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Volume III

# Judicial Studies Series

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Strengthening the Professional Advancement of the Judiciary in Serbia  
through establishing effective partnerships and  
enhancing monitoring and evaluation techniques



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**Volume III**  
**Judicial Studies Series**

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and enhancing monitoring and evaluation techniques

December 2013

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# Impressum

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## Disclaimer

*“The views expressed in this publication are those of the authors and do not necessarily represent those of the United Nations, including UNDP, or their Member States”*

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## Foreward

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Welcome to Volume III of the Judicial Studies Series Strengthening the Professional Advancement of the Judiciary in Serbia through Establishing Effective Partnerships and Enhanced Monitoring and Evaluation Techniques. Volume III is centred around the importance of establishing both effective partnerships and applying enhanced monitoring and evaluation techniques, in order to strengthen the professional advancement of the judiciary.

Establishing appropriate partnerships is one of the greatest challenges in planning legal and judicial reform programming, including judicial education. The values being promoted through programmes, the technical needs of the programme, the capacity of the partners, and the compatibility of different cultures within partnerships must be considered. At the same time, the primary purpose of monitoring and evaluation is always to seek to improve training. This is usually done by collecting information about the training and using that information to measure its effectiveness and efficiency. In this way, decisions can be made on how, and indeed whether, any piece of training or training programme may be improved. However, it may not always be appropriate, efficient or necessary to formally evaluate every training event. Much depends on the event itself and why it requires evaluation.

This Volume provides an analysis of the partnerships established by the Judicial Academy and presents innovative methodologies on monitoring and evaluating the services that are provided by the Judicial Academy. The conclusions and recommendations will be used by the Judicial Academy to further enhance the services it provides and to ensure the top quality professional advancement of the judiciary in Serbia.



Nenad Vujić  
Director  
Judicial Academy  
September 2013

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## List of abbreviations

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ECHR – European Court of Human Rights

EU – European Union

HJC – High Judicial Council

JA – Judicial Academy

JAS – Judges' Association of Serbia

JTC – Judicial Training Centre

MoJ – Ministry of Justice

SPC – State Prosecutorial Council

UN – United Nations

UNDP – United Nations Development Programme



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## Author's Biographies

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**Joanna Brooks** is a qualified barrister in England and Wales and has been working in the Western Balkans for over a decade. With nine years' experience with UNDP working on judicial reform and access to justice issues, Joanna is well experienced in providing top quality policy advice and in undertaking numerous official researches, studies and analyses. A number of Joanna's previous works have been published at the national, regional and global level.

**Miomir Despotović** is a full time professor at the Faculty of Philosophy, Department for Pedagogy and Andragogy, University of Belgrade, Serbia. He is the head of Department for Pedagogy and Andragogy, editor in chief of the Andragogy studies and a fellow of the Serbian Andragogy Association, the National Council for Vocational Education and Adult Education, the Balkans Association for Pedagogy and Education (BASOPED) and the European Society for Research on the Education of Adults (ESREA). He has wide ranging teaching and consulting experience and has published extensively in the areas of adult learning, vocational education, curriculum development and evaluation.

**Žarko Petrović**, is the Portfolio Manager for the Rule of Law and Access to Justice Programme with UNDP Serbia. He has over twelve years experience in various conflict and development programmes in human rights and the rule of law in the Western Balkans, the Caucasus and Central Asia. He holds a Masters of Studies in International Human Rights Law (University of Oxford, UK) and is a member of the Serbian Bar Association. He has published a number of legal and policy-related articles in Serbia and abroad.

**Milica Popović** is a political scientist, who obtained an MA degree at the Université Paris 2 Panthéon-Assas in Paris, specialising in the former Yugoslav region and post socialist transition, after earning a bachelor degree in International Law at the University of Belgrade in Serbia. Milica is working as a freelance consultant, leading her own research and consulting agency "Nomade". Previously, Milica was working on the issues of judiciary and public administration reform with the United Nations Development Programme office and the American Bar Association/Central

European and Eurasian Law Initiative.

**Olivera Purić LLM**, is the Assistant Resident Representative (Programme) of the United Nations Development Programme in Serbia and is a highly experienced and knowledgeable practitioner on judicial reform issues in Serbia. With extensive experience with governance and the judiciary (Municipal Court of Belgrade, Supreme Court of Serbia), as well as with the non-governmental sector (Humanitarian Law Centre), Olivera has been actively involved with the Judicial Academy since its establishment as the Judicial Training Centre, through to its current institutional set-up. Throughout her career, Olivera has contributed to numerous articles, policy papers, official researches and studies, reports and other innovative and catalytic knowledge products on the subject of the judiciary and judicial reform. Olivera is currently preparing her PhD, which considers the role of international and domestic stakeholders in the institutional judicial reform process in Serbia from 2002-2012, using the Judicial Academy as a case study.

**Jasmina Radinović-Bell** is a Technical Adviser and a Project Manager with UNDP Serbia and has nineteen years of experience both in humanitarian and development assistance in complex and conflict environments, both national as well as international, in particular Pakistan and Afghanistan. She holds a Masters degree in International Relations. During her professional career, Jasmina worked for the EC, the NGO sector and for UNDP. During her 11 years with UNDP, Jasmina has particularly focused on the management of capacity development projects and is well qualified to provide top policy advice and to conduct relevant researches and analysis in this particular field.

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## Introduction to the Judicial Studies Series

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By Saša Madacki

Welcome to the United Nations Development Programme Judicial Studies Series. The aim of the Judicial Study Series is to present the efforts and contribution of the United Nations Development Programme to the judicial reform process in Serbia, and in particular its contribution to judicial education. Special attention is given to development programming and implementation, presented in the light of evidence-based practice with a strong focus on depicting processes surrounding reform initiatives. Taking this into account, the focus of this Series is on analytical perspectives, resulting in recommendations for practitioners currently working in the judicial sector. The experience presented in the Series highlights UNDP's continuous presence in the field, and its commitment towards the ultimate goal: an efficient and independent judiciary. Practitioners, decision makers and scholars will benefit from the interdisciplinary approach of this Series, having immediate access to a range of topics – from development assistance, to sustainable development goals applicable to the judicial sector, budgetary analyses, public opinion and monitoring and evaluation.

This series is presented in the form of a collection of introductory papers and evidence-based studies which can be used as a handbook needed by all stakeholders in all branches of government, and consulted by scholars devoted to the exploration of judicial reform. The Series is distributed both in printed and electronic format. The electronic version will be produced as a knowledge platform allowing the user to navigate in a non-linear, intuitive environment, ensuring immediate access to the body of knowledge – a one-stop shop for judicial reform.

The authors of the volumes in this series are experts from the United Nations Development Programme and the Judicial Academy of Serbia.

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## Introductory remarks to Volume III

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By Joanna Brooks and Olivera Purić

Volume III of the Judicial Studies Series, *Strengthening the Professional Advancement of the Judiciary in Serbia through Establishing Effective Partnerships and Enhanced Monitoring and Evaluation Techniques* considers the use of partnerships in furthering professional advancement among the judiciary, and through applying an innovative evaluation methodology considers the effect of judicial training on the judiciary in Serbia.

Judicial training is an essential element of an efficient justice system since it helps to ensure the competency of the judiciary. It is a prerequisite of the judiciary for it to be both respected and worthy of respect. The issue of training candidate judges before they take up their posts (initial training) as well as the professional upgrade of practicing judges (continuous training) is equally important and required.

A strong, independent and efficient judiciary is essential for ensuring that rule of law and respect for human rights are upheld and implemented. Judicial training and education are of key importance for fulfilling the judiciary's mandate. To do their work well and meet society's expectations, courts need to have judges with the highest ethical standards and extensive legal and societal knowledge. As a result, judges should continuously enrich their knowledge, maintain their skills and develop new ones.

In the first paper, Joanna Brooks and Milica Popović discuss "How do we judge judges – a short overview of monitoring and evaluation techniques". The paper aims to identify what the essential ideas regarding monitoring and evaluation are, as complex processes in development aid overall, with a special focus on judicial reform and more specifically, judicial education. In recent years, monitoring and evaluation have gained significant attention in development programming, yet the question remains whether these efforts have been sufficient and successful. The presented papers and theoretical models lead into a short overview of certain aspects of evaluation of the

Judicial Training Centre/Judicial Academy of the Republic of Serbia, supported by the United Nations Development Programme in Serbia.

The second paper presents an analysis of a Partnership Survey that was undertaken by UNDP and the Judicial Academy during the first half of 2013. Joanna Brooks and Jasmina Radinović-Bell present the results of the Partnership Survey, which forms part of a series of studies, analyses and methodologies that are being conducted by the Judicial Academy and UNDP during the course of 2013. The objective of the Partnership Survey is to complement the existing efforts of the Judicial Academy to streamline and measure the overall perception of the relevant partners and beneficiaries of the training conducted by the Judicial Academy to date. In addition, the objective was to use the Partnership Survey as a channel for mapping the analysis of partner and beneficiary perceptions and as a springboard for suggestions towards further increasing the Judicial Academy's performance.

The results of the Partnership Survey show that the Judicial Academy has become a key player in the judicial reform process in Serbia and participates in all the relevant working groups. The Academy has evolved into an institution with authority and respect. The Judicial Academy is increasingly recognised as a partner by government and donors as well as by other institutions. The staff of the Judicial Academy are recognised as having high good will and giving their maximum. The director is appreciated for his dedication and commitment. The significance of the Judicial Academy is recognised by all its partners and beneficiaries. At the same time, there are concerns relating to the management structure and to the Academy's future development and sustainability. The state needs to be fully committed to ensure the continued development of the Judicial Academy.

In the final paper, Professor Miomir Despotović, with contributions from Joanna Brooks and Žarko Petrović, presents the results of a study examining the Effects of Professional Advancement on the Judiciary in Serbia. This study examines the effects of professional advancement on the judiciary from 2010-2011, as provided by the Judicial Academy of the Republic of Serbia. It is a repeat of similar study undertaken during 2005, which examined the effects of a professional advancement on the judiciary, including both judges and prosecutors, from 2002-mid 2004, as provided by both the Judicial Training Centre of the Republic of Serbia and other training providers such as international organisations and non-governmental organisations. In 2010, the Judicial Training Centre was transformed into a national Judicial Academy, thus provoking the need to repeat the study, as a way of informing the Academy about the effects of its programme to date and a means of informing future development and upgrading.

The results of the study show that an overwhelming majority of the judges expressed satisfaction with the content and type of professional training programmes, the opportunity for active partici-

pation in the process of professional training, and the correlation between the professional training programmes and the real educational needs of judges. The greatest effect of professional training pertains to the increased motivation for work and a greater degree of self-assurance at work.

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## I Executive Summary

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By Joanna Brooks and Olivera Purić

### 1.1 Introduction

Strengthening the Professional Advancement of the Judiciary in Serbia through Establishing Effective Partnerships and Enhanced Monitoring and Evaluation Techniques provides readers with a series of papers looking firstly at the importance and uses of monitoring and evaluation, secondly at how effective partnerships can advance the provision of judicial training and finally at how monitoring and evaluation can be used to assess the effect of professional advancement on the judiciary. Each paper seeks to illustrate the importance of both of these tools, effective partnerships and monitoring and evaluation, as ways of enhancing the professional advancement of the judiciary. While the first paper is more academic in nature, the second and third papers present the analysis of two studies that were undertaken by UNDP Serbia with the Judicial Academy during the first half of 2013. These studies form part of a series of on-going survey, studies and analyses that are being conducted in partnership by UNDP and the Academy throughout 2013.

### 1.2 Objective

The objective of this Volume of the Judicial Studies Series is to consider some of the ways in which the professional advancement of the judiciary can be enhanced, namely through the establishment of effective partnerships and through applying innovative methods of monitoring and evaluation. Ultimately, the objective is to further improve the services offered by the Judicial Academy with a view to improving the efficiency of the judiciary in Serbia. Corresponding to this, UNDP will use the analyses to inform and direct its future programming in the area of judicial education and judicial reform.

### 1.3 Methodology

The methodologies that were applied for the fulfillment of the studies necessitated a multi-faceted approach. For Paper I, extensive Internet research was undertaken, combined with a desk review of relevant UNDP and Judicial Academy documentation and informal discussions and meetings.

For Paper II, a series of interviews were conducted with the main beneficiaries and partners of the Judicial Academy, alongside Internet research, desk review and where possible, the triangulation of results. For Paper III, members of the judiciary were asked to participate in a questionnaire, which was then analysed by a leading Serbian academic. Extensive discussions and meetings were held with the Judicial Academy during the conducting of the study to ensure the highest possible response rate and to validate and analyse findings.

## **1.4 Data Collection**

Data was collected from a variety of course. For Paper II, the Partnership Survey, data was gathered using a tailored made analytical tool aimed at gathering partners and beneficiaries' opinions, experiences and perceptions of the services provided by the Judicial Academy. This data was then inputted into two matrices, the first aimed at analysing the organizational aspects of the services provided by the Academy and the second aimed at analysing the evaluation aspects of the services provided by the Academy. For paper III, The Effects of Professional Advancement on the Judiciary, an extensive questionnaire was designed aimed at probing members of the judiciary's experiences and opinions of the services provided by the Judicial Academy. Once completed, the questionnaires were analysed and the results drafted.

## **1.5 Findings and Conclusions**

(i) Effective Partnerships - Establishing appropriate partnerships is one of the greatest challenges in planning legal and judicial reform programming, including judicial education. The values being promoted through programmes, the technical needs of the programme, the capacity of the partners, and the compatibility of different cultures within partnerships must be considered. Partnerships were at the centre of all of the Judicial Academy's work and a fundamental driver of its strategy and its ability to deliver development results. The Judicial Academy has actively promoted a range of partnerships with all stakeholders, both national and international. The successful implementation of the Judicial Academy's programme resides on a strong partnership strategy with relevant institutions, civil society and private sector partners, UN agencies and other international organizations. The success of the Judicial Academy's programmes to date can be attributed in large part to the effective partnerships it has established with all relevant stakeholders and the commitment and excellent cooperation established among them.

(ii) Institutionalisation of the Judicial Academy - The Judicial Academy has been fully integrated into the judicial system. Through its branch offices in Kragujevac, Nis and Novi Sad, the Judicial Academy has a regional approach and coverage. The important role of the Judicial Academy is recognized by all its beneficiaries and the Judicial Academy is recognised as being extremely important for the functioning of the judiciary and a key institution. The Judicial Academy is recognized as a key player in the judicial reform process in Serbia and participates in all relevant work-



ing groups. It has evolved into an institution with increased authority and respect and one, which is increasingly recognized as a partner by the government, by donors and by other institutions.

(iii) Monitoring and Evaluation - Monitoring and evaluation mechanisms for judicial education are multifaceted and need to be cautiously adapted to the judicial context of the country within which the institution operates. Besides providing information on learners' satisfaction with the provided programmes, quality of trainings and trainers, which all can and should be a strong basis for further development of the institution, monitoring and evaluation need to assess the overall contribution of the judicial education programmes to the judicial reform and rule of law in the country in question.

(iv) Effects of Professional Advancement on the Judiciary - The overwhelming majority of the judges expressed satisfaction with the content and type of professional training programmes, the opportunity for active participation in the process of professional training, and the correlation between the professional training programmes and the real educational needs of judges. The greatest effect of professional training pertains to the increased motivation for work and a greater degree of self-assurance at work. The data obtained shows that the professional training of judges is a dynamic and very complex process, and the key point in its ten-year realisation and development was the transformation of the Judicial Training Centre into the Judicial Academy that occurred in 2010. This large-scale organisational change directly or indirectly led to significant changes in the overall professional training of judges. Its centre-piece was the implementation of a two-year programme for initial training for judges and public prosecutors. In the first place, there was a decrease in the breadth of professional training, that is, a decrease in the number of judges participating in professional training. Also, there was a decrease in the intensity, i.e. a decrease in the number of judges attending more than one form of professional training in the course of one year. At the same time, there was an increase in the scope and the number of judges participating, for the first time, in one of the forms of professional training, as well as an increase in the overall quality of professional training: an increase in satisfaction with the contents and the manner of organising professional training, with the correlation between the programmes and the real educational needs of judges, and with the possibilities for their active participation in the training process. The primary effect of all this was an increase in the judges' motivation for work and in their self-assurance at work.

## 1.6. Recommendations

(i) Effective Partnerships - The successful implementation of the Judicial Academy's programme resides on a strong partnership strategy with state institutions, civil society and private sector partners, UN agencies and other international organizations. The Judicial Academy should con-

tinue to take a proactive role in encouraging its partners to openly discuss their respective motivations, purpose and expected results of the partnership, and to collectively explore how the partnership can be designed to simultaneously and holistically achieve its collective purpose and the aims of individual partners. Successful partnerships are those that first and foremost deliver against the individual aims of each partner. In addition to clearly defining the purpose and expected results of the partnership, it is highly recommended that specific roles and responsibilities of each partner be explicitly agreed. This involves making sure that the right parties are “in the driver’s seat” and that the designated responsibilities of each partner are commensurate with their legitimate rights and appropriate societal roles as well as their specific competencies and interests. In particular, the Judicial Academy should try to create and strengthen its partnerships with the Bar Association and the Judge’s Association and should try to create stronger ties with IPA implemented projects. Greater coordination with the non-governmental sector should also be sought. The donor community should continue to be actively involved with the Judicial Academy at the policy level, to provide support and to use its political position to encourage the governments to continue to support the Judicial Academy.

(ii) Institutionalisation of the Judicial Academy – The Law on the Judicial Academy should be amended to further strengthen and upgrade the institution. A thorough fiscal analysis, functional analysis and needs assessment should be undertaken to define priorities through analysis and create a long-term capacity plan. There should be an increased and fully functional professional staff put in place within the Judicial Academy in accordance with the recommendations from the functional review and needs assessment. Mechanisms for the development and advancement of the professional staff of the Judicial Academy should be introduced. The State needs to plan for the full institutionalisation of the Judicial Academy and commit sufficient resources. The Management Board should be increased and should be more diversified with a regular turnover of people, for example representatives from civil society organisations and business representatives, because its current functioning is not viewed as being efficient. The work of the Judicial Academy should be introduced more broadly to the public and its visibility and outreach increased.

(iii) Monitoring and Evaluation - The mechanisms of monitoring and evaluation should be further upgraded and implemented. An entire system of evaluation of judges needs to be created, which the Judicial Academy needs to be part of. A coordinated system of monitoring and evaluating the trainers, trainees, trainings, mentors and the Judicial Academy itself needs to be created and implemented. This will enable the Academy to learn from experiences and to improve activities and practices in the future. It will enable internal and external accountability of the resources used and the results achieved. It will also enable the Academy to make informed decisions about its future activities. More thorough evaluations will allow the Academy to make informed conclusions about the relevance, effectiveness, efficiency, impact and the sustainability of its programmes and services.

(iv) Effects of Professional Advancement on the Judiciary - The Judicial Academy should continue to implement its Initial Training Programme for new judges and prosecutors but at the same time should strengthen the provision of its Continuous Training Programme. In particular, the Continuous Training Programme should aim to reach all judges and prosecutors in Serbia, while at present it is only reaching about half of them. A standardized framework for continuous training should be developed in close coordination with the Programme Council and should be implemented on an annual basis. There should be more emphasis on civil law to represent the higher number of civil law cases that reach the courts in Serbia each year. Through further developing its partnerships, strengthening the institutionalization of the Judicial Academy and implementing effective monitoring and evaluation techniques, the Judicial Academy can continue to upgrade the services it provides and can continue to develop into an organization that garners respect among its partners and beneficiaries alike. Through widening its outreach and introducing itself to the broader public, the Judicial Academy can become recognized for the crucial and excellent services it provides and can increase public confidence in the judiciary in Serbia.

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## **II How do we judge judges – a short overview on monitoring and evaluation practices**

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By Joanna Brooks and Milica Popović

### **2.1 Introduction**

As numerous as efforts in the field of judicial education are, equally as numerous are attempts in measuring the effectiveness and efficiency of those efforts. While in transitional countries the number of projects on the development of judicial education continues to grow, the public remain sceptical about the results of those endeavours. The need for the professionalization of the judiciary is evident, something that is unimaginable without the further development of initial education and continuous professional advancement. The issue of judicial education remains a complex, interdisciplinary issue, which requires knowledge and experience from different areas. Judicial education cannot be successful without the proper implementation of contemporary education and adult education theories, as much as it cannot be successful without a deep understanding of the judicial system in question and a sound comprehension of the dynamics of development aid.

In this paper, we will try to identify what the essential ideas of monitoring and evaluation are, as complex processes in development aid overall, with a special focus on judicial reform and more specifically, judicial education. In recent years, monitoring and evaluation have gained significant attention in development programming, yet the question remains whether these efforts have been sufficient and successful. Judicial reform and moreover, judicial education are areas where careful planning needs to be undertaken when developing different monitoring and evaluation models. The presented papers and theoretical models lead us into a short overview of certain aspects of evaluation of the Judicial Training Centre/Judicial Academy of the Republic of Serbia, supported by the United Nations Development Programme in Serbia.

<sup>1</sup> Pritchett, L, Samji, S and Hammer, J, It's All About MeE – Using Structured Experiential Learning ('e') to Crawl the Design Space, Working Paper 2012/104, UNU-WIDER, [http://www.wider.unu.edu/publications/working-papers/2012/en\\_GB/wp2012-104/](http://www.wider.unu.edu/publications/working-papers/2012/en_GB/wp2012-104/)

<sup>2</sup> Multilateral Aid Review, Ensuring maximum value for money for UK aid through multilateral organizations, March 2011, p.8

<sup>3</sup> Multilateral Aid Review, Ensuring maximum value for money for UK aid through multilateral organizations, March 2011, p.11

<sup>4</sup> Armytage, L, Evaluating aid: An adolescent domain of practice in Evaluation 17(3), Centre for Judicial Studies, Australia, 2011, p.261-276

<sup>5</sup> Armytage, L, Evaluating aid: An adolescent domain of practice in Evaluation 17(3), Centre for Judicial Studies, Australia, 2011, p.262

<sup>6</sup> Armytage, L, Evaluat-

## 2.2 How do we monitor and evaluate aid?

Monitoring and Evaluation (M&E) has always been a crucial element of the accountability of implementing organizations to their funders. As presented in the United Nations University-World Institute for Development Economics Research (UNU-WIDER) working paper no. 2012/104, “any effective development project must ultimately be based on an adequate ‘theory of change’—a complete, coherent, and correct causal model from funding to inputs and activities to outputs to outcomes and impacts”<sup>1</sup>.

In this endeavour, both development and organizational theory play a role. The international community agreed on the main principles in the Paris Declaration for Aid Effectiveness, which should lead international aid in ensuring quality development. Organizational theory says that organizations that have certain characteristics, such as strong strategic management and a culture of seeking to minimize costs, are more likely to deliver results and offer value for money.<sup>2</sup> Academic assessments of donor effectiveness are based on a set of quantitative indicators, such as disbursement delays, or adherence to the Paris Principles.<sup>3</sup>

Livingston Armytage in his recent article “Evaluating aid: an adolescent domain of practice”<sup>4</sup> gives a critical reflection on monitoring and evaluation of international development aid. Armytage agrees that evaluation delivers means for accountability and improvement of development assistance while addressing the question: “Does aid work?”<sup>5</sup>. While differing monitoring and evaluation, Armytage uses Organisation for Economic Co-operation and Development (OECD) definitions as follows. “*Evaluation* is the systematic and objective assessment of an on-going or completed project, programme or policy, its design, implementation and results. The aim is to determine the relevance and fulfilment of objectives, development efficiency, effectiveness, impact and sustainability. An evaluation should provide information that is credible and useful, enabling the incorporation of lessons learned into the decision making process of both recipients and donors. (OECD-DAC, 2002: 2)”.<sup>6</sup> Monitoring is defined as “the process of observing and reporting on something over a period of time... a continuing function that uses systematic collection of data on specified indicators to provide management and the main stakeholders of an on-going development intervention with indications of the extent of progress and achievement of objectives and progress in the use of allocated funds. (OECD-DAC, 2002: 4)”.<sup>7</sup>

In 2006, OECD-Development Assistance Committee (OECD-DAC) introduced the *Evaluation Quality Standards* as a guide to good practice in harmonising the conduct of development evaluations, which were adopted in 2010. These standards relate to the purpose and objectives, scope, methodology, information sources, independence, ethics, quality assurance, results, and completeness (OECD-DAC, 2010).<sup>8</sup>

The United Nations' setting of the *Millennium Development Goals* (MDGs) were followed by a series of 'roundtables' at Monterrey (2002), Rome (2003), Marrakech (2004), Paris (2005), and most recently Accra (September 2008) and Doha (December 2008) which introduced the concept of 'managing-for-development-results' (MfDR)<sup>9</sup>. Results-based management was supposed to introduce high attention given to the focus on measuring outputs and outcomes. Armytage criticizes this approach, also because "evaluation studies demonstrate that there is no empirical correlation with results."<sup>10</sup> Armytage believes that MfDR: encourages a systemic focus on easier more visible aspects of performance at the lower level of specific activities rather than at the higher level of consolidated policy; an illusion of better performance with regard to controllable matters which are of less societal significant; risks of oversimplifying the manifold challenges of development management etc. More importantly, Armytage concludes that these dangers are higher especially in the case of "qualitative and human centred change arenas such as judicial reform where it is of quite limited utility for the purposes of monitoring and evaluation."<sup>11</sup>

For him, the real paradigm shift in the field occurred with the introduction of participatory evaluation, where representatives of agencies and stakeholders, including beneficiaries, work together in designing, carrying out and interpreting an evaluation (as defined by OECD-DAC).<sup>12</sup>

As explained in the article, the *managing-for-development-results* has emerged as the new development doctrine in the post-Paris setting, which embodies a shift in the focus from monitoring the efficient delivery of outputs to monitoring the impact and evaluating the effectiveness of results, even if impact evaluations remain rare.<sup>13</sup> Armytage criticizes "the seductive convenience of a logic model"<sup>14</sup> and stresses the need for "nuanced, complex and non-linear human-centred" change evaluations.<sup>15</sup>

An important initiative in the field of impact evaluations has been the World Bank's Development Impact Evaluation Initiative<sup>16</sup>. Created in 2005 in the Bank's Chief Economist Office, DIME was re-launched in 2009 as a broad-based decentralized effort to mainstream the use of impact evaluation in the Bank<sup>17</sup>. The results agenda systematizes the use of results Bank-wide, by introducing the use of common indicators in the Bank's operations, stimulating the adoption of a results-based culture, and shifting from input-based to output- and outcome-based reporting. The main idea behind this is to introduce impact evaluation, which adds as an important element, causal inference. Causal inference links the observed change in outcomes to specific policy actions<sup>18</sup>. With 170 completed and 280 active studies in 72 countries to date, DIME is the largest initiative in the world designed to systematically learn from development experience on the basis of rigorous impact evaluation.<sup>19</sup>

Through imposing an analytical structure, impact evaluations can be used to measure project effectiveness and validate their development hypothesis, which is called *summative* evaluation

ing aid: An adolescent domain of practice in Evaluation 17(3), Centre for Judicial Studies, Australia, 2011, p.262

<sup>7</sup> Armytage, L, Evaluating aid: An adolescent domain of practice in Evaluation 17(3), Centre for Judicial Studies, Australia, 2011, p.262

<sup>8</sup> Armytage, L, Evaluating aid: An adolescent domain of practice in Evaluation 17(3), Centre for Judicial Studies, Australia, 2011, p.263

<sup>9</sup> Armytage, L, Evaluating aid: An adolescent domain of practice in Evaluation 17(3), Centre for Judicial Studies, Australia, 2011, p.264

<sup>10</sup> Armytage, L, Evaluating aid: An adolescent domain of practice in Evaluation 17(3), Centre for Judicial Studies, Australia, 2011, p.267

<sup>11</sup> Armytage, L, Evaluating aid: An adolescent domain of practice in Evaluation 17(3), Centre for Judicial Studies, Australia, 2011, p.268

<sup>12</sup> Armytage, L, Evaluating aid: An adolescent

domain of practice in Evaluation 17(3), Centre for Judicial Studies, Australia, 2011, p.272

<sup>13</sup> Armytage, L, Evaluating aid: An adolescent domain of practice in Evaluation 17(3), Centre for Judicial Studies, Australia, 2011, p.274

<sup>14</sup> Armytage, L, Evaluating aid: An adolescent domain of practice in Evaluation 17(3), Centre for Judicial Studies, Australia, 2011, p.274

<sup>15</sup> Armytage, L, Evaluating aid: An adolescent domain of practice in Evaluation 17(3), Centre for Judicial Studies, Australia, 2011, p.74

<sup>16</sup> Legovini, A, Development Impact Evaluation Initiative: A World Bank-Wide Strategic Approach to Enhance Developmental Effectiveness, 2010

<sup>17</sup> Legovini, A, Development Impact Evaluation Initiative: A World Bank-Wide Strategic Approach to Enhance Developmental Effectiveness, 2010, p.1 Ibid.

because it provides an overall view of whether the project worked to deliver the desired results. In addition to bringing impact evaluation into the results agenda, DIME aims at introducing formative evaluation based on experimental methods. Formative evaluation compares alternative mechanisms within a project to discover how best to implement the project.

DIME's sustained effort is the key to its capacity development strategy. Elements include: (i) formal training, (ii) networking with a large community of practitioners, and (iii) learning-by-doing through joint government-Bank evaluations. The medium-term objective is to help policy makers develop understanding of the tools put at their disposal and their ability to take ownership of a more evidence-based approach to development.

UNDP puts a special focus on capacity development. Capacity development, including judicial education, is a long term and complex process, influenced by a number of various factors. In its document "Capacity development – Measuring capacity", UNDP points out the crucial elements of monitoring and evaluation : <sup>22</sup>

- Existence of nationally recognized M&E standard and certification system
- Access to M&E plans, data and results by public, media and civil society
- Existence of legal mandate to establish standard M&E tools and templates
- Existence of formal government or sector M&E policy that states mandates of M&E units, including responsibilities and accountability measures for effective data collection, analysis and management for public programmes and projects
- Per cent of data users satisfied with data quality and data management
- Number of M&E policy violations by unit, department, etc.

A monitoring and evaluation framework should clarify the following issues:

- What is to be monitored and evaluated;
- Who is responsible for M&E activities;
- When monitoring and evaluation activities are planned (timing);
- How monitoring and evaluation are carried out (methods);
- What resources are required and where they are committed.<sup>23</sup>

Monitoring and evaluation remain complex notions in flux in the development field. New approaches, techniques, theories and methods are being implemented along the course of the search for the heightened success of development aid. Judicial reform with all its complexities poses an even bigger challenge in the evolution of M&E tools.



## 2.3 Assessing judicial reform

A report, published by the Michelsen Institute in Norway in 2004, tries to give a comprehensive overview of the crucial elements for a successful judicial reform project. As the report states: “The ‘success’ of a judicial reform project can mean two different things: either, in the narrow sense, that the project has been executed so that the various items on the reform list have been carried out according to plan and achievements have been made on quantifiable variables; or, in the broader sense, that the reform that the project seeks to promote has had the desired impact on a particular societal trend – such as a decrease in crime rates, more respect for democracy, or higher economic growth. The latter kind of ‘success’ is, needless to say, much harder to document and measure.”<sup>24</sup> Projects must be viewed at all stages – the design, the implementation and the evaluation stage. The design stage requires proper analysis of the situation, caution about the import of institutional designs, inclusion of all relevant stakeholders, fitting in the larger judicial and justice sector reforms, avoidance of duplication of efforts and assurance that the public perception of judicial reform does not impose on them unrealistic expectations.<sup>25</sup> The implementation stage demands the already mentioned coordination and comprehensiveness.<sup>26</sup>

The evaluation stage calls for a well-developed methodology, financing and transparency.<sup>27</sup> No matter how much demand there is for high quality projects and their success, funding is often insufficient to cover all aspects of a proper evaluation. Results of monitoring and evaluation need to be “available to stakeholders and other donors, to ensure mutual learning and trust.”<sup>28</sup> The report reminds of the importance of the avoidance of the usual tendency of “hiding” negative findings as both implementing organizations and donors wish to represent the project as successful.

Yet, it is certain that evaluations are difficult to be undertaken in such a complex area as judicial reform. The legal system demands inter-linkages between various institutions and its mere nature renders the reform effect difficult to anticipate and assess. “A judicial reform intervention will have systemic effects beyond its immediate focus, and the effect of each intervention in turn depends on a combination of factors throughout the legal system... Narrow assessments of one single aspect of the legal system are of limited value – as are limited interventions that do not take into account the broader effects on and interactions with other parts of the legal system.”<sup>29</sup>

Any evaluation of judicial reform demands clear indicators. Indicators can be linked to different aspect of the legal process: access to the legal system, the responsiveness of legal institutions, capability of legal institutions of transforming legal claims to judgments and the authority of legal decisions.<sup>30</sup>

An example worth mentioning is the European Commission for the Efficiency of Justice (CEPEJ), which has developed a scheme for evaluating judicial systems. The questionnaire consists of

<sup>18</sup> Legovini, A, Development Impact Evaluation Initiative: A World Bank-Wide Strategic Approach to Enhance Developmental Effectiveness, 2010, p.2

<sup>19</sup> Legovini, A, Development Impact Evaluation Initiative: A World Bank-Wide Strategic Approach to Enhance Developmental Effectiveness, 2010, p.10

<sup>20</sup> Legovini, A, Development Impact Evaluation Initiative: A World Bank-Wide Strategic Approach to Enhance Developmental Effectiveness, 2010, p.12

<sup>22</sup> UNDP, Capacity development – measuring capacity, New York, 2010, p.23

<sup>23</sup> UNDP, Capacity development – measuring capacity, New York, 2010, p.25

<sup>24</sup> Skaar, E, Samset, I and Gløppen, S, Aid to Judicial Reform: Norwegian and International Experiences, Michelsen Institute – Development Studies and Human Rights, Bergen, 2004, p.65

<sup>25</sup> Ibid.

<sup>26</sup> Skaar, E, Samset, I and Gløppen, S, Aid to Judicial Reform: Norwegian and International Experiences,



Michelsen Institute – Development Studies and Human Rights, Bergen, 2004, p.65

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Skaar, E, Samset, I and Gloppen, S, *Aid to Judicial Reform: Norwegian and International Experiences*, Michelsen Institute – Development Studies and Human Rights, Bergen, 2004, p.67

<sup>30</sup> Skaar, E, Samset, I and Gloppen, S, *Aid to Judicial Reform: Norwegian and International Experiences*, Michelsen Institute – Development Studies and Human Rights, Bergen, 2004, p.68

<sup>31</sup> The European Commission for the Efficiency of Justice, *Evaluation of European Judicial Systems*, Strasbourg, 2012, [http://www.coe.int/t/dghl/cooperation/cepej/evaluation/default\\_en.asp](http://www.coe.int/t/dghl/cooperation/cepej/evaluation/default_en.asp)

<sup>32</sup> Vera Institute of Justice, *Measuring Progress toward Safety and Justice: A Global Guide to the Design of Performance Indicators across the Justice Sector*, New York, 2003, <http://siteresources.worldbank.org/INTLAWJUSTINST/Resources/VeraDFIDIndicatorsGuideNov2003.pdf>

guiding questions divided into thematic areas, focusing on structures as well as actors in the legal system. Currently there is the 4th edition of the report, based on data from 2010 <sup>31</sup>. Another good practice example is the 2003 report *Measuring Progress Towards Safety and Justice* by the Vera Institute of Justice in New York. <sup>32</sup>

Even if indicator tables and evaluation tools progress, Thomas Carothers poses a number of questions whether there can ever be a proper evaluation of judicial and rule of law reform. <sup>33</sup> He criticizes the lack of systematic knowledge on how development aid can promote rule of law and also on how rule of law and judicial reform efforts contribute to societal development. Lack of sufficient evaluations is one of the main arguments for the need for further research in the field.

There is a certain “proliferation” of judicial reform indicators, using different approaches and methodologies (corruption in the field, judicial integrity etc.). The development of indicators poses special challenges – quantitative evaluations usually require more caution in the analysis of the data and its interpretation.

However, there still remains the need for monitoring and evaluation in the field of judicial reform. The Paris Declaration on Aid Effectiveness requires that countries “endeavour to establish results-oriented reporting and assessment frameworks that monitor progress against key dimensions of the national and sector development strategies; and that these frameworks should track a manageable number of indicators for which data are cost-effectively available”.

## 2.4 Quality judicial education

While struggling with the monitoring and evaluation of judicial reform, we wish to herein dedicate further attention to one specific aspect of the judicial reform – judicial education. Judicial education is considered a key element of judicial reform and a prerequisite for progress of the rule of law within a country. A large number of donor initiatives focus on judicial education and thus, the importance of monitoring and evaluation of those efforts grows.

Judicial education, both initial and continuous professional development, falls under the standards of adult and professional education. The concept of quality assurance in education in general should equally translate into judicial education, taking into account its specificities.

Attention given to quality assurance procedures has risen over the years, throughout the activities within the European area and especially the European Commission. The provision of high quality education, formal and informal, academic and vocational, and in the context of lifelong learning,

has become a standard in the European context. Judicial education tends to adhere to the same standards – from the perspective of monitoring and evaluation of development aid, enhancement of rule of law to the new tendencies in educational theory. Quality assurance procedures comprehend internal and external evaluations, including self-evaluation processes, accreditation and other practices. The specificities of judicial education pose different challenges in these processes.

The new directions of professionalization have opened the road for continuing professional development programmes. As defined by Livingston Armytage in his book “Educating Judges: Towards a New Model of Continuing Judicial Learning,”<sup>34</sup> “the purpose of any programme of continuing judicial education is to provide a process, which is more or less formalized, to promote the continuing learning of judges”.<sup>35</sup> In this publication, Armytage perceives the need for judicial continuing education with the aim of enhancing competence and consolidating independence while judicial education remains specific to the rest of professional continuing education in many perspectives. As competences define and pose the basis for the development of the curricula of judicial education, for Armytage judicial education goes one step beyond. Judges are required to have certain “professional excellence beyond the domain of technical competence”<sup>36</sup>. For that and other reasons, Armytage finds assessment of judicial competence difficult.

Armytage describes education evaluation as “making informed judgments on the overall value of a learning programme and whether or not the programme accomplished what it set out to.”<sup>37</sup> As pointed out in the presentation given by Mary Frances Edwards at the Fourth International Conference on the Training of the Judiciary in 2009<sup>38</sup>, evaluation is essential to the decision making process of whether the same programme can be repeated, how it could be improved, should the same educators be invited, if it has been funded by international aid then also it provides means to prove the success and secure future funding.

In a number of articles and presentations, as presented by Mary Frances Edwards, a common model proposed for evaluation is Kirkpatrick’s Four Levels of Evaluation: Reaction, Learning, Behaviour, and Results<sup>39</sup>.

The first level indicates the evaluation forms/questionnaires usually given out at the end of the training/programme, including oral comments (if there is a feedback round at the end of the session). This type of evaluation refers to the very immediate reaction to the educational experience.

<sup>40</sup> In judicial education, the reaction evaluation needs to be taken into consideration with a certain caution. The oral feedback is, in general, often intimidating for learners and moreover, in the case of judicial CPD (continuous professional development), we might not expect a critical approach from judges to their fellow colleagues or superiors. The written evaluations might pose the same problems, but there are some additional ones: the needed time for filling in the forms and readiness of learners to dedicate time without only ticking off boxes in a rush to leave the event.

<sup>33</sup> Carothers T, Promoting the Rule of Law Abroad – in search of knowledge, Carnegie Endowment, Washington, 2006

<sup>34</sup> Armytage, L, Educating Judges: Towards a New Model of Continuing Judicial Learning, Kluwer Law International, Martinus Nijhoff Publishers, 1996

<sup>35</sup> Armytage, L, Educating Judges: Towards a New Model of Continuing Judicial Learning, Kluwer Law International, Martinus Nijhoff Publishers, 1996, p.7

<sup>36</sup> Armytage, L, Educating Judges: Towards a New Model of Continuing Judicial Learning, Kluwer Law International, Martinus Nijhoff Publishers, 1996, p.

<sup>37</sup> Armytage, L, Educating Judges Towards a New Model of Continuing Judicial Learning, Chapter 8, Educational Evaluation, The Hague/Boston/London: Kluwer Law International (1996), p.184.

<sup>38</sup> Edwards, M-F, Subjective Thoughts on Cultural Considerations on CPD Evaluation, 4th International Conference on the Training of the Judici-

ary, Sydney, Australia

<sup>39</sup> Kirkpatrick, Donald L. *Evaluating Training Programs: The Four Levels*. 2nd Ed. San Francisco: Barrett-Koehler (1998).

<sup>40</sup> Edwards, M-F, *Subjective Thoughts on Cultural Considerations on CPD Evaluation*, 4th International Conference on the Training of the Judiciary, Sydney, Australia

<sup>42</sup> Edwards, M-F, *Subjective Thoughts on Cultural Considerations on CPD Evaluation*, 4th International Conference on the Training of the Judiciary, Sydney, Australia

<sup>43</sup> Edwards, M-F, *Subjective Thoughts on Cultural Considerations on CPD Evaluation*, 4th International Conference on the Training of the Judiciary, Sydney, Australia  
<http://www.courtexcellence.com/>

<sup>44</sup> <http://handbook.undp.org.rs/>

<sup>45</sup> <http://handbook.undp.org.rs>

<sup>46</sup> <http://handbook.undp.org.rs/>

The second level of learning evaluation tries to measure what knowledge or skills the learners have acquired. This level of evaluation poses the most difficulties in the field of CPD. The only way to properly implement would be through certain testing at the end of the training or days/weeks/months/years after the training. One of the problems remains cultural, as put by Mary Frances Edwards, which is the fact that adults do not like to be tested. <sup>41</sup>

The third level, per Kirkpatrick, is Behaviour Evaluation. This level is crucial in determining whether there has been any behavioural change (change in attitudes) as a result of the educational programme and if yes, what kind of change. The most common method for this type of evaluation would be observation or interviewing the learners. It is easily imaginable that observation would be out of the question in certain judicial environments.

The fourth level, Results Evaluation, tries to “identify whether the education generated change in the recipients’ organization” <sup>42</sup>. Identifying change in the judicial systems demands baseline studies (as to provide a point of reference for further measuring progress) and clear methodologies for quality of the judicial systems. One of them provides the International Framework for Court Excellence - a quality management system designed to help courts improve their performance .

<sup>43</sup>It consists of the following:

- A *Framework* of universal core values, seven areas of court excellence aligned with those values, as well as concepts and tools by which courts worldwide can voluntarily assess and improve the quality of justice and court administration.
- A self-evaluation process using the *Court Excellence Self-Assessment Questionnaire* that evaluates a court’s performance against seven areas of excellence, and provides guidance for courts to improve their performance.
- The *Global Measures of Court Performance*, which includes eleven focused, clear, and actionable core court performance measures aligned with the values and areas of court excellence of the Framework.

## 2.5 Monitoring and evaluation of the Judicial Training Centre/ Judicial Academy of the Republic of Serbia

The United Nations Development Programme in Serbia has developed a Handbook for Developing Public Capacities for Judicial Training<sup>44</sup>, an interactive publication. Within other chapters, monitoring and evaluation take an important part. The Handbook reaffirms the need for continuous evaluation. One of the crucial action points recommended is the continuous tracking of the training provided in order to validate training objectives and assess trainers and trainees. This

level of evaluation should be easily organized and measured in the short term. As the Handbook proscribes, monitoring and evaluation should be used to:

Test the validity of training objectives;

Evaluate the effectiveness of training and development;

- identify potential improvements;
- Support the development of improvements;
- Support improvement in quality of delivery;
- Support improvement in quality of materials;
- Support improvement in the quality of facilities and/or suitability of venue;
- Support improvement in achieving best value;
- Provide feedback;
- Provide evidence of participant learning.

Further on, the Handbook recommends “that the overall evaluation of each JTC training session considers whether the initiative has improved competencies and changed attitudes”. These evaluation processes demand longer timeframes and can be implemented through participant questionnaires and evaluation forms. These forms can also highlight areas for which future training is necessary. Together with evaluation mechanisms, an effective monitoring system should also be established to ensure that JTC services reach the standards of best practices and are continuously updated. Direct feedback from the beneficiaries on the content and direction of education trainings and programmes also helps to ensure that the programmes provide the most relevant and timely instruction<sup>45</sup>.

Another important aspect is effective evaluation with the aim of adapting to changing circumstances. Monitoring and evaluation should be approached from an institutional perspective rather than from just a training perspective to assess organizational performance as well as development impact. Different external evaluations can be carried out – outcome evaluations, assessment of the institution’s contribution to judicial reform, access to justice and rule of law, etc. The Handbook also provides users with a Checklist for Monitoring and Self-Evaluation. The checklist consists of all the recommended action points to consider when establishing a judicial training function and it is structured around the following issues: inclusion of stakeholders on capacity development; assessment of capacity assets and needs; formulation of capacity development response; evaluation of capacity development response;

The aforementioned models and approaches all show the intrinsic connection between the monitoring and evaluation of judicial education and judicial reform. If we wish to have a profound evaluation of the success of judicial education programmes, it is inevitable to also evaluate the change it has brought into the judicial system of the country in question. Better competencies of judges must lead to a better judiciary. A competent judiciary leads to a higher level of rule of law. Any chosen model of monitoring and evaluation of judicial education must not avoid or omit the

<sup>47</sup> Despotović, M, Popović, K, and Matović, N, The effects of professional advancement on the judiciary: findings and recommendations, UNDP, Belgrade, 2005

<sup>48</sup> <http://handbook.undp.org.rs/>

<sup>49</sup> Radosavljević, D, Diagnostic Analysis: Judicial Centre for the Training and Professional Development of Judges, Prosecutors and Judicial Officers; the Judicial Training Centre, UNDP, Belgrade, 2006.

<sup>50</sup> Brooks, J, Evaluation of the work and services of the transformed Judicial Training Academy, OSCE, Belgrade, 2012, p.4

wider picture – otherwise, it might be very difficult to say if the programmes have truly achieved any sustainable and long-term results. While strongly leaning on both general monitoring and evaluation in development aid and judicial reform mechanisms and educational theories on quality assurance in adult and professional education, monitoring and evaluation in judicial education demands special consideration of specific sensitivities of the position of the judges.

Besides numerous monitoring and evaluation procedures institutionalized during the establishment and subsequent institutional strengthening of the Judicial Training Centre in Serbia in the form of evaluation questionnaires/evaluation forms and learners' feedback, UNDP commissioned in 2003 an Outcome Evaluation on Administration and Access to Justice in the Republic of Serbia, which assessed the JTC's contribution to access to justice and compared it to best international practices.<sup>46</sup> The Evaluation also contained recommendations for the JTC's further improvement and upgrading.

The report *Effects of Professional Advancement on the Judiciary in Serbia*<sup>47</sup> investigated the training of judges and public prosecutors to determine how they perceive the available professional development and to identify constraints – this would indicate how professional training programmes could be made more effective in improving the efficiency of judges and prosecutors. Important findings concluded that there were significant statistical differences in the number of complaints and appeals between the judges who took part in advanced trainings in 2002 and those who did not and that the effectiveness of both judges and prosecutors increased in 2003. This Study was repeated in 2013 and is presented in Paper Two of this Volume of the Judicial Studies Series.

The evaluations of the seminars indicated a high level of recipient satisfaction with the training, while preliminary statistical analysis undertaken as part of the research into the effectiveness of JTC education showed a correlation between the training provided by the JTC and the effectiveness of the judiciary.<sup>48</sup>

Another important external evaluation was implemented in 2006. UNDP supported the contracting of a consultant to carry out a diagnostic analysis or Partnership Survey of the trainings that had been conducted since the establishment of the JTC.<sup>49</sup> The consultant collected, analysed and developed a standard methodology to measure the overall perception of the relevant partners and beneficiaries of the training conducted by the JTC. The Partnership Survey was repeated in 2013 and is detailed in Paper Three of this Volume of the Judicial Studies Series.

In the process of transformation of the Judicial Training Centre to the Judicial Academy of the Republic of Serbia, another series of external evaluations were conducted. The Organisation for Security and Co-operation in Europe (OSCE) commissioned a report "Evaluation of the work and services of the transformed Judicial Training Academy" published in March 2012. The objectives of this evaluation were to analyse the entrance examination and initial training, the mentorship programme and the programme of continuous training. The methodology that was used was

multi-faceted, being a combination of research and desk review alongside face-to-face interviews with the director and staff of the JA, mentors, initial training candidates and the President of the Programme Council. In addition, consultations were held with OSCE representatives as required. The baseline for the evaluation was the Law on the Judicial Academy adopted in December 2009 and the “*Strategy for the Transformation of the Judicial Training Centre into a Judicial Training Academy*” and the “*Introducing Mentoring in the Serbian Judicial Academy*”, both published by OSCE in 2010. The evaluation was conducted during March 2012.<sup>50</sup>

The number of external evaluations in the case of the JTC/JA in Serbia proved to ensure substantial information for monitoring and evaluation purposes beyond the standard quality assurance procedures. All these mechanisms further contributed to the development of the training institution in question.

## 2.6 Conclusion

Monitoring and evaluation mechanisms for judicial education are multifaceted and need to be cautiously adapted to the judicial context of the country within which the institution operates. Besides providing information on learners’ satisfaction with the provided programmes, quality of trainings and trainers, which all can and should be a strong basis for further development of the institution, monitoring and evaluation need to assess the overall contribution of the judicial education programmes to the judicial reform and rule of law in the country in question.

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## **III Partnership Survey- Judicial Academy of the Republic of Serbia**

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By Jasmina Radinović-Bell and Joanna Brooks

### **3.1 Executive Summary**

In 2006, the United Nations Development Programme in Serbia carried out a Diagnostic Analysis, or Partnership Survey, of the training conducted by the Judicial Training Centre (JTC) of the Republic of Serbia, since its establishment in 2002. The report and analysis served as a means for analysing the then status of the programme of training, as well as a means of providing suggestions in order to upgrade the institution. In 2010, the Judicial Training Centre was transformed into a national Judicial Academy (JA), with increased responsibilities and an enhanced mandate. This included the provision of a new, two-year initial training programme for prospective judges and prosecutors. By 2013, the need for conducting a new Partnership Survey arose. This Partnership Survey forms part of a series of studies, researches and methodologies that are being undertaken by UNDP Serbia and the Judicial Academy during the course of 2013.

The Judicial Academy has become a key player in the judicial reform process in Serbia and participates in the relevant working groups. The Academy has evolved into an institution with increased authority and respect. The Judicial Academy is increasingly recognised as a partner by government and donors as well as by other institutions. The staff of the Judicial Academy are recognised as having high good will and giving their maximum. The director is appreciated for his dedication and commitment. The significance of the Judicial Academy is recognised by its partners and beneficiaries. At the same time, there are concerns relating to the management structure and to the Academy's future development and sustainability. The state needs to be fully committed to ensure the continued development of the Judicial Academy.

### **3.2 Introduction**



### 3.2.1. Background and Context

The Judicial Academy officially assumed its functions as of 1 January 2010, as prescribed by the *Law on the Judicial Academy*. The adoption of the Law on the Judicial Academy in December 2009 marked a milestone in the judicial reform process in Serbia. It provided for the transformation of the previously established Judicial Training Centre into a Judicial Academy, with enlarged statutory responsibilities and increased functions. It provided for a new system of recruitment, selection and initial training of future judges and prosecutors combined with a well-organised and systematic in-service training for sitting judges, prosecutors and magistrates and other judicial personnel, including assistants, apprentices and interns and court and prosecutorial staff. However, the Law fell short of ensuring that the initial training provided by the Academy be a necessary prerequisite for accession to the profession and to ensure that those who successfully complete it will ultimately be appointed as judges and public prosecutors. This shortcoming is currently being addressed in the discussions relating to the new draft *National Judicial Reform Strategy 2013-2018*, much of which is focused around the continued strengthening and development of the Judicial Academy.

The Judicial Academy is funded by the Republic of Serbia, namely through the budget of the Ministry of Justice. In addition, it receives funds from various donors, international organisations and NGOs, to carry out specific training activities for relevant stakeholders. Since the establishment of the Judicial Training Centre in 2001, and following its transformation into an Academy, the Judicial Academy has received considerable contributions to assist with its institutional building and capacity development. A significant number of donors including UNDP, OSCE, USAID and most significantly the EU have dispersed considerable funds to assist the JTC/JA in its development, amounting to several millions of Euros.

### 3.2.2 Objectives

The objective of the current Partnership Survey is to complement the existing efforts of the Judicial Academy to streamline and measure the overall perception of the relevant partners and beneficiaries of the training conducted by the Judicial Academy to date. In addition, the objective was to use the Partnership Survey as a channel for mapping the analysis of partner and beneficiary perceptions and as a springboard for suggestions towards further increasing the Judicial Academy's performance.

### 3.2.3 Methodology

This study is a repeat of the Diagnostic Analysis of the Judicial Training Centre, which was conducted by UNDP and the JTC in 2006. The methodology that was adopted remained as close as possible to the original and demanded strictly defined procedures, in order to provide the most qualitative method of data collection.

The methodology, which was used, for undertaking the Partnership Survey demanded that the data and the information be gathered from various sources namely;

1. A questionnaire which was distributed to the participants in advance of the consultations (Please see Annex I);
2. Interviews/consultations, which were conducted with representatives of the organizations that have collaborated with the Judicial Academy;
3. Consultation with the Director of the Judicial Academy;
4. A Matrix that consists of a list of questions relating to organizational and evaluation aspects, which refer to specific data provided by the participants (Please see Annex II and Annex III).

The list of organizations, which have collaborated with the Judicial Academy, was formed in co-ordination with the Judicial Academy and can be divided into two groups:

- 1.1. Organisations that have participated in the training programmes with the Judicial Academy.
- 1.2. Beneficiaries of the services that the Judicial Academy provides.

In order to ensure as comprehensive data as possible, interviews were also carried out with the Director of the Judicial Academy.

After initial consultations with UNDP and the Judicial Academy, a questionnaire was developed, closely aligned with the original questionnaire that was planned for use during the interviews and consultations. In addition, a matrix was devised that consisted of two parts, one related to the organizational aspects of the relationship between organizations and the Judicial Academy, and the other one that presented the evaluation aspects of the relationship with the Judicial Academy. In order to identify which organisations to consult, in co-operation with the Judicial Academy a preliminary list of organizations that had an important role in the training programmes of the Judicial Academy was formed. This list differed to some extent to the original list of organisations consulted during the first study, since additional organisations have become involved with the Judicial Academy during the period 2006-2013. However, as many as possible of the original organisations were consulted during this study.

Once those organisations had been identified, the following documentation was sent to all organizations by e-mail:

- An invitation letter that informed them about the purpose and the aims of the project, the request to take part in the project and to appoint and hold the interviews;
- The questionnaire that would be used during the interviews;

It is especially important to emphasize that all organisations, through receiving the above-mentioned documentation, were able to prepare themselves for the meetings and collect all relevant information that was important for their cooperation with the Judicial Academy, prior to the consultations taking place.

A total of nineteen interviews were held with twenty people. Throughout the Study, a number of consultations were held within UNDP and the JA as required. The interviews that were conducted lasted between 30 and 60 minutes. The interviewed persons preferred to answer the questions directly, since they were already familiar with them. Part of the documentation was sent later via e-mail.

Once all the interviews had been conducted and the additional information had been gathered the process of analysis commenced, individually and in a comparative context. A number of meetings within the UNDP team were held, and they were useful in order to see the value of the gained information in the most adequate way.

### **3.2.4 The Organisations and the Training Programme**

Since the establishment of the Judicial Academy a large number of organizations have taken part in various ways in the training programmes. Substantial financial means have been procured from a number of foreign donors, which have been disbursed directly or indirectly.

Training programmes were realized through lectures, round tables, workshops, discussion groups, presentations, and seminars and through the mock trial simulation. Training programmes were held in the JA's premises in Belgrade and in regional offices in Nis, Novi Sad and Kragujevac as well as other available and suitable locations.

The following section will present a summary of the consultations with the organizations that the Judicial Academy co-operated with during the realized training programmes, while the matrix will present responses related to the organizational aspects and the aspect of evaluation of the

relationship between organizations and Judicial Academy.

### **Organizations that have participated in the training programmes with the JTC**

1. Belgrade Centre for Human Rights
2. Council of Europe
3. Deutsche Gesellschaft für Technische Zusammenarbeit (GIZ)
4. European Commission
5. Fund for an Open Society
6. International Management Group
7. Judicial Reform and Governance Accountability Programme (USAID funded)
8. Organization for Security and Co-operation in Europe
9. Royal Netherlands Embassy
10. Separation of Powers Programme (USAID funded)
11. Embassy of Sweden
12. United States Agency for International Development
13. World Bank

#### **1. Belgrade Centre for Human Rights**

The Belgrade Centre for Human Rights has had extensive co-operation with the Judicial Academy since its establishment as the Judicial Training Centre. The Belgrade Centre has provided train the trainers programmes for the human rights trainers that the Academy uses, and they have conducted numerous trainings and seminars through the Judicial Academy in the field of human rights. If the Belgrade Centre conducts its own training for judges, it always informs the Judicial Academy about the training. To date co-operation has been excellent and the Belgrade Centre had received very good programmatic and operational support. The Belgrade Centre intends to partner with the Judicial Academy in the future.

#### **2. Council of Europe**

The Council of Europe has also had extensive cooperation with the Judicial Academy since its establishment as the Judicial Training Centre. It has conducted many trainings and seminars through the Judicial Academy and most recently is targeting the High Judicial Council and State Prosecutor's Council. In late 2013 a new project will be initiated related to human rights, which will be combined with comparative law in Strasbourg. The Council of Europe has had excellent co-operation with the Judicial Academy, in particular in the legislative field where Council of Europe experts provide substantive inputs and contributions. The Council of Europe plans to partner with the Judicial Academy in the future.

### **3. Deutsche Gesellschaft für Technische Zusammenarbeit (GIZ)**

GIZ has had extensive co-operation with initially the Judicial Training Centre since its establishment in 2001 and subsequently with the Judicial Academy since its establishment in 2010. The cooperation was continuous from 2001-2011. GIZ has been focusing on supporting the Judicial Academy with trainings on the implementation of legislation. In addition, GIZ will support the development of curricula for both civil and commercial law, trainings for new judicial professional, such as notaries and bailiffs, as well as trainings for courts, lawyers and representatives from the state administration. GIZ is currently negotiating the next phase of its support to the Judicial Academy, which will continue until 2019.

### **4. European Commission**

The European Commission has been the largest donor to the Judicial Training Centre and the Judicial Academy since 2005. The EC has funded numerous programmes aimed at the institutional development and capacity building of the JTC and Judicial Academy. This has included the project to transform the Training Centre into an Academy and support to the implementation of the Initial Training Programme for future judges and prosecutors. The European Commission is currently preparing for IPA 2013, and will attempt to, through this intervention, bring the Judicial Academy back to its core aspects. It will be a two-year programme worth 2.1 million Euros. There will be increased focus on capacity building activities, where the European Commission believes it will have the highest impact.

### **5. Fund for an Open Society**

The Fund for an Open Society was an important partner of the Judicial Academy since its establishment as a Judicial Training Centre. The Fund for an Open Society was instrumental in assisting the JTC with its establishment. Approximately one third of the Fund's assistance is directed to the justice sector but only about 5 percent of this has gone to the Judicial Academy. In the period from 2006-2009, the development of curriculum for the training of prosecutors for the high technology departments in high technology crime was financed by the Fund. Since 2009 no direct funds have been provided to the Judicial Academy.

### **6. International Management Group**

The International Management Group has had very extensive co-operation with the Judicial Academy since 2007, when it was the Judicial Training Centre. Numerous and various trainings have been conducted as well as capacity development for courts and judges. The cooperation has been excellent. The International Management Group currently promotes the Judicial Academy as its strategic partner and intends to do so in the future.

### **7. Judicial Reform and Governance Accountability Programme (USAID funded)**

There has been an extensive level of co-operation between the Judicial Reform and Governance Accountability Programme and the Judicial Academy. Through the programme, the Academy provides training on four topics (currently tax and custom regulations, administrative and operational procedures and judicial ethics) plus general IT trainings on a daily basis. The Programme intends to support the development of a comprehensive database and has assisted in the creation of a database of lecturers. The Programme also worked with magistrates. As a follow-up to the training a brochure on a given topic was produced. Significant impact has been achieved through the training since the trainings address the most relevant topics. The Programme will continue to partner with the Judicial Academy until it phases out in 2016.

### **8. Organization for Security and Co-operation in Europe (OSCE)**

OSCE has had direct co-operation with the Judicial Academy since its establishment as the Judicial Training Centre. OSCE is one of the Academy's biggest partners and organizes on average over one hundred trainings per year through the Academy. OSCE was also instrumental in the establishment of the JTC and in supporting the transformation of the JTC into a Judicial Academy. In addition, since 2001, OSCE has been continuously providing support in drafting the Law on the Judicial Academy, providing institutional support and supporting the mentorship aspects of the Initial Training Programme. OSCE will continue to support the JA in the future and considers the Academy as one of its strategic partners.

### **9. Royal Netherland's Embassy**

The Royal Netherland's Embassy has had intensive and excellent co-operation both with the JTC and the Judicial Academy. From 2001-2004 the Embassy supported the UNDP implemented programme to establish and institutionalize the JTC and this was followed up with an OSCE implemented project from 2009-2011, support the transformation of the JTC into a national Judicial Academy and establishing a system of monitoring and evaluation of the trainings provided. Since 2011, the embassy has supported smaller scale initiatives with the JA. The Embassy will continue to support the JA in the future since it views it as a very important strategic partner, which plays a very significant role.

### **10. Separation of Powers Programme (USAID funded)**

The Separation of Powers Programme has very extensive co-operation with the Judicial Academy. Many trainings have been implemented by the Academy through the project, including training on court administration, individual case management and training for court managers. In addition, in 2011, court orientation management training was conducted. The trainings are always conducted in small groups with an interactive focus. An Advisory Committee was established between the Programme and the JA, which proved to be an excellent mechanism for constructive cooperation and a tool for implementation. The Programme and the JA worked together to

design the curricula for the trainings. In the future the Programme is planning to implement financial trainings with the High Judicial Council, technical trainings and some IT trainings. The Programme views the Judicial Academy as one of its strategic partners.

#### **11. Swedish International Development Assistance (SIDA)**

SIDA was one of the original donors that supported the UNDP project to establish and institutionalize the Judicial Training Centre from 2001-2004. SIDA has not directly supported the Judicial Academy since 2005/2006 although it recognizes its strategic importance. SIDA intends to partner with the Judicial Academy in the future, through the development of a new Public Finance Programmatic Framework, which would include the Judicial Academy among several other institutions.

#### **12. United States Agency for International Development**

USAID has had very extensive co-operation both with the JTC and the Judicial Academy. They have a very good partnership, with USAID supporting primarily the development of curricula, training on ethics, case backlog reduction, and targeted training for new and incumbent judges and prosecutors. USAID is also funding the Judicial Reform and Governance Accountability Programme and the Separation of Powers Programme detailed above. Through these programmes, USAID will continue to support the Judicial Academy until 2016.

#### **13. World Bank**

The Judicial Academy is not a direct beneficiary of the World Bank, however the organisations have established a mutually beneficial working relationship, through the World Bank's main partner, the Ministry of Justice. The World Bank does have a plan to include the Judicial Academy into a larger programme that is related to the Law on Free Legal Aid. If this Law is passed then the Judicial Academy would be supported within a larger programme by the World Bank.

### **3.2.5. Beneficiary and Provider Perspectives of the Services that the Judicial Academy Provides**

#### **Beneficiaries of the services that the Judicial Academy provides**

1. Appeal Prosecutor's Office of the Republic of Serbia
2. High Judicial Council of the Republic of Serbia
3. State Prosecutor's Council of the Republic of Serbia
4. Supreme Court of Cassation of the Republic of Serbia

## **Others**

1. Ministry of Justice and Public Administration, Republic of Serbia
2. Judicial Academy

### **1. Appeal Prosecutor's Office of the Republic of Serbia**

The Appeal Prosecutor's Office has established an excellent level of co-operation originally with the JTC and subsequently with the Judicial Academy. Training for new and incumbent prosecutors is carried out by the Judicial Academy. The Prosecutor's Office views the Judicial Academy as one of its strategic partners and will continue to do so in the future.

### **2. High Judicial Council of the Republic of Serbia**

The High Judicial Council views the Judicial Academy as extremely important for the functioning of the judicial system. The High Judicial Council has excellent co-operation with the Judicial Academy in line with their respective mandates. The HJC will continue to cooperate with the Judicial Academy in the future.

### **3. State Prosecutor's Council of the Republic of Serbia**

The State Prosecutor's Council and the Judicial Academy have extensive co-operation through their respective roles and mandates and have excellent and continuous co-operation, which will continue in the future.

### **4. Supreme Court of Cassation of the Republic of Serbia**

The Supreme Court has been instrumental in the establishment and functioning of the Judicial Training Centre and the Judicial Academy. It mandated that all trainings should be conducted through the Judicial Academy. It recognizes the strategic importance of the Judicial Academy and will continue to support it in the future.

### **5. Ministry of Justice and Public Administration, Republic of Serbia**

The Ministry of Justice and Public Administration fully supports the Judicial Academy and provides its budget from the state funds. The MoJ is constantly trying to find ways to further improve and upgrade the Judicial Academy and will continue to fund and support it in the future.

### **6. Judicial Academy**

In 2012, the Judicial Academy organised a total of three hundred and thirty-two educational events as well as implementing the Initial Training Programme. In 2013, it is anticipated that even more trainings will be conducted due to the new Law on Criminal Proceedings. The Judicial Academy was very satisfied that in the spring of 2013, the High Judicial Council appointed the first generation of students from the Judicial Academy as judges and misdemeanour judges. There is currently on-going discussion relating to the Judicial Academy being a single-entry point



into the judicial profession, which is a requirement of the EU integration process. There are also discussions on-going relating to extending the mandate of the Judicial Academy to include other judiciary-related professionals, include notaries, bailiffs and mediators.

### 3.2.6 Strengths and Weaknesses of the Judicial Academy

All the strengths and weaknesses detailed below have been drawn from interviews and discussions with partners and beneficiaries as well as the Ministry of Justice and Public Administration and the Judicial Academy itself, conducted as part of the research and data gathering process of undertaking this Partnership Survey.

#### a. Strengths

- The Judicial Academy has been fully integrated into the judicial system.
- Through its branch offices in Kragujevac, Nis and Novi Sad, the Judicial Academy has a regional approach and coverage.
- The Judicial Academy is flexible.
- The Judicial Academy is extremely important for the functioning of the judiciary.
- The Judicial Academy is recognized by its partners as a key institution.
- The Judicial Academy has delivered the first generation of students and is currently training the next two generations.
- The first generation of students to graduate from the Judicial Academy is viewed by some as the most merit-based group of individuals to have been appointed to judicial positions.
- The Director of the Judicial Academy is very enthusiastic and dedicated and isn a great promoter of the Academy.
- The Judicial Academy's personnel all give their maximum.
- The important role of the Judicial Academy is recognized by all its beneficiaries.
- Judicial training is centralized through the Judicial Academy.
- The Judicial Academy is recognized as a key player in the judicial reform process in Serbia and participates in all relevant working groups.
- The Judicial Academy has evolved into an institution with increased authority and respect.
- The Judicial Academy is increasingly recognized as a partner by the government, by donors and by other institutions, such as the Forensic Centre, the Institute for Intellectual Property etc.
- The Judicial Academy has such good will and very honest and direct communication towards and with its partners.
- The significance of the Judicial Academy lies in the fact that it is the starting point for a

future judge or prosecutor.

**b. Weaknesses**

- The training conducted by the Judicial Academy is too focused on criminal law, whereas seventy percent of cases in Serbia are in civil law.
- The Judicial Academy has limited absorption capacity in respect of donor funds.
- The Judicial Academy has limited institutional capacity.
- The state of Serbia does not invest sufficient funds for the Judicial Academy to be fully sustainable.
- The premises of the Judicial Academy are no longer adequate given its new responsibilities and mandate.
- There is not sufficient political will to improve the institutionalization and sustainability of the Judicial Academy.
- There is perceived to be strong political influence on the structure of the Management Board and Programme Council.
- The Management Board is viewed as being too politicized.
- The Judicial Academy is seriously under-staffed and requires more professional staff.

### **3.2.7 Conclusions and Recommendations**

All the conclusions and recommendations detailed below have been drawn from interviews and discussions with partners and beneficiaries as well as the Ministry of Justice and Public Administration and the Judicial Academy itself, conducted as part of the research and data gathering process of undertaking this Partnership Survey.

**A. Conclusions**

The primary conclusion of this report would be that the judicial academy is an institution of extreme importance and that it has great support from the organizations that it co-operates with. This conclusion is based on the responses from the questionnaire about the evaluation of the work of the judicial academy, on the information gathered and formulated through responses to the questions in the form of the matrix, as well as on the general attitude formed during all realized meetings. There are a large number of positive aspects of this co-operation, as well as a strong desire to continue and improve this co-operation.

**B. Recommendations**

- The Law on the Judicial Academy should be amended to further strengthen and upgrade the institution.

- A thorough fiscal analysis, functional analysis and needs assessment should be undertaken to define priorities through analysis and create a long-term capacity plan.
- The State needs to plan for the full institutionalisation of the Judicial Academy and commit sufficient resources.
- The Judicial Academy should establish closer links with IPA projects.
- The Judicial Academy and the Judges Association and Bar Association should create closer links.
- The Management Board should be increased and should be more diversified with a regular turnover of people, for example representatives from civil society organisations and business representatives, because its current functioning is not viewed as being efficient.
- The Management Board needs to provide more guidance and strategic orientation to the Judicial Academy.
- The Programme Board should have greater authority within the Academy.
- There should be an internal division of competencies and programmatic/thematic areas within the Judicial Academy.
- The Judicial Academy should focus on developing its own capacities, for example to develop its own curricula.
- There should be an increased and fully functioning professional staff put in place within the Judicial Academy, in accordance with the functional review and needs assessment as recommended above.
- Mechanisms for the development and advancement of the professional staff of the Judicial Academy should be introduced.
- The Judicial Academy should create a Documentation Centre, which would contain judgements, training materials etc.
- The Judicial Academy's coordination capacities should be enhanced.
- The mechanisms of monitoring and evaluation should be further upgraded and implemented.
- The process of the selection of trainers, trainees and mentors should be improved and based on transparency with clearly defined criteria.
- An entire system of evaluation of judges needs to be created, which the Judicial Academy needs to be a part of.
- The donor community should continue to be actively involved with the Judicial Academy at the policy level, to provide support and to use its political position to encourage the governments to continue to support the Judicial Academy.
- Greater coordination with the non-governmental sector should be established.
- The work of the Judicial Academy should be introduced more broadly to the public and its visibility and public awareness should be increased.

### 3.2.8 Annex I- Assessment of Results Judicial Academy

#### A Question on Overall JA Programme

- What are your views of the overall JA Programme
- What level of cooperation have you had with the JA – e.g. number of trainings, etc.
- How did you find the level of programme and operational support provided during the cooperation process
- What do you perceive to be the relative advantages and/or strengths of the JA
- Do you have knowledge of the judicial training data and information that is available through the JA

#### B Question on Training Programmes Delivered Through JA

##### Effectiveness

- Were the set objectives and results of the training achieved
- What aspects were you most or least satisfied with and why
- What might have been done better or differently
- Were there any lessons learned, failures/lost opportunities

##### Efficiency

- Was the service provided by the JA good value for money
- What was the timeliness and responsiveness of the JA
- Was there more of an emphasis in “outputs” or on the “process”

##### Sustainability

- What is your view of the national capacity of the JA
- What is your view of the level of national ownership
- What is your opinion of the long-term capacity development of the JA

#### C Question on JA Management Structure

- What was the availability of the JA management structure to support the training delivery during the cooperation process
- In your opinion could this be strengthened and if so how
- How do you view the coordination capacities of the JA’s management bodies, representatives and coordinators

#### D Question on JA as a Strategic Partner

- Do you currently promote the JA as one of your strategic partners – in which ways and if not what is the reason behind this
- Would you be willing to partner the JA again – if you are not doing so already

#### E Question on Non-JA Related Trainings

- Have you conducted any trainings independently of the JA
- How did you find the provision and delivery of this training in comparison to that provided by the JA
- How do you rate that training provider vis-à-vis the JA

### 3.2.9 Annex II -Questionnaire Matrix Judicial Academy Organizational Aspects

Questions	Person Interviewed	How many projects have you had with the JA	How many current and ongoing projects do you have at the moment with the JA	What level of resources have been invested in projects with the JA	Does your organization have a designated focal point with the JA	Who was your focal point at the JA	Did your programme go through the procedure in front of the Council of the JA	Do you foresee new projects with the JA and if so how many	Do you have a budget for new projects with JA
Netherlands Embassy	Aleksandra Kalinic, Policy Officer, Development Co-operation Department	2	None	USD 850,000 (2001-2004) EUR 200,000 (2009-2011) Alter Fact EUR 32,000	Yes	Nenad Vujić	Yes	No projects as such (but will support small scale ad hoc initiatives)	No

Embassy of Sweden	Snezana Vojcic	1	None	Not sure	No	Natasa Rasic	Yes	Yes, within one larger programme	Yes
OSCE	Ivana Ramadanovic-Valnomaa, National Legal Officer, Rule of Law and Human Rights Department	Continuously worked with JA for last 10 yrs. on various levels and aspects (training of judges, democratization, training of mentors, training on ZKP, etc.	1 large programme of support	1 million EUR	No	Nenad Vujic	Yes	Not project-oriented. We will continue to support them, not institutionally but through the State Prosecutors' Council and High Judicial Council	Yes
European Commission	Bianca Vandeputte, Project Manager – Operations I	A large program	1 program with 3 project components	100,000 EUR	No	Nenad Vujic	Yes	Yes	Yes
Council of Europe	Nadia Cuk, Deputy Head of Office	3 large projects	None (Large project will be implemented as of Sep 2013)	2 million EUR	Yes	Nenad Vujic	Yes	Yes	No

Open Society Foundation	Miha-jlo Colak, Program Coordinator, Rule of Law and Transitional Justice	5	None	5% of total FOS budget	Yes	Nenad Vujic	Yes	No	No
GIZ Office Serbia	Milos Baltic, Country Coordinator – Open Regional Fund for South East Europe	Ad-hoc initiatives, not projects or programme as such	Next phase of support currently being negotiated	5% of total GIZ budget (up to 1 million EUR total)	NO	Nenad Vujic, Igor Milovanov	Yes	Yes, it is one large programme	Yes
Separation of Powers Programme (SPP)	Patrick Wujcik, Chief of Party/ Nikola Vojnovic, Task Manager	5 training projects	3 projects	1-2% of the budget	Technical Advisory Committee was established (2010-2012)	Nenad Vujic Dusan Spasic Igor Milovanov	Yes	No	No
USAID	Rob Force, Senior Rule of Law Advisor, Democracy and Governance Office	Program and projects through JRGA and SPP	3 projects Program and projects through JRGA and SPP	Restricted information	No	Nenad Vujic	Yes	Yes, potentially through small grants scheme	Small grants

IMG	Halvor Gjengsto, Programme Manager “Improving the delivery of Justice in Serbia”	1 large program	1 large program	Not sure	No	Nenad Vujic	Yes	Yes	Yes
WORLD BANK	Srdjan Svircev, Public Sector Specialist, Coordinator for MDTF-JSS	None	None	10,000 USD (operational costs for meetings, etc).	No	Nenad Vujic	N/A	Possibly, only if Free Legal Aid Law is passed	No
Belgrade Centre For Human Rights	Vesna Petrovic, Executive Director	BCHR has been continuously working with JA since its establishment, but has not projects as such	Not project oriented	Not sure	Yes	Nenad Vujic	Yes	Yes	Not yet



### 3.2.10 Annex III - Questionnaire Matrix Judicial Academy Evaluation Aspects

Questions	What types of evaluation procedures do you have in place – informal and formal	Do you make use of the JA database and does this assist with your evaluation procedure	How do you implement the formal and informal evaluation received	What impact has the evaluation had on your future training strategy	How many participants have attended your training projects	How do you rate the overall perceptions of the participants	How do you evaluate your cooperation with the JA Coordinators	How would you evaluate your overall experience with the JA
Netherlands Embassy	<i>None (assistance of smaller-scale)</i>	<i>No</i>	<i>N/A</i>	<i>N/A</i>	<i>Do not have information</i>	<i>Very good</i>	<i>Very good</i>	<i>Excellent</i>
Embassy of Sweden	<i>None</i>	<i>No</i>	<i>N/A</i>	<i>N/A</i>	<i>Do not have information</i>	<i>Very good</i>	<i>Very good</i>	<i>Positive</i>
OSCE	<i>Evaluation form per each training; Conducted a special training on how to conduct evaluations</i>	<i>No</i>	<i>N/A</i>	<i>It determines selection of priority topics</i>	<i>15-20 participants per training; over 100 trainings conducted; total 2000 participants approximately</i>	<i>Very good; It is the only training they ever receive</i>	<i>Excellent</i>	<i>Excellent</i>
European Commission	<i>Evaluation form per each training</i>	<i>No</i>	<i>Analysis was done leading to restructuring of EU contract with JA in order to upgrade it, and include a certain follow up.</i>	<i>Restructuring of the program, focus on results</i>	<i>Not sure</i>	<i>Mainly positive</i>	<i>Extensive contact with very good cooperation.</i>	<i>Very positive</i>

Council of Europe	<i>Evaluation form per each training</i>	<i>No</i>	<i>N/A</i>	<i>N/A</i>	<i>More than 100 participants for human rights</i>	<i>Mainly positive</i>	<i>Extensive contact with very good cooperation.</i>	<i>Very positive</i>
Open Society Foundation	<i>None</i>	<i>No</i>	<i>N/A</i>	<i>N/A</i>	<i>Not sure</i>	<i>No evaluation has been done</i>	<i>Positive, very good communication</i>	<i>Positive, but it lacks capacity that international organizations have</i>
GIZ Office Serbia	<i>None</i>	<i>No</i>	<i>N/A</i>	<i>N/A</i>	<i>Thousands of professionals, from 2005-2007 all judges underwent training for on Law on enforcement proceedings.</i>	<i>Excellent</i>	<i>Very good</i>	<i>Very good</i>
Judicial Reform and Government Accountability Project	<i>Evaluation form per each training</i>	<i>No</i>	<i>N/A</i>	<i>N/A</i>	<i>1,200 annually</i>	<i>Very good (as per standard evaluation sheet)</i>	<i>Excellent</i>	<i>Positive</i>
Separation of Powers Programme	<i>None</i>	<i>Yes, existing database contains a lot of information; shown as a good tool.</i>	<i>N/A</i>	<i>N/A</i>	<i>Up to 500 professionals</i>	<i>Very good (as per evaluation sheet), spent a lot of time in the field, getting engaged with participants.</i>	<i>Excellent, easy, open and direct communication</i>	<i>Good, but could have been much better.</i>
USAID	<i>None</i>	<i>No</i>	<i>N/A</i>	<i>N/A</i>	<i>Several hundreds</i>	<i>Very good</i>	<i>Very good</i>	<i>Positive</i>
IMG	<i>Evaluation form per each training</i>	<i>No</i>	<i>N/A</i>	<i>N/A</i>	<i>Several hundreds</i>	<i>Very good</i>	<i>Very good</i>	<i>Positive</i>

WORLD BANK	<i>None</i>	<i>No</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>Good, but not substantive cooperation achieved</i>
Belgrade Centre For Human Rights	<i>Evaluation form per each training</i>	<i>No</i>	<i>It determines selection of lecturers</i>	<i>It assists with selection of lecturers</i>	<i>Several hundred (20 participants per each training)</i>	<i>Excellent</i>	<i>Excellent</i>	<i>Excellent</i>

### 3.2.11 Annex IV- List of Organizations Met and Persons Interviewed

Organization	Person interviewed	Date
Fund for Open Society	Mihajlo Čolak, Programme Coordinator	24.04.2013
Judicial Reform and Government Accountability Project (JRGa)	Dragana Lukic, Deputy Chief of Party	25.04.2013.
Netherlands Embassy	Aleksandra Kalinic, Policy Officer, Development Cooperation Department	26.04.2013.
WORLD BANK	Srdjan Svircev, Public Sector Specialist, Coordinator for MDTF-JSS	07.05.2013.
GIZ Office Serbia	Milos Baltic, Country Coordinator – Open Regional Fund for South East Europe	13.05.2013
Appeal Prosecutors Office of the Republic of Serbia	Jasmina Kiurski, Deputy Appeal Prosecutor	13.05.2013.
Embassy of Sweden	Snezana Vojcic	14.05.2013.

IMG	Halvor Gjengsto, Programme Manager “Improving the delivery of Justice in Serbia”	20.05.2013.
Separation of Powers Programme (SPP)	Patrick Wujcik, Chief of Party/Nikola Vojnovic, Task Manager	20.05.2013.
OSCE	Ivana Ramadanovic-Valnomaa, National Legal Officer, Rule of Law and Human Rights Department	21.05.2013.
Council of Europe	Nadia Cuk, Deputy Head of Office	21.05.2013.
USAID	Rob Force, Senior Rule of Law Advisor, Democracy and Governance Office	23.05.2013.
European Commission	Bianca Vandeputte, Project Manager – Operations I	24.05.2013.
Supreme Court of Cassation, Republic of Serbia	Ljubica Milutinovic, Judge	28.5.2013
Belgrade Centre for Human Rights	Vesna Petrovic, Executive Director	29.05.2013.
High Judicial Council, Republic of Serbia	Miroljub Tomic, Judge and Vice-President	03.06.2013.
Ministry of Justice and Public Administration, Republic of Serbia	Danilo Nikolic, State Secretary	10.06.2013.
State Prosecutors’ Council, Republic of Serbia	Goran Ilic, President	26.06.2013.
Judicial Academy, Republic of Serbia	Nenad Vujic, Director	26.06.2013.
Judicial Academy, Republic of Serbia	Nenad Vujic, Director	26.06.2013.

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## IV The Effects of Professional Advancement on the Judiciary

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by Prof. Dr. Miomir Despotović

### 4.1 Executive Summary

This study examines the effects of professional advancement on the judiciary from 2010-2011, as provided by the Judicial Academy of the Republic of Serbia. It is a repeat of a similar study undertaken during 2005, which examined the effects of professional advancement on the judiciary, including both judges and prosecutors, from 2002-mid 2004, as provided by both the Judicial Training Centre of the Republic of Serbia and other training providers such as international organisations and non-governmental organisations. In 2010, the Judicial Training Centre was transformed into a national Judicial Academy, thus promoting the need to repeat the study, as a way of objectively informing the Academy about the effects of its programme to date and a means of informing future development and upgrading.

The Study indicates that a significant number of judges (45 per cent) were involved in professional training programmes, but that over 55 per cent of judges still remain outside this process. Of those who did participate in professional training programmes, one-third (2011) and one-fourth (2010) respectively underwent professional training of a high intensity, that is, they participated in two to four sessions of professional training on an annual basis.

The training is usually provided by way of seminars dedicated to various professional issues and professional symposia, with aspects of material law being the most frequent topic of discussion.

The overwhelming majority of the judges expressed satisfaction with the content and type of professional training programmes, the opportunity for active participation in the process of professional training, and the correlation between the professional training programmes and the real educational needs of judges. **The greatest effect of professional training pertains to the increased motivation for work and a greater degree of self-assurance at work.**

The most important social-professional determinants of professional training are as follows: the participants' age, years of working experience, years of work as a judge, the type of court they work in, the type of regular court and the department of the regular court in question.

A comparison with the data for the 2002-2011 period indicates that the professional training of judges in Serbia is a dynamic and very complex process, and that the key point in its ten-year period of realisation and development is the transformation of the Judicial Centre into the Judicial Academy, which occurred in 2010. This large-scale organisational change, at the centre of which was the commencement of the implementation of a two-year Initial Training Programme for judges and prosecutors, directly or indirectly led to significant changes in the dynamics and the quality of the professional training of judges. During the course of the 2002-2010 period, there was a decrease in the participation of judges in all forms of professional training and in the intensity of professional training (in the number of judges participating in more than one form of professional training in the course of one year). What was also noticeable between 2002 and 2010 was a tendency to decrease the quality of professional training. **After 2010, however, there was a significant increase in all the indicators of the quality of professional training: satisfaction with the content and the manner of organisation of professional training, the correlation between the programmes and the real needs of judges, and with the possibility of their active participation in the training process. There was also an increase in the number of judges participating, for the first time,** in one of the forms of professional training, the primary effect of which was an increase in the judges' motivation for work and their self-assurance at work.

## 4.2 Introduction

The training and professional advancement of members of the judiciary has been one of the basic and long-term objectives of the reform of the judiciary in Serbia. The National Judiciary Reform Strategy of the Republic of Serbia 2006-2011 emphasized the establishment of a standardised system of training and professional advancement of employees within the judiciary,<sup>51</sup> as one of the 12 reform objectives. In continuity from this, the National Judiciary Reform Strategy of the Republic of Serbia 2013-2018 posits professional expertise as one of the key principles of the overall reform of the judiciary in Serbia.<sup>52</sup>

The foundation of a standardised system of training and professional advancement of members of the judiciary was established by founding the Judicial Centre for Training and Professional Advancement of Judges, Public Prosecutors and Employees in the Judiciary, which was transformed in 2010 into the Judicial Academy. The basic task of the Academy is the development of the programme of and activities aimed at the professional training and continuous advancement

<sup>51</sup> Cf. The National Strategy of the Reform of the Judiciary for the 2006-2011 Period

<sup>52</sup> Cf. The National Strategy of the Reform of the Judiciary for the 2013-2018 Period.

<sup>53</sup> The Statute of the Judicial Academy, available at: [http://www.pars.rs/active/sr-cyrillic/home/pocetna\\_obuka.html](http://www.pars.rs/active/sr-cyrillic/home/pocetna_obuka.html).

<sup>54</sup> The Programme of Initial Training, available at: [http://www.pars.rs/active/sr-cyrillic/home/pocetna\\_obuka.html](http://www.pars.rs/active/sr-cyrillic/home/pocetna_obuka.html).

<sup>55</sup> The Statute of the Judicial Academy, the Overall Programme of the Entrance Exam for the Initial Training, the Rules of Procedure Concerning the Content and the Manner of Conducting the Entrance Exam, available at: [http://www.pars.rs/active/sr-cyrillic/home/pocetna\\_obuka.html](http://www.pars.rs/active/sr-cyrillic/home/pocetna_obuka.html).

<sup>56</sup> Internal data of the Judicial Academy.

of the judiciary and judicial related staff. The Judicial Academy provides programmes for the initial training of judges and public prosecutors, the permanent training of judges and public prosecutors, the training of lecturers and mentors, as well as programmes for the training and professional advancement of employees assisting judges and public prosecutors. The central activity of the Academy is the initial training of judges and public prosecutors, which lasts two years and consists of a theoretical and a practical part in the areas of constitutional, civil, criminal and misdemeanour law, and also in the sphere of general and professional culture. The theoretical part of the training is provided for at the Academy, while practical training is provided within courts and judicial offices under the supervision of mentors, and also within institutions outside the judiciary. The duration of training for each area is determined by the Initial Training Programme<sup>53</sup>. The overall number of classes of active teaching, envisaged by the Programme of Initial Training, is 336<sup>54</sup>.

Within the framework of the initial training, the entrance exam and the final exam are organised and conducted<sup>55</sup>. The number of beneficiaries of the initial training is determined by the High Judicial Council and the State Prosecutor's Council, on the basis of their assessment of the number of judges' posts available in misdemeanour and basic courts, and the number of prosecutors' posts available in the Basic Public Prosecutor's Office. Successful completion of the initial training and successfully passing the final exam are the basic prerequisites for being elected a judge or a public prosecutor. The first generation of 20 attendees of the initial training was enrolled in September 2010, and successfully completed the training and passed their final examination in February 2013. The second generation comprised 27 attendees, while the third consists of 37 attendees, both of whom are still undergoing the training process.

Even though the basic aim of the transformation of the Judicial Training Centre into the Academy pertained to improve the quality of work and focus on long-term and intensive forms of working with smaller groups of attendees, it did not mean neglecting the other programmes, first of all the Continuous Training Programme. As early as the second half of 2011, and especially during the course of 2012 and 2013, the number of training courses in the sphere of continual professional advancement was significantly increased, as was the number of attendees<sup>56</sup>.

For the successful realisation of professional training and for the purpose of improving its quality, it is of particular importance to establish the continual monitoring and evaluation of its effects. The said monitoring and evaluation enables:

- Gaining a timely insight into the forms, contents, dynamics and intensity of professional training;
- Informing the key participants of the situation and the progress made in realising the objectives envisaged;
- A timely and immediate intervention in the sense of undertaking additional corrective

and innovative measures and activities, and providing additional support.

The first evaluation of the effects of the professional training of judges and public prosecutors was carried out in 2004, the basic aim being to:

- Assess the character and the quality of the professional training programmes for judges and public prosecutors that had been realised during the course of 2002 and 2003/04;
- Identify the basic social-professional correlates of the professional training of judges and public prosecutors, and
- Assess the extent to which the forms of professional training of judges and public prosecutors contributed to improving their efficiency at work.<sup>57</sup>

The study in 2004 was conducted on a sample of 499 judges from 63 municipal courts (excluding judges and courts from Kosovo<sup>58</sup>), who were asked to evaluate the professional training programmes realised by the then Judicial Training Centre and some other organisations (The Centre for Improving Legal Studies, The Belgrade Centre for Human Rights, The Humanitarian Law Centre and some professional associations) during the period spanning 2002, 2003 and the first half of 2004 (hereinafter referred to as: the 2004 sample).

After almost 10 years, a need arose for a new insight into the quality and effects of the professional training of judges, and for comparing the effects of professional training achieved in the 2002 and 2003/04 period (solely within the framework of the Judicial Training Centre) with the effects achieved in 2010 and 2011 (hereinafter referred to as: the 2013 sample).

## 4.3 Objectives and Methodology

### a. Objectives

In order to get an insight into the effects of the professional training of judges, verifying its quality and making relevant decisions about its improvement in 2013, a new survey has been organised, whose purpose includes:

- Assessing the character and the quality of professional training programmes and the way they were delivered during 2010 and 2011, and
- Identifying the basic social-professional correlates of professional training.

One of the projected objectives of the survey was also to establish the connection between the professional training of judges and their efficiency at work. The assessment of judges' efficiency at work presupposed gathering a large body of diverse information, such as the number of: cases awarded per judge, scheduled hearings, hearings actually conducted, decisions passed, complaints and objections to decisions lodged, altered decisions, confirmed decisions, partially annulled de-

<sup>57</sup> Cf. The Effects of Professional Training in the Judiciary – Findings and Recommendations, UNDP, Belgrade, 2005

<sup>58</sup> United Nations Administered Territory as per UNSCR 1244.



cisions, decisions returned to the court of first instance for a new decision to be passed, requests for excluding a particular judge, decisions on imposing fines for disrespect of the court.

Unfortunately, unlike the survey carried out in 2005, when a great number of judges submitted the additional specific data requested as detailed above, none of the judges participating in the 2013 survey did so, even though the survey was conducted anonymously.

The reasons for this are probably manifold and diverse. It is possible that judges from some courts did not have that information at their disposal, or that gathering the said information would have required considerable effort and a lot of time. One cannot rule out personal reasons such as a lack of evaluation culture, a lack of understanding of the aims and the significance of the survey, dissatisfaction on the part of the judges with their work and the working conditions, as well as indifference towards efforts aimed at improving their work, even their fear of outside insight into their own efficiency at work, that is, fear of the use of the data required for the purpose of “controlling” judges and courts.

One should also bear in mind that the survey was realised in a period of great turbulence for the judiciary (the abolition of the network of 126 municipal courts and the establishment of 35 basic and 26 high courts, as well as the current preparations for another redefinition of the court network in Serbia). In future studies, such data should be gathered directly from the available records, that is, databases, which was not done in the course of carrying out this study due to a lack of time and the violation of the principle of anonymity in the course of gathering information.

#### **b. Methodology**

The defined objectives of the survey were achieved by means of the following analytical tasks:

1. Establishing the scope of judges’ participation in professional training programmes (i.e. the number of judges participating);
2. Establishing the intensity of professional training;
3. Identifying the dominant contents of professional training;
4. Identifying the dominant organisational forms of professional training;
5. Identifying the social-demographic and professional correlates in professional training;
6. Establishing the basic characteristics of the professional training of judges on the basis of comparing the assessments dating from 2002 and 2003/04 with those dating from 2010 and 2011.

## 4.4 The Survey Sample

The survey was carried out on a sample of 107 judges from 16 basic courts and high courts in Belgrade, Novi Sad, Subotica, Niš, Kraljevo, Kragujevac, Vranje and Zrenjanin. Those are the courts with the greatest number of employees, which provided the greatest number of participants in various training programmes in 2010 and 2011.

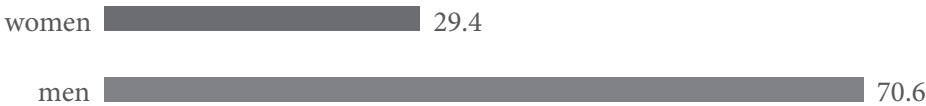
On the basis of its basic characteristics, this sample belongs to the category of the so-called group and convenient samples, which means that it is made up of judges from selected courts that agreed to participate in the survey.

In terms of its basic social-demographic and professional characteristics, the sample of judges has the following structure:

Graph 1: The structure of the sample according to the region the respondents are from:



Graph 2: The structure of the sample according to the sex of the respondents:



Graph 3: The structure of the sample according to the age of the respondents:



<sup>59</sup> In view of the fact that some judges deal with two or more areas, the sum total of responses exceeds 100 per cent.

Graph 4: The structure of the sample according to the professional experience of the respondents:



Graph 3: The structure of the sample according to the age of the respondents:

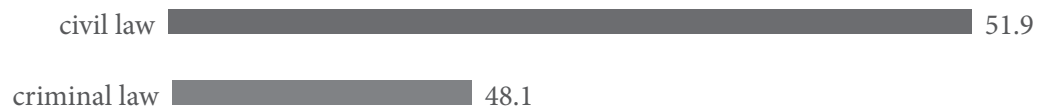


Of the judges making up the sample (107) work in a regular court of law.

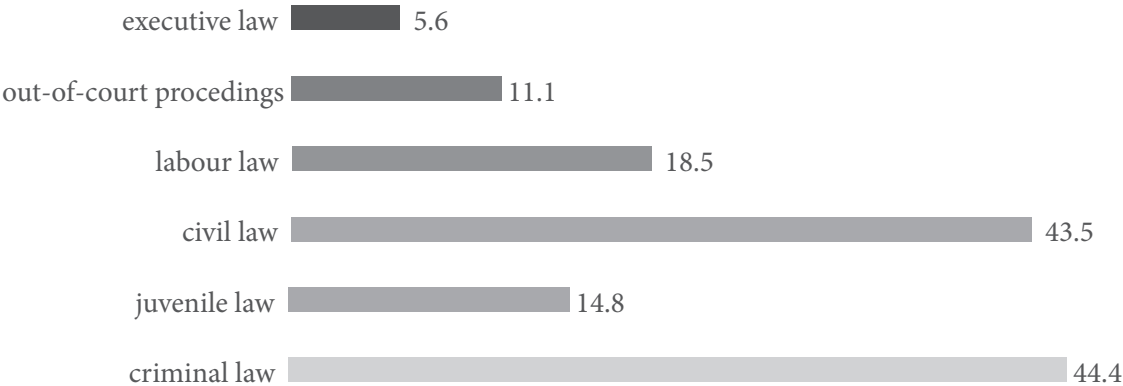
Graph 6: The structure of the sample according to the type of regular court where the respondents work:



Graph 7: The structure of the sample according to the department of the regular court where the respondents work:



Graph 8: The structure of the sample according to the respondents' area of work:<sup>59</sup>



Even though all the characteristic subgroups (strata) that are of importance for analysing the effects of professional training are sufficiently represented in the sample, the dominant profile of a judge defined by the sample is as follows: a judge from Central Serbia, male, over 40 years of age, with over 20 years of working experience overall, with over 10 years spent working as a judge, working in a high court, the civil law or criminal law department, primarily dealing with civil or criminal law, occasionally with labour or juvenile law, or with out-of-court proceedings.

## 4.5 The Methods, Techniques and Instruments of Gathering Data

The methods used in the course of the survey were the descriptive, non-experimental, comparative and ex post facto methods. As regards the research techniques used, polling and assessment procedures (scalping) were used. For the purpose of gathering information, an adjusted questionnaire was used, of the scale type, constructed for the purpose of conducting the 2005 survey.

The questionnaire consisted of two parts, containing a total of 34 questions. The first part of the questionnaire contained questions about the respondents' basic social and professional data, and about their professional training during 2010. The second part of the questionnaire contained questions about their professional training during 2011. The questions about professional training referred to:

- The scope, forms, intensity and contents of professional training, and

- The quality of particular dimensions of professional training.

An integral part of the questionnaire were the instructions for filling it in, as well as an integral list of all the seminars/training courses organised by the Judicial Academy in the 2010-2011 period. The list contains the ordinal number of the seminar/training course in question, when and where it was held, its name and the area it dealt with. The basic function of this list was to help the respondent judges remember the seminars they attended, so that they could give a more dependable assessment of their characteristics and effects. (Please see Annex I to view the complete questionnaire).

The instruments for gathering data were distributed to the chairmen and judges of municipal courts through the Judicial Academy. In the accompanying letter sent to the presidents of courts, the objective of the survey and its significance were explained, and they were asked to make it possible to administer the questionnaire in their courts, encourage judges to fill them in and submit them to the Judicial Academy in a timely manner. In addition, following the slow pace of receiving responses, an online questionnaire was created with a view to facilitating judges' efforts to complete the questionnaires. Furthermore, questionnaires were additionally electronically re-sent to all the courts and phone inquiries were made to motivate judges to respond.

When processing the data, the following methods and techniques were used:

- Statistical description – frequencies, percentages, arithmetical mean, standard deviation;
- Establishing the connections between variables (correlation coefficients);
- Testing the hypothesis of significant difference ( $\chi^2$ ).

## 4.6 The survey findings

On the basis of research into the characteristics and effects of the professional training of judges during 2010 and 2011, the data gathered are classified here in the following analytical groups:

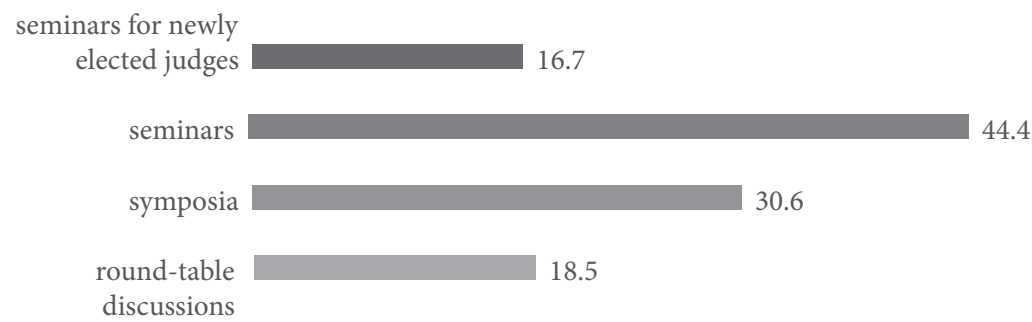
- A. Participation in various forms of training;
- B. The intensity of professional training;
- C. The dominant content of professional training;
- D. An assessment of the quality of the programmes for the professional training of judges, and
- E. The correlates of the professional training of judges.

A specific component in each of the above analytical groups is a comparative analysis, that is to say, comparing the data obtained from the 2004 sample (an assessment of the programmes realised in 2002 and 2003/04) with those obtained from the 2013 sample (an assessment of programmes realised in 2010 and 2011).

**A. The participation of judges in various forms of professional training**

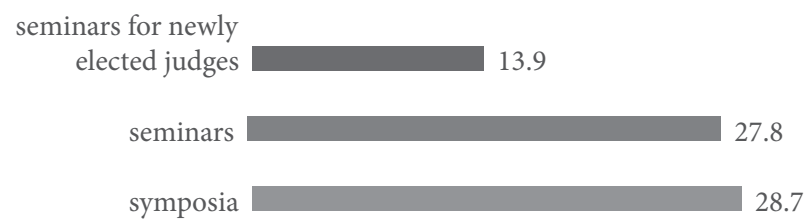
The data obtained for the year 2010 indicates that the rate of judges’ participation in various forms of professional training was 27.5 per cent. Seminars dedicated to various professional issues were the most usual form of professional training, followed by professional symposia, round-table discussions and seminars for newly elected judges.

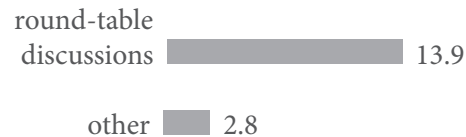
Graph 9: The participation of judges in various forms of professional training in 2010 (in per cent)



The average rate of the participation of judges in various forms of professional training in 2011 was considerably lower than in 2010, amounting to 17.4 per cent. The greatest number of judges from the sample surveyed participated in seminars and professional symposia, followed by round-table discussions and seminars for newly elected judges.

Graph 10: The participation of judges in various forms of professional training in 2011 (in per cent)





The decrease in the rate of the participation of judges in various forms of professional training in 2011, compared to the 2010 rate, is probably a consequence of the transformation of the Judicial Training Centre into the Judicial Academy, that is, of the Academy's focus on the Initial Training Programmes for judges and public prosecutors.

The Academy started its work with the old systematisation of work posts and the same number of employees as the Centre. But an entirely new form of work, lasting two years, was introduced (initial training). This required intensive and long-term efforts on the part of all the employees, involving a large number of very diverse tasks (developing the training programme and instructions for its realisation, organising the carrying out of an intensive eight-month training course, conducting the complex procedures for the entrance and final examinations, the implementation of a complex mentoring system in which each candidate has four mentors, developing programmes for the training of mentors, developing materials for the training of mentors, etc.), which necessarily resulted in a decrease of activities when it came to other forms of the professional training for judges.

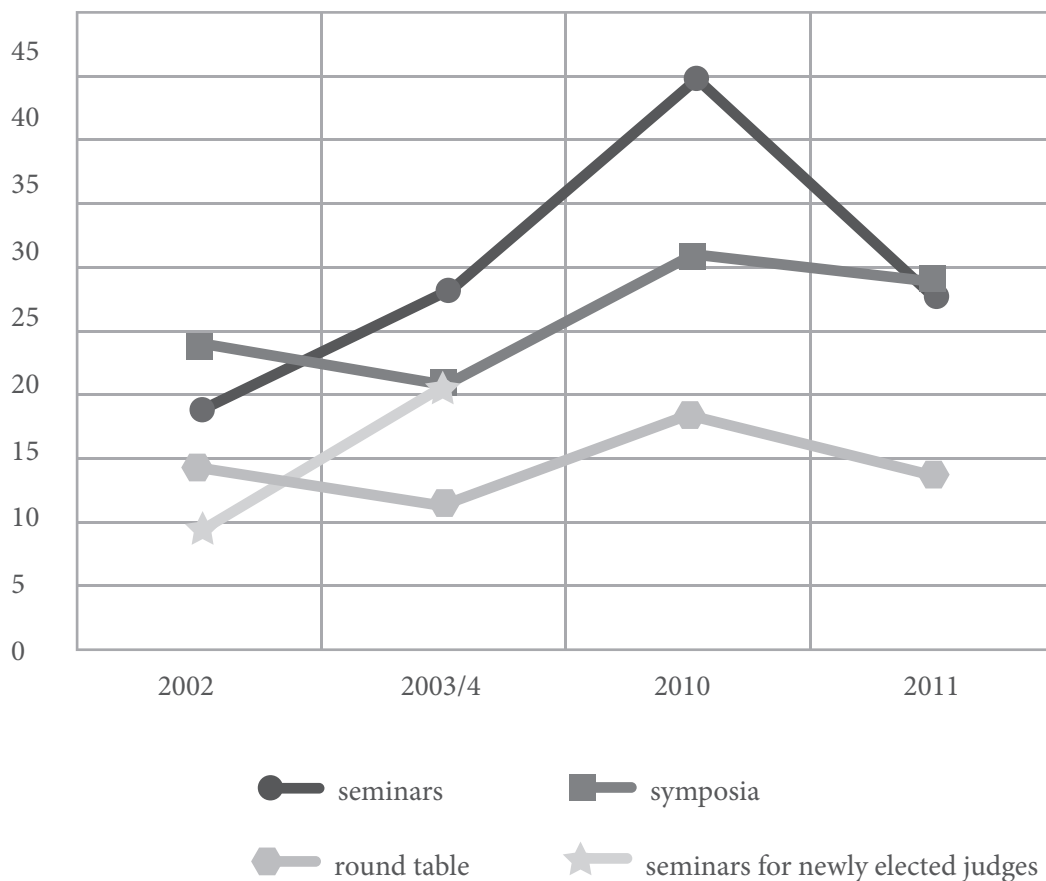
Through comparing the data on the participation of judges in various forms of professional training derived from the sample of judges dating from 2004 with the sample of judges dating from 2013, one can perceive a clearly manifested trend of an increase in the rate of the participation of judges in all forms of professional training until 2010.

After 2010, that is, during the course of 2011, there was a decrease in the rate of the participation of judges in all forms of professional training. An exception to the above general trend is the seminar for newly elected judges, where the rate of the participation of judges reached its peak in the 2003/04 period, following which it underwent a minor but stable decrease. These data also indicate that the decrease in the number of judges who participated in various forms of professional training was probably due to the transformation of the Centre into the Academy, that is to say, to a considerable change in the programme orientation of the Academy.

While the initial training of judges and public prosecutors held the dominant position in the Academy, as a result of which there was a decrease of activities in other domains of professional training, namely, a decrease in the number of judges participating in occasional forms of continual professional training. The number of judges participating in continual education is expected to increase in 2012, due to the Judicial Academy's plans to provide a larger number of continuous

education programmes from 2012 onwards.

Graph 11: The participation of judges in various forms of professional training in the 2002-2011 period (in per cent)



#### B. The intensity of professional training

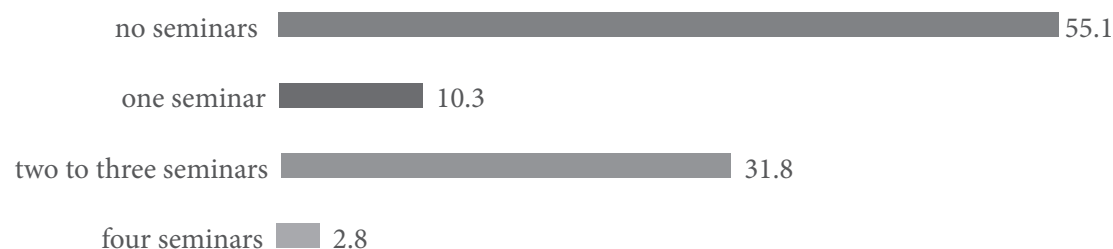
The intensity of professional training was assessed on the basis of the number of seminars and other forms of professional training, which judges participated in during the period of time defined in the survey.

In 2010, 55 per cent of the judges from the sample surveyed did not participate in professional



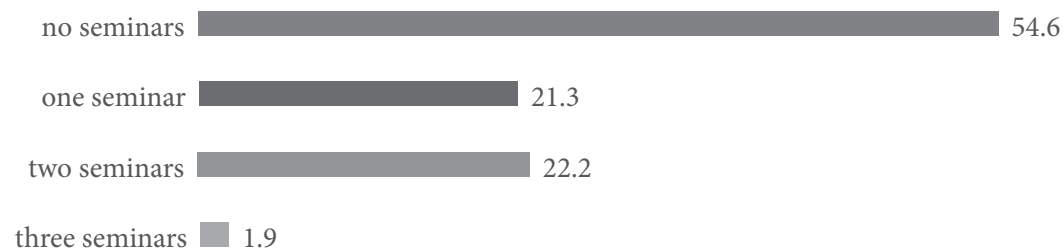
training at all, whereas 45 per cent of them participated in at least one form of professional training. Of the latter, 34.6 per cent received very intensive professional training, that is, they participated in two, three or even four forms of professional training.

Graph 12: The number of seminars attended by judges in 2010 (in per cent)



In 2011, 54.6 per cent of the judges did not participate in any form of professional training, whereas around 45 per cent of them participated in at least one form. Of the latter, 24.1 per cent of the judges participated in two, three or even four forms of professional training.

Graph 13: The number of seminars attended by judges in the year 2011 (in per cent)

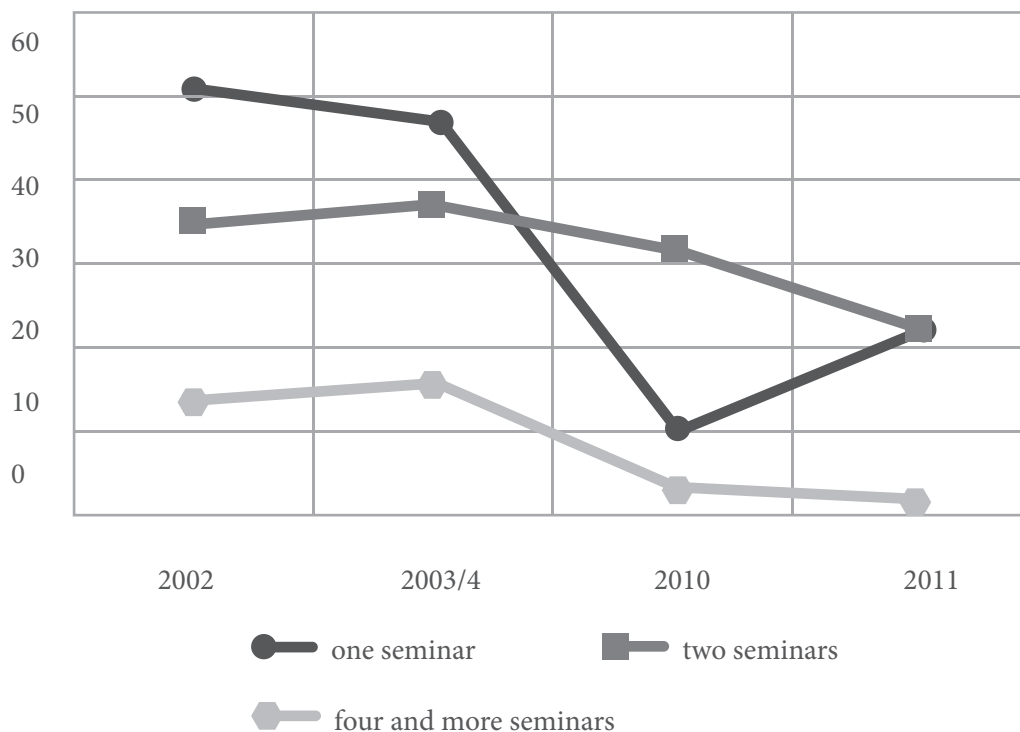


The data obtained indicates that the intensity of the professional training of judges in 2011 was somewhat lower than it was in 2010. Specifically, the number of judges who attended two or more seminars was lower by 10 per cent in 2011 in relation to 2010 (34.6 per cent and 24.1 per cent respectively).

However, the number of judges who attended at least one seminar in 2011 increased by 10 per cent in relation to 2010. What this shows is that, in fact, the number of judges who participated in professional training for the first time increased by 10 per cent in 2011. On the evidence of this, it can be concluded that the intensity of professional training (the number of judges who participated in two or more forms of professional training) in 2011 was somewhat lower due to the extended scope, that is, an increase in the number of judges participating in professional training

for the first time.

Graph 14: The number of seminars attended by judges in the 2002-2010 period (in per cent)

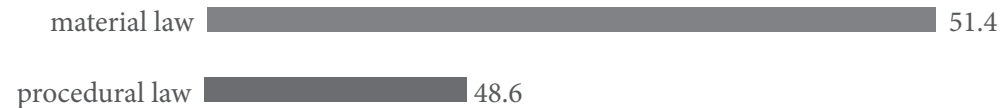


By comparing the data on the professional training of judges obtained from the sample dating from 2004 with that obtained from the 2013 sample, one can notice a clear trend of increase in the intensity of the professional training of judges until the 2003/04 period, when as many as 37 per cent of the judges attended two to three seminars, and 16 per cent of them even four seminars per year. After 2004 there was a gradual decrease, and in 2010 there occurred a considerable decrease in the intensity of the professional training of judges, that is, a decrease in the number of judges attending two, three or four seminars per year. This decrease in the intensity of professional training was probably due to the efforts on the part of the Centre, that is, the Academy, to involve new judges in various forms of professional training, but most of all to the transformation processes that occurred in 2010, as described above.

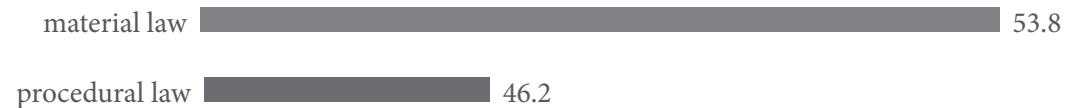
### C. The dominant contents of professional training

As regards the contents of professional training, the data obtained indicates that both in 2010 and in 2011 a somewhat higher number of judges underwent training in the area of material law than in the area of procedural law.

Graph 15: The contents of the professional training of judges in the year 2010

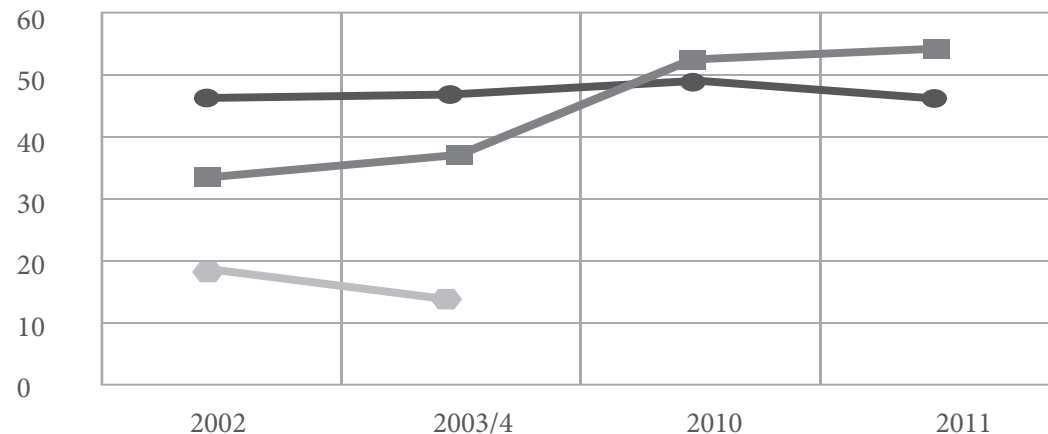


Graph 16: The contents of the professional training of judges in the year 2011



Comparing the data obtained from the sample of judges dating from 2004 with that obtained from 2013, it is quite clear that, until 2010, when it came to the professional training of judges, seminars dealing with procedural law outnumbered those dealing with material law. After 2010, there is a noticeable trend of increased participation of judges in seminars dealing with material law, rather than procedural law.

Graph 17: The content of the professional training of judges until 2011





material law



procedural law



both contents

Also, there is a noticeable trend of specialisation in the professional training of judges after 2003/04. In 2002, around 20 per cent of the judges participated, whereas in 2003/04 around 16 per cent of the judges participating in professional training simultaneously attended seminars in the areas of material law and procedural law. In 2010 and 2011, this practice disappeared altogether. This is probably either a consequence of a decrease in the intensity of professional training, that is, the possibility that a single judge attends more seminars in one year, or of a more careful and selective approach in the selection of judges who participate in various forms of professional training.

#### **D. An assessment of the quality of professional training programmes**

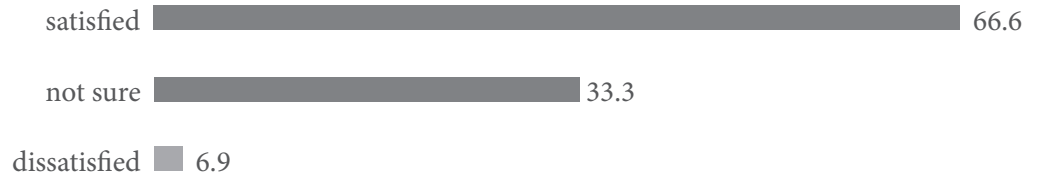
The assessment of the quality of professional training programmes was conducted on the basis of:

- The degree of participants' satisfaction with the contents of professional training programmes;
- The degree of participants' satisfaction with the manner of organising professional training;
- Evaluating the possibility for active involvement during the process of professional training;
- Evaluating the correlation between professional training programmes and the real educational needs of the participants and evaluating the immediate effects of professional training.

##### **o Satisfaction with the contents of professional training programmes**

The overwhelming majority of the judges expressed satisfaction with the contents of professional training programmes realised in 2010 (66.6 per cent) and 2011 (68.1 per cent). Only around 7 per cent of the judges voiced dissatisfaction with the contents of programmes realised in 2010, with no judges dissatisfied with the contents of programmes realised in 2011. This suggests that the Academy, during the course of 2011, considerably improved the quality of professional training programmes for judges. It is also possible that the Academy improved the relevance of the professional training programmes offering certain programmes to those categories of judges who needed them the most.

Graph 18: Satisfaction with the contents of professional training programmes in 2010



Graph 19: Satisfaction with the contents of professional training programmes in 2011



The overall satisfaction of judges with the contents of professional training programmes was considerably above average. On a scale of 1 to 5, the average satisfaction of judges with the contents of professional training programmes was 3.53 in 2010, and 3.68 in 2011.

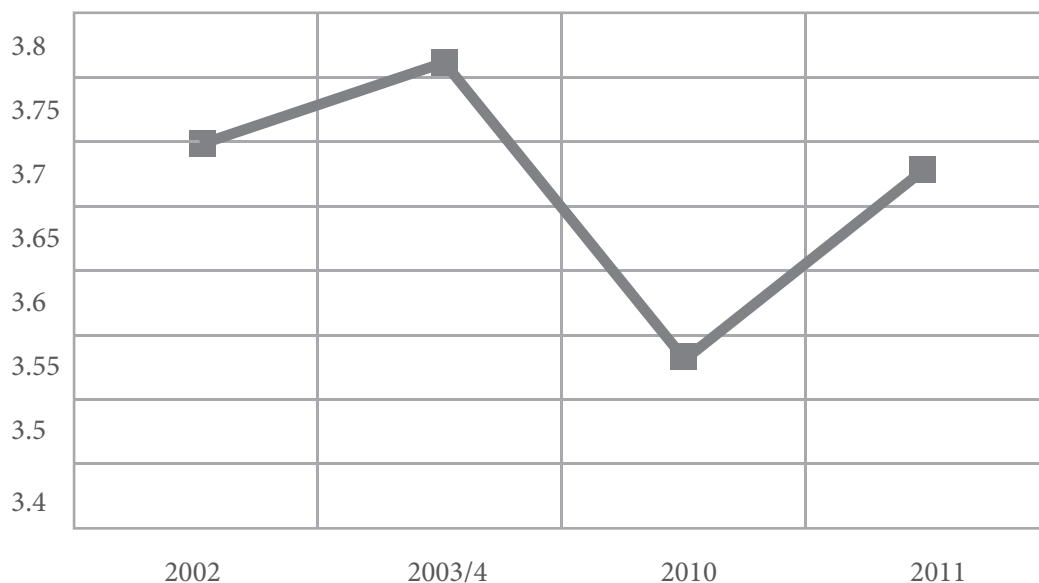
When the data obtained from the sample of judges dating from 2005 and that dating from 2013 are compared, it can be illustrated that in the period between 2002 and 2011 the judges' satisfaction with the contents of professional training programmes varied. The judges were most satisfied with the contents of the programmes realised in 2003/04 and 2002, whereas they were least satisfied with the contents of the programmes realised in 2010. Evidently, after the 2003/04 period the level of satisfaction with the contents of professional training programmes continually decreased, reaching its lowest level in 2010, but then considerably increased in 2011.

The participants' satisfaction with the contents of the programmes realised in 2011 is almost equal to the level of satisfaction with the contents of the programmes realised in 2002. This increase is most likely due to organisational changes, that is, the transformation of the Centre into the Academy, the Academy's focus on the initial training of judges, and to the improvement of the overall quality of professional training brought about by the transformation.

At the same time, the data obtained show that the transformation of the Centre into the Academy was a very complex, and in terms of its final effects, a very divergent process. The beginning of the transformation (in 2010), which was marked by extensive preparations for work (the preparation of the legislative framework required for the Academy's work, the development of the Initial Training Programme, the development of the complex procedures of the entrance and final exams, the carrying out of initial training, the carrying out of the training of lecturers and mentors, the selection and enrolment of participants to the Initial Training Programme), coincided with the lowest level of satisfaction with the contents of professional training programmes, and the

completion of the transformation and the full and stable functioning of the Academy (in 2011) coincided with a considerable increase in the level of satisfaction with the contents of professional training programmes. One could say that the process of preparing the transformation was “paid for” by the lower level of quality of professional training, and that the completion of the transformation contributed to re-establishing a satisfactory level of quality of professional training, that is, the participants’ satisfaction as its basic indicator.

Graph 20: Satisfaction with the contents of professional training programmes in the 2002-2011 period

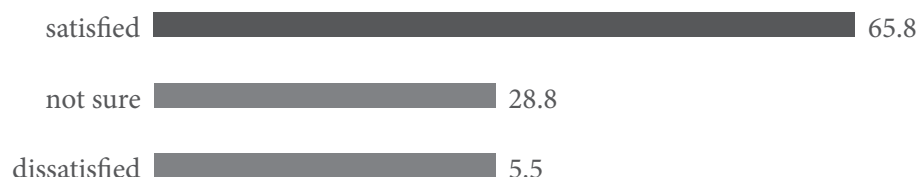


o **Satisfaction with the manner of organising professional training**

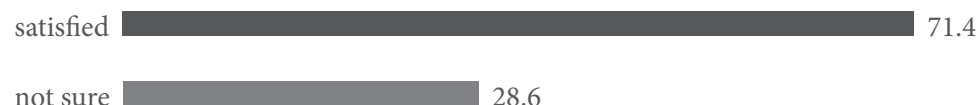
The majority of judges (65.8 per cent) voiced a high degree of satisfaction with the delivery of professional training by the Academy in 2010. Over 71 per cent of judges were satisfied with the delivery of professional training in 2011. A mere 5.5 per cent of the judges were not satisfied with the delivery of professional training in 2010, while none of the judges voiced dissatisfaction with the manner of realisation in 2011.

<sup>60</sup> Cf. The Effects of Professional Training in the Judiciary, UNDP, Belgrade, 2005

Graph 21: Satisfaction with the manner of organising professional training in 2010

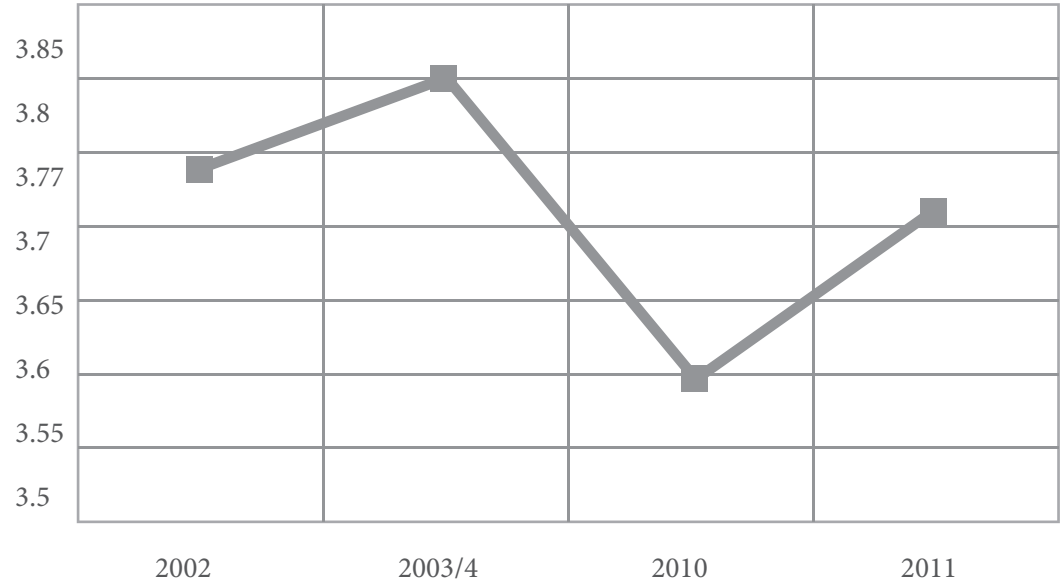


Graph 22: Satisfaction with the manner of organising professional training in 2011



The overall level of satisfaction of the judges with the delivery of professional training programmes is considerably above average. On a scale of 1 to 5, the average level of the judges' satisfaction with the contents of professional training was 3.60 in 2010, whereas it was 3.71 in 2011; however, it was somewhat lower than the level of satisfaction with the manner of organising professional training in 2002 and in 2003/04. Comparing the data obtained from the sample of judges dating from 2005 with that dating from 2013, a situation almost identical to that pertaining to the assessment of programme contents can be seen. The judges were most satisfied with the manner of organising professional training in 2003/04 and 2002, and they were least satisfied with the manner of organising professional training in 2010, but in 2011 their level of satisfaction with the manner of organising professional training considerably increased again. The fact that the overwhelming majority of the judges (over 70 per cent) were satisfied with the manner of organising professional training in 2011, and that none of them voiced dissatisfaction, indicates that the transformation of the Centre into the Academy and the change of programme structure significantly improved the quality of the organisation and implementation of programmes intended for the professional training of judges.

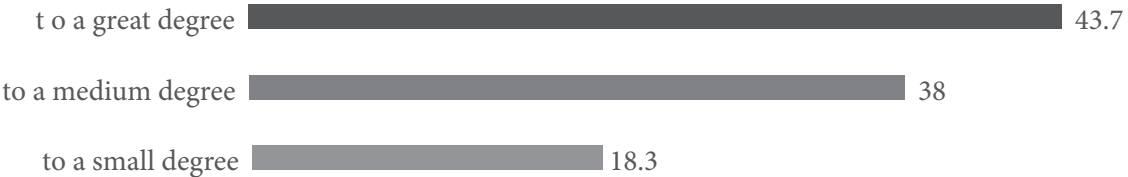
Graph 23: Satisfaction with the manner of organising professional training in the 2002-2011 period



o The possibility of active participation during the process of professional training

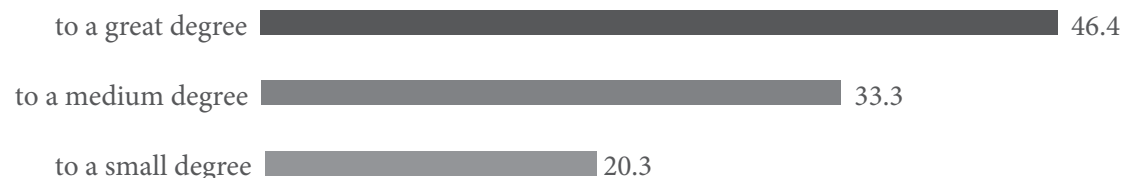
A considerable number of the judges (43.7 per cent and 46.4 per cent in 2010 and 2011 respectively) are of the opinion that they had a lot of opportunities to actively participate in the process of professional training, while only 18.3 per cent and 20.3 per cent of them respectively believe that such an opportunity existed in a small degree, which testifies to a rather high level of teaching and learning, that is, of the process of the professional training of judges.

Graph 24: The possibility of active participation in the process of professional training in the year 2010





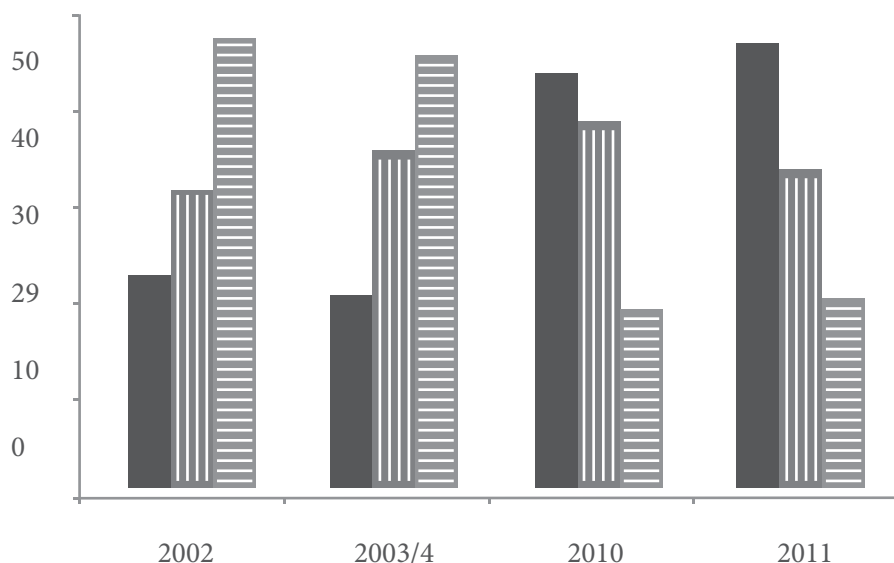
Graph 25: The possibility of active participation in the process of professional training in the year 2011



Concerning the possibility of the active participation of judges during the process of professional training, the situation was drastically changed during the period between 2002 and 2011. A comparison of the data obtained from the two survey samples shows that in 2002 and 2003/04 only 20 per cent and 22 per cent of the judges respectively were of the opinion that they had the opportunity to actively participate in the process of professional training, whereas in 2011 over 80 per cent of the judges believed that they had the opportunity to do so. The fact that in 2011 over 80 per cent of the judges were of the opinion that they had the opportunity of active participation in the process of teaching and learning shows that the professional training of judges was no longer predominantly an informative-advisory process, that is, a one-way process of transmission of knowledge from lecturers to attendees, as was mostly the case in 2002 and 2003/04,<sup>60</sup> but was increasingly organised as an active process of learning, active interaction, communication and exchange of experiences, both between lecturers and attendees, and among attendees themselves.

Such a situation was most likely a consequence of the long-term and systematic training of lecturers and mentors at the Centre, that is, the Academy, in methods and techniques of working with adults, as well as methods and techniques of active learning and teaching, providing feedback, etc., which resulted in enhancing the active position of the participants in the training process, a greater degree of engagement on their part and a greater possibility for them of learning through an active exchange of ideas and experiences with others, which is one of the most important guarantees and manifestations of quality learning and achievements in adults.

Graph 26: The possibility of active participation in the process of professional training in the 2002-2011 period

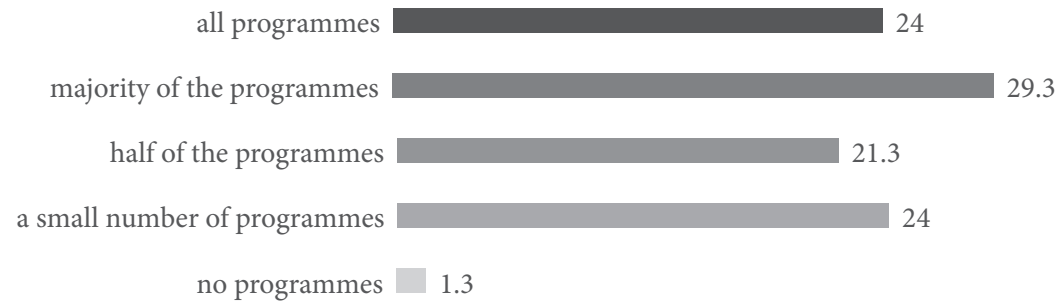


to a great degree ■; to a medium degree ▤; to a small degree ▨

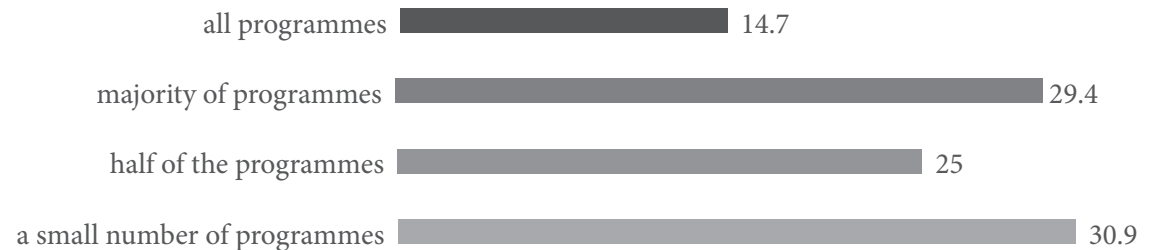
#### o The correlation between programmes and the real needs of judges

Over 53 per cent of the judges are of the opinion that all the programmes, or the majority of the professional training programmes realised during 2010 were based on their real educational needs. Concerning the programmes realised during the course of 2011, 44 per cent of the respondents were of this opinion.

Graph 27: The correlation between professional training programmes and the real needs of judges in 2010



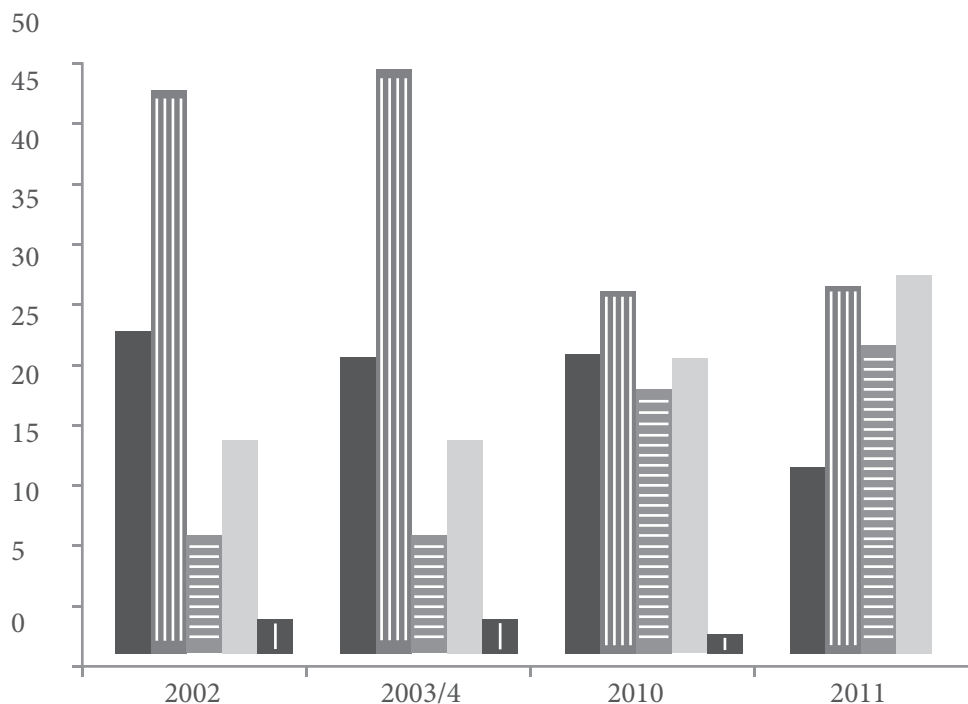
Graph 28: The correlation between professional training programmes and the real needs of judges in 2010



A comparison between the data obtained from the 2005 sample and that obtained from the 2013 sample shows that the correlation between professional training programmes and the real educational needs of judges in 2010, and especially in 2011, was rather low, and that in relation to 2002 and 2003/04 a drastic and negative change had occurred. Namely, in 2002 and 2003/04, a considerably higher number of the respondents (72 per cent and 74 per cent respectively) were of the opinion that the programmes were based on the real educational needs of judges. What is encouraging, however, is the fact that in 2011 over 30 per cent of the judges believed that only a small number of the programmes were not based on their real educational needs, and that none of them thought that there were programmes which were not based on their real educational needs.

Graph 29: The correlation between professional training programmes and the real needs of judges

in the 2002-2011 period



all programmes ■; majority of programmes ▤; half of the programmes ▥;

a small number of programmes ■; no programmes □

The continual decrease in the correlation between the programmes and the real educational needs of judges ever since 2002, when it was at a relatively high level, is concerning, especially if one bears in mind that this is one of the most important indicators of the overall quality of professional training. It is important firstly in the process of planning and the development of programmes, the economy and the rationality of their implementation, which certainly necessitates undertaking systemic measures with a view to preventing that downward trend from continuing.

However, the fact that 30 per cent of the judges were of the opinion that only a small number of the programmes realised in 2011 did not correlate with the real educational needs of judges, and that there were no programmes whatsoever which were not based on the real educational needs

of judges, may be interpreted as an initial sign of the recovery of the overall quality of the professional training of judges in Serbia following the transformation of the Centre into the Academy. A renewed increase in the correlation between the programmes and the real educational needs of judges is entirely compatible with the previously identified trend of a decrease in the extensiveness and intensity of professional training. This is probably the overall result of the Academy's efforts since 2010 aimed at revitalising the quality of work by decreasing the extensiveness and intensity of professional training, realising a smaller number of programmes, for a smaller number of judges, which have a positive effect on the overall quality of work, that is, on the correlation between the programmes and the real educational needs of judges as its key indicator.

#### **o The effects of professional training**

In the opinion of the judges, the possible effects of professional training, based on the average values in 2010 and 2011 come in the following order:

- Increased motivation for work,
- A greater degree of self-assurance at work,
- Acquisition of new knowledge,
- Dealing with problems in a more efficient manner,
- A better use of knowledge,
- Increased interest in professional development.

The hierarchy of the effects of professional training back in 2002 and 2003/04 was entirely different:

- Increased interest in further professional development,
- A better use of the existing knowledge and experience,
- Acquisition of new knowledge and skills,
- Dealing with practical problems in a more efficient manner,
- A greater degree of self-assurance at work, and
- Increased motivation for work.

It is quite evident that the hierarchy of the effects of the professional training of judges, over a period of eight and ten years respectively, underwent considerable changes. The basic effects of professional training in 2010 and 2011 pertained to the judges' increased efficiency at work (increased motivation for work and increased self-assurance at work), in contrast to the professional training carried out in 2002 and 2003/4, whose main effects were educational and cognitive efficiency (increased interest in further professional development and a better use of the existing knowledge and experience). This could be expected given that judicial training was a relatively new concept in the 2002 and 2003/4 period, whereas by 2013 it was already well established.

### E. The correlates of professional training

The statistically significant correlations of the professional training of judges are as follows: age, years of working experience, years of working in the capacity of a judge, type of court, type of regular court and department of regular court.

A judge's age systematically determines the contents of his/her professional training, the form of professional training and the intensity of professional training in the following ways: older judges (over 50 years of age) attend a greater number of seminars, attend seminars dealing with procedural law more often than seminars dealing with material law, attend symposia and round-table discussions more often than seminars dedicated to various professional issues or seminars for newly elected judges.

Years of working experience also constitute a systemic (not accidental) correlation of the intensity of professional training. Judges with longer working experience participate in a greater number of various forms of professional training than judges with fewer years of working experience. It is likely that judges with longer working experience, as well as older judges, are more motivated to participate in seminars, and that it is easier for them to secure the agreement of the president of their court for participation in seminars.

The length of working experience in the capacity of a judge significantly determines the forms of professional training: specifically, judges with fewer years of work in the capacity of a judge (up to 10 years) more often attend seminars for newly elected judges and round-table discussions, whereas judges with longer working experience in that capacity are more inclined to attending seminars dedicated to various professional issues and symposia.

The type of regular court is a significant determinant of the type of contents of professional training and the form of professional training. Judges from basic courts more often attend seminars dealing with procedural law, whereas judges from high courts more often attend professional training in the sphere of material law. Also, basic court judges predominantly participate in seminars for newly elected judges, while high court judges more often participate in seminars, symposia and round-table discussions.

The Court department statistically significantly determines the contents and the intensity of the professional training of judges. Judges working in criminal law departments more often attend seminars dealing with material law than those dealing with procedural law, while judges working in civil law departments more often attend seminars dealing with procedural law than those dealing with material law. Also, judges working in criminal law departments attend various forms of

professional training more often than judges working in civil law departments. Over 30 per cent of judges working in criminal law departments attended three or more seminars in 2010. Only 7 per cent of judges working in civil law departments attended three or more seminars in 2010.

Regional affiliation, gender, marital status and the sphere of a judge's work do not determine his/her professional training (its scope, intensity, satisfaction with the programme, satisfaction with the manner of organisation, the possibility of active participation in the training process, the correlation between the programme and the real needs of judges) in a statistically significant degree.

In the surveys conducted in 2002 and 2003/4, it was also established that age, years of working experience, years of working in the capacity of a judge and type of court are significantly connected with various dimensions of the professional training of judges. In view of the fact that these may be considered to be the systemic determinants of the professional training of judges, their influence should be taken into consideration in the future when organising the professional training of judges.

## 5. A summary of the basic findings

The basic characteristics of the professional training of judges in 2010 and 2011 are as follows:

The average rate of the participation of judges in professional training is between 17 per cent and 27 per cent. Possible reasons for this include the lower number of training sessions held due to the transformation of the Judicial Training Centre into a Judicial Academy and also that the data obtained might not reflect the true reality due to the relatively low number of judges who completed the questionnaire;

Around 55 per cent of judges did not participate in professional training;

Of those who did participate in professional training, between 22 per cent and 34 per cent of them had a very high intensity of professional training (having participated in two to four forms of professional training per year);

The most frequent form of professional training are seminars dedicated to various professional issues and professional symposia;

The usual content of the professional training of judges is material law;

Between 66 per cent and 68 per cent of judges are satisfied with the contents of professional training;

Between 65 per cent and 71 per cent of judges are satisfied with the delivery of professional training;

Between 43 per cent and 46 per cent of judges are of the opinion that they had a lot of opportunities for active participation during the process of professional training;

Between 44 per cent and 53 per cent of the judges are of the opinion that professional training

programmes are based on their real educational needs;

The basic effects of professional training pertain to increased motivation for work and a greater degree of self-assurance at work;

The statistically significant correlates of professional training are: age, years of working experience, years of work in the capacity of a judge, type of court, type of regular court and department of regular court.

On the basis of comparing the assessment of the effects of professional training dating from 2002 and 2003/04 (the 2004 sample) with the assessment of the effects of professional training dating from 2010 and 2011 (the 2013 sample), the following basic trends in the professional training of judges in the 2002-2011 period were identified:

A decrease in the rate of participation of judges in all forms of professional training (seminars, symposia, round-table discussions) after 2010, and a reduced rate of participation of judges in seminars for newly elected judges after 2003/04;

A gradual decrease in the intensity of professional training in the period between 2003/04 and 2010, and its pronounced decrease during 2011;

A decrease in satisfaction with the contents of professional training in the period between 2004 and 2010, but its increase during 2011;

A decrease in satisfaction with the delivery of professional training in the period between 2003/04 and 2010, and its increase during 2011;

A continual decrease in the assessment concerning the correlation between the programmes and the real educational need of judges until 2010, and its increase after 2010;

A fluctuating quality of the contents of judges' professional training – a slight predominance of procedural law contents in the professional training of judges until 2010, followed by a slight predominance of material law contents after 2010;

An increase in the scope of professional training, that is, in the number of new judges involved in professional training after 2003/04;

A continual and almost linear increase of the possibility for active participation in the process of professional training from 2002 onwards, the trend reaching its peak in 2011;

Cognitive efficiency, as the main effect of professional training, was replaced after 2010 by efficiency at work (increased motivation for work and a greater degree of self-assurance at work);

A stable determination of the professional training of judges by age, years of working experience, years of work in the capacity of a judge, type of court and type of regular court department.

The data obtained shows that the professional training of judges is a dynamic and very complex process, and the key point in its ten-year realisation and development was the transformation of the Judicial Training Centre into the Judicial Academy that occurred in 2010.

This large-scale organisational change directly or indirectly led to significant changes in the overall professional training of judges. Its centrepiece was the implementation of a two-year programme for initial training for judges and public prosecutors. In the first place, there was a decrease in the breadth of professional training, that is, a decrease in the number of judges participating in



professional training. Also, there was a decrease in the intensity, i.e. a decrease in the number of judges attending more than one form of professional training in the course of one year.

At the same time, there was an increase in the scope and the number of judges participating, for the first time, is one of the forms of professional training, as well as an increase in the overall quality of professional training: an increase in satisfaction with the contents and the manner of organising professional training, with the correlation between the programmes and the real educational needs of judges, and with the possibilities for their active participation in the training process. The primary effect of all this was an increase in the judges' motivation for work and in their self-assurance at work.

The social and professional characteristics such as age, years of working experience, years of work in the capacity of a judge and type of regular court department constitute significant determinants of the professional training of judges, whose influence must be taken into consideration in the process of further planning and realisation of the professional training of judges.

## 4.7 Recommendations

Based on analysis of the results obtained, combined with discussion and validation with the Judicial Academy, the following recommendations are made:

1. Improve the information-communication infrastructure in courts, in order to create databases regarding judicial efficiency and to facilitate communication between courts and other relevant institutions;
2. Upgrade the Judicial Academy's website in order to enable judges and judicial staff timely access to information regarding its programmes and activities;
3. Upgrade the capacities and resources (in particular human resources), of the Judicial Academy by developing and implementing various programmes for the professional advancement of judges and judicial staff;
4. Actively promote the Judicial Academy's professional advancement programmes and the culture of evaluation of such programmes, as the most important factor of judges and judicial staff's development and improvement. This could improve the judges responsiveness to the evaluation research which the Judicial Academy organized (the response of judges to the research of effects of professional advancement in 2010, was less than 10 per cent);
5. Increase the participation rate of judges in various professional advancement events and

establish a minimum obligation of participation therein;

6. Motivate judges with shorter tenure to engage more in professional advancement processes;

7. Enable judges to participate in seminars for at least five working days during each calendar year;

8. Conceptualize professional advancement programmes based on objective analysis of judicial and judicial staff's educational needs;

9. Improve the quality and relevance of the programmes for professional advancement of judges, especially with regards to the relevance of programmes offered to specific target groups;

10. Focus the professional advancement programmes and all educational events on practical work and the formation of skills and less on acquiring theoretical knowledge.

11. Encourage the active participation of judges and dedicate more time for discussion, exchange of opinions and debate between training participants.

## 4.8 Annex I

The Judicial Academy  
No. 48, Karađorđeva Street  
Belgrade

A questionnaire for judges  
Dear Sir/Madam,

The Judicial Academy is carrying out a survey concerning the influence of short-term training programmes for judges in the Republic of Serbia on the efficiency of the work of courts and judges. Over the past three years, the Judicial Academy has realised over 500 different forms of the professional training of judges, and a lot of financial and other resources have been invested in their realisation. In view of this, it is of exceptional importance for the further work of the Judicial Academy, for improving the organisation and programmes of the professional training of judges, that we receive a dependable assessment of the characteristics and the effects of the training of judges. On account of this, we kindly ask you, as direct participants in the training programmes, to evaluate the characteristics of the training and to provide information on some of its effects on your work.

The Judicial Training Centre conducted an identical survey in 2005, and its findings served as the basis for changes in the professional training of judges and public prosecutors in Serbia. In view of the necessarily periodic nature of the evaluation of training, through this renewed survey we wish to gain a deeper insight into the possible effects of the professional training of judges in Serbia in order to improve its programmes and organisation. The new survey pertains to the training programmes realised in the 2010-2011 period. With a view to obtaining valid and consistent data, we ask of you to separately evaluate the training programmes realised in the course of 2010 and those realised in 2011. This twofold evaluation is necessary, for it is essential to ascertain the level of efficiency of the training programmes realised in 2010 in relation to those realised in 2011.

We particularly wish to point out the fact that this survey is entirely anonymous. The results of the survey will be used solely for analytical-evaluative purposes within the Judicial Academy.

In view of the fact that the profession of a judge is one of the oldest and most important in every society, we ask of you to give, by participating in this survey, your personal contribution to its improvement and development.

### **The manner of conducting the survey:**

The survey will be carried out by means of a questionnaire that consists of two parts. The first part pertains to the professional training that you participated in during 2010. The second part of the instrument pertains to the professional training that you participated in during 2011. The

questions relating to the year 2011 are identical to the ones relating to the year 2010. Two questions require some details dating from the year 2009 pertaining to indicators of your efficiency at work. This is a particularly important part of this survey, and we kindly ask you to try to provide the data required.

To most questions, there are more than one possible answers offered. You should read all of them carefully first, and then you should select one, which most closely expresses your view of the matter, and encircle the number next to it. In the cases where there are no answers offered, you should formulate your answer yourself.

At the end of the questionnaire, there is an integral list (528) of all the seminars/training courses organised by the Judicial Academy during the 2010-2012 period. The list contains the ordinal number of the seminar/training course in question, and the area it belongs to. This list should help you remember the seminars you attended more easily, so that you could provide as dependable an assessment of their characteristics and effects as possible. We ask of you to carefully go through the list and identify the seminars/training courses that you attended. Bearing in mind that the number of training courses/seminars that you attended is of the utmost importance for this survey and for the evaluation of the work of the Judicial Academy, we also ask of you to go through the list carefully and identify the seminars and training courses that you attended.

Thank you for your cooperation

1. Gender:

1. Female
2. Male

2. Which year were you born in? \_\_\_\_\_

3. How many years work experience do you have? \_\_\_\_\_

4. How many years have you been working as a judge? \_\_\_\_\_

5. What type of court do you work in?

- Regular court
- Specialised court

6. What type of regular court do you work in?

1. Basic court
2. High court

7. What department do you work in?

1. Criminal law department
2. Civil law department

8. What area do you work in as a judge?

/you may encircle **more than one** answer/

- Criminal law
- Juvenile law
- Civil law
- Administrative law
- Economic law
- Labour law
- Out-of-court proceedings
- Executive law

9. Have you worked as a judge in any other area?

- Yes
- No

10. In which forms of professional training organised by the Judicial Academy did you participate in 2010?

- Seminar for newly elected judges
- Seminars dedicated to various professional issues
- Symposia
- Round-table or panel discussions

11. State the ordinal numbers of the seminars, symposia, panel discussions that you attended, which were organised by the **Judicial Academy** during 2010 (see the list at the end of the questionnaire):

---

12. Relating to you being elected a judge, when did you attend the seminar for newly elected judges at the **Judicial Academy** that was realised during 2010?

- Before you started working as a judge
- Immediately (up to one year) after being elected a judge
- I had already been working as a judge for \_\_\_\_ years

I did not attend the seminar for newly elected judges during 2010

13. In the professional training that you attended during 2010, the dominant content pertained to:

Procedural law

Material law

14. Assess how many of the programmes that you attended during 2010 were based on the real needs of judges?

1. All programmes

2. Majority of programmes

3. Half the programmes

4. A small number of programmes

5. None

15. In your opinion, the real needs of judges served as the basis,

To the greatest degree, for programmes listed at nos. \_\_\_\_\_

(State three programmes)

To the least degree, for programmes listed at nos. \_\_\_\_\_

(State three programmes)

16. To what extent was the knowledge you acquired in the course of professional training carried out in 2010 directly applicable in your everyday work?

1. To a very great degree

2. To a great degree

3. It is both applicable and not (applicable to a medium degree)

4. To a small degree

5. Not at all

17. In your work, you rely the most on knowledge acquired in the course of seminars listed at nos.

\_\_\_\_\_  
(State three programmes)

In your work, you rely the least on knowledge acquired in the course of seminars listed at nos.

\_\_\_\_\_  
(State three programmes)

18. Assess to what extent, within the framework of particular seminars, symposia and panel dis-

cussions held in 2010, it was possible for you to actively participate.

1. To a very great degree
2. To a great degree
3. To a medium degree
4. To a small degree
5. To a very small degree

19. To what extent are you satisfied with the **contents** of the programmes of various forms of professional training that you participated in during 2010?

1. I am very dissatisfied
2. I am dissatisfied
3. I am neither satisfied nor dissatisfied
4. I am satisfied
5. I am very satisfied

20. To what extent are you satisfied with the **manner of realisation** of the programmes of various forms of professional training that you participated in during 2010?

1. I am very dissatisfied
2. I am dissatisfied
3. I am neither satisfied nor dissatisfied
4. I am satisfied
5. I am very satisfied

21. Assess to what extent the professional training realised in 2010 contributed to achieving the following effects.

(Kindly evaluate each of the effects listed by marking the appropriate box in the table with an X.)

Effects of professional training	Intensity				
	To a very great degree	To a great degree	To a medium degree	To a small degree	Not at all
I acquired new knowledge and skills					
I deal more efficiently with the problems I encounter in my practice					
I make better use of the existing knowledge and experience					
I work with increased self-assurance					
I have increased motivation for work					
I am more interested in further professional advancement					

22. State the exact number of each of the elements listed below in your work as a judge in 2009 and 2011.

How many _____ did you have:	In 2009	In 2011
	(State the number)	(State the number)
Cases assigned to you		
Scheduled hearings		
Hearings actually held		
Decisions passed		
Complaints against and objections to decisions passed		
Altered decisions		
Confirmed decisions		



Partially annulled decisions

Decisions returned to the first instance  
for reconsideration

Requests for your exemption from the proceedings

Decisions (orders) on being fined for  
disrespect of court

23. State your subjective assessment of the number of cases according to their level of difficulty for each of the elements of your work as a judge listed below.

A difficult case – a case to which there is no direct reference in the law or in judicial practice, and which is very complex in factual terms;

A case of medium level of difficulty – a case to which there is no direct reference in the law or in judicial practice, or one, which is very complex in factual terms;

An easy case – a case to which there is a direct reference in the law or in judicial practice, and which is not complex in factual terms;

For the year 2009

Elements of work as a judge	Number of cases according to the level of difficulty		
	Difficult	Medium	Easy
Cases assigned			
Decisions passed			
Enforceable decisions passed			

For the year 2011

Elements of work as a judge	Number of cases according to the level of difficulty		
	Difficult	Medium	Easy
Cases assigned			
Decisions passed			
Enforceable decisions passed			

**NOTE:**

The following questions pertain to the year 2011

1. In which forms of professional training organised by the Judicial Academy did you participate?

/you may encircle **more than one** answer/

Seminar for newly elected judges

Seminars dedicated to various professional issues

Symposia

Round-table or panel discussions

5. \_\_\_\_\_

2. State the ordinal numbers of the seminars, symposia, panel discussions that you attended (see the list at the end of the questionnaire):

\_\_\_\_\_

3. In the professional training that you attended, the dominant content pertained to:

Procedural law

Material law

4. Assess how many of the programmes that you attended were based on the real needs of judges?

1. All programmes

2. Majority of programmes

3. Half the programmes

4. A small number of programmes

5. None

5. In your opinion, the real needs of judges served as the basis,  
To the greatest degree, for programmes listed at nos. \_\_\_\_\_  
(State three programmes)  
To the least degree, for programmes listed at nos. \_\_\_\_\_  
(State three programmes)

6. To what extent was the knowledge you acquired in the course of professional training directly applicable in your everyday work?

1. To a very great degree
2. To a great degree
3. It is both applicable and not (applicable to a medium degree)
4. To a small degree
5. Not at all

7. Assess to what extent, within the framework of particular seminars, symposia and panel discussions held in 2011, it was possible for you to actively participate.

1. To a very great degree
2. To a great degree
3. To a medium degree
4. To a small degree
5. To a very small degree

8. To what extent are you satisfied with the contents of the programmes of various forms of professional training that you participated in during 2011?

1. I am very dissatisfied
2. I am dissatisfied
3. I am neither satisfied nor dissatisfied
4. I am satisfied
5. I am very satisfied

9. To what extent are you satisfied with the manner of realisation of the programmes of various forms of professional training that you participated in during 2011?

1. I am very dissatisfied
2. I am dissatisfied
3. I am neither satisfied nor dissatisfied
4. I am satisfied
5. I am very satisfied

10. State the titles of particular seminars, symposia and panel discussions that, in your opinion:  
Were of greatest practical value

Satisfied your interests and needs the most

Most took into account your previous knowledge and experience

Offered you the greatest opportunity for active participation

Had the best lecturers

11. Assess to what extent the professional training you attended contributed to achieving the following effects.  
(Kindly evaluate each of the effects listed by marking the appropriate box in the table with an X.)

Intensity					
Effects of professional training	To a very great degree	To a great degree	To a medium degree	To a small degree	Not at all
I acquired new knowledge and skills					
I deal more efficiently with the problems I encounter in my practice					
I make better use of the existing knowledge and experience					
I work with increased self-assurance					
I have increased motivation for work					
I am more interested in further professional advancement					





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