trainings** as a good practice, which helps build a wider common understanding of the key concepts and tools, by various professionals – judges, prosecutors, law enforcement agencies, Social services. It also helps clearly identify their roles and responsibilities in various processes and helps improve various channels of communication. In addition, multi-professional trainings are indispensable in providing quality trainings on non-judicial knowledge and skills, also identified as a vital training need in the TNA.

The JA should therefore foster this approach, building on its existing good practices, including those supported by the Project (training on Domestic violence, training on Economic knowledge relevant for criminal proceedings).

In addition, the JA should support the introduction of **a variety of distance learning and knowledge sharing methods, thus also increasing training outreach.**

The JA is already developing, with project support, a variety of such tools, including a cross-referencing system between the ECHR and Serbian law, a database of ECtHR judgments in Serbian (the so-called Serbian HUDOC), the development of a network of judges and prosecutors supporting the application of the ECHR, firmly establishing the JA as a knowledge hub. The project will present in the next few months the design of available tools to be used in the near future for distance-learning by the JA.

The Project recommends that the JA sets a minimum target for the delivery of multi-professional trainings that will complement the introduction an increasing percentage of non-legal and skills training – 10% in 2018 and gradually increasing towards 25-30% in 2023.

## 8. A participatory TNA is the backbone of the work of the JA Programme Council

The 2016 and 2017 TNAs have demonstrated the complexity of the task the JA is facing in responding to the pre-defined training needs while at the same time ensuring a needs-oriented training planning and delivery. The introduction of the TNA Rulebook has streamlined this process, but is just the first step.

The 2017 TNA has shown that the JA needs to **communicate the importance of the process to the key stakeholders and beneficiaries**, and in particular to communicate the way in which the TNA results are fed in and reflected in the annual training curriculum. This also implies that the JA needs to communicate the limitations in meeting the beneficiaries training needs and the distinction between individual training needs and the systemic approach to training planning and delivery.

The project highly recommends that the JA continue with the practice of organising focus group as a support to the TNA survey process in the following 2 years. The focus groups have proven to be a valuable forum for dialogue between the JA and its beneficiaries, and instrumental in raising awareness of the importance of proper planning for successful training delivery and impact.

Furthermore, the JA needs to **ensure overall inclusiveness of the TNA** effort by further reaching out to a comprehensive body of partners, including all relevant professional associations of judicial office holders, assistants and judicial staff.

## 9. JA has a strategy for dealing with large-scale trainings

Mandatory large-scale trainings on new laws are a particular challenge for the JA, particularly given the intensive legislative activity of the Serbian government. While the TNA Rulebook developed by the Project to an extent responds to this challenge by envisaging that such large-scale mandatory trainings are priority topics in the annual training calendar, there is still a need to advance the JA response to this demand.

The JA should therefore **develop and adopt a strategy for dealing with large-scale trainings**, in line with best comparative practices.<sup>10</sup> The strategy should enable:

- Planning for this type of training. The planning should be supported both by the full implementation of the relevant TNA provisions and through enhanced dialogue

<sup>10</sup>

[/http://www.ejtn.eu/Documents/Methodologies\\_Resources/Best%20practices%20Lot%201%20EN/IC\\_18-I\\_France\\_EU\\_en.pdf](http://www.ejtn.eu/Documents/Methodologies_Resources/Best%20practices%20Lot%201%20EN/IC_18-I_France_EU_en.pdf)

mechanisms with the Government, which should inform the JA in due time on the plans to prescribe mandatory trainings and entrust JA with that task. This will enable the JA to dedicate resources to this type of training in a timely manner. There is also an option for the JA, HJC and SPC to advocate for the allotment of additional budgetary funds for such trainings, as the case is in Poland.<sup>11</sup>

- Development of a training strategy. The JA should strategically approach large-scale trainings in order to ensure optimum coverage and cost-effectiveness (usually on the level of courts of appeal).
- Uniform training conditions – the training modules and materials should be such to ensure that the trainings are executed under the same training conditions as far as possible. Homogenous approach to training conditions will ensure standardised understanding of the new legal tools and provisions.
- Combining various approaches to training. The JA should consider simultaneous development of face-to-face sharing of knowledge and distance-learning options, including, but not limited to, making training materials available to all potential trainees in electronic format. The availability of materials in electronic format supports knowledge sharing and replication, and has so far been identified as a good practice promoted by the Project in both large-scale training efforts, such as the one on Domestic violence, and smaller-scale trainings on EU law and Enforcement and Security law.

The Project suggests this strategy should be organised by training events at each Appeal and/or Higher Court, coupled with the distribution of materials (printed and in electronic format) and followed by uploading of training resources at the JA website.

## 10. JA uses TNA for middle and long-term planning

So far, the JA has used various good TNA practices for short-term planning. However, there is a need to **identify middle and long-term training needs of the Serbian judiciary, in a comprehensive and strategic manner**. The JA needs to step away from yearly planning and, in cooperation with the HJC and SPC, set strategic goals for the future. One such effort would be the development of judicial competency models, as recommended by the 2016 TNA; but, in their absence, the TNA can be used as a valuable source material, as it identifies not only current but also future and systemic training needs. **Additional inputs** for this exercise should be obtained from the judicial human resource strategy and also from training evaluation and impact studies.

The JA should consider an introduction of **three- and five-year judicial training plans** in addition to the annual training curricula – this is particularly important in view of the present recommendation related to training in cycles, and also with regards to the development of the judicial competency models and strategic approach to large-scale training.

The Project proposes that some multiannual goals are settled, such as the following:

Train 50% of judicial office holders in Judgecraft 1 in the next 5 years

Train 50% of Appeal Court Judges in Criminal Affairs in EU Law (basic, intermediate and advanced -EU Criminal Law module) in the next 5 years

<sup>11</sup> In Poland, the costs of urgent training are provided from the state budget designated for courts, not the finances designated for the implementation of the already adopted training curriculum. See Article 15a of the Polish Law on the Judicial Academy (Ustawa z dnia 23 stycznia 2009 r.o Krajowej Szkole Sądownictwa i Prokuratury, Dz.U.2016.150, 2016-03-04 zm. Dz.U.2016.178 art. 20, 2016-04-04 zm.Dz.U.2016.178 art. 20, 2016-05-07 zm. Dz.U.2016.633 art. 2

Train 30% judicial office holders Judgecraft 2 in the next 5 years

Train 25% judicial office holders in EU Law (basic module) in the next 3 years

Train 25% of judicial office holders in basic economic knowledge in the next 3 years

Train 25% of judicial office holders in non-legal matters in the next 4 years

## 11. JA uses TNA for identification of systemic training needs

As mentioned above, the current TNA reflects the individual needs for training in the Serbian judicial system, while a more systemic approach is still lacking.

The optimal way to address this issue would be through the development of the **judicial competency models, as recommended in the 2016 TNA**. This recommendation is still very much relevant, and additional guidance for the development of these models can be found in existing best practices from countries with long-standing judicial training traditions but also from countries with similar social, economic and legal backgrounds, such as Poland. This is an exercise that should be conducted in **close cooperation between the HJC, SPC and the JA**.

The JA should, however, **pilot the effort of developing competency models for its trainers and mentors**. This would address the existing perception of lack of transparency in the selection of the JA trainers and mentors but also guide the JA TOT efforts in the middle and long term. In addition, this would spearhead the development of competency models for judges and prosecutors at all levels.

The Project strongly suggests the development of the trainers' and mentors' competency model, but also an additional set of at least 5 judicial competency models in the following months. The competency models will be instrumental in identifying gaps and developing and delivering training curricula that address systemic needs. The project will support and facilitate this effort.

**EUROPEAN UNION'S SUPPORT TO THE JUDICIAL ACADEMY**

Terazije 8/I, 11000 Belgrade, Serbia

**T:** +381 11 3023 869

**F:** +381 11 3023 877

[info@jap.rs](mailto:info@jap.rs)



This project is implemented by  
a consortium led by the British Council