

SUMMARY OF DISCUSSION

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

Tuesday, 7 September 2021

**Organized by
Working Group
Judicial Education and Training**

**Co Chaired by:
The Indonesian Supreme Court and the Philippines Supreme Court**

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

1. Opening Speech

1.1. The key points from **Welcome Remarks to the Webinar by the Co-Chair of WG-JET, Dr. Zarof Ricar**, Head of Research and Development for Law & Judiciary, the Supreme Court of Indonesia:

- Today, there are 219 participants who are coming from almost all ASEAN Judiciary and representatives from Indonesian judiciary. This number makes today's webinar as the first and the biggest webinar hosted by Working Groups under the CACJ.
- The Webinar is the implementation of the Hanoi Declaration mandate. In October to 2020, the Indonesian Judiciary, as the co-chair of WG-JET, initiated a survey to ASEAN Judiciaries. The survey revealed two things. *First*, the Judiciary members continued to provide training and education programs online, offline, and via blended learning. *Second*, the interest of the ASEAN Judiciaries to hold a webinar discussion to exchange experiences and identify opportunities on judicial training and education during the COVID-19 Pandemic. As a response, the Hanoi Declaration which was enacted in November 2020 during the eight (8th) CACJ Meeting, acknowledged in the Article Eleven (11):

THE AGREEMENT for the Working Group on Judicial Education and Training to identify new ways of conducting training and education programs, to identify internal and external sources of funding by organizing dialogue meetings among potential partners in supporting the implementation of the Work Plan 2020-2025, and to continue overseeing the implementation of the Strategic Plan 2018-2025 and the Work Plan 2020-2025 in all ASEAN Judiciaries.

- The objective of the webinar is to share challenges and experiences. We are keen to learn on how far the application of information technology can transform the judicial education and training and how it can contribute to advance access and effectiveness of sharing and exchange for judiciaries in ASEAN. We are also hoping to learn from each other new ideas and

ways of conducting training during and beyond pandemic, as well as how such lessons can be shared, disseminated, and turned into valuable references.

1.2. The key points from **Opening Remarks by the Hon. Chief Justice of Philippines, Chief Justice Alexander G. Gesmundo**

- The Chief Justice of Phillipines gave highest appreciation to the Chief Justice of the Supreme Court of the Indonesia and his staff, as co-chairs of the ASEAN Regional Judicial Education and Training Working Group with Phillipines for the great collaboration.
- The webinar started from the survey initiated by Justice Rakmadi from October to November 2020 on the challenges encountered by ASEAN Judiciary Members in providing judicial and education training. The survey indicated that the ASEAN Judiciary members continued to provide training and education programs for their judges and court staffs despite the pandemic including cross-border trainings. The survey also reveals that the training are both conducted online, offline, and blended learning. It is also indicated the overwhelming interest of the ASEAN Judiciaries to hold a webinar discussion to exchange experiences and identify opportunities on judicial training and education during the COVID-19 Pandemic. Hence, today's activity.
- One of the objectives for the CACJ to form the technical working group on judicial education and training is to ensure sustainable and quality training program. A one, the ASEAN Judiciaries and the respective judicial training authorities must forge ahead, under the threat of Covid-19 and adapt, innovate and formulate the related training program to achieve our goals of CACJ. This webinar is an important step in that direction as it provides forum to identify capacity and opportunities, creates venue to showcasing best practices; and propagate lessons and strategies on mobilizing resources. All integral tools for judicial education and training design and execution.
- When appointed as Chief Justice of Phillipines, the Covid-19 pandemic has hit Phillipines for a year and hence, a short and long term goal has been defined. One of the most crucial realization made was the automation and digitization must be the platform from which all assistants, both judicative and administrative. Despite the challenges faced, the Philippines Judiciary finally tested the digital conferencing hearings in May 2020, with 87.86% success rate. This proves two things, *first* the court judges and staffs are

adaptable and resilience and able to raise to the challenges. Second, technology bridges the gap in our system and empowers human resources to do more and to do better. The development and establishment upon the communication and information infrastructure is thus, a primary priority.

1.3. The key points from **Opening Remarks by the Hon. Chief Justice of Indonesia, Chief Justice Prof. Dr. H. M Syarifuddin,SH., MH**

- Chief Justice of Indonesia gave highest appreciation to the Chief Justice of the Supreme Court of the Philippines and his staff, as co-chairs of the ASEAN Regional Judicial Education and Training Working Group with Indonesia. Thus, with excellent collaboration, we can jointly organize this Webinar, for the first time under the framework of the cooperation of the Working Group of the Chief Justice of the Supreme Court of the ASEAN Region.
- The Supreme Court of the Republic of Indonesia views the importance of this entire series of Webinar activities, as a forum to meet and share experiences related to new ways of implementing training and education programs during the pandemic and beyond. And also as a forum for meetings and exchange of information between international resource persons and judges and staff representing all courts in the ASEAN region.
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- In this COVID-19 pandemic situation, we need to discuss various challenges and opportunities related to judicial training and education in order to be sustainable, including: First, the themes and types of training prioritized by each judicial institution. Second, experience in implementing judicial training and education programs during a pandemic. Lastly, ideas and innovations in conducting training during the pandemic and beyond.

2. International Experts Panel

2.1. The key points of presentation from **Prof. Walter Woon**, Law Faculty of National University of Singapore and Dean of RHT Legal Training Institute

- Judicial education and training is a subset of legal training; and we cannot separate legal training and judicial training. Legal training is part of the legal system, which aims to train competent legal professionals.
- Pandemic has forced us to do things more efficiently, time efficiently and cost efficiently, including in training and education. We need to change our paradigm.
- Decentralized court, training and education can be implemented. Centralized classroom is not always needed; trainers do not always need not to be in one place, coordination of schedule can be easier. With the support of technology smaller courtrooms can be created, people do not always have to travel to attend court sessions and centralized place for court sessions or training can be avoided.
- However there is a need to train people to be familiarized and comfortable using the technology. Not only substantive training for judges and advocates in the front line, but it is also important to conduct training for the support staff who provide technological back up in the back end.
- For ASEAN the harmonization of the technical platform is something that need to work forward with. Judges in ASEAN need to be familiarized to operate with the international judgements. There need to be training for judges to operate in law cross borders. There are various topics that ASEAN Judiciaries can work across borders. The technological platform can provide instruments to work together, as long as judges and court personnel are able and comfortable working with technology.

2.2. The key points of presentation from **Prof. David Cohen**, Director of Center for Human Rights and International Justice at Stanford University

- Online training and education has advantages and disadvantages. The advantages are on the efficiency of cost, time and resources. There is great budgetary savings for conducting training online. As a consequence, we can increase the frequency of the training. We can also save time for training preparation, for development of modules and coordination. International participation for trainers and trainees is also much easier.
- To increase the advantages of training to increase skills of judges and court staff, a combination of online and offline methods is still needed. In such training it is useful to advise trainees to do preliminary work. The preliminary works by implementing individual study and providing the trainee with materials and documents are necessary to increase the

success of training, and it also promotes a productive discussion in the online class.

- The disadvantages of online learning are the limited informal and social interaction. The networking between resources persons, NGOs organizer and the judges is also important, so trainers and organizer can have immediate feedback from participants. The process of identifying champions and candidates for training of trainers, and so forth also limited although still possible to be done online.
- In the future it is important to balance the use of technology for online interaction and the physical interaction for education and training, at the national level and at the ASEAN level. The ASEAN Judicial Education and Training also needs to promote cooperation in a more sustainable and intensive way for training.

2.3. The questions and commentaries on **discussions session** are:

- In online training, we sometimes face zoom fatigue. To avoid this, we need to take a longer break. But we also need to continue doing the online methods and adapt to the current situation.
- For online examinations, it is difficult to avoid people from cheating. The organizer avoids predictable questions, and multiple choice questions; and tries to draw questions from real life.
- The interaction between teacher and students in online and offline classes depends on the personality/individual of the trainee, not so much about the technology. However, facilitators can be effective.
- To promote the use of technology we need to show the benefits of using technology.

3. Exchange of Experiences

3.1. Speakers on this session are as the following:

- Brunei Darussalam – **Hazarena bte POKSJ DP Hj Hurairah**, Deputy Chief Registrar, Brunei Judiciary
- Indonesia – **Bambang H. Mulyono**, Kapusdiklat Teknis, Head of Judicial Training Center, Indonesian Supreme Court
- Malaysia – **Dato' Sri Hasnah Binti Dato' Mohammed Hashim**, Judge of the Federal Court Of Malaysia
- Myanmar – **Dr. Marlar Maw**, Director, Supreme Court of the Union of Myanmar

- Philippine – **Dean Sedfrey Candelaria**, Chief of Research, Publication, and Linkages Office, Philippine Judicial Academy
- Singapore – **Paul Quan**, Executive Director, Singapore Judicial College
- Thailand – **Peem Thongsunti**, Secretary General of the Judicial Training Institute
- Vietnam – **Nguyen Huu HOANG**, Lecturer Vietnam Court Academy, Vietnam Supreme Court

3.2. The key points from the Exchange of Experiences presented by eight CACJ members:

- All judiciary have combined online and offline methods in implementing the training
- From the online training, the judiciaries have saved the effort of providing venues and logistics and are expected to be able to focus more on training materials.
- Some judiciaries have been implemented an advance tools and methods in implementing training and teaching methods.
- The online training shows benefits in terms of efficiency in the costs required for conducting training allows an increase in the number of trainees. So that the opportunity to gain knowledge and expertise is even greater for judges and court personnel
- There is a great opportunity to access tutors/trainers from almost unlimited international institutions. Increased collaboration with international teaching institutions by judicial training institutions
- Some judiciaries have provided training of technology literacy as well as ensure that the required software is up-to-date.
- There is a need to implement strict health protocols for offline training. Requires more complex logistics arrangements and greater costs.
- In some jurisdictions there are also significant geographic challenges and gap of technology infrastructure
- There is a necessity and compulsion to use remote methods, using online conferencing platforms.
- There are still literacy barriers using online conference platforms for participants and training organizers

4. Closing and Recommendation

4.1. Some key points for future recommendation presented by Moderator, **Justice Maria Filomena Singh**:

- The need for modernizing the implementation of training in response to the pandemic and welcoming the new normal period as an open area for cooperation:
- Knowledge exchange regarding the improvement of the technology infrastructure is the prerequisite in conducting a successful training program during the C-19 pandemic, this includes improving computers, internet, online platforms and systems.
- Various conference platforms needed in organizing training.
- Knowledge of the use and utilization of conference platforms between training providers.
- Specific methods of responding to virtual training challenges: design sessions with more hours according to cognitive needs.
- Strengthening the capacity of trainers to more effectively deliver virtual training.

4.2. The key points from Closing Remarks to the Webinar by the Co-Chair of WG-JET, **Justice Arturo D. Brion**, Chancellor of the Philippine Judicial Academy/PHILJA:

- The Covid-19 has been unprecedented challenge in our lifetime. This is the problem of everyone including in ASEAN, in which we began to adjust and adapt in the daily basis. In ASEAN, there is a concern that the pandemic changes the need for the judicial education and training. But there is also benefit to us on the implementation of new technologies and improved communication system.
- The Philippine Judiciary is particularly grateful to the partnership with the Judiciary of the Republic of Indonesia to contact ASEAN judiciary and push the agenda on legal education and training.
- This webinar is very productive exercise for the judiciaries as a means of sharing experiences by hearing the respective speakers in responding to this pandemic. The lessons learned are useful to improve the implementation of training and education amidst the constraints and challenges of the Covid-19.