

**Strengthening
of the
Judiciary
in
Southeast Europe**

SELDI

*“... Cooperate towards... bringing about mature democratic political processes... grounded in the **rule of law** and full respect of human rights and fundamental freedoms, including ... **legislative branches accountable** to their constituents, **independent judiciaries**, combating corruption, deepening and strengthening of civil society”.*

10.2 - SEE Stability Pact

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- Name of the Project:** Strengthening of the Judiciary
- Project Location:** Southeast Europe (SEE). Albania, Bosnia & Herzegovina, Bulgaria, Croatia, FYROM, Greece, Romania, Turkey and where possible Yugoslavia.
- Overall Objectives:** Contribute towards the strengthening of the judiciary in its fundamental role in democratisation and economic reconstruction of the countries of the Region.
- Project Purpose:** To contribute to improving the efficiency of the judiciary – in line with the standards of the European Union and the objectives of the Stability Pact – and create cohesion and collaboration between the Judicial Training Institutes and legal professionals of the Region.
- Sector:** Judicial Reform
- Proposal Philosophy:** Law is not merely a collection of written laws, it is the application of such laws in an effective and appropriate manner. It is based on shared values, which, can be developed and reinforced, by international institutions and cooperation.
- Activities Planned:** Institutional and professional exchanges, training, publications on judicial reform initiatives in the region.
- An annual conference aimed at building coalitions between the Judicial Training Institutes (JTI) of the Region.
- On-going dissemination of the techniques, building commitment to shared values and information on legal reform initiatives in the region through training, the creation of a Distance Learning Centre and publications.
- Beneficiaries:** Members of the judiciaries and other legal professionals in the countries of the Regions.
- Sponsors:** Public and private organisations
- Implementing Organisations:**
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There is a global acknowledgement that the Rule of Law and legal and judicial institutions are critical to development. Institutional arrangements that promote the rule of law and independent judiciaries have been put in place in many of the countries in a state of transition as part of the process of democratisation. These institutional arrangements are important building blocks for the development of independent, effective and efficient judiciaries.

Experience reveals that it is not sufficient for developing and transition economy countries to focus on economic or financial objectives. Focus must be paid to the development of a working and reliable infrastructure where legal rules may be effectively applied so as to raise public confidence in the judiciary and the rule of law. The region of Southeast Europe benefits from strong economic and substantive support from a range of parties including: the countries of the European Union, the neighbouring countries in the SEE region, the United States of America, Canada, Japan, the Russian Federation and international organisations including: United Nations, UNHCR, NATO, OECD, WEU, IMF, WB, EIB, EBRD. The combination of such support with a common regional ambition to develop and improve the effectiveness of the judiciaries in the Region will provide stable ground for future growth and development in the Region.

Participation of lawyers and policy makers from the countries is crucial for a successful reform and strengthening of the judiciary. An intimate knowledge of cultural peculiarities, historical motivations and political tendencies is required so that appropriate steps may be chosen in the process of reform. International procedures and norms may not be instantly applied, instead they must be interpreted taking into account the individual country priorities and tendencies.

There is a common vision to create an integrated Region of Southeast Europe both by the Southeast Europe Legal Development Initiative (SELDI) created in 1998 and by the Southeast European Stability Pact established in 1999 and led by the European Union. It will be arduous and challenging to align a region filled with diverse cultures, economies and religions¹ however, through integrated efforts it is the aim of the SELDI Judicial Strengthening Project to assist in the development of **accountable, legislative branches and independent judiciaries.**

¹ Royaumont Declaration – 13th December 1995

The Southeast European Legal Development Initiative was founded in 1998 by the Centre for the Study of Democracy, Bulgaria and the International Development Law Institute, Italy. It is a multi-faceted initiative and the Proposal in the Strengthening of the Judiciary focuses on:

1. Judicial reform in the countries of the Region, and
2. Institutionalisation of judicial cooperation within the Region.

There are considerable differences in the state of the judiciary and therefore in the administration of justice in the countries of the region. Fortunately, there are already in place a number of country reform efforts, which the SELDI project, will seek to complement.

To ensure that all project activities are complementary the SELDI Executive Secretariat will establish a regional advisory group which will report to the Secretariat on all current judicial reform efforts and training activities currently underway and planned. This will be more fully developed in the annual conference of cooperating institutions and individuals in the region. SELDI will produce an annual publication summarizing these initiatives for use in its own activity planning cycle and for use by the international community.

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10.2 - SEE Stability Pact

3.1 Principal Objectives

The Southeast European Legal Development Initiative seeks to build on the direct experience of the counterparts in the Region in the solid and constructive strengthening of the judiciary. The competence of the International Development Law Institute, achieved through a thorough and extensive past of judicial reform projects throughout the world, will be combined with the know-how of the direct partner – the Centre for the Study of Democracy – and the local country counterparts to contribute to the evolution of the judiciary and in particular, to the application of the principles required for the administration of justice in a time of change and growth.

The country specific Judicial Reform projects, currently active in the Region, will form a strong basis for this Project, which has the principal aim of building cohesion and collaboration between the countries of the Region in the area of Judicial Reform.

3.2 Specific objectives

The Initiative will achieve the principal objective through more measurable and precise activities aimed at contributing to the strengthening of the judiciary. A statement of the specific project objectives and a brief explanation of each follow.

⇒ Strengthening of the independence of the judiciary.

Independence is founded in constitutional provisions but also influenced by the method of appointment, promotion and removal of judges, the determination of their salaries, the allocation of budgetary resources necessary for judiciary functions and the control of the outcome of the judicial proceedings². The project will acquaint the judiciaries of the regions on how each of them is addressing these matters.

⇒ Speedier administration of justice.

With outdated procedures and unclear legislation, the application of the law remains problematic. There are two direct results of such inadequacies in the structure and content of the judicial system: delays in the administration of justice and inefficiencies in the judicial process. Excessive delays in the administration of justice lead to loss of confidence by those seeking the application of the law and may even be linked to an increase in corruption and criminality as ruling by law is ineffective.

² I. Shihata – Complementary Reform Essays on Legal, Judicial and other Institutional Reforms. (1997)

The project will seek to provide reinforcement and regional cohesiveness in the approach to reforms addressing these issues.

⇒ Increased efficiency of the judicial process.

Numerous criteria contribute to a reduced efficiency in the judicial process. Complex and inappropriate legislation may lead to erroneous and inconsistent application of the law. Criminal and Civil procedure and court administration need improvement. The project will seek to reinforce efforts underway to address these problems, bring new experiences from outside the region and establish support links between the various national judicial centres, judges associations and Ministries of Justice in order to inspire new thinking and new initiatives in the various national contexts.

⇒ Increased confidence in the judiciary.

An improvement in the aforementioned issues related to the state of the judiciary will positively impact public confidence. Through pre Project Surveys of a cross-section of the population of each country, the actual state of the judiciary will be acknowledged and compared with post Project Surveys at year intervals during the Project period.

Diffusion of changes through means of the media must be initiated and contain simple and accurate explanations for full public interpretation and understanding. In addition, the results of the judicial system, such as the number of cases tried and the outcomes, should be rendered public.

⇒ Raising of professional knowledge and skills of the magistrates and court administrators.

The importance of adequate training and continued growth in the education, training and skills of judges, magistrates and court administrators is often compromised and leads to stagnant judicial systems. The law is a reflection of the prevailing political, social, economic, and financial and other realities of a society and must also be used to promote change and development of such realities³.

On-going learning and education, provided to the administrators of justice, builds confidence both in those trained and those directly effected by the judiciary – the public. In Albania, the negative consequences of a low level of education in the judges appointed reduced efficiency of and confidence in the judiciary. There must be an appropriate level of education at the time of election and an ongoing education of the administrators of justice to remain abreast and compliant in both the national and international judicial environment.

The project will provide training activities on a regional level aimed at complementing national training efforts, dealing with issues of international scope and providing training for trainers on a regional basis to encourage long-term exchanges between trainers of the region and the building of a common practical approach to legal training in the region.

³ I. Shihata – Complementary Reform Essays on Legal, Judicial and other Institutional Reforms. (1997)

⇒ Enhancing the collaboration between countries of the SEE region in judicial structures and the enforcement of the law.

A final objective for the Project is the building of solid relationships among the judicial structures of the Region. Collaboration in the growth of the judiciary should deter the focus from religious and political differences and drive the stability needed for the evolution of a Region following years of conflict. As a Region, with laws and legal procedures aligned, the countries covered by SELDI will be able to achieve economic growth and improve success with the local and international markets.

Under the Project, the primary means of solidifying such collaboration will be the annual conference to be known as the “SELDI Judicial Reform Colloquy”.

4.1 Training Workshops in Judicial Reform

Course objectives

The Training Workshops under the project will be designed to complement national training efforts. Another resource reference for the training design will be the IDLI comparative judicial reform courses presently being delivered in other regions of the world. In these courses IDLI is seeking to disseminate best practices from around the world. These courses shall be used to inspire relevant courses in the SELDI context.

Generally, by the end of the course, participants will be able to:

- Identify the fundamental principles of the administration of justice.
- Show a better understanding of the role of the judiciary in society.
- Identify factors in current court practice, which suggest the need for change.
- Describe the essential features of the innovations in judicial practice discussed in the course.
- Describe the interplay between international law and local law regarding the judicial structure and the application of the law.
- Describe the potential impact of non-judicial dispute resolution on court practice.
- Draw up specific plans for continued contact between the participants in the region

Training Needs' Assessment

The actual design of the courses will be based on a training needs assessment that will take into account such assessments conducted in the region in the past. The assessment will be conducted in close cooperation with up to five representatives from the judiciaries of the SELDI countries.

6 Training Workshops

A total of **6 (six) two-week** training workshops in different countries in the Region will be completed.

The Training Workshops will combine the **Modules** (below) to a greater or lesser extent, as decided by the Judicial Training Institutes in the countries of the Region, and will aim to draw alliances between the judiciaries in the Region. The regional nature of the Training Workshops will witness the meeting of judges and magistrates from various countries of the Southeast European region in a host country. Such relocation for the course will stimulate open-mindedness and inspire a solid working environment for sharing of experiences between the judiciaries of the region.

A sample of what may be included in the curriculum is set forth below.

Module 1: 2-4 days

The fundamental principles of the administration of justice

This introductory module will examine a number of fundamental principles that underpin the administration of justice. These are:

- Judicial independence – personal, substantive and collective independence. Reference will be made to the UN Basic Principles on the Independence of the Judiciary, the International Bar Association’s Code of Minimum Standards of Judicial Independence, the Syracuse Draft Principles on the Independence of the Judiciary, and regional instruments on the subject. The module will examine various institutional arrangements, which seek to give effect to the different aspects of judicial independence in jurisdictions similar to those of the SEE countries. The module will identify the significance of the principle of judicial independence for the role of the judiciary. At a more practical and fundamental level, the module will confront participants with practical and ethical dilemmas of conflicting duties that are inherent in the judicial function. These aspects of the curriculum will be dealt with in case studies.
- The quality and fairness of the adjudicative process guaranteeing justice to individual litigants – this section of the module will deal with ‘due process’ issues and the protection of human rights. It will attempt to translate the precepts of ‘due process’ and ‘natural justice’ into useful step-by-step procedures for a judge who is in court on a day-to-day basis.
- The efficiency of the judicial process and the efficiency of judicial administration. This will examine innovations available to individual judges, which may be used to improve the efficiency of the judicial process and judicial administration.
- Public confidence in the courts and judicial accountability - this is a corollary to judicial independence and requires judges to be accountable for their failures, errors and misconduct. The module will examine the various forms of judicial accountability. The first to be considered will be legal accountability, which includes disciplinary supervision over judges, appellate review of judicial decisions, and the civil and criminal liability of judges. The second will be public accountability, which includes controls over the judiciary exercised by the legislature, the executive, the press and civil society. The third will be social and professional pressure from within the judiciary itself. The module will discuss the appropriate mix of the different forms of accountability.
- Accessibility of the judicial services. This will discuss how individual judges can contribute to the improvement of the access to justice by those of marginal means or who experience other impediments.

The module will emphasise that the quality of the administration of justice is a function of the above principles and that judicial reform becomes necessary if the administration of justice fails to meet one or more of the principles. It will also examine the tension between the different principles and how to strike a balance between them in the event of conflict. In addition, examples of how different legal systems and institutional arrangements recognise and give effect to the above principles and participants will discuss appropriate application in their country.

Module 2: 2-3 days**The judiciary in a changing society**

This module will build on the principles examined in Module 1. It will focus on the three functions of the judiciary: conflict resolution, social control, and law making. By examining the three functions, the module will highlight the dual character of the judiciary – its political character on the one hand and its bureaucratic character on the other. It will emphasise that while the judiciary is one of the three branches of the state, it is at the same time a public service provider just like any other bureaucratic organisation. The module will bring out the tension between the two characteristics.

In addition, the module will examine the tension between applying the law as it stands in order to ensure the reliability of legal standards and provide guidance to citizens in the conduct of their affairs on the one hand, and the need to interpret the law in the light of trends in economic and social development and popular aspirations on the other. In this respect, the module will examine the tension between judicial activism and judicial restraint.

Another important issue that the module will explore are the practical aspects of the role of judges as guardians of fundamental human rights. The module will also emphasise the fact that the judiciary is a public service provider. It will focus on the every day bread and butter cases that come before judges and will help participants to get a better understanding of the practical on-the-ground consequences of their decisions in the following areas of law: family law, contract, property rights, gender issues, and environmental issues. Furthermore, the module will examine the issue of adopting performance standards or benchmarks for the judiciary such as times for the hearing and disposition of cases, publication of annual reports, and the adoption of court charters. Highlighting international experience and encouraging consideration on how this experience might be made relevant to the SEE situation will contribute to module discussions.

Module 3: 2 days**The impact of recent developments on the judiciary**

Recent developments in information and transport technology have had a revolutionary impact on the global economy and international commerce. The legal foundations of the global socio-economic order are in a state of flux. These changes have profound implications for the role of the judge. Traditionally, the impact of a judge's decision was, to a large extent, limited to the national boundaries of his/her country. In the new global socio-economic order, a judge's decision may have implications for the flow of trade and investment into the country. Globalisation and the related process of regionalisation have given impetus to harmonisation and internationalisation of law. Faced with these challenging processes, judges increasingly find themselves resorting to international law or harmonised legal standards in resolving disputes. The same processes call for knowledge and skills in comparative law. This part of the curriculum will be build around practical case studies which demonstrate the impact of these trends on domestic judicial proceedings, including the impact of international arbitration and other forms of alternative dispute resolution carried on domestically or in other jurisdictions, co-operation between judiciaries in different countries; the application of harmonised laws; and the resort to and application of international law in the resolution of commercial and human rights disputes.

Module 4: 3-4 days**Skills training**

This final module will build on the first three modules by providing in-depth skills training on one topic as a demonstration of how training can have an immediate impact on job performance and further building the competence of the participants as individuals and as a group thus further contributing to the building of *esprit de corps*.

The training will provide the participants with the theoretical background on the topic and then involve the participants in practical exercises, which will build their skills in the particular area. The list of selected topics is as follows: Building Training Skills, Interviewing Techniques, Dealing with the Media, Judicial Ethics and Integrity, Understanding Alternative Dispute Resolution Techniques Methodology. As is usual in IDLI programmes, the seminar methodology will be participatory.

Participants will be divided into small groups of about six and asked to work on exercises prepared by the visiting instructor. The exercises will require them to prepare guidelines, proposals, or observations on the particular subject under discussion. This will help the participants find practical relevance of the topics as they are discussed. The skill training sessions will provide the participants with descriptions or demonstrations of how to perform the tasks involved, give the participants an opportunity to practice the tasks, and provide evaluative feedback to the participants which will help them improve the skills involved in the future.

4.2 Regional Colloquy

Introduction.

IDLI proposes a **three-day colloquy** that will bring together representatives of Judicial Training Institutes (JTI) from the Southeast European countries. The Regional Colloquy will be delivered **once a year** throughout the project period. It is believed there will be between 70-90 jurists present at the Colloquy coming from countries of the Southeast European Region.

In addition, two or three distinguished international jurists will participate to provide a broad spectrum of experience in the approach to change and development in the judicial systems of the countries.

The objectives of the Regional Colloquy will be to:

- Present briefings on the organisation, objectives and programmes of national Judicial Training Institutes,
- Compare and contrast the objectives and programmes of JTIs,
- Provide opportunities for sharing experiences and learning from other associations in the region,
- Provide opportunities for sharing and learning from international experts' experiences,
- Develop a network of SEE association of judges.

Participants

It is anticipated that up to ten representatives from each Judicial Training Institute from the following countries will be invited: Albania, Bosnia & Herzegovina, Bulgaria, Croatia, FRYO Macedonia, FRY, Greece, Romania, and Turkey. Turkish and Greek participants will be considered resources in the workshops. They are included in encourage greater opportunities for similar exchanges in the region

IDLI will identify two or three distinguished international jurists who will add an international perspective to the colloquy.

Outcomes

The colloquy is expected to lead to:

- ⇒ Better organised national associations of judges.
- ⇒ Enhanced judicial independence.
- ⇒ Improved judicial training and ethics.
- ⇒ The creation of a network of judicial associations.

Methodology

About two months before the colloquy, IDLI will request JTI of the SELDI countries to select their members to will participate in the colloquy. The selected members will then be asked to prepare a status report that will provide:

- An historical overview of the association;
- The objectives, programs and activities of the association;
- The legal and organisational structure of the association and its relationship with the state and the legal profession; and
- The current problems and future prospects of the association.

These reports will be submitted to IDLI three weeks before the colloquy and will be produced for distribution to the participants.

A mixture of methods will be employed during the colloquy. The first session will comprise a plenary presentation by distinguished international jurists. This will provide the background and framework for the discussions to follow. It will be followed by discussion facilitated by IDLI trainers and led by the other distinguished international jurists.

The second session will also comprise plenary presentations of national status reports. Each presentation will be followed by a discussion.

For the third session, participants will be divided into three groups. The first group will consider the role of national associations of judges in enhancing judicial independence. The second group will consider the role that associations of judges can play in judicial training. The third group will consider the contributions that the associations can make to the development of judicial ethics. The distinguished international jurists and the IDLI trainer will facilitate the group discussions. Each group will appoint a rapporteur who will report the group's findings to the plenary session. It is hoped that the group reports together with the country reports and the presentations of distinguished jurists will contribute the strengthening of national judges associations.

Assumptions, Risks and Constraints

The organisation of the Colloquy can only be beneficial if based on the correct assumption that its result will positively influence the future of judicial training institutes. In the opinion of the organisers, the Colloquy involves no foreseeable risks provided that there is full financial and other material support.

It is assumed the Colloquy will be in a location of mutual convenience and that all participants will be able and willing to travel to the location.

Input/Resources

- IDLI's institutional, technical, and administrative capability
- The institutional capabilities of the Centre for the Study of Democracy.
- Prominent jurists from around the world.
- Representatives of national associations of judges.

Human Resources

Two Trainers from IDLI will be present throughout the Colloquy.

One Representative from CSD will be present throughout the Colloquy.

Two or three international jurists will be present throughout the Colloquy.

Note on Colloquy Venue

The colloquy venue, which will be selected, should be able to provide adequate facilities and services and inter alia:

- A large conference room (for up to 60 persons) for plenary sessions.
- Two or three smaller rooms (for up to 20 persons) for group sessions.
- Audio material
- Limited food and catering services (two or three coffee breaks a day, possibly a buffet lunch, and a cocktail for the official closing at the end of the colloquy).

4.3 Training of Judicial Trainers

IDLI will organise in each country of the SELDI group or alternatively in a selection of few countries, should this prove efficient and convenient for the participants, “**Training of Trainers**” (ToT) seminars for a limited number of judges selected for their interest and ability to train other judges.

A total of **5** Training of Trainer Workshops for Judges will be delivered.

Each “Training of Trainers” (ToT) seminar will last **three days**, will be attended by a maximum of 10 participants and will focus on three essential skills and techniques:

- Facilitation skills;
- Curriculum design (applied to the priority areas);
- Training organisation and implementation.

The “Training of Trainers” component has an important potential as a “trigger”, which could produce a multiplier effect among the targeted groups to ensure the sustainability of the training process following the termination of this project.

A more detailed description of the ToT seminars designed by IDLI is attached as Annex n° 1.

4.5 Evaluation

On completion of the Training Workshops, the Regional Colloquy and the Training of Trainers Workshops an elaborate evaluation will be completed indicating:

- ⇒ The Successes;
- ⇒ The problems encountered;
- ⇒ The improvement achieved from project commencement;
- ⇒ Personal Feedback from Visiting Instructors and Program Legal Counsel;
- ⇒ The Next Steps required for a further unified region in the area of financial law.

This final phase of the Project is of three-month duration and intends to conclude the Project in a structured manner. Feedback from the Sponsor, Counterpart and actual participants plays an integral part of this conclusion of the Project.

- 1. Training of Judicial Trainers**
- 2. Logical Framework in Judicial Reform**

Training of Judicial Trainers

The Training for Trainers (TOT) program is designed to provide judges with the skills required to serve as trainers and facilitators for in-service training. The state-of-the-art techniques developed at IDLI (The IDLI Methodology) to be employed are as follows: **Criterion Referenced Instruction (CRI)** and **participant-centred learning**. CRI begins with a logical analysis of the tasks involved in judicial decision-making and then, based on this analysis, designs training objectives to fit the participant-centred learning approach. The participants-centred learning approach provides the methodology under which the identified training objectives are achieved.

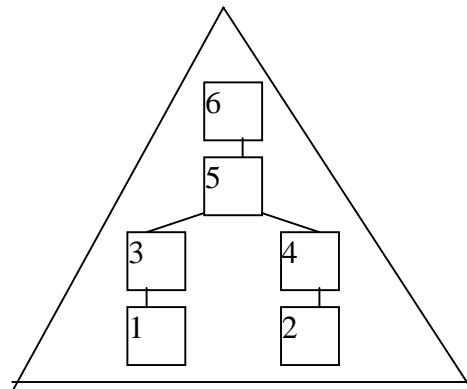
Criterion Reference Instruction (CRI).

- The CRI process starts with a task analysis. A list is drawn to determine the activities of the judge for whom the training is intended. This detailed list is then organized in the shape of a pyramid, building up from the simpler to the more complex tasks. Though the pyramid separates tasks by the level of complexity, the CRI approach regards each task as part of a whole. Organizing tasks in this way effectively identifies areas of deficient skills.
- Once the task analysis is complete and areas of deficient skills are identified, the next step of CRI is the development of training objectives to remedy individual participant deficiencies. By providing specific performance-oriented training objectives, the CRI facilitator can monitor the participants' progress. A summary of how this technique is applied can be seen in the following example:

Subject of Training Program: "Financial Analysis for Bankruptcy Judges: Interpretation of Financial Statements Task Analysis (simplified)".

To interpret the financial statements of an enterprise in a bankruptcy or reorganisation situation the judge must be able to:

1. Interpret the Balance Sheet.
2. Identify the Income (Profit and Loss) Statement.
3. Describe the character and values of assets and liabilities in the Balance Sheet.
4. Describe the various entries in the income statement.
5. Calculate indicative financial ratios from the balance sheet and income statement, which provide indicative measures of financial standing and prospects.
6. Interpret the performance measures identified.



The Pyramid would show a hierarchy of tasks as illustrated here. Training modules would be designed and delivered for each task.

For each task an objective would be established. As an example for the task (module) 5, the objective would be:

"By the end of this part of the workshop, and given the financial statements of a Bulgarian enterprise in financial difficulty, the participants will be able to calculate financial ratios for: (i) performance measures; (ii) profitability measures; (iii) investment utilization tests; and (iv) financial conditions tests".

Participant-centred Learning.

- The participant-centred learning approach assures that each participant meets the training objectives identified through the CRI process. There are several advantages associated with this approach. First, courses are interactive, permitting flexibility and adaptability in course content and ensuring that participants become involved in the training process. Second, it utilizes modern training techniques—practical case studies, relevant group discussions, and tailored exercises—that effectively relate to the participants' day-to-day workload. These participant-oriented training techniques contribute to the redevelopment of the participant in understandable and usable ways and allow the course facilitator to measure participants' learning. Third, the physical attributes—size and atmosphere—of the course are fundamental to the open exchange of ideas between professionals. Small courses of about thirty participants maintain a level of comfort for those professionals not accustomed to interactive learning. In addition, it permits flexibility in course content and allows participants to network and brainstorm with other professionals. Training rooms are arranged like roundtable discussions rather than typical school classrooms. This atmosphere promotes communication and active involvement and accentuates the motive of participant-centred learning.

Impact. Through the use of the above-mentioned techniques, participants at the end of TOT workshop should acquire the skills to:

- Conduct a task analysis and, based on this analysis, establish performance-based training objectives and plans;
- Use sound group facilitator skills in simulated training situations;

- Use the experimental adult learning model (e.g., case study role play) in their own training design and delivery;
- Demonstrate good recovery skills for handling the unexpected;
- Access facilitation/training situations and give effective performance-based feedback; and
- Evaluate their own skill levels and develop a clear follow-up plan for applying new skills in real training situations.

An experienced IDLI trainer and a representative from the French Ecole Nationale de la Magistrature (ENM) will facilitate the Training for Trainers workshops. In part of the course, during which the participants develop, design and deliver practice the ENM representative will assist training sessions. The ENM representative has agreed to participate in this way and will be brought in as a sub-contractor to IDLI.

Logical Framework in Judicial Reform

SELDI – Strengthening of the Judiciary	OBJECTIVELY VERIFIABLE INDICATORS	SOURCES OF VERIFICATION	ASSUMPTIONS
<p>Overall Goal</p> <ul style="list-style-type: none"> • “. . Cooperate towards. . bringing about mature democratic political processes . . . grounded in the rule of law and full respect of human rights and fundamental freedoms, including. . . legislative branches accountable to their constituents, independent judiciaries, . . .” • Specifically, support of the Working Tables on Democratisation and Human Rights and the WT on Security Issues. 	<ul style="list-style-type: none"> • Effectiveness of the courts – number of cases brought to trial within a <i>reasonable time</i> (to be determined per region according to standards both local and abroad); • Accountability of the courts – the nature of the cases brought to trial; • Independence of the Judiciary from other State structures and political influence; 	<ul style="list-style-type: none"> • Initial surveys of the Judiciary – what is lacking, what is present, what may be learned from neighbours, what may be learned from European structures. • Initial surveys of the private legal sector – (see point 1) • Public questionnaires as to the effectiveness, independence and consistency of the judiciary. 	<ul style="list-style-type: none"> • Judiciary available in the countries of the SEE; • Private sector available in the countries of the SEE; • Public response available; • General support and dedication to the growth of the region and the importance of the SEE Stability Pact as the framework for the necessary reform.
<p>Project Purpose</p> <ul style="list-style-type: none"> • To strengthening of the independence of the judiciary; • To provide conditions for speedier administration of justice; • To increase the efficiency of the judicial process; • To increase the confidence in the judiciary; • To establish a system for raising the professional knowledge and skills of the magistrates and of the court administration; • To enhance collaboration between the countries of the SEE region in judicial structures and the enforcement of the law. 	<ul style="list-style-type: none"> • Separation of the powers and responsibilities between the judiciary and other the other State structures; • Reduction in the time invested in the administration of justice; • Increased number of cases correctly resolved within a reduced timeframe; • Increased number and frequency of training to the magistrates and court clerks; • Increased number and frequency of formal meetings between the members of the judiciary in the region. 	<ul style="list-style-type: none"> • Surveys to the judiciary both pre and post the Project; • Surveys to the public in the levels of confidence; • Stakeholder reviews of the confidence levels. • Statistics of case turn-around time; • Evaluations as to the trainings given; • Needs assessment as to the areas of improvement. 	<ul style="list-style-type: none"> • Recognised need to change • Common support of the Stability Pact; • Desire to enhance the collaboration in a move towards Judicial Reform by the SEE countries; • Desire to develop a unified region.

<p>Results</p> <ul style="list-style-type: none"> • Increased number of persons from each of the countries of the SELDI trained in different aspects of the Judiciary; • Improved efficiency of the judiciary; • Increased public confidence in the judiciary; • Increased application by the public in the judiciary; • Increased cohesion between the Judicial Training Institutes in the Region; • Evolution of fora for continued sharing and growth by the members of the judiciary; • A judiciary aware of the European standards in judicial structure and procedures. 	<ul style="list-style-type: none"> • 50 persons from the judiciaries of each country of the SEE trained in the chosen aspects of Judicial Reform; • Decrease in the time required for the hearing of cases; • Country confidence increased in the judiciary; • Ongoing meetings between the different JTI in the countries of the Region; • Establishment of regular fora by the members of the judiciary; • Knowledge and diffusion of the European standard structure of the judiciary and procedures applied. dissemination 	<ul style="list-style-type: none"> • Evaluation completed by the persons trained in Judicial Reform; • Monitoring of the cases tried and the time required • Public survey both pre, during and post the Reform; • Number and frequency of meetings between the JTI of the Region; • Diffusion of the European standards to the JTI. 	<ul style="list-style-type: none"> • Collaboration between the countries of the SEE Region; • Presence of JTI in the Region; • Establishment of JTI in the countries in which there is an absence of such a structure; • Availability of the European standards for both the structure of the judiciary and the procedures to be implemented.
<p>Activities</p> <ul style="list-style-type: none"> • Training designed on the Module formula and covering: the fundamental principles of the administration of justice; the judiciary in a changing society; the impact of recent developments on the judiciary; skills training – application of practical techniques. • Conference for the Judicial Training Institutes in the Region. • Distance Learning in Judicial Reform and the Strengthening of the Judiciary. • Train the Trainer workshops – aimed at the private and public levels of the judicial system for ensured dissemination in the region. 	<p>Means</p> <ul style="list-style-type: none"> • IDLI trainers/facilitators • IDLI visiting instructors • CSD seat as the Project Secretariat • CSD resources • In country/counterpart organisations • Stakeholder representatives 	<p>Costs</p> <ul style="list-style-type: none"> • To be determined – c.\$1 million 	<ul style="list-style-type: none"> • Donors located and supportive of the initiative • Active and dynamic Steering Committee driving the necessary support.