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REPORT ON DISTANCE LEARNING
TOOLS AND MODULES TO BE
INCLUDED IN THE JUDICIAL
ACADEMY TRAINING PROGRAMME



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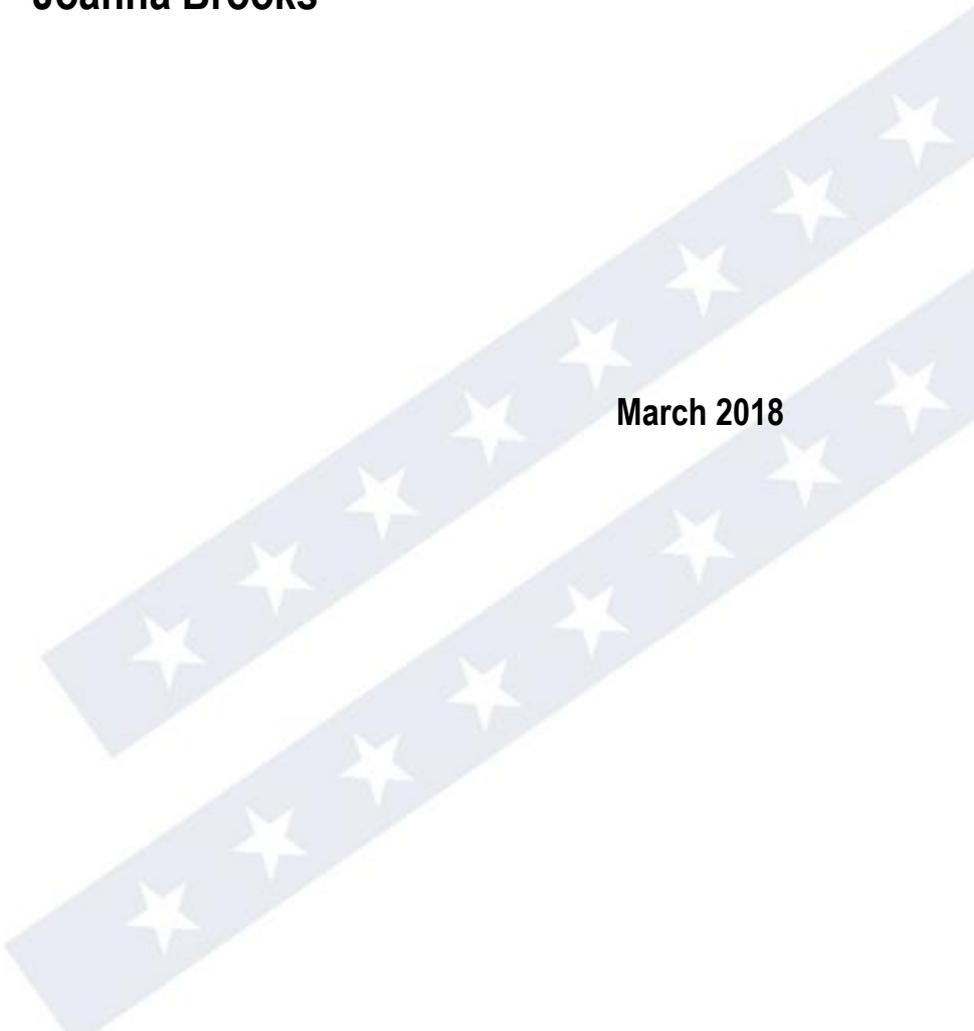


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Abbreviations

b-learning	Blended Learning
CJS	Centre for Judicial Studies, Portugal
CoE	Council of Europe
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EJTN	European Judicial Training Network
e-learning	Electronic Learning
EU	European Union
HELP	Human Rights Education for Legal Professionals
JA	Judicial Academy

REPORT ON DISTANCE LEARNING TOOLS AND MODULES TO BE INCLUDED IN THE JUDICIAL ACADEMY TRAINING PROGRAMME

1. INTRODUCTION

1.1 Background and Context

Under the EU Instrument for Pre-accession Assistance (IPA), the British Council led Consortium is implementing the 'European Union's Support to the Judicial Academy' project since March 2016. The project is supporting the enhancement of educational activities, functioning of new structures within new competences of the Judicial Academy, and establishment of the consistent judicial system of the Republic of Serbia. The intended results of the project are:

Result 1: Ensured easier access to the case law of the European Court for Human Rights for the relevant target groups, aimed at the improvement and unification of the case law among Serbian courts as well as its harmonization with the EU standards.

Result 2: Educational activities of the Judicial Academy enhanced in order to improve efficiency and effectiveness of trainings.

Result 3: Functioning of the new structures within new competences of the Judicial Academy (JA) improved.

1.2 Scope and Objectives

The scope of this report is to assist the Project in its objective to enhance educational activities and functioning of new structures within new competences of the Judicial Academy and establishment of the consistent judicial system of the Republic of Serbia. Further, the report will contribute to the improvement of the independence and efficiency of the judiciary through adequate measures regarding accountability, impartiality and competence of justice actors in order to achieve and strengthen the rule of law, legal certainty, better access to justice as well as improvement of the protection of human rights and protection of minority. The sustainability of results, including ensuring the necessary capacities for implementation and follow-up, will be specifically in focus.

In accordance with the project 3rd Interim Report, and its Work plan – activity 2.4 (based on **comparative** analysis, prepare a set of recommendations and provide support to the Working groups in upgrading the existing and developing new modules dealing with the priority legal areas), activity 2.5 (deliver seminars and workshops both for the initial and continuous education, aimed at enhancing professional competencies of the relevant target groups (judges, prosecutors and the police), TNA assessment and discussions held with beneficiary, the purpose of this report is to support the development of training modules and delivery of trainings including the training on developing skills related to the use of e platforms, social networks and all kinds of digital devices.

In addition to the topics covered by the specific training programme, having an effective and efficient judiciary requires skilled judges and prosecutors that can easily access the case law of the ECtHR but also other relevant EU sources of interest in order to share and transmit human values which are identified as European standards.

The objective of this report is therefore to provide:

- Detailed recommendations regarding distance learning tools and modules to be included in the Judicial Academy Training Programme with emphasis on tools and modules available in similar institutions in the EU and the region (such as the European Judicial Training Network, the Academy of European Law etc.), and optimal programming of distance learning efforts.

1.3 Methodology

The methodology that was adopted was a combination of desk research and document review and consultations with relevant stakeholders. In particular, the consultant met with representatives from the British Council project, members of the Judicial Academy, representatives from the Council of Europe HELP project and a project-based Portuguese judge and trainer from the Portuguese Centre for Judicial Studies. The data and information gathered was largely qualitative, this being assessed as best meeting the needs and requirements of the assignment.

2. RESOURCES AND CAPACITIES OF THE JUDICIAL ACADEMY

2.1 Current Distance Learning Provision

At present, there is no provision for distance learning through the Judicial Academy. It should be noted that there is also currently no internal Judicial Academy policy or procedure in relation to distance learning. This should be addressed prior to the Judicial Academy providing distance-learning courses, to ensure that the Academy continues to meet its high standards of education provision that it has maintained through its initial and continuous training programmes.

Recommendation – The Judicial Academy should develop a Distance Learning Policy stipulating the criteria and principles to be applied for distance learning courses and webinars.

A distinction should be made between the types of distance learning, i.e. between distance learning courses, and between content that is uploaded, such as training sessions or webinars. E-learning sessions need to be interactive and need to produce data and information about the participant, for example, their test score at the end of the course. This is very different from a recorded training event or something that has been recorded as a webinar, which needs to be edited and of high quality, as well as to meet the principles and criteria of a future Judicial Academy Distance Learning Policy.

The Judicial Academy has currently developed one e-learning course on the new court Case Management System with support from the British Council. It is envisaged that all court administrative staff will undertake the course, meaning it will reach upwards of 5,000 participants. The course is very practical and is almost a simulation of the actual case management software. Once the new JA website is operational, the course will be uploaded and participants will be able to register to undertake the course online. At present, the course is not operational.

The Judicial Academy plans to develop and use distance learning more and more, and intends to adopt a blended approach, based on other jurisdictions such as Spain and Portugal, whereby distance learning is combined with traditional face-to-face learning. For example, the Academy envisages that distance learning will be used in the future as a preparatory tool prior to a training session, in order to ensure that participants of the training all have the same level of knowledge before undertaking the training. It is also planned that distance learning will be used for refresher purposes.

The Judicial Academy also intends to expand its training for its beneficiaries on IT literacy, including in word and excel, to ensure that all judges, prosecutors, judicial assistances and court administrative staff are fully conversant in using computer packages. This need was confirmed in the Training Needs Assessments undertaken as part of the British Council project, as well as during focus group discussions with the Judicial Academy's beneficiaries.

Recommendation – the Judicial Academy should further expand its IT training courses, to include not only the use of Microsoft packages, but also to include the use of modern IT tools, social media platforms and internet resources, including Google, twitter, Facebook, viber, whatsapp etc. as well as the use of smart

phones and tablets in order to develop its beneficiaries skills in the use of e platforms, social networks and all kinds of digital devices.

2.2 Judicial Academy Website and Technical Capacities

The Judicial Academy's current website does not support the provision of e-learning courses or video and audio materials. However, with support from the British Council, the Academy has recently developed a new website to facilitate e-learning, as well as to expand its existing library and information and documentation centre. The website is anticipated to be live from 15 March 2018, although initially it will be hosted outside of the Academy. In the meantime, a tender will be launched to develop the new Judicial Academy premises at Svetozara Markovic 21, into an IT data centre, which will have the capacity to host the new website, including the e-learning platform.

The new website will have sections on both international cooperation, where active and completed projects will be featured, as well as sections on initial training, continuous training and an online library. All training materials and manuals will be accessible through the online library, which will be divided into thematic areas, such as criminal law, civil law, administrative law, international law, etc. as well as through the initial and continuous training sections, i.e. there will be a link between continuous training and the library.

Recommendation – The Judicial Academy should provide training to all its beneficiaries on using its new website and how to access the materials, resources, distance courses, webinars, manuals etc. that will be available through it.

2.3 Needs and interest of the Judicial Academy's Beneficiaries

In addition to the need to receive basic and advanced training on IT tools, social media platforms and internet resources, during the Training Needs Assessments and focus group discussions conducted as part of the British Council project, the beneficiaries of the Judicial Academy expressed a need and interest to have access to tools and resources that are available to them, either in Serbian, or an understandable regional language, as well as to tools and resources that are available in English. These are discussed further below in Chapter 3. However, it is recommended that the Judicial Academy makes available through its website links to these resources, together with information on how to register (translated into Serbian).

Recommendation – the Judicial Academy provides links to external distance learning tools and resources that are available to its beneficiaries either in Serbian or in English, together with information on how to register and access the tools, resources and e-learning courses.

3. OVERVIEW OF EXISTING MATERIALS AND EXTERNAL DISTANCE LEARNING TOOLS

3.1 Materials developed through the British Council Project

There are a considerable amount of materials that have been produced as part of the British Council project. These are detailed in a separate report on the project deliverables and will not be repeated here, but include nine training modules that the British Council project has delivered on domestic violence, economic knowledge, judge craft (1 and 2), EU law, as well as training needs analyses, a Practical Guide on the ECHR, a report on Legal Concepts, reports relating to the mentorship programme, the initial examination *et al.* Some of the trainings that have been delivered as part of the project have been filmed, and all materials, both digital and electronic, can be provided to the Judicial Academy for uploading onto the new website. Once the new website is operational, it will have the capacity to host both the static content of the training programmes and manuals, as well as the live footage recorded from the trainings, as long as they meet the Judicial Academy's policy regarding the quality of the footage, i.e. that is should be of high quality and edited for relevance. The Judicial Academy's IT team have the capacities required to upload the content but it should be agreed with the project who will be responsible for editing the recorded footage. At present, there is a British Council programmer working with the Academy. It is recommended that he be kept on in some capacity after the 15 March to ensure that the British Council materials are utilised effectively.

Recommendation – the British Council project materials should be uploaded onto the new Judicial Academy website once it is operational. They should be accessible through both the e-library section as well as through the continuous learning section to allow for optimal accessibility.

Recommendation – the British Council Programmer should remain at the Judicial Academy, in particular if there is a project extension period, to ensure that the materials produced through the project are uploaded on to the Judicial Academy's new website and utilised in the most effective manner.

Recommendation – the British Council and the Judicial Academy need to agree on who will edit the recorded materials produced during the lifespan of the project. Quality criteria should be developed by the Academy in advance to ensure both the quality and integrity of the materials.

The materials produced through the project, once uploaded, can form part of the Judicial Academy's initial offer in terms of distance learning, through the provision of manuals and training materials, as well as recorded materials of training events.

3.2 European Judicial Training Network (EJTN)

The European Judicial Training Network (EJTN) is the principal platform and promoter for the training and exchange of knowledge of the European judiciary. The EJTN represents the interests of over 120,000 European judges, prosecutors and judicial trainers across Europe. Formed in 2000, EJTN's fields of interest include EU, civil, criminal and commercial law and linguistics and societal issues training. The vision of the EJTN is to help to foster a common legal and judicial European culture. The EJTN develops training standards and curricula, coordinates judicial

training exchanges and programmes, disseminates training expertise and promotes cooperation between EU judicial training institutions.

Although the Judicial Academy is not a full member of the EJTN, it has the status of an observer, which means that it may partake in EJTN's projects and help to shape its endeavours. This means that the Judicial Academy and its beneficiaries are able to access and utilize the EJTN's tools and resources. The EJTN has many resources available for free on its website, including manuals, handbooks, e-learning courses, podcasts and webinars, methodologies and other training materials. It should be noted that none of the materials are currently available in Serbian or any other regional language, however all materials are available in English. The EJTN partners with a number of other organisations and institutions, and many of the e-learning courses it offers are available through its partners. These are detailed more fully below. The majority of its e-learning course and interactive case studies are available through the Academy of European Law – please see further below under 3.3. Its books, manuals and static resources are available through its website via this link <http://www.ejtn.eu/Methodologies--Resources/>

Participants are required to create a new account before enrolling on a course. The EJTN provides a short informative video on how to do this, which is available here <http://learning.ejtn.eu/file.php/1/create-account/create-account.html> The video is in English.

Recommendation – the Judicial Academy includes a link to the European Judicial Training Network's website, on its own website, together with a brief summary in Serbian of what tools, materials and resources are available.

3.2.1 European Judicial Training Network Handbook on Judicial Training Methodology in Europe

The European Judicial Training Network has developed a Handbook on Judicial Training Methodology in Europe available via this link http://www.ejtn.eu/Documents/EJTN_JTM_Handbook_2016.pdf The Handbook is a joint effort to summarise the findings on best European practice in judicial training methodology and is an attempt to help colleagues in national training institutions in their work on planning training programmes methodologically. It also aims to advise the trainers on designing and delivering functioning training sessions with a large variety of training methods, thus effectively and efficiently reaching the training goals set.

In developing the Handbook, there was a common understanding that judicial training comprises initial training for future judges and prosecutors, induction training for newly-appointed judges and prosecutors, and continuous in-service training for acting (experienced) judges and prosecutors. It was also found to be a prerequisite that “judicial training” does not only include legal and judicial knowledge, but also all kinds of (multidisciplinary) knowledge, of the capabilities and skills a good judge and prosecutor needs to possess for the proper execution of their tasks. This broad approach was understood as a natural consequence of the fact that EJTN aims to promote and disseminate modern judicial training methodology, and not solely the content of training programmes or training events. The Handbook notes “the proper use of good e-learning tools in suitable learning situations is another challenge where Europe is currently still standing more or less at the starting line.”

Recommendation – The Judicial Academy should refer to the Handbook on Judicial Training Methodology in Europe, not just in developing its distance and e-learning courses, but also in its development of static initial and continuous training courses. The Handbook contains best practices and guidance that can be applied to ensure that the Judicial Academy adopts the most modern and effective training methodologies.

The Handbook recommends that the use of modern technology should be a matter of thorough decision-making. The appropriateness of e-learning methods is to be determined bearing in mind the profile of the trainees, the training goals, and the content itself.

Advantages - Modern technology is an important tool that should be fully exploited. Knowledge, understanding of knowledge and applications could be fruitfully transferred through e-learning methods. A face-to-face approach would definitely work on skill and behaviour development but it is cost-effective to employ e-learning modules for new knowledge transfer.

Disadvantages - It is to be noted, however, that the learning potential of e-learning in a judicial setting is limited even when it is restricted to new knowledge transfer. Web-based information can above all provide basic information on a given topic. But understanding complex legal concepts and upper courts' jurisprudence on these concepts necessitates interaction between the relevant parties. And it should always be borne in mind that e-learning is somewhat expensive when done properly. Learning tools have to be prepared, and a follow-up after the e-learning phase has to be organized. The knowledge transferred will only be accurate if institutional provisions are made for regular updates of the content in the web-based tools and the methodology used.

Technology-based training has emerged as an alternative to instructor-led training. The major advantage that this approach to learning offers is the number of people that can be instructed. E-learning is also more cost-effective, as it allows judges to combine their duties with the continuous learning process.

The benefits of e-learning are at present well established if the resources are taken into account. But the fact remains that a practical approach to training involves more than online interventions in distance learning.

This is why *blended learning is highly resourceful in training*. There are many definitions of blended learning, yet no single accepted definition. One of the common definitions of blended learning refers to structured opportunities to learn, which use more than one learning or training method, inside or outside the classroom. This definition includes:

- Different methods to facilitate learning (lecture, discussion, guided practice, reading, games, case study, simulation);
- Different delivery methods (live classroom or computer mediated);
- Different scheduling (synchronous or asynchronous);
- Different levels of guidance (individual, instructor or expert led, or group or social learning).

Blended learning offers the potential to create effective training, to save training institutions both time and money, to make training more engaging and convenient for learners, and to offer learning professionals the chance to innovate. Supporters of blending learning underline the opportunity for data collection and customization of instruction and assessment as two major benefits of this approach.

But we should not forget that blended learning is heavily dependent on the technical resources with which the blended learning experience is delivered. These tools need to be reliable, easy to use and up-to-date for use of the Internet to have a meaningful impact on the learning experience.

The main advantages of this combination of training methods in the judiciary are the following:

- Facilitators of distance-learning courses can make sure that participants receive the same level of judicial knowledge so that during face-to-face meetings they can be more active in practical applications and the exchange of experience.
- Materials and the digital learning environment remain accessible for long-term consultation.
- The course can be carried out autonomously to suit individual schedules.

Recommendation – As recommended elsewhere in this Paper, the Judicial Academy should consider introducing blended learning courses as an alternative to pure e-learning courses. The benefits of this are partly that it is more cost effective than pure e-learning courses and also that it has been shown in other jurisdictions as the most effective approach in utilizing modern technology for the best results.

The use of online podcasting and videoconferencing can also ensure a large-scale dissemination of information if the technical equipment is available. Judges and prosecutors from the whole country could connect and get clarifications on issues of high interest. Videoconferencing brings the professional community together. Besides this aspect, such training methods offer other possibilities as well, such as connecting a trainer, practitioner, judge or prosecutor from a training institution with a court during oral hearings. This is known as the Live Case Method.¹

Recommendation – As a long-term goal, the Judicial Academy should consider introducing videoconferencing into its training programme. A thorough cost-benefit analysis should be undertaken as a first step towards assessing the benefits of introducing such a tool.

3.3 Academy of European Law (ERA)

The Academy of European Law² (ERA) provides a forum for discussion of European Law and is a networking institution among legal professionals from the private and public sectors. Its target groups are in-house counsel; judges and prosecutors; law enforcement officers; lawyers in private practice; national civil servants; staff of EU institutions; and journalists. It provides resources and projects on civil law; competition law; criminal law; environmental law; EU litigation; equality and discrimination; and human rights.

The ERA also hosts an e-learning platform <http://www.era-comm.eu/elearning/index.html>, which provides courses and tools, e-presentations and webinars. There are different levels of access available. Many of the courses and tools are provided free of charge. All courses are provided in English and some of them are provided in French, German, Spanish, Italian or Greek. For the free courses, participants simply select the course that they wish to undertake and follow the instructions. For the courses which require payment, there are different pricing options available depending on the number of licences, the number of courses etc. Similarly, many e-presentations and webinars are available free of charge and can be accessed via the link of the website <http://www.era-comm.eu/elearning/lectures.html>. Like with the courses and tools, some require payment. The fees for e-presentations as well as the specialised courses are provided below.

Fees for e-presentations

¹ Handbook on Judicial Training Methodology in Europe, European Judicial Training Network, 2016, available at http://www.ejtn.eu/Documents/EJTN_JTM_Handbook_2016.pdf

² https://www.era.int/cgi-bin/cms?_SID=NEW&_sprache=en&_bereich=ansicht&_aktion=detail&schluessel=era

Overview

Package	Fee	Average per licence
<u>1 Licence</u>	€ 30	€ 30.00
<u>3 Licences</u>	€ 81	€ 27.00
<u>5 Licences</u>	€ 135	€ 27.00
<u>10 Licences</u>	€ 225	€ 22.50
<u>20 Licences</u>	€ 390	€ 19.50
<u>25 Licences</u>	€ 450	€ 18.00
<u>25+ Licences</u>	on request	

Each licence gives access for one user account to one e-presentation. The more licences you order per package, the lower the average price of each e-presentation. The savings apply whether you want lots of e-presentations for one user account or just one or two e-presentations for lots of user accounts, or both.

Fees for specialised courses

Overview

User accounts	Fee
1 Licence	€ 280
3 Licences	€ 672
5 Licences	€ 980
10 Licences	€ 1680
20 Licences	€ 2800

20+ Licences	on request
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Each licence gives access for one user account to one specialised course. The more licences you order per package, the lower the average price of each specialised course. The savings apply whether you want lots of specialised courses for one user account or just one or two specialised courses for lots of user accounts, or both. Individual, tailor made packages can be negotiated depending on the needs of the institution.

Recommendation – It is recommended that the Judicial Academy includes a link to the ERA’s website, on its own website together with a brief summary in Serbian of the tools and courses, e-presentations and webinars that are available. If there is sufficient interest and take-up, the Academy may want to consult with the ERA to negotiate a specific, tailor-made package to suit its beneficiaries’ needs.

3.4 Council of Europe (CoE) Human Rights Education for Legal Professionals (HELP)³ Programme

3.4.1 General Information about the Programme

The European Programme for Human Rights Education for Legal Professional (HELP) supports the council of Europe member states in implementing the European Convention on Human Rights (ECHR) at the national level. This is done by enhancing the capacity of judges, lawyers and prosecutors in all 47 member states to apply the ECHR in their daily work. Indeed, legal professionals, who are at the forefront of the protection of human rights, including those of victims, must benefit from high-quality training. This is to ensure that they are kept up-to-date with the ever-evolving standards and case law of the European Court of Human Rights. HELP precisely aims at providing high-quality and tailor-made training tools to all European legal professionals. HELP is the main educational platform of the Council of Europe for legal professionals. Its aim is to educate judges, lawyers and prosecutors about human rights standards in Europe.

Currently, apart from the European Convention on Human Rights (ECHR), HELP covers other instruments like the European Social Charter (ESC) or CoE Conventions in key areas like data protection or labour rights. Furthermore, with EU support, we include the EU Charter of Fundamental Rights and relevant EU law or jurisprudence in the courses specifically developed for EU countries. This education means that legal professionals can better protect human rights on a national level and keep up to date with the ever-evolving standards and case law of the European Court of Human Rights.

HELP is:

- (i) The only pan-European Network of national training institutions for judges, prosecutors and lawyers in the 47 Member States;
- (ii) An e-learning platform on human rights;
- (iii) A human rights training methodology for legal professionals.

³ <https://www.coe.int/en/web/help/about-help>

3.4.2 e-learning platform

A wide range of training resources on the ECHR, developed and collected under the HELP Programme, is available on-line, translated into the national languages of the beneficiary countries. It is becoming a real challenge for legal professionals to follow the case law of the Strasbourg Court, which evolves quickly and expansively. The HELP Programme is also a platform where they will be able to keep abreast of Strasbourg case law developments through easy available updates.

There are two main types of HELP training resources:

- (i) Distance-learning courses are available for selected groups of legal professionals participating in pilot courses moderated by certified national tutors. The list of available courses (including a description) is available in the catalogue of courses.
- (ii) Self-learning resources are available to any user who has an account on the [platform](#).

They include training manuals on ECHR Methodology and Key Concepts, as well as Handbooks, standard curricula, course outlines, presentations, case studies, and e-learning courses on the different Articles and themes of the ECHR.

- The HELP methodology is built to fit in with the busy schedules of legal professionals. The curricula are made by experts to meet participants' specific training needs and learning pace.
- HELP organises Training of Trainers sessions to train national tutors, who adapt the curriculum to the national legislation and to the type of legal professionals. The national tutor may also draft a chapter on the implementation of EU provisions and case law at the domestic level if relevant.
- Once ready, the model course in English is published in the self-learning block of the HELP platform.
- When courses are piloted with tutors, at the end, feedback is collected from the participants and tutors and an evaluation of the materials is carried out. The final curriculum is then converted into a self-learning course, available to any user of the HELP platform.
- Each curriculum displays both mandatory resources and optional additional resources to cater for different levels of knowledge and interest.

3.4.3 Provision of courses in Serbian

The following courses are available in Serbian, unless it is otherwise stated in the languages/notes section.

Course	Languages/Notes
Admissibility criteria in applications submitted to the ECtHR	Serbian
Alternative measures to detention and community sanctions	Serbian
Anti-discrimination	Serbian
Asylum and the ECHR	Serbian
Key human rights principles in bio-medicine	English

Business and human rights	Serbian
Child-friendly justice and human rights	Currently only available in English, but the JA has expressed an interest in running this course and CoE HELP plans to translate it and deliver the course at the end of 2018/early 2019.
Combatting trafficking in human beings	This has been translated into Serbian, is waiting to be proof-read and then will be uploaded.
Data protection and privacy rights	Serbian
Family law	English
Fight against racism, xenophobia, homophobia and transphobia	Croatian, Montenegrin
Freedom of expression and the ECHR	Serbian
Hate crime and hate speech	Bosnian, Montenegrin
Introduction to the ECHR and the ECtHR	Serbian
International cooperation in criminal matters	This course is currently being piloted and will be available online in the coming weeks in English.
Internally displaced persons	Course being developed. Will be available during 2018 in English.
Prohibition of ill-treatment	English
Labour rights as human rights	Slovenian – this course is not really applicable in Serbia
Pre-trial investigation and the ECHR	Translated into Serbian, awaiting proofreading before being uploaded
Property rights and the ECHR	Bosnian
Refugee and migrant children	The course is under development and will be launched in 2018 in English
Reasoning of criminal judgements	Serbian
Rights of persons with disabilities	The course is under development and will be launched in 2018 in English
Right to liberty and security	English
Right to respect for private and family life	English
Procedural safeguards in criminal proceedings and victims' rights	The course is under development and will be launched in 2018 in English. There has been a lot of interest

	expressed in this course in the region so it will certainly be translated
Transitional justice and human rights	Bosnian
Violence against women	Under translation into Bosnian and Montenegrin, currently available in English.

When a country expresses an interest in delivering a course, the course is translated into the local language and delivered by one of the CoE certified trainers. CoE carries out training of trainers on a periodic basis in country as well as on a more regular basis in Strasbourg. At present, there are sufficient trainers in Serbia and there are no current plans to conduct a training of trainers in the country, although potential trainers can always participate in the Strasbourg training to become certified.

3.4.4 Access to the e-learning platform

The courses are free of charge and open and available to any interested individual. New users are required to register through a basic registration system, and create their own user name and password. This then provides them with access to all resources.

3.4.5 CoE HELP and the Judicial Academy

The Judicial Academy already has excellent cooperation with the CoE HELP Programme in the Western Balkans, and the majority of CoE HELP courses are delivered through the Judicial Academy. Although interested parties can undertake any of the courses available online at their convenience, the majority of courses are tutored courses, where a national tutor adapts the course to the national context and then moderates the course on-line, as well as delivering trainings in-country. CoE HELP have found that the b-learning model, or blended learning model is the most effective way of delivering training, providing participants with both the flexibility to undertake the course remotely, with the support and reinforcement of face to face training. All participants are automatically set up with a users account for the e-learning platform and sent an e-mail to access the account. They are also provided with instructions on how to set-up the account in Serbian.

Once the Judicial Academy's new website is operational with its e-learning platform, CoE HELP can provide the Academy with all courses that are available in Serbian and the Judicial Academy can conduct the courses themselves.

Recommendation – the Judicial Academy should upload all CoE HELP courses that are available in Serbian and make them accessible through its own e-learning platform. It is recommended that the Judicial Academy pilot the *Introduction to the ECHR* course, which will shortly be run as part of the initial training course and will most likely be made compulsory. Once they have gained the experience through testing this course, the other CoE HELP courses can be made available.

3.4.6 Training Methodology

The CoE has developed its own training methodology and has a Handbook on the HELP Methodology on how to create a course and principles of adult training, as applied to e-learning. The CoE HELP programme is happy to train the Judicial Academy on how to create its own e-learning course. The CoE could also have an advisory role on the development of the course if there is interest.

Recommendation – The Judicial Academy and CoE HELP should discuss the potential for training the Academy on how to develop their own e-learning courses using the HELP methodology with a view to developing its own e-learning courses.

3.4.7 Building e-Learning Courses

There are many programmes available in the market for building e-Learning courses. For e-Learning design and building, the HELP programme have elected to use Articulate Storyline as their tool of choice. There are many benefits to Storyline.

- It has a recognisable interface for users who may be used to Microsoft Office
- It provides templates and Interactions that can be adapted by users
- It has a strong support community online

For institutions, the cost of Articulate Storyline is USD1299 per year and price details are available via <https://articulate.com/pricing>

Recommendation – the Judicial Academy should initially pilot the free courses that are available through CoE HELP. However, once there is sufficient interest and uptake it its e-learning platform, the Judicial Academy should consider buying its own software to develop its own e-learning courses.

3.5 The European e-Justice Portal

The **European e-Justice Portal**⁴ is one of the tools contributing to the development of European judicial training. By providing access to information and other educational material, it significantly increases the number of people who can self-train and/or incorporate European legislation into their training sessions. It should be noted that materials are only available in English.

In line with [UNESCO's 2012 Paris OER \(Open Educational Resources\) Declaration](#), the European Commission wants to do as much as possible to promote open educational resources and open courseware for legal practitioners.

There are many reference sites with useful resources for European judicial training at local, regional or national

⁴ https://e-justice.europa.eu/content_training_material-252-en.do

level. Also, the Commission has produced training materials in various areas of European legislation in response to specific needs stemming from the degree of technicality or the high number of legal professionals dealing with them.

This [advice for training providers](#)  (2257 Kb)  collection of practical tips with examples for all training providers can be of help when conceiving and organizing their training activities. Training material on the following topics is available and ready for use by legal practitioners and/or training providers:

- EU law in general
- Civil law
- Criminal law
- Legislation against organised crime
- Human rights
- Rights of the child
- Non-discrimination
- Gender equality
- Administrative law
- Environmental law
- Intellectual property
- Training methodology

All materials are available in English at the following address: https://e-justice.europa.eu/content_training_material-252-en.do

Recommendation – The Judicial Academy should include a link to the European e-justice Portal on its website, with a brief summary of the types of materials and help that are available through it.

3.6 EU Law and Case Law Resources

Access to European Union Law is available on the [EUR-Lex website](#). It includes recently-published items and a searchable database. Hosted on the same EUR-Lex website, the [Summaries of EU legislation](#) cover the main aspects of the European legislation, policies and activities in a clear, easy-to-read and concise way. These Summaries are intended for a general, non-specialized audience and cover 32 topics corresponding to the activities of the European Union. It should be noted that all materials are available in English.

[Case law from the Court of Justice](#), General Court and Civil Service Tribunal in a searchable database.

Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union (i.n.pa.) [Searchable database](#) containing some 27,700 references to national decisions concerning Community law from 1959 onward (Dec.Nat.).

Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union (i.n.pa.) [Searchable database](#) containing case law (JuriFast).

Networks of the Presidents of the Supreme Judicial Courts of the European Union [search engine of National Case Law](#), created by the Network of the Presidents of the European Supreme Courts.

From DG Environment, [Environmental Impact Assessment of Projects - Rulings of the Court of Justice](#)

Recommendation – the Judicial Academy should include links to the above resources on its website, with a brief description in Serbian of the resources and materials available.

3.7 Portuguese Centre for Judicial Studies⁵

The consultant was not tasked with conducting a comparative analysis of other judicial training institutions and their provision of e-learning courses, however, during the course of the assignment, the consultant had opportunity to meet with a Portuguese judge and trainer from the Centre for Judicial Studies, so the outcome from that meeting has been included for additional information and interest.

The Centre for Judicial Studies (CJS) is funded through the state budget and attendance and all materials available through its website are free of charge. It should be noted that Portuguese judges are limited to attending only 5 seminars per year, which are linked to their professional area of responsibility. The most interesting aspects for the Judicial Academy are the e-learning books and b-learning. B-learning is blended learning, meaning a combination of e-distance learning, with face to face learning at specific point throughout the course. The CJS has found this to be the most effective method of providing e-distance learning courses.

Recommendation: As recommended above, the Judicial Academy should consider introducing b-learning courses at the most effective method of delivering distance and e-learning courses.

The CJS compile a large number of e-books based on the training that they provide. These e-books are available free of charge to everyone and are accessible through its website at http://www.cej.mj.pt/cej/recursos/ebook_civil.php The e-books are a compilation of resources linked to the training courses that it provides. The include training material, relevant articles, a video of the training presentation as well as a follow-up article written by the trainer. Instead of simply using the PowerPoint presentation or equivalent from the training session, each trainer is asked to write an article after the training session, presenting the training, discussions that were held, any conclusions that were made, key questions etc. The articles are of much more use and relevance to both the participants from the training and to any other interested parties who are accessing the e-books. The trainer has an incentive to write the article, because they know it will be published and will be recognised for their contribution on the subject.

The software packages that the CJS use for developing their e-books is MS Word; Adobe Acrobat XI Pro, and this has a cost of €220,15 licence per year. It also uses Photoshop for elaborating e-book covers; but any imaging programme can be used. This has a cost of €737.85/year. Its International Relations Department has entered into two agreements with European schools giving its layouts and this might be an area that the Judicial Academy can discuss bilaterally with the CJS.

Recommendation: The Judicial Academy should consider introducing a similar initiative and begin to develop e-books based on the thematic areas of the training that it delivers. The trainers have an incentive to write an article for the e-book if they know that it will be published on the Academy's website. The

⁵ <http://www.cej.mj.pt/cej/home/home.php>

Academy should discuss bilaterally to see if it can agree with the CJS to provide its layouts, so that the Academy can pilot the initiative before committing resources to it.

3.8 Judicial Networks and Peer to Peer Learning

There are a number of judicial networks and peer to peer learning opportunities that the Judicial Academy could benefit from to enhance its judicial training programme even further.

In addition to the European Judicial Training Network, the Council of Europe HELP Network and the Council of Europe Lisbon Network⁶, which the Judicial Academy is an observer and a member of respectively, the Judicial Academy has recently established a national Network on the European Convention on Human Rights. The aims of these networks are to connect judges, to exchange knowledge and experiences, to discuss complex cases and to exchange relevant information, as a type of peer to peer learning. The Judicial Academy is also a member of the South East Europe Judicial Training Institutions Network, established under the auspices of the Regional Cooperation Council,⁷ Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and the National Institute of Magistracy of Romania. The Network provides a platform for an exchange of views on practices and experiences

EU-level judicial networks cooperating with the EJTN regarding European judicial training

The EJTN gathers all national judicial training bodies of the EU Member States and as such is the best placed body to coordinate and develop further judicial training. It cooperates with other EU-level judicial networks, whose respective objectives and training-related interests are presented in the following factsheets:

- The European Network of Councils for the Judiciary ([ENCJ](#)  (166 Kb) [en](#))
- The [Network](#)  (146 Kb) [en](#) of the Presidents of the Supreme Judicial Courts of the European Union
- The Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union ([ACA-Europe](#)  (168 Kb) [en](#))
- The European Judicial Network ([EJN](#)  (159 Kb) [en](#))
- The European Judicial Network in Civil and Commercial matters ([EJN-Civil](#)  (149 Kb) [en](#))
- The Association of European Administrative Judges ([AEAJ](#)  (152 Kb) [en](#))
- The Association of European Competition Law Judges ([AECLJ](#)  (151 Kb) [en](#))
- The European Association of Judges for Mediation ([GEMME](#)  (148 Kb) [en](#))
- The European Association of Labour Court Judges ([EALCJ](#)  (154 Kb) [en](#))
- The International Association of Refugee Law Judges ([IARLJ](#)  (156 Kb) [en](#))
- The European Union Forum of Judges for the Environment ([EUFJE](#)  (153 Kb) [en](#))
- The European Network of Prosecutors for the Environment ([ENPE](#)  (148 Kb) [en](#))

⁶ https://www.coe.int/t/dghl/cooperation/cepej/Lisbon/default_en.asp

⁷ <https://www.rcc.int/press/287/see-judicial-training-institutions-network-established>

Recommendation – The Judicial Academy should make optimal use of its membership in judicial networks in order to maximise its opportunities for peer to peer learning, knowledge and information exchange, exchanging of best practices and networking potential.

4. RECOMMENDATIONS

Based on the analysis conducted and discussions held during the course of the assignment, the following detailed recommendations are made regarding distance learning tools and modules to be included in the Judicial Academy Training Programme with emphasis on tools and modules available in similar institutions in the EU and the region and optimal programming of distance learning efforts. For each recommendation, an estimated cost has been made, as well as an indicative timeframe for implementation. Short-term indicates a time period of approximately 3 months, mid-term indicates during 2018, and long-term indicates 2019 and beyond.

- **Development of Distance Learning Policy** – the Judicial Academy should develop a Distance Learning Policy, including adult learning principles as applied to e-learning and stipulating the criteria and principles to be applied for its future provision of distance learning courses, webinars and other recorded materials that will be available through its website.

Cost: Nothing

Timeframe: short-term

- **Expansion of IT Training Courses** - the Judicial Academy should further expand its IT training courses, to include not only the use of Microsoft packages, but also to include the use of modern IT tools, social media platforms and internet resources, including Google, twitter, Facebook, viber, whatsapp etc. as well as the use of smart phones and tablets in order to develop its beneficiaries skills in the use of e platforms, social networks and all kinds of digital devices. This training should be included as part of the initial training programme, as well as introduced in the continuous training programme to enable as many beneficiaries as possible to benefit from the course.

Costs: The costs should be small and will include the costs of developing the course. This could be done in-house by the Judicial Academy's IT Team, meaning that the costs will be kept to a minimum.

Timeframe: short-term for developing the training course, mid-term to reach all beneficiaries. The course should be included in the initial training programme starting in 2018.

- **Website Usage Training** - The Judicial Academy should provide training to all its beneficiaries on using its new website and how to access the materials, resources, distance courses, webinars, manuals etc. that will be available through it.

Costs: The costs should be small and will include the costs of developing the course. This could be done in-house by the Judicial Academy's IT Team, meaning that the costs will be kept to a minimum.

Timeframe: Short-mid term for developing of the course (it is estimated that the course would last for 0.5 days maximum) and delivering the training once the website is operational and populated as per the recommendations below.

- **Links to External Training Resources** - the Judicial Academy should provide links to external distance learning tools and resources that are available to its beneficiaries either in Serbian or in English, together with information on how to register and access the tools, resources and e-learning courses.

Costs: Negligible, simply the cost of the time of the IT Team for including the links on the new JA website.

Timeframe: short-term

- **Compendium of British Council Materials and Accessibility** - the British Council project materials should be uploaded onto the new Judicial Academy website once it is operational. They should be accessible through both the e-library section as well as through the continuous learning section to allow for optimal accessibility.

Costs: Negligible, simply the cost of the time of the IT Team for uploading the available materials

Timeframe: short-term

- **British Council Programmer** - the British Council Programmer should remain at the Judicial Academy, in particular if there is a project extension period, to ensure that the materials produced through the project are uploaded on to the Judicial Academy's new website and utilised in the most effective manner. The materials produced through the project, once uploaded, can form part of the Judicial Academy's initial offer in terms of distance learning, through the provision of manuals and training materials, as well as recorded materials of training events.

Costs: the salary of the Programmer for the period of extension.

Timeframe: Short-term

- **Editing of existing British Council recorded materials** - the British Council and the Judicial Academy need to agree on who will edit the recorded materials produced during the lifespan of the project. Quality criteria should be developed by the Academy in advance to ensure both the quality and integrity of the materials.

Costs: The costs are small and relate to the editing of the material and then its uploading. This should be agreed between the JA and the BC project during the extension period.

Timeframe: short-term

- **European Judicial Training Network resources** - the Judicial Academy should include a link to the European Judicial Training Network's website, on its own website, together with a brief summary in Serbian of what tools, materials and resources are available. It should be noted that these resources are only available in English.

Costs: Negligible – the costs of including the link on the JA website and one of the JA team drafting a brief summary of the resources available.

Timeframe: short-term

- **Handbook on Judicial Training Methodology in Europe** - The Judicial Academy should refer to the Handbook on Judicial Training Methodology in Europe, not just in developing its distance and e-learning courses, but also in its development of static initial and continuous training courses. The Handbook contains best practices and guidance that can be applied to ensure that the Judicial Academy adopts the most modern and effective training methodologies.
Costs: Free
Timeframe: Continuous
- **Introduction of blended-learning courses** - the Judicial Academy should consider introducing blended learning courses as an alternative to pure e-learning courses. The benefits of this are partly that it is more cost effective than pure e-learning courses and also that it has been shown in other jurisdictions as the most effective approach in utilizing modern technology for the best results. This is also in keeping with best practice as recommended by the EJTN.
Costs: Individual costings will need to be undertaken for each course. It is anticipated that initial costs will be greater than long-term costs.
Timeframe: Mid-long term
- **Introduction of videoconferencing** - As a long-term goal, the Judicial Academy should consider introducing videoconferencing into its training programme. A thorough cost-benefit analysis should be undertaken as a first step towards assessing the benefits of introducing such a tool.
Costs: As a first step, a comprehensive cost-benefit analysis should be undertaken before making any decisions on the introduction of videoconferencing.
Timeframe: Midterm to undertake the cost-benefit analysis, long-term for possible introduction of videoconferencing.
- **Link to the European Academy of Law website** – It is recommended that the Judicial Academy includes a link to the European Academy of Law's (ERA) website, on its own website together with a brief summary in Serbian of the tools and courses, e-presentations and webinars that are available. If there is sufficient interest and take-up, the Academy may want to consult with the ERA to negotiate a specific, tailor-made package to suit its beneficiaries' needs.
Costs: Negligible – the costs of including the link on the JA website and one of the JA team drafting a brief summary of the resources available.
Timeframe: short-term
- **Council of Europe HELP Distance Courses** - the Judicial Academy should upload all CoE HELP courses that are available in Serbian and make them accessible through its own e-learning platform. It is recommended that the Judicial Academy pilot the *Introduction to the ECHR* course, which will shortly be run as part of the initial training course and will most likely be made compulsory. Once they have gained the experience through testing this course, the other CoE HELP courses can be made available.
Costs: Negligible – simply the costs of hosting the courses on the Judicial Academy's website and making them accessible through its own e-learning platform.

Timeframe: short-term for piloting the Introduction to the ECHR course, mid-long term for uploading all courses and making them accessible through the Judicial Academy website

- **Development of Judicial Academy's own e-learning training courses** - The Judicial Academy and CoE HELP should discuss the potential for training the Academy on how to develop their own e-learning courses using the HELP methodology with a view to developing its own e-learning courses in the future.
Costs: Free

Timeframe: short-mid term

- **Piloting of CoE HELP e-distance learning courses** - the Judicial Academy should initially pilot the free courses that are available through CoE HELP. However, once there is sufficient interest and uptake in its e-learning platform, the Judicial Academy should consider buying its own software to develop its own e-learning courses.

Costs: The piloting of the free e-learning courses will be free of charge save for the cost of hosting the courses on its website. The costs associated with buying suitable software is USD1299 per year.

Timeframe: Short-mid term for piloting the free e-learning courses, mid-long term for the Judicial Academy developing its own e-learning courses.

- **European e-justice portal** - The Judicial Academy should include a link to the European e-justice Portal on its website, with a brief summary of the types of materials and help that are available through it.
Costs: Negligible – the costs of including the link on the JA website and one of the JA team drafting a brief summary of the resources available.

Timeframe: Short-term

- **EU Law and Case Law Resources** - the Judicial Academy should include links to the resources on EU law and case law on its website, with a brief description in Serbian of the resources and materials available.
Costs: Negligible – the costs of including the link on the JA website and one of the JA team drafting a brief summary of the resources available.

Timeframe: Short-term

- **Introduction of e-books** – In order to start populating its e-library and based on the successful experience of the Portuguese Centre for Judicial Studies, it is recommended that the Judicial Academy should consider introducing a similar initiative and begin to develop e-books based on the thematic areas of the training that it delivers. The trainers have an incentive to write an article for the e-book if they know that it will be published on the Academy's website. The Academy should discuss bilaterally to see if it could agree with the CJS to provide its layouts, so that the Academy can pilot the initiative before committing resources to it.

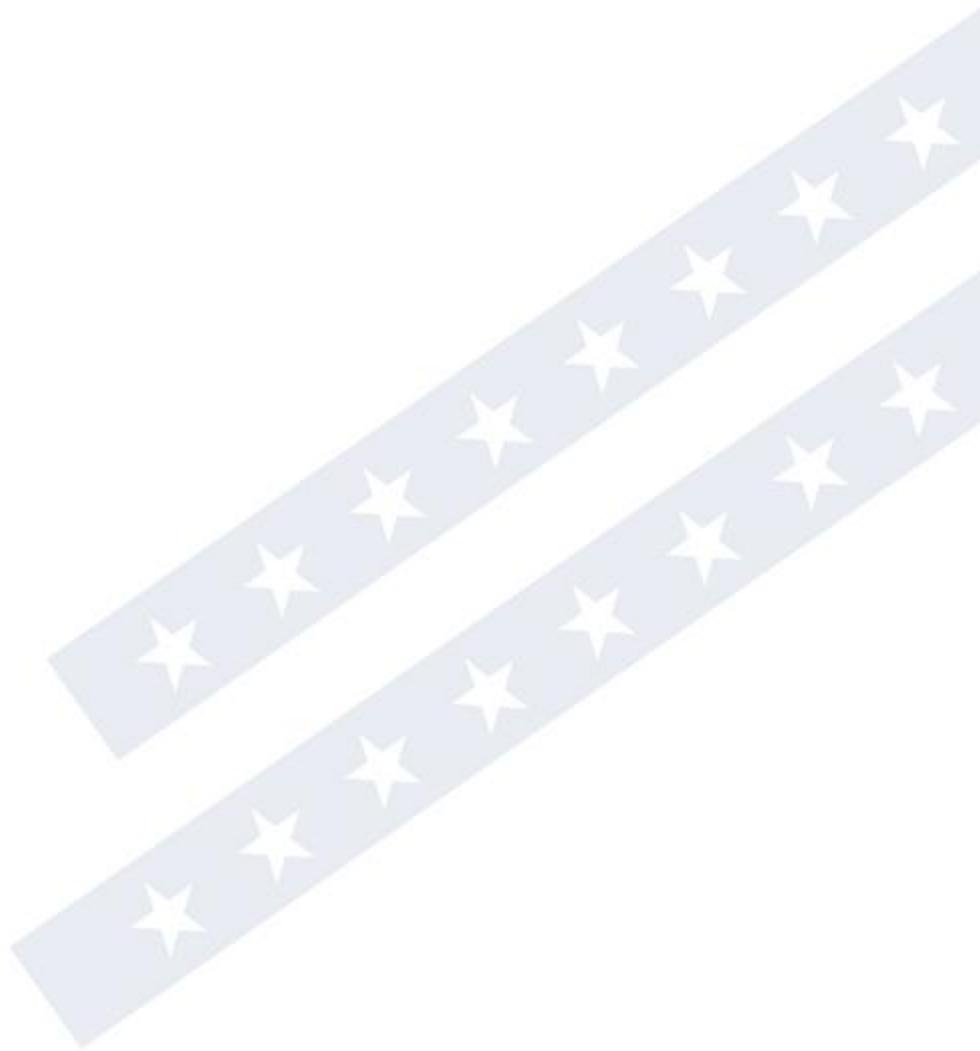
Costs: The cost of the software required to develop the e-books is €220.15 per year, with an additional cost of €737.85 per year for the software to develop the book covers. The Judicial Academy could try to negotiate an agreement with the CJS for usage of its layouts.

Timeframe: Mid-long term.

- **Judicial Networks and Peer to Peer Learning** – The Judicial Academy is already a member of a number of judicial networks, including the EJTN as an observer, the CoE HELP network as a member and the SEE Judicial Training Institutions Network as a member. It has also recently established its own national Network on the European Convention of Human Rights. The Academy should make optimal use of its membership in judicial networks in order to maximise its opportunities for peer to peer learning, knowledge and information exchange, exchanging of best practices and networking potential.

Costs: Free

Timeframe: Continuous



EUROPEAN UNION'S SUPPORT TO THE JUDICIAL ACADEMY

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