



Supporting Curriculum Development for the International Institute of Justice and the Rule of Law in Tunisia

Sheraton Hotel, Brussels
10-11 April 2013

MEETING SUMMARY NOTE

On 10-11 April 2013, the Center on Global Counterterrorism Cooperation (CGCC), the Institute for Security Studies (ISS), and the International Centre for Counter-Terrorism (ICCT) brought together a diverse group of criminal justice experts and practitioners to explore innovative and practical approaches to inform the development of a curricula for the future Tunis-based International Institute of Justice and the Rule of Law. The Institute's mission, legal framework, and specific objectives are still under development, but it is intended to serve as an international center for excellence, and resource and training center dedicated to strengthening state institutions of law and justice, interstate legal cooperation and practitioner networks, and to support states in the delivery of security and justice to their citizens.

The meeting was held with the generous support of the Netherlands Ministry of Foreign Affairs, and was attended by criminal justice officials, diplomats, expert scholar-practitioners, jurists and law enforcement officers from across the globe. Participants included delegates from Belgium, Canada, France, Germany, Ghana, Indonesia, Italy, Jordan, the Netherlands, Thailand, Tunisia, Turkey, the United Kingdom, and the United States. Intergovernmental organizations also participated, including the African Union, European Union, INTERPOL, the Organization for Security and Co-operation in Europe, and the United Nations, as well as representatives from an array of national and regional criminal justice training institutions based in Africa, Europe, the Middle East, North America, and Southeast Asia. Additionally, a number of nongovernmental organizations attended, including the Asser Institute, the American Bar Association, CGCC, the Danish Institute for International Studies, the Geneva Centre for Security Policy, ISS, and ICCT.

A wealth of practical guidance, lessons learned, best practices, and insightful perspectives on training and education, curriculum development, criminal justice, and the rule of law were shared by participants over the course of the meeting. While each topical session was driven by focused, context-specific experience and expertise, discussions across the program offered opportunities for practitioners to exchange broadly applicable insights for general consideration. This note summarizes the highlights of these discussions, and identifies next steps to inform the curriculum development process for the Tunis-based Institute.

Overview of Discussions

The opening session laid out the purpose and objectives of the meeting and the key themes that would be discussed in the coming sessions. The workshop was designed to be the first in a series of meetings and consultations and to serve as a platform for the free exchange of

ideas to help inform a curriculum development process for the future Tunis-based International Institute of Justice and the Rule of Law. The opening session highlighted the importance of strengthening investment in professional training capacity for law enforcement and criminal justice practitioners as an essential element and asset for enhancing sustainable institutional performance in the delivery of security and justice. As a meeting of expert-practitioners, participants were reminded of the importance of sharing their own experience-based best practices, and were asked to take particular note of lessons learned from existing training institutions.

Underdeveloped criminal justice institutions face a number of complex challenges. In certain contexts, law and justice practitioners can tend to rely on reactive security measures, and confession-based criminal justice practices. Such practices and measures are sometimes rationalized under the guise of countering terrorism, and often to the detriment of human rights and the rule of law. The Institute can serve as a key resource for raising the awareness and enhancing the skills of relevant criminal justice practitioners and institutions within a rule of law-based framework. It can offer crucial support for governments seeking to develop a more effective, holistic, and sustainable law and justice system based on prevention, public safety and community engagement, evidence-driven investigation, and the protection of human rights.

Principles and Objectives for Good Curriculum Design

Many participants offered concrete guidance, illustrative examples, and innovative practical tools for curriculum design, development, and delivery. In particular, these discussions revolved around four distinct but mutually reinforcing areas of focus: 1) fundamental principles of curriculum design; 2) assessment and evaluation; 3) methods of delivery; and, 4) collaboration and partnerships.

1) FUNDAMENTAL PRINCIPLES OF CURRICULUM DESIGN

Many expert-practitioners emphasized the fundamental importance of designing training curricula based on the actual practical needs of trainees. It was also recognized that training alone cannot address all capacity deficiencies. Training initiatives are most effective when the curriculum design process and its delivery focuses on enhancing the performance of practitioners as part of a locally owned capacity building initiative, ensuring the skills and knowledge acquired through training can be put to use sustainably in practice.

2) ASSESSMENT AND EVALUATION

Among the key themes and best practices reiterated during the workshop is the fundamental necessity of integrating pre-training assessment and evaluation into the curriculum design process. The design and delivery of training curricula must be informed by a context-specific needs analysis which may include a mapping of existing skill levels of personnel and managers, available training resources and methods, as well as community level perceptions of service delivery. Needs assessments should also account for the larger institutional and political environment of trainees to ensure that newly acquired skills can be put to use effectively and appropriately in the field. The training design cycle should include constant reassessment and post-training impact evaluations to ensure its effectiveness, relevance and sustainability.

3) METHODS OF DELIVERY

Flexibility, adaptability and diversity are all important characteristics in the design and delivery of training curricula. Participants highlighted the importance of balancing theory and practice, and leveraging case studies, role-plays, and critical incident scenarios to hone practical skills in a dynamic and interactive setting. Some participants observed that distance-learning tools are not an ideal method for strengthening complex skillsets, but noted they could be an asset in awareness-raising for a wider audience. The use of practitioners in the delivery of training was considered an important ingredient for experience-based training. However, all training personnel, including practitioners, should be skilled instructors and effective educators. Investment in national training capacity through education and ongoing support to local trainers was considered essential for ensuring the sustainable delivery of professional training.

4) COLLABORATION AND PARTNERSHIPS

The practices of several regional training institutes, training initiatives and national academies offered insightful examples for exploration during the meeting. Representatives from these organizations were eager to share their experiences and offer their support for the curriculum development process. Participants agreed that collaboration and resource sharing among a global network of training institutes, universities, governmental and non-governmental organizations would help enhance their common effectiveness and offer opportunities for exchanges that capitalize on their different strengths.

Developing a Core Rule of Law Course Offering

Despite the breadth and multidisciplinary nature of the rule of law agenda, a number of focused debates, practical considerations and best practices arose over the course of the discussions exploring a core rule of law course offering. Due to the broad applicability of these discussions, many of these points are reflected in different sections of this summary note. One underlying challenge that arose in this session was the range of diverging definitions of the rule of law. While law and justice professionals can be trained to perform their duties more effectively, without political buy-in, local support, and sound organizational leadership, there will be little space for newly enhanced or acquired skillsets to be put to use within a holistic rule of law framework.

Curriculum Development for Prosecutors, Investigating Judges, and Judges: Good Practices, Opportunities, and Challenges

A community of skilled, accountable and accessible legal professionals is essential for the effective maintenance of the rule of law. Prosecutors and investigating judges play important roles in this regard. While the responsibilities of these officers differ according to national legal traditions, prosecutors and investigating judges are key players in the criminal investigations process by ensuring executive accountability to the public, and in bringing wrongdoers to justice. Workshop discussions highlighted a number of core issues and best practices for enhancing the effectiveness of prosecutors and investigating judges through general training. Foremost among these considerations was that training curricula for prosecutors, investigating judges, and other legal officers must be specifically tailored according to respective national legal traditions.

An independent and impartial judiciary is at the core of an effective rule of law-based criminal justice system. Public confidence in state institutions can have a strong correlation with the perceived legitimacy of the courts. Discussions during the workshop focused on exploring the general educational needs of judges as well as potential course content to target specific skillsets required to enhance the effectiveness of the judiciary. As with all legal professionals, care must be taken to tailor course content while conscious of the dynamics of specific legal professions in different legal systems and local contexts. In some contexts, certain types of legal professionals may benefit from joint training, while in others it may be advisable to, for example, deliver separate trainings to judges and prosecutors.

While recognizing the necessity of mastering a core skillset as a prerequisite for specialized legal training, discussions over the course of the workshop also focused on elements of advanced counterterrorism training modules for prosecutors and investigating judges. Participating experts highlighted the importance of special modules on cross-border legal cooperation, such as formal legal procedures in the areas of mutual legal assistance and extradition. Some states maintain teams of specialized prosecutors that deal with international crime and terrorism. While raising awareness on how to handle these issues is generally important, most legal officers need not focus on building advanced skillsets in these areas. Nonetheless, all legal professionals should have access to specialized training and support to adapt to the evolving circumstances of a case. Additionally, the physical security of courts in high-risk environments was highlighted as a potentially critical training area for justice officials in certain contexts.

Curriculum Design for Police: Good Practices, Opportunities, and Challenges

Police are often the most visible, or for some, only visible manifestation of state power that local communities will ever encounter. As such, they stand as the foremost representatives of a government among its citizens, and play a critical role in perceptions of government legitimacy through the delivery of public safety and security. Police are also crucial agents in the prevention of and reaction to all forms of domestic criminal activity, as well as transnational crime and terrorism. Workshop discussions regarding police focused largely on their role in preventing terrorism and in partnering with prosecutors toward bringing terrorists to justice. While many experts suggested that human rights be a fundamental part of police training, it was clear from workshop discussions that there is a need to identify ways to integrate practical human rights considerations into all aspects of law enforcement training activities.

Police experts made it clear that joint training exercises with colleagues from other agencies were highly desirable and necessary for effective practice, particularly when it comes to complex criminal and terrorism cases. Additionally, the availability of necessary equipment, skilled management, public demand, and political will for effective policing were identified as crucial for training to impact practice on the ground. Discussions also highlighted the importance of designing law enforcement curricula that balances softer skillsets to strengthen their role as servants and protectors of communities, as well as harder, more technical skills that strengthen their role in preventing and fighting crime.

Curriculum Design for Corrections: Good Practices, Opportunities, and Challenges

Corrections officers and the larger penal system are crucial in the implementation and oversight of criminal sentences, the rehabilitation and reintegration of convicted offenders, and are also an important part of the intelligence cycle – monitoring the behaviors and interactions of prisoners. Penal experts agreed that training in the management, oversight, and integrity of a skilled penal officer corps is essential for effectively establishing dominance and control over a larger population of prisoners. Training for corrections officers in a dynamic security environment should focus on what to look for, what to react to, and how to react when supervising prison inmates.

Intelligence driven penal functions were also highlighted as an important supplement to policing against terrorism and organized crime. Special counterterrorism and organized crime penal units watch and listen for relevant information being exchanged between prisoners and observe relationships formed among prison populations, feeding data into the intelligence cycle. Sometimes these special units will consist of officers seconded from intelligence agencies. Ultimately, whether drawn from the uniformed penal officer service or seconded from intelligence agencies, training in cultural sensitivity, social-psychology, information gathering, and internal security, is essential for dynamic corrections managers and officers.

Public Engagement and Awareness When Developing Rule of Law and Criminal Justice Sector Curricula

Setting public expectations and raising public awareness were cited as important parts of an effective and holistic criminal justice system, and participants agreed that media training for criminal justice practitioners can be very useful. Engagement with the public through the media and the provision of accurate and timely information will enhance public trust and perceptions of government legitimacy. The role of the media as an important counter to terrorist messages and misinformation was also highlighted.

In the context of training and capacity building, it was noted that any initiative that earns public attention should not be based on unrealistic expectations for immediate change. The media can be used in various ways to educate the public on training and capacity building initiatives, assist in fostering realistic expectations, and raising public awareness of the successes and ongoing challenges of law and justice delivery. However, while communication with the public and community policing are important aspects of presenting a narrative to local populations – such narratives will mean little if not aligned with conditions on the ground.

Participants also discussed the criminal justice system as a public service: its effectiveness in protecting and serving the public forms the foremost basis of government legitimacy. Mapping the role of each element of the criminal justice system and gauging public perceptions of service delivery are essential parts of a needs analyses and longitudinal post-training impact assessments.

Moving Forward and Next Steps

Discussions over the course of the workshop highlighted the importance of collaboration and information sharing among experts to enhance the utility and applicability of the curriculum development process. Participants agreed on a number of key principles and lessons learned to inform the process moving forward, including:

- 1) There is no need to reinvent the wheel; the curriculum development process should build on existing resources, drawing on best practice and expertise. Going forward, the process should engage key partners to avoid duplication, and ensure local and regional buy-in and support.
- 2) New curricula and training resources should be developed through the cooperation of international, regional, and national stakeholders. Building trust and buy-in from key partners will be essential to the success of the initiative.
- 3) Capacity building takes time and resources, and cannot be accomplished through training alone. Training should not be viewed as a one-time event, but rather as part of a long-term process that requires local ownership and initiative to enhance security and justice capacity.
- 4) Training curricula and associated training initiatives should be framed within an approach that incorporates upholding human rights and the rule of law as the fundamental bases for the delivery of security and justice.
- 5) Curriculum design cannot be uncoupled from the organizational structures and processes of training delivery. Procedural and structural issues matter, and will have to be considered alongside the curriculum development process.
- 6) There is no one-size-fits-all approach to curriculum design. Curricula must be tailored to address specific contexts, practical needs and local realities. Courses for different officials of varying skill levels and areas of responsibility should be considered, especially in the context of judicial training.

The best practices and lessons learned identified over the course of this workshop will serve as a basis for further discussion at the next experts' forum scheduled to take place in Geneva in July 2013. In the interim, program organizers will stay in touch with the participants, including by the dissemination of key meeting materials, workshop presentations, and examples of related resources and sample curricula. The organizers will also use insights from the workshop to produce three outcome products:

- 1) A practical and user-friendly guidance note for senior officials on the importance of ongoing rule of law training and development;
- 2) A best practices guideline document on curriculum development for the Institute's partners and governing board to consider as it develops its training curricula;
- 3) A sample 'real-life' scenario for in-service criminal justice practitioners that provides an example of a practical component of the curricula.