

ASEAN Judicial Dialogue WEBINAR
Judicial Education and Training in the Time of Pandemic: Challenges and Lessons

Working Group on Judicial Education and Training (WG-JET)
Council of ASEAN Chief Justices (CACJ)

Country: The Republic of the Union of Myanmar

- 1) Please provide explanation on bodies that formally responsible for judicial training and education to the court (Ministry of Justice, other ministry, Supreme Court, Judicial Council, and so forth). Please elaborate, if possible, the organizational structure and its function in implementing judicial education and training program.

Judicial education is recognized as a vital role in many countries to enhance professional skills of judges and judicial officers. Inseparably, judicial training is an important component of the administration of justice. To promote justice administration effectively, the judicial system of the country shall have efficient human resources to develop under the plans of respective judiciaries. Therefore, Myanmar judiciary has been implementing the strategic action plan to promote and ensure the professionalism, accountability and integrity of the judiciary in accordance with Myanmar Judicial Strategic Plan (2018-2022). In order to strengthening judicial and professional skills and abilities of court personnel, the Supreme Court of the Union provides the specific training programs annually for judges and court staffs to meet the needs of identified training program.

The Supreme Court of the Union of Myanmar is composed of three main offices; the Office of the Union Chief Justice, the Office of the Union Supreme Court and the Office of the Union Judiciary Supervision. The Office of the Union Chief Justice is carrying out the functions of appeal and revision benches sit by the Union Chief Justice and justices of the Supreme Court of the Union. The Office of the Union Supreme Court performs administrative and logistic matters and the Office of the Union Judiciary Supervision handles all of judicial matters of the courts. The Training Department is one of the six Departments under the Office of the Union Supreme Court of which is mainly responsible for judicial training and education for judges and judicial officers. Several training programs have been arranged for all levels of judges and court staffs in collaboration with the High Courts of the Region or State, international partners and other relevant Ministries.

It can be said that judicial education and training in Myanmar has been born and

bred a component of the judiciary for over years. However, in order to enhancing the quality of judicial education, the first Myanmar judicial training centre was established in 2002, currently situated in Yangon and running its functions under the guidance and supervision of the Supreme Court of the Union (Nay Pyi Taw). Before the Myanmar judicial training centre established, the training programs were arranged at the then Supreme Court's building. The centre is only able to accommodate for less than hundred trainees with learning facilities including the library and multimedia installation. To accept more trainees and develop training programs for particular subjects, more spaces for class rooms are needed and training materials are to be renovated. Moreover, the Supreme Court of the Union has a great ambition of advancing judicial education and training program in collaborating with ASEAN judiciaries. Therefore, a new Judicial College with proper training facilities is now being built in Nay Pyi Taw with allocated budget by the government. The college is now under construction. In the near future, it is plausible that our judicial training plans would be able to be integrated into the WG-JET's work plan after new judicial college is established in the near future.

- 2) Please provide information on judicial education training and program provided for judges and staff in your judiciary.

It is very important in any judiciary that judges and judicial officers shall perform judicial functions and judicial administration properly and efficiently in accordance with existing laws, rules and procedures. Accordingly, the Training Department in collaboration with the High Courts of Region or State has adopted long-term training plans and conducts several training programs, workshops and seminars regularly not only for judges but also for court staffs. The training courses for court staff have been conducted by the High Courts to promote the efficiency of court staff at different levels of Courts. Regular training programs, such as the pre-service training or on-job trainings for newly recruited judges and refresher trainings or in-service trainings for appointed judges have been conducted yearly.

The newly appointed judicial officers have to attend the pre-service training courses for a period of about two months. It is the integration of training program in the Judicial training centre and the internship program in the courts. They study on criminal laws, civil laws, special laws, court administration and logistics subjects theoretically at Judicial Training centre and practically at the first instance courts. The curriculum of the program is classified in four areas such as bench skill, legal knowledge, judicial administration, ethic and conduct of court. The lectures are

given by district judges and senior officials of the Supreme Court of the Union.

For in-service programs, serving judicial officers/judges attend refresher training courses given by the High Court judges and senior official of the Supreme Court of the Union. In training programs of judges, the outside lecturers or legal experts from the INGOs, such as UNDP, UNICEF, JICA, USAID are being invited to make discussions in the regular and refresher courses for judicial officers. In addition, computer training courses, English proficiency courses, special laws courses and case management program courses are provided regularly for judges and judicial officers.

Most of the training programs are organized by the Training Department whilst some specific training courses for particular topics, such as the Court-led Mediation, Code of Judicial Ethics, Case Management Program etc, are run by the focal departments in collaboration with the Training Department and international partners. The Court-led Mediation program is a certification training program and the certified judges will perform as mediators after completion of the courses. In addition to the local trainings, the Supreme Court of the Union encouraged Myanmar judges and judicial officers to get broader legal knowledge and experiences from foreign countries. The Supreme Court of the Union signed MoU with National Judicial Academy, India; Ministry of Law Singapore; Federal Court of Australia; and JICA Japan to enhance the capacity building of Myanmar judges. Then, Myanmar judges are allowed to study Master programs and Ph.D programs in foreign Universities. In addition, Myanmar judges and judicial officers regularly attend judicial trainings organized by ASEAN judiciaries and other countries. Currently, foreign judiciaries' trainings have been arranged as e-learning system because of safe distancing measures and travel restrictions to control COVID-19. An advantage of conducting virtual events is that more participants can attend the trainings without consideration of travel expense. Therefore, Myanmar judges have a chance to learn and study international principles and laws of other countries during the midst of global pandemic-COVID 19.

- 3) Please provide explanation of themes and methods of training prioritized by your judiciary, especially during the pandemic.

The Supreme Court of the Union has been endeavouring to improve the efficiencies of the courts and providing the necessary trainings to the judges aiming to enhance their knowledge and equip them with modern techniques of court administration and court management.

Before the COVID-19 pandemic, the training programs were organized with group

discussion and interactive session that allows opportunities for sharing by and among the trainees. It includes classroom lectures by senior judges, designed with panel discussions, and case studies of important judgments. The topics of training are identified in order to strengthen the role of the judiciary and to solve the legal problems and challenges that are faced in courts.

The pandemic has made clear that the training method moves to make changes quickly when necessary. During the COVID-19 pandemic, many face-to-face training courses are being redesigned to be delivered virtually. The Supreme Court of the Union circulated the Directives and Guidelines on prevention of COVID 19 issued by the Ministry of Health and Sports and relevant ministries in a timely manner. Hence, the Training Department conducts training programs in accordance with guidance of the National COVID committee that only allows 50 trainees to attend in a training program. Consequently, the trainings are redesigned as online learning system from face-to-face training courses in order to prevent and to control the transmission of COVID 19.

- 4) Please provide explanation on the experiences of your judiciary in implementing judicial training and program in the time of pandemic. Please elaborate on the changes that you incorporated and the effects to the implementation of judicial education and training in your judiciary.

While the pandemic has forced many training programs shift to an online system, there are many challenges to conduct the training successfully during the pandemic.

The main challenge is to get proper internet access for trainees. So, the Training Department initially makes necessary preparations in cooperation with the E-Government Department in order not to get any trouble with internet connection throughout the training program. Then, the manual of virtual meeting or training was distributed to all judges and judicial officers in advance of the training program. In the time of pandemic, the Training Department itself could not be able to conduct online training program.

In this circumstance, internal cooperation and coordination is very important to conducting successful online training. To establish a comprehensive training program, the core group in which composes of relevant departments, has been initially set up. So, the best experience of online training program is to establish the comprehensive training system in collaboration with departments concerned for effective virtual learning.

At the beginning, some trainees faced difficulties to attend online program because of their lack of IT knowledge. However, they become to understand gradually how to adapt and change their capacity in the time being. They are encouraged by the office to participate actively the training program. Finally, the trainees are familiar with virtual tools and they could enable to access virtual learning comfortably. This is also a good experience of IT knowledge for judges and will be a new turning point of training methodology at the post of Covid-19.

During the pandemic, the use of virtual format is increased for all training programs in the office. Training programs have had to shift to remote learning model in the time being. Despite the cost of online learning is considerable expense for implementation of training programs, the changes are beneficial for many reasons. It includes protecting of transmission the COVID 19 virus, reducing travel cost, improving the skill of information technology and so on. More importantly, the trainees take courses together and have good arguments and discussions in virtual classrooms regardless of distance of place, restriction on the capacity of participants.

- 5) Please provide ideas or innovations that your judiciary is currently implemented or will be implemented in the future in conducting training during pandemic and beyond.

With virtual format, specific training programs have been arranged for all judicial officers and judges regardless of the place they located or number of participants. Accordingly, the Training Department considers creating long- term implications of digital format training beyond the pandemic because the training centre provides limited classroom capacity for trainees of in-person learning programs. So, many trainees enable to attend the virtual training which includes a flexible schedule.

In addition, Myanmar judicial college will be launched in the near future. Hopefully, when the Covid-19 pandemic is over or under-controlled and the training program are to be carried out fact-to-face condition, Myanmar judiciary intends to operate the ASEAN judicial training in the judicial college, inviting eminent speakers or lecturers to the training.

As the Supreme Court of the Union explores the long-term implication of digital format training, the training may be given through virtually that could reduce participant risk of COVID 19 and travel cost.

- 6) Please provide explanation of what are the lessons learned of conducting judicial education in the time of pandemic and beyond.

During the midst of global pandemic, the Supreme Court of the Union finds out the possible ways to establish a virtual learning system under the directive and guidance about social distancing measures adopted by the Ministry of Health. The change from in-person learning program to virtual learning program is not easy and needs to be considered in unexpected circumstances that may have arisen. Before starting the online program, many preparations have been made and set a plan for successful completion of the training. The program should adopt flexible model for trainees who may not have experience working with technology. The manual of digital format program is published and distributed to judicial officers in advance of the training. Internet connection is sometimes unstable in Myanmar. It is one of the challenges for online learning in Myanmar. Therefore, an internet backup system is arranged throughout the training. After the training, the follow-up session has to be done to distribute the course materials and feedback. The training organizer reviewed lessons learned prior to the upcoming program according to changing needs and priorities.

The lesson learned from the pandemic is that the organization must prepare an alternative training system in the consideration of unexpected circumstances or of unforeseen situations. Currently, the designs of the training program are absolutely different from the previous time. With the implementation of virtual learning, judges and judicial officers as well as court staff are trying to be familiar with changing training format and technology. Despite of any challenge or difficulty, Myanmar judges and judicial officers will, within their local contexts, try utmost to participate at the CACJ trainings and other international judicial events which currently delivered virtually across different time zone.

In conclusion, an effective judicial education and training system is very fundamental to establish a better judiciary. It is convinced that capacity building of judges is also to strengthen the role of judiciary. Judicial training is a continuing process. And each judiciary must try to survive the pandemic. In the time of pandemic, judicial trainings have been changed the methods and systems of training process in accordance with needs and priorities of the situation. Though faced the challenges and obstacles, we shall find out the possible ways to create virtual training program which is still moving on. We have to share our best practices among the CACJ members. We keep in mind that the lesson we got today will be better experiences for the development of future judicial training and education system.

