



LEGAL TRAINING IN PALESTINE AND THE ROLE OF THE PALESTINIAN JUDICIAL INSTITUTE

A study prepared by Sawasya Joint Programme in association with the
Palestinian Judicial Institute

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TABLE OF CONTENTS

INTRODUCTION	3
I. LAW FACULTIES	4
II. THE TRAINING OF LAWYERS	9
II.1. Regular lawyers	9
II.2. Sharia or personal status lawyers	11
III. APPOINTMENT AND TRAINING OF JUDICIAL PERSONEL	13
III.1. Judges	13
III.2. Prosecutors	15
III.3. Clerks	15
III.4. Statistics on judges, prosecutors and clerks	16
IV. PALESTINIAN JUDICIAL INSTITUTE	18
IV.1. Organization and structure	18
IV.2. Training programs and methodologies	23
IV.3. Training statistics	28
CONCLUSION AND RECOMMANDATIONS	32

ABBREVIATIONS

AG	Attorney General
AGO	Attorney General's Office
BA	Bachelor of Art
CEDAW	Convention on the Elimination of All forms of Discrimination Against Women
CILC	Center for International Legal Cooperation
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
EJ	East Jerusalem
EU	European Union
EUPOL COPPS	European Union Co-ordinating Office for Palestinian Police Support
GPC	General Personnel Council
HJC	High Judicial Council
HPJI	High Palestinian Judicial Institute
INL	Bureau of International Narcotics and Law Enforcements Affairs
IT	Information Technology
JAL	Judiciary Authority Law
LAB	Legislative and Advisory Bureau
LLM	Master of Laws
M&E	Monitoring and evaluation
MOFP	Ministry of Finance and Planning
MOJ	Ministry of Justice
OPT	Occupied Palestinian Territory
PA	Palestinian Authority
PBA	Palestinian Bar Association
PCBS	Palestinian Central Bureau of Statistics
PCP	Palestinian Civil Police
PJI	Palestinian Judicial Institute
PLC	Palestinian Legislative Council
PPMU	Planning and Project Management Unit (HJC)
PR	Public Relation
SAWASYA	UNDP/UN Women/UNICEF joint program promoting the Rule of Law in Palestine
SJD	Supreme Judge Department
SOP	Standard Operating Procedures
SPP	Specialized Public Prosecutors
SFR	Strategic Results Framework
TOT	Training of trainers
UNICEF	United Nations International Children's Emergency Fund
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
WB	West Bank

INTRODUCTION

Since 2007, the Palestinian government adopted several development plans aiming at enhancing the capacities of the Palestinian state institutions and ensuring the application of the principles of good governance. In line with these goals, the government mobilized donor countries and supported the development and implementation of several projects aiming at improving the quality and the access to justice services. This led to a rapid expansion in court services and to an increase in the number of judges, prosecutors, and court administrators to cope with greater public demand on the justice system¹.

The justice institutions soon realized that the increased demand on the justice sector should be addressed not only through recruiting additional resources but also by enhancing their performance. This led to the creation of the Palestinian Judicial Institute (PJI) in 2008, which is mandated to prepare qualified personnel to work in the judiciary and the prosecution. The limited resources made available by the government of Palestine following the announcement of the austerity measures in 2015 created additional pressure on the justice institutions to improve the quality of its personnel and invest in their capacity building with particular focus on specialization.

This report, prepared in collaboration with the Palestinian Judicial Institute (PJI), aims at providing baseline information on the current status of legal training in Palestine. Since the capacities of the judges and prosecutors are also linked to the training they received prior to their appointment, the report reviews the various outlets that provide education and skills to individuals who seek to become legal professionals in Palestine.

The report analyses the legal education provided by law faculties and provide details on how legal professionals become practicing lawyers, and subsequently judges and prosecutors. The report also provides an overview of PJI, its institutional structure and capacity, and recent data regarding delivered trainings. The report concludes by providing recommendation on who to enhance legal education chain in order to ensure better quality of justice services that can meet the increasing demand on the system by the public enhanced access to justice and justice services.

¹ As an example, the total number of cases in courts in the West Bank increased from 54,902 in 2011 to 73,146 in 2016.

I. LAW FACULTIES

There are several universities in the West bank and Gaza Strip that offers a degree in law. Some of these universities offer also postgraduate degrees in a few subjects such as international law and commercial law.

The main West Bank universities² that offers law degrees are:

- Al Quds University Faculty of Law³, established in 1992 in East Jerusalem;
- An-Najah National University Faculty of Law⁴, established in 1994 in Nablus;
- Arab American University Faculty of Law⁵, established in Jenin in 2002.
- Birzeit University Faculty of Law and Public Administration⁶, established in Birzeit in 2004
- Al-Istiqlal⁷ Faculty of Law established in 2011 in Jericho
- Hebron University college of law and political science established in 2013⁸.
- Palestine Al-Ahliya university Faculty of Law⁹ in Bethlehem

The main Gaza strip universities¹⁰ that offer law degrees are:

- Al Azhar university Faculty of Law¹¹ established in Gaza in 1991
- University of Palestine Faculty of Law and Judicial Practice¹² in Al-Zhara
- Islamic University Faculty of Law and Sharia¹³ in Gaza

Summary of law programs offered by universities in 2016/2017¹⁴

The following table shows the degrees awarded by these universities and the specialization area of each degree with the associated number of required credits. Most of the universities award a Bachelor of Art (B.A.) degree in Public and Private law. Some, however, introduced other specialization areas such as Sharia, Criminology, Public Prosecution, and Human and International Law. On the other hand, Master of Laws (LL.M.) programs feature more specialized programs in Economic and Financial Law, Commercial Law besides Public and Private Law.

² According to the 2016-17 "Higher Education Statistical Yearbook" published by the Ministry of Education and Higher Education, there is an additional university in the West Bank that offers law degrees: the modern university college in Ramallah but with a limited number of students enrolled within its BA in law (107 for the 2015/16 session).

³ <https://www.alquds.edu/en>

⁴ <https://www.najah.edu/en/>

⁵ <http://www.aauj.edu/>

⁶ <http://www.birzeit.edu/en>

⁷ <https://alistiqal.edu.ps/index-en.html>

⁸ <http://www.hebron.edu/index.php/en/>

⁹ <http://paluniv.edu.ps/univenglish/>

¹⁰ According to the 2016-17 "Higher Education Statistical Yearbook" published by the Ministry of Education and Higher Education, there are two additional universities in the Gaza strip that offer law degrees: the Arab College of Applied sciences in Rafah and the Gaza University in Gaza city but with a limited number of students enrolled within their BA in law (12 and 17 for the 2015/16 session).

¹¹ <http://www.alazhar.edu.ps/eng/index.asp>

¹² <http://en.up.edu.ps/>

¹³ <http://www.iugaza.edu.ps/en/>

¹⁴ These data were collected in the framework of the "legal aid clinics inside law schools in Palestinian universities" study finalized by Al Markaz for UNDP/UN Women/UNICEF Sawasya program in February 2018.

Law programs					
Location	University	Degree	Concentration	Years	Total credits
Gaza	University of Palestine	B.A.	Public Law	4	136
	Islamic University of Gaza	B.A.	Islamic Sharia	4	148
			Sharia and Law	4	148
	Al-Azhar University	LL.M.	Public Law	2	36
		B.A.	Law (Arabic)	4	138
			Law (English)	4	136
		LL.M.	Public Law	2	36
			Private Law	2	36
West Bank	An-Najah university	B.A.	Public Law	4	138
		LL.M.	Public Law	2	36
			Private Law	2	36
			Criminal Law	2	36
	Al-Istiqlal University	B.A.	Criminology	4	174
			Police Science	4	164
	Birzeit University	B.A.	Public Law	4	144
			Public Prosecution	4	144
		LL.M.	Public Law	2	36
			Private Law	2	36
			Economic and Financial Law	2	36
	Al-Quds University	B.A.	Public Law	4	134
			Human and International Law	4	134
		LL.M.	Public Law	2	36
	Arab American University	B.A.	Public Law	4	133
		LL.M.	Commercial Law	2	36
	Palestine Al-Ahliya University	B.A.	Public Law	4	137
	Hebron university	B.A.	Public Law	4	138
			Private Law	4	138
			Jurisprudence and law	4	138

Number of faculties lecturers¹⁵

According to these universities, there are about 278 full-time and part-time lecturers for their programs. The vast majority of them hold a doctorate degree in legal fields, about 54%. The remaining 49% mostly hold a Master's degree in legal fields. The universities did not provide accurate numbers to indicate the ratio of full-time and part-time teachers, but they indicated that the majority of their staff are permanent workers. The following table shows the distribution of faculty members by degree for each university:

¹⁵ These data were collected in the framework of the "legal aid clinics inside law schools in Palestinian universities" study finalized by Al Markaz for UNDP/UN Women/UNICEF Sawasya program in February 2018.

Number of Faculty lecturers by Degree					
Location	University	Ph.D.	M.L.	B.A.	Other ¹⁶
Gaza	University of Palestine	7	3	5	--
	Islamic University of Gaza	8	4	3	--
	Al-Azhar University	14	8	--	--
West Bank	An-Najah University	21	22	--	3
	Al-Istqilal University	8	9	--	--
	Birzeit University	18	17	--	--
	Al-Quds University	22	18	--	--
	Arab American University	17	--	--	--
	Palestine Al-Ahliya University	10	5	--	--
	Hebron University**	15	30	--	--
Total		141	124	10	3

Number of students enrolled by universities in 2016/2017¹⁷

These 10 law schools enroll around 11,440 students in their different legal programs. The overwhelming majority (93%) are enrolled in B.A. programs, while 7% are enrolled in M.L. programs. Moreover, 61% of enrolled students are male, and the remaining 39% are female. In terms of the number of graduates, 2,067 students graduated from these 10 schools in the academic year 2016-2017. Most (94%) of the students graduated with B.A. degrees and 6% with an M.L. degree. Lastly, 58% of the graduates were male and the remaining 41% female.

Number of students by program						
Location	University	Program	Enrolled students		2016-2017 graduates	
			Male	Female	Male	Female
Gaza	University of Palestine*	B.A. in Public Law	685	288	120	24
	Islamic University of Gaza	B.A. (all)	1,042	385	191	76
	Al-Azhar University	B.A. (all)	1983	649	157	56
		LL.M. (all)	85	28	10	3
West Bank	An-Najah	B.A. in Public Law	627	913	167	246
		LL.M. in Private Law	41	40	21	13
		LL.M. in Public Law	39	12	7	3
		LL.M. in Criminal Law	26	10		
		LL.M. in Intellectual Property Law and Management	6	10	--	--
	Al-Istiqal University	B.A. in Law and Crime	100	61	--	--
		B.A. in Police Science	94	47	31 (total)	--
	Birzeit University	B.A. (all)	173	463	42	74

¹⁶ Others includes research and teaching assistants

¹⁷ These data were collected in the framework of the "legal aid clinics inside law schools in Palestinian universities" study finalized by Al Markaz for UNDP/UN Women/UNICEF Sawasya program in February 2018.

		LL.M. (all)	52	65	9	10
	Al-Quds University	B.A. in (all)	862	476	244	131
		LL.M. in Public Law	204	104	26	14
	Arab American University	B.A. in Public Law	532	394	108	77
		LL.M. in Commercial Law	70	23	2	--
	Palestine Al-Ahliya University	B.A. in Public Law	210	176	43	49
	Hebron University	B.A. in Public Law	158	307	23	90
Total			6,989	4,451	1,201	866
			11,440		2,067	

Law programs and international cooperation

Studies achieved in 2007 and 2016 by the United States Agency for International Development (USAID)¹⁸ and the Center for International Legal Cooperation (CILC) on legal higher education in a limited number of law faculties highlighted that the current programs are characterized by weak curriculum, non-practiced based teaching methodologies and materials, insufficient capacity in legal research and publication, inadequate PhD programs, and weak linkage between the law faculties and the labor market.

These conclusions were confirmed by universities representatives interviewed in the framework of the recent study conducted by Al Markaz for the Sawasya program¹⁹. They insisted in particular on the fact that most of the law faculties are providing standardized training and that the market labor is oversaturated with “standard” legal graduates. They therefore highlighted the necessity to develop new specializations that better match the needs of the labor market. Almost all the representatives of universities also insisted on the lacking quality and volume of published research from the faculties. They also highlighted that the competition between the different law faculties drives them to cut down the length and simplify the content of their programs. There was also a consensus on the necessity to develop more practical ways of teaching law in the curricula.

During the last decade, some support was provided by international partners to try to tackle some of the problems raised in these studies. From 2007 until 2012, the “Karama project” implemented by Birzeit University focused on improving judicial education and curriculum with focus on justice and dignity. Since 2009, UNDP²⁰ supported the creation of legal aid clinics in 8 law faculties²¹ in order to train law students on practical legal skills covering the provision of legal aid to vulnerable groups, participation in moot court, research competitions, and awareness and advocacy activities. In 2017, CILC developed a two years project to help improve the capacity of An Najah National University, Birzeit University, Al Quds University and Hebron University to develop and

¹⁸ Teaching law in Palestinian law schools, USAID, 2007.

¹⁹ “Legal aid clinics inside law schools in Palestinian universities”, Al Markaz - UNDP/UN Women/UNICEF Sawasya, February 2018

²⁰ In the framework of the 2009-13 Rule of law and access to justice in the OpT program and the 2014-18 UNDP/UN Women Sawasya program funded by the Netherlands, SIDA, DFID and the EU.

²¹ Al Quds University Faculty of Law, An-Najah National University Faculty of Law, Al-Istiqlal Faculty of Law established in 2011 and Hebron University college of law and political science in the West Bank; Al Azhar university Faculty of Law; University of Palestine Faculty of Law and Judicial Practice, Islamic University Faculty of Law and Sharia and the University College of Applied Science.

deliver educational programs applying modern teaching methodologies meeting gender equality and labor standards.

These initiatives are important, but need to be further expanded to cover all universities. Moreover, the CILC project initial feedback indicate that a longer engagement with the universities is needed to yield desired results. For example, after one year of the project, only one new curriculum was developed so far. The quality of the legal education particularly the non-practiced based teaching methodologies and the weak linkage between the law programs and the labor market are two critical issues that need to be addressed in order to enhance the quality of legal professionals accessing the labor market and becoming legal practitioners.

DRAFT

II. TRAINING OF LAWYERS

II.1. Regular lawyers

The legal profession in Palestine is regulated by Law No. 3 of 1999 and its amendments²² and by the bylaws of the Palestinian Bar Association (PBA). Based on this law, the PBA enjoys legal personality and financial independence, and its affairs are run by a Council elected by the General Assembly. Despite the current separation between Gaza and the West Bank, the PBA is still unified. The President is usually chosen among the lawyers residing in the West Bank and the deputy chairman among those residing in Gaza.

Lawyers' qualifications

According to art. 3 of law 3/1999 and its amendments, the conditions for registration in the list of practicing lawyers are as follow:

- To be a Palestinian.
- To have a degree in law or in Sharia and law from a Palestinian university or from an equivalent other university according to the provisions of the law.
- To be residing in Palestine.
- To be of good moral standing and not to have been convicted by a Palestinian court of any moral crime or misdemeanor against honor and honesty.
- To have full civil status.
- To have completed the legal profession training by virtue of the provisions of this Law.

Initial training

The initial training period for new lawyers is two years²³. Applicants shall submit an application to the Bar. The modalities and terms of this training are specified in the internal regulations adopted by the bar²⁴. These regulations specify that trainee lawyers should dedicate his or her fulltime to the training and should refrain from carrying out any other work²⁵.

Every trainee must find a tutor, who has been practicing for 5 years. Many graduates are facing difficulties in finding a tutor since lawyers are only allowed to enroll two trainees and there is no waiting list. The training applications are received four times a year by the Bar²⁶. The trainee lawyer can start representation in misdemeanors in the conciliation courts under the supervision of his tutor after six months of training and in the first instance court after one year.

The PBA provides a mandatory training course for trainee lawyers. This training is organized by a special committee appointed by the board. It mainly focuses on the work and the behavioral

²² Law No. 3 of 1999 regulating the legal profession and Law No. 5 of 1999 amending Law No. 3 of 1999 regulating the Legal Profession.

²³ Art. 19 Law 3/1999.

²⁴ Lawyers' Training Regulations No. 1/2004.

²⁵ Art. 7 Lawyers training regulation Mo 1/2004.

²⁶ In February, May, June and October.

aspects of the profession²⁷. The cost of these trainings is covered by a special fund for training established by the bar. The training is provided by practicing lawyers at the request of the PBA chair.

The initial training is not considered completed unless the trainee passes an oral and written exam, in addition to the submittal and acceptance of a research paper by the training committee. The written and oral exams can be taken after 18 months of training and the research after completing the first year of training. The exams are organized by a central committee established by the board and focuses on general and specialized legislation and PBA bylaws. The PBA organizes a written exam every 6 month and who passes will then be able to be enrolled for the oral exam. The final scoring of the exam takes into consideration the results of the oral exam (25%), written exam (25%) and the research (50%).

Continuous training

The PBA does offer some continuous trainings through a continuous training committee. However, these trainings are neither regular nor mandatory. It is mostly organized when external funding is available. An attempt funded by the EU to establish a continuous training program in 2013 through a grant was not successful as most of the resources were directed at providing training for practicing lawyers instead of establishing continuous training curriculum. The PBA made several attempts to formalize training through a specific department, but no formal training department was created yet.

The PBA board has a designated member responsible for continuous education of lawyers. The bar announces available training on topics that require update of knowledge, such as new laws, and provided it to interested lawyers. It is worth mentioning that the PBA has shown openness in providing training proposed and sponsored by various programme working toward building the capacity of the justice sector including topics related to human rights, juvenile, and gender.

Number of lawyers and trainee lawyers

By the end of 2017, there were 4,459 practicing lawyers in the West Bank, out of which 3,227 are males and 1,232 are females. In Gaza Strip, the number of practicing lawyer reached 1,350 by the end of 2017, out of which 1,111 are males and 239 are females. In total, the number of practicing lawyers²⁸ in Palestine is 5,809 out of which 4,338 males and 1,471 females. It represents a ratio of 122 lawyers per 100,000 habitants in Palestine²⁹, 155 in the WB and 71 in Gaza³⁰.

As for the number of trainee lawyers in the West Bank, it reached 2,200 out of which 1,257 are males and 943 are females. In Gaza Strip, the total number of trainee lawyers is currently 1,241

²⁷ Art. 23 Lawyers training regulation Mo 1/2004.

²⁸ The lawyer need to pay the annual fees to be listed in the practicing lawyers list.

²⁹ According to the 2016 CEPEJ report (on 2014 data) on the efficiency and quality of justice in European judicial systems, the average number of lawyers in Europe was of 147 per 100,000 habitants.

³⁰ Based on the preliminary results of the 2017 PCBS census, the total population of Palestine is 4,780,978, 2,881,687 in the WB and 1,899,291 in Gaza.

out of which 946 are males and are 295 females. In total, the number of trainee lawyers in Palestine is 3,441, out of which 2,203 are males and 1,238 are females.

Number of trained lawyers who sworn in 2017 were 785. When all the current trainees will finalize their apprenticeship, the total number of practicing lawyers in Palestine could reach 9,250.

II.2. Sharia or Personal status lawyers

a) Personal status lawyers In the West Bank:

Unlike regular lawyers, the personal status lawyers' work in WB is not regulated under an association. Their registration is done with the Supreme Judge Department (SJD). They are granted the license to represent clients in the personal status matters. Without this license, they cannot appear in front of a judge. According to art. 12 of the Lawyers' law No. 12 /1952³¹, the lawyers are granted a license after completing one year of training, if they graduated with a law degree that include Sharia law and practiced as a regular court lawyer or worked as a judge for two years. Other law school graduates with no practical experience should complete two years of training. Former judges working at the Sharia Courts are granted a license without the need to undergo any training.

Training

Personal status lawyers are not required to complete any formal initial training, however, as mentioned in the previous section, the license to practice is only granted by the SJD after the new lawyer has spent one or two years of mentoring by a lawyer who has been practicing for at least three years. The new lawyers must accompany the practicing lawyers during this period. After that, they must obtain a certificate from the practicing lawyer³². Trainee lawyers need to pass an exam on subjects related to personal status law including family law, sharia procedural law and other subjects. The new lawyers also prepare a research paper and discuss it with a special committee from the SJD Justice as part of his examination. No continuous training is provided to Sharia courts lawyers.

Number of lawyers and trainee lawyers:

By the end of 2017, the SJD had granted the license to 223 practicing lawyers in the West Bank out of which 76 are females. The current apprenticeship is problematic as some practitioners do not have enough cases or experience to train new graduates. Others lack interest in training newcomers to the profession because they want to retain their own "professional secrets"³³.

³¹ Law No. 12 of 1952 of Sharia Lawyers

³² Article 12 in the Law No. 12 of 1952 of Sharia Lawyers

³³ "A century of law profession in Palestine legal ethics and beyond", Adv Mutaz Qafisha, 2016

b) Personal status lawyers in Gaza strip:

Sharia lawyers in Gaza typically attain qualifications similar to civil lawyers, including a four-year Bachelor's degree in law followed by a two-year apprenticeship under a practicing attorney, generally referred to as "stage". According to the directives of the de facto Palestinian Cabinet in Gaza concerning Sharia Lawyers, the following requirements are needed before a lawyer can represent clients before the Gaza Sharia courts:

- Submit a request to practice sharia law to the sharia Judicial Council
- The request must have the following attachments
 - o proof of residency in Palestine
 - o Completed 22 years of age
 - o Earned a bachelor degree of law or Islamic sharia
 - o Proof of traineeship signed by the training lawyer and verified from the Sharia court where the trainee lawyer implemented his training
- Proof of good conduct and has a record clear from any conviction
- Successfully completed a traineeship duration of one year required to apply for this license³⁴
- Successfully passes the Sharia law exam organized by the Higher Sharia Court Council³⁵

In July 2017, the Ministry of Justice in Gaza granted a registration certificate to the new formulated representative body of Sharia Lawyers under the name of Sharia Lawyers Bar Association in accordance with the Unions Law number 2 for 2013 and its implementation regulations. Currently there are 1000 licensed personal status lawyers Gaza (out of which only 442 paid their annual membership fee).

³⁴ The council can grant this licence based on the decision of the Sharia Law Committee to any person who 1) sat as a Sharia judge for 2 years or 2) sat as a regular judge for 4 years or 3) practiced civil law for two years and successfully passes the exam

³⁵ The Sharia law exam is held twice a year once in January and June

III. APPOINTMENT AND TRAINING OF JUDICIAL PERSONEL

III.1. Judges

Appointment of new judges

Art. 16 in the Palestinian Judicial Authority law (JAL) No.1/2002 states the requirements for the appointment of judges. These requirements include being a Palestinian national, holding a law practice certificate in either Regular or Sharia Law, enjoying good reputation and conduct, and clean criminal record. Other criteria might be set by the HJC according to their needs in filling the vacancies.

The Chief Justice receives requests toward the end of the judicial year (mid-July) from various heads of courts regarding the human resources needs of the courts, both in terms of judges and clerks. In addition, the Chief Justice tasks the Planning, Programming and Monitoring Unit (PPMU) and the General Secretariat of the HJC to prepare the annual “judicial burden distribution” study which analyses the amount of work at each court vis a vis the number of employees. Based on this information, HJC shares with the General Personnel Council (GPC) and the Ministry of Finance and Planning (MOFP) their needs on human resources for the coming year. At the end of each year, when the government approves the upcoming annual budget, HJC and other institutions and ministries receive the MOFP confirmation on who many financial allocations are made available for hiring new personnel. This allows HJC to initiate recruitment process for judges and court staff alike.

Subsequently, the HJC includes an agenda item in the nearest council meeting to approve courts and HR recommendation on the use of these allocations and forms a committee, which will be responsible for the recruitment process and setting up the conditions and requirements for each position.

The Chief Justice approves the committee, which normally consists of a number of judges, HR personal, and general secretariat designated officers. The recruitment process includes the following steps:

- Placement of an announcement regarding the vacancies with the needed requirements for the applicants in addition to the requirements in the law, which could include the number of years of experience, minimum age for applicants, specific academic qualification, specific area of specialty, and specific career background.
- The General Secretariat then receives the applications within the time period set in the announcement.
- The committee sorts the applications, long list applicants, and announce the long list.
- The committee prepare a written exam and call long listed applicants to set for the test. They also determine passing grades and the grading criteria.
- The candidates that pass the exam are then shortlisted and called for an interview. The interview focuses on their knowledge of criminal and civil procedural laws and on their personality.

- Based on the outcomes of the interviews, the committee makes recommendations to the HJC on successful applicants and the positions that they could fill.
- The HJC in its following council meeting makes the decision to hire the successful candidates and provide the recommendations to the president to issue a presidential decree for appointing the new judges. Once a decree is issued, the new judges are sworn in in the presence of the HJC, and can immediately start handling court cases.

In some cases, HJC takes a decision to recruit new judges without going through the above-mentioned procedures, by attracting qualified lawyers, law professors, or prosecutors. However, this is a rare practice.

Training of newly appointed judges:

The Judicial Authority Law states that HJC “shall develop a system to train and prepare the judges before they assume their judicial functions”³⁶ but the JAL does not mention any other form of continuous training for judges and is silent on the nature and length of the initial training. Art. 16 of Palestinian Judicial Institute (PJI) Bylaw No. 7/2008 mentions that PJI Board is responsible for approval of training courses, material, trainers, and training length of judges, prosecutors, and staff based on the needs provided by both the public prosecution and HJC.

Despite these provision, some newly appointed judges took office in the past before receiving their training, while HJC and PJI were still finalizing the training arrangement for them. The lack of details in the JAL and the PJI bylaws on the training nature or length often leads to a problem as HJC and the prosecution provide PJI with a restricted period to finalize initial training to allow judges and prosecutors to start their work on a specific date (usually the beginning of the judicial year on 1 September). Therefore, the intensity of the initial training course is based on the given deadline to PJI. Based on practice, the initial training has never been less than 21 days, even though the original initial training course material was delivered over a period of three months, split between classes and practical training in the court. The costs of these training are covered either from the judicial Authority budget or other available grants.

PJI Bylaw specify the terms of a two-year Judicial Diploma programme to be delivered to selected candidates based on recommendation of HJC. These diplomas are meant to prepare law school graduates to take office immediately following graduation. However, the diploma that was set in PJI Bylaw is not complemented with any provision in the Judicial Authority law that bonds the Judicial Authority to accept the appointment of the graduates following the conclusion of their training. Moreover, the Presidential Decree No. 6/2008 states in Art. 10 that appointment of PJI graduates should be carried under the Judicial Authority law provisions for hiring judges. As such, only one diploma has been provided since the establishment of PJI, and the graduates of the diploma had to set for the usual recruitment process mentioned in the previous section without being given any priority or preference. This is a problem that need to be resolved through law amendment dealing with the specific terms for the appointment of PJI diploma graduates. Until this amendment is not adopted, PJI has no plans to conduct further diploma programmes.

³⁶ Art. 17 JAL No. 1/2002

III.2. Prosecutors

Appointment of new prosecutors

Based on Art. 61 of the JAL, the prosecutors are recruited under the same requirement mention in Art. 16 of the same law. However, the process is slightly different. The AGO assess its needs for additional human resources in the same manner as the HJC toward the end of the judicial year. Following the approval of the annual budgets by Cabinet and the allocation of financial grants for personnel by MOFP, the following steps are taken by the AGO:

- The AG, in cooperation with his deputies, establishes the selection and examination process.
- The HR department announces the vacancies and receives the applications. They also analyze the applications and long list applicants based on the requirements and conditions mentioned in the announcement.
- The AG forms a committee to conduct the examination and the interviews. The exam questions are sometime set by the AG, while the committee oversea the rest of the process.
- The committee communicate the results of the recruitment process to the AG with recommendation on successful candidates.
- The AG communicates the list of successful after consultations with his deputies to the HR to prepare a request of appointment by decree from president.
- As soon as the decree is issued, the candidate is sworn in with the AG and the Minister of Justice, and is appointed as an Assistant Prosecutor under the mentorship of a serving prosecutor.

Training of Assistant prosecutors

Neither Article (62) nor Article (68) of the JAL specify the mentorship period for the prosecutors nor specify the need for initial training. It only specifies that an Assistant Prosecutor should only perform tasks under the supervision of a serving prosecutor, and cannot be appointed as a prosecutor until the mentoring prosecutor provides recommendation to the AG regarding the adequacy of the skills gained during the mentorship period.

However, as with judges, the AG communicate a written request to PJI based on PJI's bylaw to initiate an initial training program at the PJI for approximately one month. This training generally includes sessions on the code of ethics and criminal procedures, together with practical training which qualify them to start handling the cases at the prosecution.

III.3. HJC and AGO clerks

Appointment of clerks

Art. 79 of the JAL states that courts and prosecution clerks should be appointed according to Civil Service law and the rules and regulations of the GPC. As such and based on available financial grants in the budget, the HJC and the AGO announce vacancies in coordination with the GPC. The procedures state that the head of these institutions forms a selection and examination committee for this purpose with membership from the GPC.

Training of clerks

There are no requirements by the law to train the newly appointed clerks. However, HJC does request PJI to provide short training courses to the following technical posts:

- Notary public officers
- Civil judgment officers
- Chief clerks
- Chiefs of diwan
- Legal researchers
- Notification officers

The training is mostly on the SOPs of the relevant departments as well as on the Mizan 2 case file management system. Clerks usually don't receive initial training in areas related to enhancing their management and administrative skills. That led several development projects to fill this gap through offering training seminars for several days, in addition to a more structured capacity building through offering clerks a seat at various diplomas offered by universities and tailored specially to meet the needs of the judicial aids.

III.4. Statistics on judges, prosecutors, and clerks

Number of judges in each judiciary level (2017)

Judicial level	WEST BANK			GAZA			TOTAL		
	M	F	Total	M	F	Total	M	F	Total
Magistrate	42	19	61	12	2	14	54	21	75
First instance judge	66	10	76	8	1	9	74	11	85
Appeal judge	24	5	29	10	0	10	34	5	39
High court judge	27	3	30	5	1	6	32	4	36
Total	159	37	196	25	4	39	194	41	235

Percentage of male judges: 82.6%

Percentage of female judges: 17.4%

Number of clerks (2017)

- High judicial council staff

Female	Male	Total
367	642	1009

- Distribution of high judicial council staff

Position	description	number
Court staff	Clerks Notary public officers	770

	Civil judgment officers Chief clerks Chief of diwan Legal researchers and consultant Notification officers	
Admin staff	Secretary Technicians Programmer Administrative employee Accountant Data entry	111
Cleaners and drivers		128

Numbers of prosecutors, clerks, and their rank (2017)

Position	Total number	male	female
Attorney general	1	1	0
Deputy of attorney general	2	2	0
Chief of prosecutor	46	41	5
prosecutor	108	81	27
Prosecutor assistant	5	4	1
Admin staff	194	109	85
Legal staff	8	8	0
Total	163	129	34

IV. PALESTINIAN JUDICIAL INSTITUTE

The Palestinian Judicial Institute was created in 2004 following a decision of Prime Minister's office³⁷. It was effectively established only in 2008 by a Presidential Decree No. 6/ 2008. The Judicial Institute Bylaw No.4/2008 elaborates on the mandate of PJI and list the following as the main duties of PJI,

- Prepare qualified personnel to work in the judiciary and the prosecution.
- Enrich the capacity and legal level of judges and prosecutors.
- Prepare and qualify the clerks working in the judicial authority.
- Develop and improve legal researching skills.
- Exchange expertise and cooperate with similar institutes regionally and internationally.
- Encourage cooperation with Arab and international bodies in the field of judicial work.

The establishment of the PJI in 2008 marked a benchmark in the efforts of the Government of Palestine to streamline and unify judicial training efforts in Palestine. This creation of the PJI also aimed at unifying the channels for monitoring and delivering donor funded training programmes, as well as preventing to the extent possible overlap in this regard. Before the establishment of PJI, most of the training efforts were delivered on ad-hoc bases. The establishment of PJI was aimed at institutionalizing the judicial staff training and provide a strategic vision for capacity building within the justice sector.

It is worth mentioning that PJI's mandate was supposed to cover both Gaza and the West Bank³⁸. Since it was effectively established only in 2008 – after the 2006 political divide between the West Bank and Gaza Strip - its mandate covers only the West Bank. A separate institute - the High Palestinian Judicial Institute (HPJI) - was established in Gaza in 2009 by a law adopted by the Legislative Council in Gaza in 2009. The mandate of HPJI is wider than the mandate of PJI. It covers training provision and judicial diploma for judges, prosecutors, and clerks in regular courts, in addition to staff working in the Sharia Courts, Military Courts and the Legislative and Advisory Bureau (LAB).

IV.1. Organization and structure

a) Legal framework

As mentioned above, PJI's mandate is regulated under a presidential decree and a bylaw.

The presidential Decree No. 6/2008 provides that PJI is an independent legal entity with an independent budget that comes as annex to the budget of the Ministry of Justice. It also establishes the following:

- PJI's objectives
- Financial resources and budget arrangements

³⁷ Ministerial cabinet's decision No. 89/2004.

³⁸ According to Ministerial cabinet's decision No. 89/2004.

- PJI hierarchy and the Board of Directors composition and mandate. According to the decree, the Minister of Justice chairs the Board.

The Council of Ministers' Decision No. 4/2008 with PJI Bylaw also elaborates on the following:

- PJI's goals.
- Criteria for membership in the Board of Directors and its meetings.
- Appointment of the Director and his duties and responsibilities.
- Academic / Education Committee and its roles and functions.
- Trainee's acceptance criteria.
- The two years Diploma program, certification, and other training programs
- PJI's financial resources.

Since its establishment, PJI stressed the need for the government and all justice institutions to collaborate with it to ensure that it succeed in its mission. It became obvious in the first few years that PJI needed to enhance its capacity to perform the tasks assigned to it in the Bylaw. As such PJI signed an MOU in 2014 with the Ministry of Justice (MOJ), HJC, and AGO recognizing PJI as the sole training institution for the main justice institutions. Subsequently, Institutionalizing PJI and enhancing legal education was recognized by all justice institutions as a sub goal under the second strategic objective "Empowering justice sector institutions to effectively play assigned roles" in the 2014-16 justice sector strategy.

To facilitate its work, the Minister of Justice sent two communications to the cabinet toward the end of 2016 explaining MOJ's position in favor of PJI budget independence under 2017-2022 budget cycle. It also granted PJI director the authority to hire staff and communicate directly with the General Council of Personnel. Consequently, PJI hired four staff members in the training department on contracts and a Financial Manager. In addition, MOJ and HJC transferred four additional staff members in 2016 to PJI, this include a Public Relation (PR) officer, Information Technology (IT) officer, legal advisor, and an accountant. This move consolidated PJI organizational independence and posted its position as a main actor within the justice sector.

PJI is currently seeking to issue a law that aims at regulating its work, capitalizing on the positive attitude from MOJ and other justice actors. When approved, the law will be critical to consolidating PJI's independence and enhancing its capacity to plan, budget, and carry its activities. Finally, the 2017-2022 justice sector strategy identifies the need to further support the institutionalization of PJI and support it in performing its duties. In the same strategy, PJI clearly identifies the need to connect its training programme with the professional and career development of judges and prosecutors. It also emphasized the need to develop a comprehensive training system, including data collection, training evaluation and analysis tool, and online resources. According to PJI, this system will ensure that all PJI training programmes and activities are documented over a period of time sufficient to build training portfolios for both trainers and trainees. In addition, this tool is expected to enhance the interaction between the trainers, trainees, and PJI.

b) Organizational structure

PJI organizational structure is based on the structure of similar institutes within the region and based on the need within the Palestinian context. The structure above was approved in 2015.

The organization structure consists of the following departments:

- PJI Board is headed by the Minister of Justice and includes a nominated High Court judge by HJC who serves as Deputy, two members of the Appeal Court³⁹, the AG, the head of the Bar Association, and two law professors from faculties of laws⁴⁰, in addition to the director of PJI.
- PJI has an academic committee which consists of two judges nominated by HJC, one prosecutor nominated by the AG, and one law professor⁴¹, in addition to PJI's director. The committee key responsibility is to review, discuss, and approve the training material and methods.
- PJI Director is appointed by the president following a nomination from HJC in consultation with the Minister of Justice
- Three general directorates: training; legal affairs; and administration, finance and planning affairs.

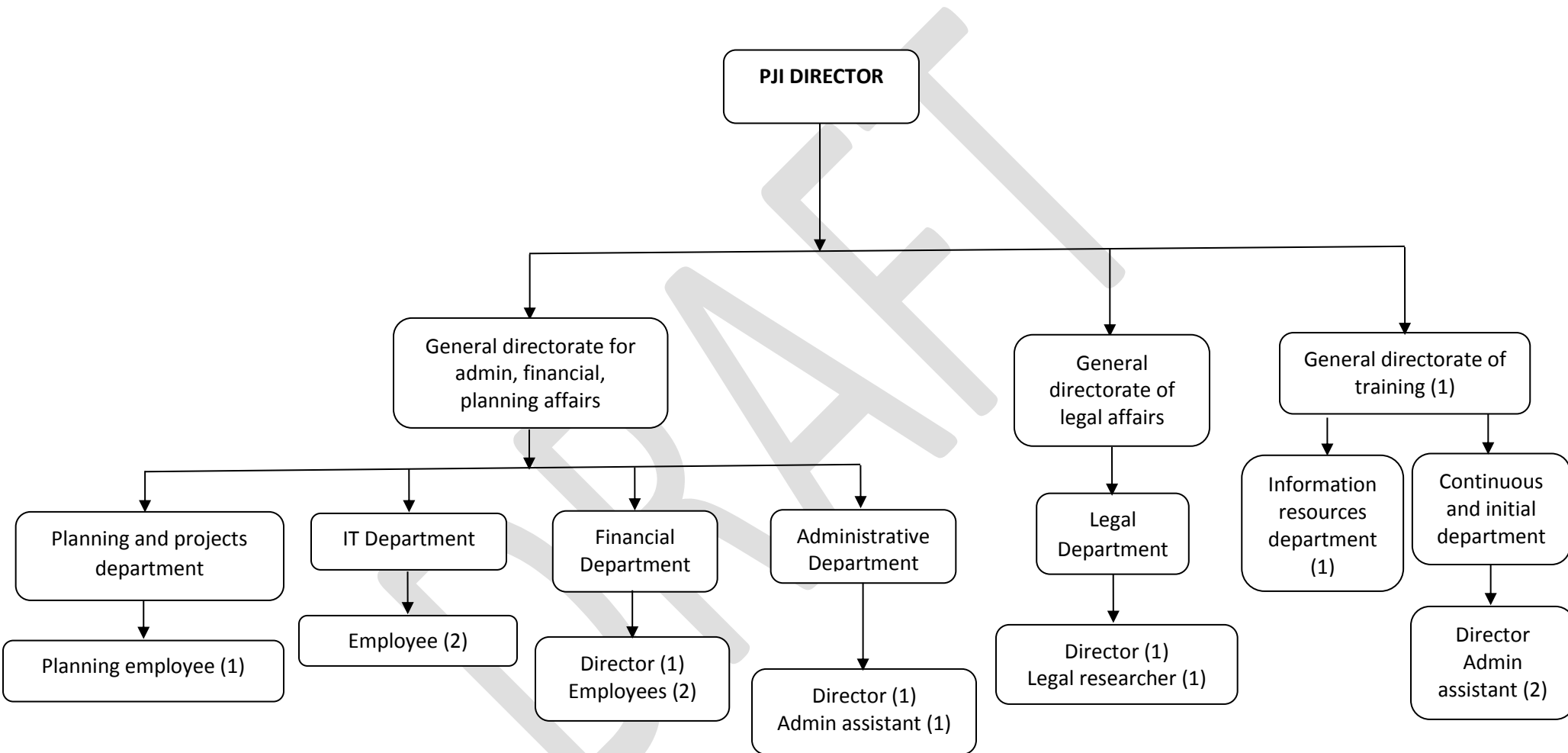
PJI now employs 17 staff (14 employees, 3 support staff including a driver), some are fixed term and others are on contracts.

³⁹ The two appeal judges are nominated by the HJC.

⁴⁰ The two law professors are nominated by the Minister of justice from a list of candidates prepared by the heads of law faculties.

⁴¹ The law professor is chosen by the PJI board from a list of candidates prepared by the heads of law faculties.

PJI Organigram



c) Financial and administrative organization

From 2008 to 2016, the financial and administrative affairs were managed by the director of the institute in cooperation with the Chief of the PJI board and the ministry of justice departments. There were no staff at PJI responsible for managing these issues and this was the key challenge and obstacle in PJI work, but since the beginning of 2017, PJI finally got its' financial and administrative autonomous⁴².

Now PJI has its own budget, which is allocated by the government as a separate line in the national budget in the "Bisan" financial database. The Bisan system is supervised by MOFP to facilitate and manage the national budget. Now PJI, like other government institutions, has its own access to this database through special user name and password and its own financial controller who control and approves PJI's financial transactions. Before the 2017, these operations were done through the Ministry of Justice. Under the current modality, PJI budget team negotiate and submit PJI's annual budget and microfinance frame work to MOFP directly with no interference by MOJ.

The PJI administration now is also independent, where its' management currently recruit its' staff directly in cooperation with the General Personnel Council without any interference from the Ministry of Justice in accordance with the civil servant law. In addition, PJI has an administrative controller who is nominated by the GPC to endorse the administrative transactions of PJI.

d) PJI's Infrastructure and equipment

The current PJI infrastructure is not suitable to host an academic institute. This is due to lack of sufficient space and IT infrastructure.

The current premises include one furnished and equipped training hall that fits 20 trainees, a computer lab that accommodates approximately 14 trainees, one moot court hall, and a library. Some renovation works started are currently ongoing to add two additional training halls thanks to the support of Bureau of International Narcotics and Law Enforcements Affairs (INL). Each hall will host 15 to 20 trainees depending on the setup.

PJI building has thirteen administrative offices, which includes the training department, the administration and financial department, the legal department, and the IT department. In addition to one meeting room and the office of the president of the PJI.

Given PJI's plan to introduce e-learning system, it has invested in its IT infrastructure with support from Sawasya programme. The table below clarifies the equipment currently available at the PJI:

⁴² This autonomy was obtained following a request from the MoJ to the PMO to create a dedicated budget line for the PJI within the government budget. The MOJ also requested the GPC to delegate to PJI's director the authority to directly recruit and appoint employee. These changes will need to be formalized in the framework of the new PJI law.

EQUIPMENT AVAILABLE IN THE PJI	
Personal computer for employes	15
Personal computer for Lab	12
Laptops For employees	6
Multifunction's printers	4
PBX	1
Phone	19
Forigate Firewall	1
Switch 48 port	3
Switch 24 port	3
Printer all in one	2
Printer Color all in one	1
Smart Boards	1
Iface Clock Att	1

PJI's library is quite small. It currently has approximately 320 books. This is due to both limited resources and physical space. According to the PJI, the following steps need to be taken to enhance the capacity of the library,:

- Develop the capacity of the library in terms of space, books, equipment, tables and chairs.
- Increase the number of library staff and develop their capacities in areas related to book electronic registration development, books lending management, and the development of a library enhancement plan.
- Create links with other legal libraries at the universities and the judicial institutes locally and internationally
- Provide resources that allow and encourage conducting legal research in the different fields of law.

IV.2. Training programs and methodologies

As it is indicated in the Presidential Decree No. 6/2008 and its Bylaw No. 4/2008, the core objective of the PJI is to provide the justice institutions with qualified judges and prosecution. This is mainly done through providing them with initial or continuous training courses.

a) Trainers

PJI had for several years a Training of Trainers (TOT) programme sponsored by the EU, which targeted 12 judges from Appeal Court and First Instance who were trained on both criminal and civil law. This number will be complimented with 15 prosecutors who are currently receiving TOT at PJI with support From Eupol Copps. The TOT focused mostly on teaching skills and information management. There are other judges and prosecutors who provide training at PJI in specialized areas such as economic crimes and taxation, but they are not considered part of the main trainer pool. In addition, 14 judges and prosecutors received TOT on juvenile justice related issues over the last years with the support of the Sawasya program. In its effort to enhance the capacity of its

trainers, and in preparation for the e-learning system, currently under development, PJI provided its trainers with two courses on e-learning and blended learning.

PJI recognizes that preparing qualified trainers is a serious challenge especially because it targets judges from high-level courts. These judges are usually busy, and they cannot commit the time needed to undergo a programme that build their skills as trainers. The other problem is that PJI does not have any full-time trainers. The trainers are judges that are currently working in their jurisdictions. As such, PJI training programs are usually organized around their schedule and their availability. Moreover, PJI need to obtain the Chief Justice approval of their participation.

b) Training methodology

PJI traditionally focused on classroom training, also known as face to face training that are delivered in the PJI premises. PJI trainers use Power Point presentation, case discussion, and hand out material. In some cases, they use practical training like, such as moot court training. These trainings are mostly delivered during the weekend in order not to affect the work of the courts. In addition to the above method and as part of the initial training, the trainees are also undergoing two weeks of on job training in courts and prosecution offices.

In recent years, PJI started developing new training methodologies. For example, PJI started delivering decentralized training in the framework of its continuous training program. Trainers deliver training in three districts (north, Center and South) or at each court depending on the need. To facilitate the decentralization of trainings, two training rooms were established in Dora and Tulkarem courts.

PJI is also developing new training methods, as mentioned earlier. These are mainly:

- E- Learning, in anticipation of PJI's e-learning system. Developing the skills of the trainers in this area was done in cooperation with the Swedish Judicial Academy. As a result of this training and interaction, PJI managed to identify its need from IT infrastructure to develop its e learning portal.
- Streaming, where PJI deliver training programs to judges and prosecutors based on their judicial rank or court level. Most recently, this training method was used to develop training for newly promoted judges to head of First Instance Court, or promoted from First Instance to Appeal Court based on the needs of the new position, including management skills.
- Blended learning, which is used in local universities to deliver a mixture of face to face training, in addition to online training for the same course. PJI is adapting a similar training approach and they developed four training programmes based on this style.

c) Training programs

The PJI organized its distinguishing between four type of training programs:

- Judicial studies diploma
- Initial training
- Continuous training

- Specialized training
- **Judicial studies diploma**

PJI diploma programme is a two years program accredited by the Minister of Education. It is divided into four semesters. The curriculum includes 60 credit hours and includes basic legal courses on the Penal Code, Civil Law, Civil and Commercial Procedure Law and the Criminal Procedure Code. It also includes a number of specialized courses in judicial sciences focusing on the work of judges and prosecutors such as conduct and ethics and case management.

The aim of this program is to provide the judiciary with qualified judges and prosecutors. The HJC and AG should provide PJI with the expected number of judges and prosecutors they will need during the two coming years. PJI would then call for the diploma program and form a committee for this purpose, facilitating the necessary procedures to select the best candidates, as per the presidential decree and Cabinet decision which organizes this process.

Since its establishment, PJI implemented only one diploma program funded by the EU. Out of 166 that applied for the diploma, only twenty-law student qualified and completed the diploma. The trainers and lecturers for this program were experienced judges and prosecutors, in addition to law school's lecturers.

As mentioned in the previous chapter, since there are no legal provision in the JAL that supports the provision of a diploma or allows HJC to automatically hire the judicial diploma graduates, the 20 graduates had to go through the usual recruitment process mentioned in the sections dedicated for hiring new judges without being given any priority or preference. This issue needs to be resolved through law amendment dealing with the specific terms for the appointment of PJI diploma graduates. Until this amendment is not adopted, PJI has no plans to conduct further diploma programme.

- **Initial training**

As mentioned earlier, this training is part of PJI's mandate and it aims at preparing judges and prosecutors to assume their duties at courts. The training is composed of 10 weeks of classroom training, which is usually delivered at PJI, and 2 weeks of practical training under the mentorship of the trainers in the courts and prosecution offices. The number of trainees each year varies depending on the amount of financial grants available to the justice institutions. Since the establishment of the PJI, the number of yearly judges and prosecutors trained varied from 5 to 40. PJI usually limits the trainee's groups to a maximum of 20 in each class.

This variation and lack of clarity on the anticipated number of newly recruited staff each year makes it challenging for PJI to plan or budget its training program in advance. As mentioned earlier, another difficulty is linked to the often-limited time frame provided by both HJC and the AGO for

PJI to deliver the training⁴³. Since its establishment, PJI organized more than 8 initial training programs⁴⁴ but the last three of these were delivered during a period of one month or less. This is one third of the time allocated in the bylaws for PJI initial training program, which means that PJI has to constantly tailor its three-month initial training program to be delivered within the given timeframe provided by the AG and the Chief justice. Another challenge is the availability of the trainers in the given training period, since the training request comes with little anticipation

The program's curricula concentrates on procedural civil and criminal laws, in addition to the other supportive laws, judicial ethics, judicial skills, practical training like moot court and fellowship training. The training has yet to introduce topics such as social context and personnel welfare.

The number of topics varies depending on the time available to deliver the training and whether the training is for judges or prosecutors. Nevertheless, the training program for judges would usually cover the following topics: judicial code of conduct, judicial proceedings and judicial review of the case, the premises of litigation and its invalidity, civil judgment, pre-trial detention, release on bail, suspension of execution, criminal proceedings before the Magistrates' Courts, criminal judgment, the conduct of trial hearings and the conduct of proceedings, in addition to training on the criminal procedure code, civil trials, in addition to practical subjects done through moot courts. The prosecution initial training would usually include: code of conduct, the responsibility and duties of prosecutors, the basic principles of criminal procedure, the judicial process of arrest and detention, pre-trial detention, bail, hearing of witnesses, questioning and evidence in criminal proceedings.

- **Continuous training**

This continuous training is not part of PJI's mandate. Moreover, it is not mandatory, and is only provided upon request of HJC and AGO and based on the needs assessment undergone every year by the PJI in collaboration with HJC and AGO (see point d) in this chapter). Continuous training on certain areas is also informed by trends identified through the HJC Mizan 2 system, when the numbers of intakes for certain cases increases, or the litigation period exceeds the optimal timeline. The continuous training generally focuses on substantive law (practical training), procedures, case managements, and judicial skills.

Since continuous training is not part of PJI's mandate, most of these training programmes are provided by donor funded projects and conducted outside the PJI. Most notably the European Union (EU) funded Seyada project; a two-phase project which focused on the training of judges

⁴³ In June 2016, the public prosecution asked PJI to deliver an initial training programme for 44 new assistant prosecutors, who were appointed form a pool of legal advisors serving in various ministries. Even though some of these advisors have been working as civil servants for several years, they had no previous prosecutorial work experience. Nevertheless, the AGO provided PJI with 20 days only to complete their initial training programme. In 2017, additional five prosecutors were recruited, and PJI was given 17 days to provide them with initial training. The same was true for the 12 judges that were recruited in 2016, where HJC gave PJI 18 days to deliver the initial training programme.

⁴⁴ 5 training programmes for judges and prosecutors between 2014-2017 and 3 training programmes for judges between 2008 and 2013. PJI does not have any data on the number of trainings for prosecutors organized between 2008 and 2013.

and prosecutors from 2006-2012, and provided several specialized training programmes for judges and prosecutors in association with the AGO and the HJC, and under the umbrella of PJI.

- **Specialized training**

These training programmes are usually designed when a new law is passed and a specialized court is created or when a specialized unit is created within the AGO. These trainings are usually provided by experts from the region and countries that apply continental law and are often supported by international organizations. PJI provided several specialized training programs in areas of economic crimes, taxation, corruption, juvenile justice, and GBV. Most recently, PJI is developing a specialized training for judges and prosecutors working in the framework of the Juvenile Justice Protection Law adopted in 2016 with support from the Sawasya programme and the participation of a Jordanian expert judge.

d) Training needs assessment methodology

As mentioned earlier, a training need assessment is conducted every year by PJI in collaboration with HJC and AGO. The assessment is conducted by PJI during the last quarter of each year. The result of this training needs assessment forms the bases for the development of PJI's continuous training programmes for the following year.

The assessment methodology includes the following tools:

- **Questionnaire:** at the end of each training, participants are asked to give their feedback about the training contents, trainers but also to provide suggestions for more training on the same subject or for new topics.
- **Surveys:** both quantitative and qualitative surveys are distributed in HJC and AGO to explore the training needs at all levels. The survey includes multiple choice and open questions.
- **Focus group:** conducted for a mixed group of judges and prosecutors, who are selected to discuss the challenges in their performance, and to suggest training needs to provide them with the skills to overcome these challenges. This approach was used only once with a group of 10 judges and prosecutors in 2015.
- **Interviews:** meetings with the Heads of the Courts, Chief Prosecutors, and Chief Clerks to discuss work challenges and the skills that they believe their staff need to enhance their performance.
- **Judicial inspection feedback:** the judicial inspection department evaluates each judicial staff performance at least once every two years. They examine their adherence to procedures and the quality of their judgments in line with the law. As such, their feedback forms an important source of information for PJI to develop its future training programs and focus on new skills.

Training evaluation methods

PJI monitors the efficiency and effectiveness of its training programs and the quality of its trainers through the following evaluation methods:

- Pre and post tests: PJI trainers prepare a number of questions and distributes these at the beginning of the training session before starting the course. The same questions are distributed again at the end of the training course. This give the trainers and the training coordinator an indicator on the level of knowledge trainees acquired from attending the training course.
- General evaluation: at the end of each training, a questionnaire is distributed to get a feedback from the trainees about the trainer skills, the content of training, logistics of the training with space for remarks, comments and suggestions.

PJI is currently considering the necessity to also evaluate the Impact of trainings in improving the work of the institutions. To implement this tool, PJI is seeking some support to enhance the capacity of its staff in order to be able to measure the impact of the training courses on the performance of the various courts.

IV.3. Training statistics

PJIs' training archive is not yet fully automated and training statistics are therefore not easy to retrieve. Some records are available in HJC and the AGO but they also include training that are delivered by donors and organized directly with these two institutions without any involvements of the PJI. HJC's training department has developed a database called "session" for its training archive. Since 2014, this same database is used by the PJI to access to register the information related to the trainings they provide but this system is only registering the number of trainings and the person trained without specifying the content and if the training was achieved in the framework of the initial or continuous training programs.

Below are some statistics retrieved from the PJI session system for trainings for the years 2015-2017:

Training Statistics for the year 2015

Job title	Number of training days	Number of trainees	Number of training subjects
Judge	50	240	28
Prosecutors	38	66	28
Court staff member	0	0	0
Prosecution staff member	58	20	1

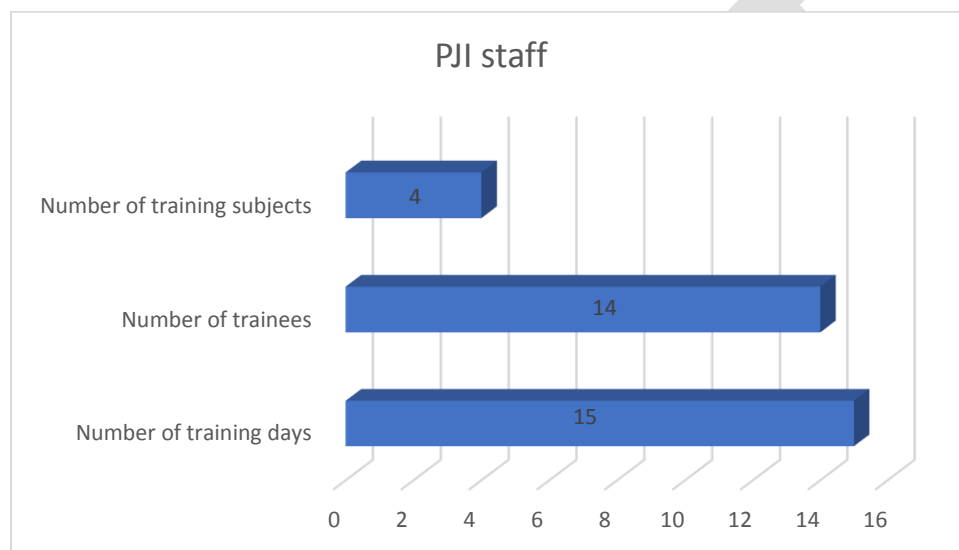
Training Statistics for the year 2016

Job title	Number of training days	Number of trainees	Number of training subjects
Judge	29	70	24
Prosecutors	52	4	19
Court staff member	2	4	3
Prosecution staff member	0	0	0

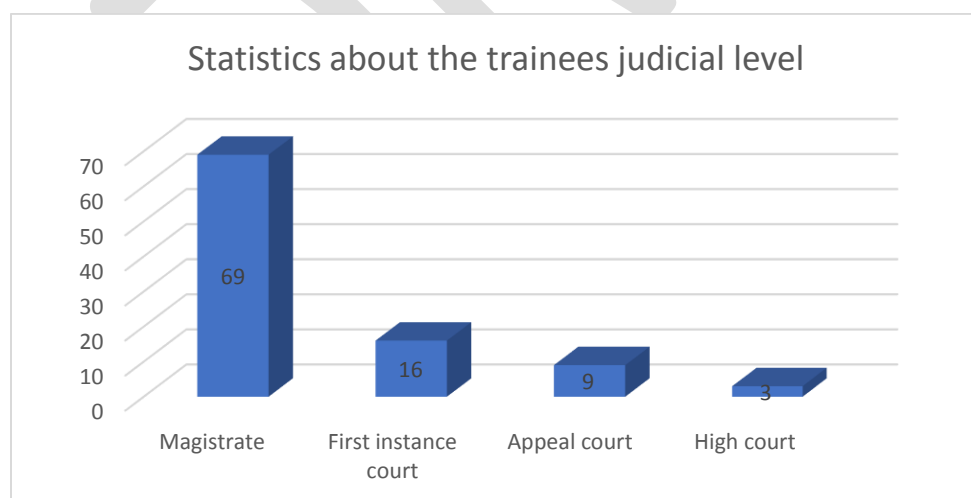
Training Statistics for the year 2017

Job title	Number of training days	Number of trainees	Number of training subjects
Judge	19	110	9
Prosecutors	31	104	25
Court staff member	7	121	5
Prosecution staff member		10	

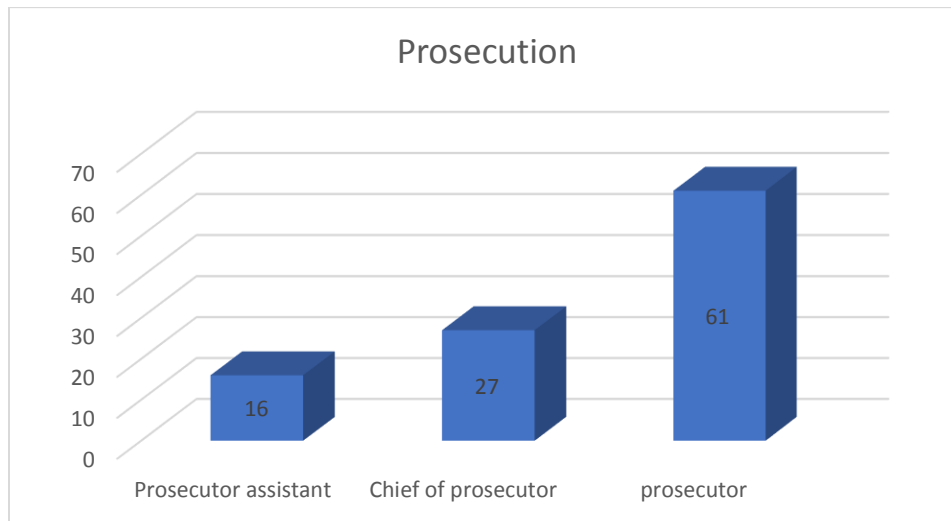
Training statistics for PJI admin staff for the year 2017



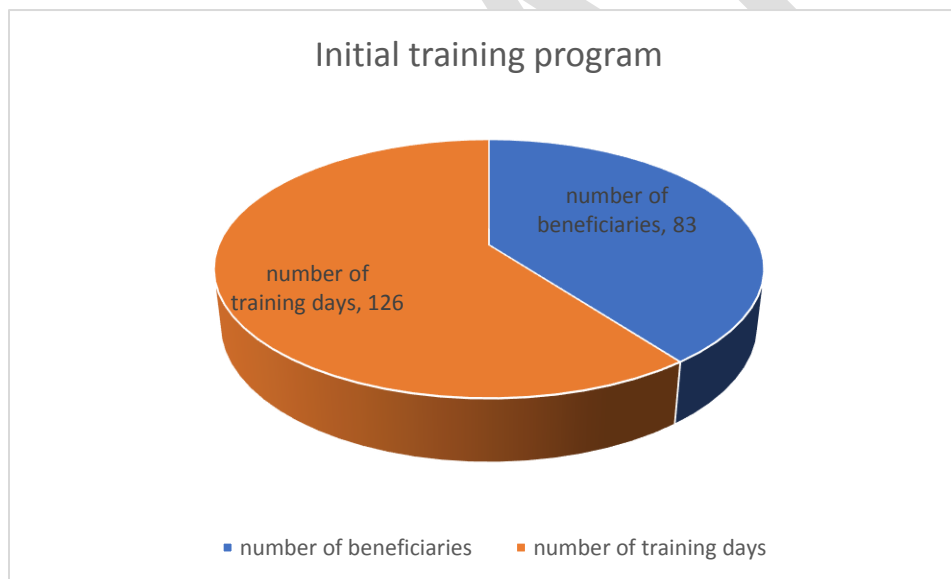
Training statistics categorized by court level of the trainees for year 2017



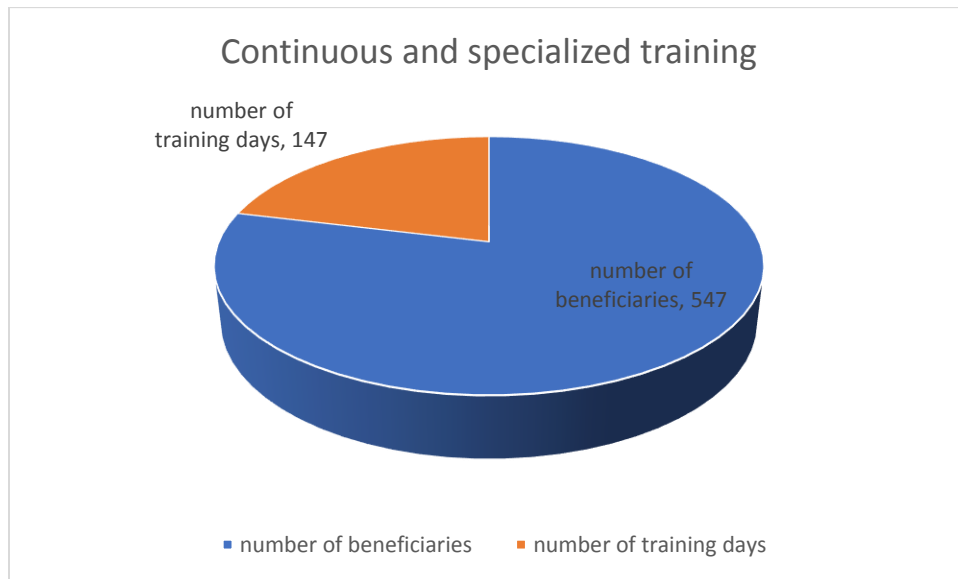
Training statistics categorized by the level of the prosecutors for year 2017



Statistics on the initial training program for year 2015-2016-2017



Statistics on the continuous and specialized training programs for the years 2015-2016-2017



CONCLUSION AND RECOMMENDATIONS

Despite the numerous effort achieved by the government and the relevant justice institutions in order to strengthen the capacities of the justice actors, much work remains to be done in order to establish a strong, efficient and sustainable legal training system that will ensure the legal education and the initial and continuous training of the future judges and prosecutors.

The challenges faced by the legal training system in Palestine concern all the actors involved in building the capacities of the justice actors:

- Law faculties of the universities in charge of legal education;
- Palestinian Bar Association and the supreme Judge department in charge of the initial and continuous trainings of lawyers;
- Palestinian Judicial Institute, Ministry of Justice, High Judicial Council and Attorney General Office in charge of the initial and continuous training of judges, prosecutors and court personnel

1. Law faculties

As mentioned in the first chapter, several studies highlighted that the current programs are characterized by weak curriculum, non-practiced based teaching methodologies and materials, insufficient capacity in legal research and publication, inadequate PhD programs, and weak linkage between the law faculties and the labor market.

Recommendations:

- To review legal education program and methodologies in order to ensure a greater emphasis on practical training and to develop new specializations in line with the labor market needs.
- To develop universities' legal research capacities and increase the number of master and PHD in law related issues.

2. Palestinian Bar Association and the Supreme Judge department

As mentioned in the second chapter, the initial training provided to regular and personal status lawyer by the PBA and the SJD is very limited or non-existent (for the personal status lawyer) and trainee lawyers face difficulties in identifying a tutor. For both categories of lawyers, there is no organized and mandatory continuous training.

Recommendations:

- To revise the terms of access to the profession in order to ensure an adequate number of lawyers and facilitate the identification of a tutor.
- To further formalize and develop the initial training provided to trainee lawyers in preparation of the Bar exam
- To establish an initial training system in addition to the tutoring system for personal status law

- To establish a mandatory continuous training system both for regular and personal status lawyers

3. Palestinian Judicial Institute, Ministry of Justice, High Judicial Council and Attorney General Office

As mentioned in chapter III and IV, the PJI is facing several challenges including the lack of formalization of its judicial diploma training, the lack of planning and time generally available to deliver initial training, the lack of mandate and structured continuous training programmes and the limited staffing, premises and resources.

Recommendations:

- To review judges/prosecutor's recruitment process in order to involve the PJI and allow better planning for initial training
- To amend the JAL or adopt the PJI law in order to ensure that graduates of Judicial Diploma Program can be hired following the conclusion of the program
- To support PJI in standardizing its training programs (initial and continuous) and improving its efficiency including staff training, system development (need assessment, course design, training calendar, evaluation...), and IT tools.
- To fully implement the MOUs signed in 2011 with HJC, MOJ, and AGO recognizing PJI as the sole training facility for the justice institutions, in addition to the MOUs signed with both military and sharia courts. This need to be respected and supported by all international stakeholders supporting the justice sector.
- To formalize recent PJI gains made towards greater administrative and financial independence
- To improve PJI facilities to be able to accommodate trainings needs. However, even when a training is held outside PJI premises, PJI should be involved in the organization and delivery of the training.