

**Ministry of Justice
of the Republic of Serbia**

**Multi Donor Trust Fund
for Justice Sector Support**

**Annual Progress Report on
Recipient Executed Activities
January-December 2015**

**prepared by
Reform/ Accession Facilitation Unit
and Project Implementation Unit**

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ABBREVIATIONS

ACMS	Automatic Case Management System (AVP or SAPS)
AP	Accession Plan
AtJ	Access to Justice
CC	Criminal Code
CEPEJ	CoE's European Commission for the Efficiency of Justice
CMS	Case Management System
CoE	Council of Europe
EC	European Commission
EU	European Union
FLA	Free Legal Aid
FR	Functional Review
GRECO	Group of States against Corruption
HJC	High Judicial Council
ICT	Information Communication Technology
IMP	Institute Mihailo Pupin
IP	Intellectual Property
IPA	Instruments for Pre-Accession Assistance
JA	Judicial Academy
LoES	Law on Enforcement and Security
LFLA	Law on Free Legal Aid
MDTF-JSS	Multi Donor Trust Fund - Justice Sector Support
MoF	Ministry of Finance
MoI	Ministry of Interior
MoJ	Ministry of Justice
MPALS	Ministry of Public Administration and Local Self-government
NJRS	National Judicial Reform Strategy
NPAA	National Programme for the Adoption of the Acquis
NPI	National Implementation Programme
OECD	The Organisation for Economic Co-operation and Development
PFE	Estimation of the Financial Effects forms
PIU	Project Implementation Unit
PP	Procurement Plan
RAFU	Reform/ Accession Facilitation Unit
RCC	Regional Cooperation Council
RCCP	Review of Criminal Chain Process
SCC	Supreme Court of Cassation
SEIO	Serbian European Integration Office
SPC	State Prosecutorial Council
SPN	Specific Procurement Notice
ToR	Terms of Reference
UNDP	United Nations Development Programme
WB	World Bank
WCPO	War Crime Prosecutor's Office
WG	Working Group

EXECUTIVE SUMMARY

The objective of the Multi Donor Trust Fund for Justice Sector Support is to provide support for strengthening and advancing the justice sector reform in the Republic of Serbia in order to facilitate its integration to the European Union. The Project consists of the following parts:

Part A: Justice Sector Reform / Accession Facilitation Unit

Provision of support for the establishment and operation of a Justice sector Reform Facilitation/ Accession Unit (RAFU) in the Ministry of Justice (MoJ), that will facilitate and coordinate the justice sector reform program. This shall include: (i) provision of consultants' services, goods and training to the MoJ and the RAFU for preparation of technical and policy papers, strategic planning, effective aid coordination, and project design and management in the justice sector; and (ii) provision of consultants' services and goods for organizing learning events, including conferences and public campaigns to promote the justice sector reform.

Part B: Access to Justice

Provision of support for improving access to justice through provision of consultants' services, training and goods for (i) developing a legislative framework for free legal aid; (ii) facilitating the establishment of national and local institutions responsible for overseeing the free legal aid system; (iii) building the capacity of free legal aid providers; (iv) increasing the efficiency in the MoJ; (v) facilitating knowledge-sharing; (vi) carrying out a public awareness campaign; and (vii) creating monitoring and evaluation systems and capacities in the MoJ.

Strategic documents prepared by RAFU

Key achievements of the RAFU consultants in this period were drafting, revision and finalization of the Action Plan for Chapter 23¹ with annexes:

- Overview of relations between recommendation from Functional Review of Judiciary and activities within the Action Plan,
- Schematic overview of financial aspect of the Action Plan for Chapter 23.

Also, RAFU consultants prepared written information for meetings of subcommittee for Chapter 23 and 24 under the Stabilization and Association Agreement², parts of inputs for Progress Report 2015³ in the areas of Judiciary, Fight Against Corruption and Fundamental Rights, as well as parts of the National Programme for the Adoption of the Acquis (NPAA)⁴ related to Judiciary, Fight Against Corruption and Fundamental Rights. The most important document for the further

¹<http://www.mpravde.gov.rs/tekst/12647/akcioni-plan-za-pregovaranje-poglavlja-23-usvojen-na-sednici-vlade-srbije-27-aprila-2016.php>

² http://www.seio.gov.rs/upload/documents/sporazumi_sa_eu/saa_textual_part_en.pdf

³ <http://www.seio.gov.rs/documents/eu-documents.231.html>

⁴ http://www.seio.gov.rs/upload/documents/nacionalna_dokumenta/npaa/npaa_eng__2014_2018.pdf

European integration process of the Republic of Serbia and opening of the Chapter 23 was Negotiation Position which was drafted and finalized by the RAFU consultants.

Last but not least, the RAFU consultants drafted and updated further documents: National Strategy for War Crimes⁵, Action Plan for the Exercise of the rights of National Minorities⁶, Action Plan for the National Strategy for the Reform of Judiciary⁷, Action Plan for the National Strategy for the Fight Against Corruption⁸, Action Plan for Implementation of Financial Investigation Strategy⁹, and Standardized Methodology for Budgeting Action Plans for Chapters 23 & 24.

Results

In 2015, the following results were achieved with MDTF-JSS funding:

- 334 people were trained
- 5 roundtables or workshops were held
- 2 study tours were undertaken
- 1 presentation was held.

In addition, MDTF-JSS consultants provided technical assistance to the Government of Republic of Serbia and other stakeholders in the form of guidelines, policy notes, comparative analyses, etc.

Looking Ahead:

Work on strengthening and advancing of the justice sector reform in the Republic of Serbia shall continue through support of:

- drafting the Prosecutorial Strategy for investigation and processing war crimes;
- conducting analyses of compliance on Criminal Procedure code with ACQUIS regarding procedural guaranties;
- harmonizing the Criminal Procedure Code in accordance with analyses;
- finalizing the work on amendments of the Criminal Code;
- preparation of amendments to the Civil Procedure Code;
- update of AP for NJRS and revise of AP for Anti-corruption strategy;
- continued work on drafting the new Constitution of the Republic of Serbia;
- drafting the Civil Code;
- preparing new systematization of civil servants for the institutions included in process of implementation of the Action Plan in the area of Judiciary.

⁵ <http://www.mpravde.gov.rs/vest/12116/-nacionalna-strategija-za-procesuiranje-ratnih-zlocina-.php>

⁶ <http://www.ljudskaprava.gov.rs/index.php/yu/vesti/1523-usvojen-ap-za-ostvarivanje-prava-nacionalnih-manjina>

⁷ Update of Action Plan for the National Strategy for the Reform of Judiciary

⁸ Update of Action Plan for the National Strategy for the Fight Against Corruption

⁹ Draft Action Plan for Implementation of Financial Investigation Strategy

1 PROJECT BACKGROUND AND CONTEXT

1.1 MDTF-JSS Background Brief

The World Bank-executed Multi Donor Trust Fund for Justice Sector Support (MDTF-JSS) was established in January 2009 at the request of donors and the Serbian Ministry of Justice (MoJ), to serve as a mechanism to pool donor contributions for financing a coordinated work program in support of the MoJ and other justice sector institutions in achieving the objectives of the National Judicial Reform Strategy (NJRS) adopted in April 2006.

However, after the launching of the MDTF-JSS it became clear that some of the MDTF-JSS objectives could be better met through the adjustment of the set-up of the Trust Fund to a jointly executed hybrid Trust Fund. The MoJ, donor representatives in Belgrade and the World Bank task team therefore agreed to amend the arrangement of the Trust Fund allowing for Recipient-execution of part of the Trust Fund. Consequently, there are now two parts of the Fund, one Bank-executed, and the other Recipient-executed (Government-executed).

The process of restructuring of the Trust Fund was completed with signing of the Second Amendment to the Grant Agreement between the WB and the Serbian European Integration Office (SEIO) as the authorized representative of Republic of Serbia in April 2013. Modifications included operating costs as a new category of Eligible Expenditures and increase of eligible expenses financed by the grant funds from 80% to 100%. Income taxes are to be paid from the budget funds.

With signing of the “Extension of Closing Date” by the WB on December 21, 2015, the closing date of the MDTF-JSS was changed from December 31, 2015 to December 31, 2018. The amount of Government-executed grant allocated remains unchanged i.e. USD 2,700,000.

This report covers the activities implemented by the Government-executed part of the Trust Fund in the period between January 1st, 2015 and December 31st, 2015, namely the activities of the Project Implementation Unit (PIU) and Reform / Accession Facilitation Unit (RAFU).

The PIU comprising a PIU director i.e. the Assistant Minister for European Integration and International Projects appointed and funded by the MoJ, one procurement specialist and one financial management specialist both funded by the Grant, with resources and terms of reference satisfactory to the Bank, continue to be in operation. The PIU continues to have responsibilities to carry out the day to day Project implementation and management, including financial and procurement management, disbursement, fiduciary compliance, and monitoring and reporting arrangements. All World Bank policies and processes in respect of procurement and financial management apply.

- Procurement Specialist - local consultant contracted to perform the services during the period commencing April 1, 2011 and continuing through December 31, 2015. This contract was amended on January 1, 2016 to update the TOR for the procurement

specialist to include coordinating and implementing all recipient-executed activities under the MDTF-JSS and reporting on results, prepare and monitor a training plan, and monitoring and evaluation activities. The assignment has been renamed into Procurement Specialist and Recipient Executed Trust Fund (RETF) Coordinator.

- Financial Management Specialist - local consultant contracted to perform the services during the period commencing March 1, 2011 and continuing through December 31, 2015. This contract was amended on January 1, 2016 to extend its duration until the end of 2016 with possibility of extension.

1.2 Component Descriptions

- *Component 1* provides advisory services to strengthen justice sector reform in Serbia in the areas of: i) Institutional Capacity; ii) Resource Management and Aid Coordination; iii) Legal and Institutional Environment; iv) Judicial Facilities and Infrastructure; and v) Outreach, Monitoring and Evaluation.
- *Component 2* provides technical assistance in the five areas of Component 1 and in the additional area of access to justice.
- *Component 3* funds Supervision.
- *Component 4* funds Trust Fund Administration.
- *Component 5* funds Program Management.

Component 1 is Bank-executed and provides advisory services primarily through analytical reports, training of relevant MoJ staff and other relevant staff, policy dialogue and surveys.

Component 2 is Government-executed and provides technical assistance to the MoJ through the support given to Reform/ Accession Facilitation Unit in the Ministry of Justice and Supreme Court of Cassation.

Component 2 has two sub-components: (2.1) supports the Reform/ Accession Facilitation Unit; and, (2.2) strengthens access to justice.

The establishment of the RAFU is also envisioned to contribute to longer-term capacity building at the MOJ and the Judiciary, and lay sustainable foundations for in-house capacity within the Serbian justice sector institutions to plan, sequence, implement and monitor justice sector reform activities in Serbia. Art. 31 of the Law on Courts' Organization prescribes that the Supreme Court of Cassation (SCC) ensures uniform application of law by courts and equality of parties in the court proceedings (alignment/harmonization of jurisprudence); reviews application of laws and other regulations and the work of courts (National Backlog Reduction Plan and establishment of a standard system for keeping electronic records of cases). In accordance with these competences, the Supreme Court of Cassation is observed as key responsible authority for a

number of activities: effective implementation of the National Backlog Reduction Plan¹⁰, improved consistency of jurisprudence¹¹, and comprehensive analysis of the court network¹². These derive directly from the SCC competences prescribed by the law: Art. 30 and 31 of the Law on Courts' Organization define the jurisdiction of the Supreme Court of Cassation, making the clear distinction between the competences "in trial" and competences "outside the trial". As the highest court in the country, the Serbian Supreme Court of Cassation decides on extra-ordinary legal remedies in civil, criminal, commercial, administrative and misdemeanor cases; however, it also supervises the work of all courts and analyses their work and ensures unified application of legislation on the territory of the entire country. The assistance of RAFU will address the needs of the Supreme Court of Cassation for expertise in the areas identified above.

1.3 Relevant Key Developments in the Justice Sector in 2015

i) Institutional Capacity

- The key measure in the field of repression of corruption is the adoption of the Financial Investigations Strategy 2015 - 2016. This Strategy is an integrative document for the largest number of anti-corruption repressive measures. The Financial Investigations Strategy prescribes specialization in economic crime matters in police and prosecution offices and in four appellate courts, advanced trainings in cooperation with the JA of judicial officers (in the four Appellate courts) who handle financial investigations, establishment of task forces comprised of police officers and officers of other relevant government authorities, and appointment of liaison officers for contact with the prosecutor's office and the police in every authority which comes across facts connected to financial crimes.

ii) Resource Management and Aid Coordination

- One of the most prominent contributions was the estimation of costs of activities in the Action Plan for Chapter 23. This allowed the MoJ to predict how much financial resources Serbia needs for the realization of the AP for Chapter 23. Special attention was paid to reduce the additional budgetary costs to the minimum and in the same time maximize the utilization, reorganization and coordination of the resources (presented in each activity through: the structure of the costs, their dynamic, and sources of funding). This activity was performed in the MoJ as well as in other institutions which are involved in this process. Also, special instruction for the PFE forms

¹⁰ Screening Report recommendation and point 1.3.6. of draft Action Plan: Implement the backlog reduction program, including introducing alternative dispute resolution tools

¹¹ Screening Report recommendation and point # 1.3.9. of draft Action Plan: Improve consistency of jurisprudence through judicial means – consider simplification of the court system by abolishing courts of mixed jurisdiction and possibility to file an appeal before the Supreme Court of Cassation based on legal grounds against any final decision – and by ensuring complete electronic access to court decisions and motivations and their publication within a reasonable amount of time

¹² Screening report recommendation and point # 1.3.3. of draft Action Plan: Conduct a comprehensive analysis prior to taking further steps in the reform of the court network, including in terms of cost, efficiency and access to justice

(Estimation of the Financial Effects forms)¹³ was provided, so that all beneficiaries will have guidance on how to proceed with the newly adopted PFO forms prescribed by the MoF, which should significantly improve the planning and budgeting systems of the particular costs.

Furthermore, in order to ensure complete budgetary independence of the judiciary and to strategically plan the volume and structure of judiciary needs, an analysis of Free Legal Aid (FLA) legislation as well as proposals for amendments and supplements to such legislation has been completed.

iii) Legal and Institutional Environment

- The National Assembly of the Republic of Serbia adopted the new Law on Enforcement and Securing Claims on December 18, 2015. The Law shall come into force on July 1, 2016. The main novelties of the new Law are:

- broadening of the competence (jurisdiction) of enforcement agents (in order to maintain and increase the speed of the enforcement proceedings and reduce excessive workload of the courts and make provisions on division of competences between courts and enforcement agents more precise);
- transfer of backlogged utility cases into the competence of enforcement officers, by which the expenses and fees in those proceedings are also regulated;
- more stringent requirements for enforcement agent candidates, such as mandatory initial training;
- precise procedural provisions that should eliminate present ambiguities causing excessive delay in proceedings;
- detailed and unambiguous provisions on enforcement of pecuniary claims against real property as most valuable assets;
- reaching a compromise between the speed of the enforcement proceedings (primarily embodied in the acting of enforcement agents) and the harmonisation of case law (by way of reintroduction of the right of appeal - jurisdiction of higher courts.

- The text of the preliminary draft of the Civil Code of the Republic of Serbia has been drafted.¹⁴ So far, four public debates have been held on the following topics:

- “Presentation of the preliminary draft text of the Civil Code “, Belgrade, July 2, 2015
- “General part of contractual relations”, Belgrade, November 5, 2015

¹³ PFE forms (Estimation of the Financial Effects forms) are special forms that are prescribed by the Ministry of the Finance. These forms show the budget plans for each institution for 2016 year and their predictions for future two years. The original form can be found on the link: <http://www.mfin.gov.rs/pages/article.php?id=11297>

¹⁴ Based on Government Decision no. 323-02-1282/2006-09 on the establishment of the Commission for drafting the Civil Code from December 6, 2006

- “The damages and its compensation”, Kragujevac, November 30, 2015
- “General part and property”, Nis, October 25, 2015

- The Joint Working Group for the amendments on the Law on the HJC and Law on the SPC (hereinafter: the “Laws”) had decided to largely postpone the amending procedure of the Laws. However, some changes of the Laws were necessary to be performed prior to the adoption of the amendments to the Constitution of the Republic of Serbia. Newly adopted amendments to the Laws introduced the principle of higher transparency in the work of these bodies through the following activities:

- Public meetings of the HJC and SPC;
- Issued decisions of the HJC and the SPC have to include the explanation as a mandatory part;
- Decisions and work reports have to be publicly available and published on the website of the HJC and SPC.

- In addition, in accordance with the newly adopted changes of the Law on Judges¹⁵ and the Law on the Public Prosecutor’s Office¹⁶ a request to obtain the Judicial Academy degree, which is a mandatory requirement for first-time election into the office of a judge or prosecutor, remains. Individuals who did not complete the initial training at the JA still have the possibility to be candidates for the first time election to the office of a judge or prosecutor, but will have their expertise, competence and dignity tested before the HJC or SPC.

iv) Judicial Facilities and Infrastructure

- During the period from the second to the fourth quarter of 2015, in cooperation with the MoJ staff, Guidelines which determine the directions of ICT system development according to AP Chapter 23 have been drafted¹⁷. These Guidelines also include data on infrastructure of Information and Communication Technology and costs of its maintenance, software and human resources.

v) Outreach, Monitoring and Evaluation

- The MoJ supported the delivery of the Guidebook for Spokespersons of Public Prosecutor’s Offices and for Journalists. The Guidebook explains efficient communication of public prosecutor’s offices with their target public. It was prepared in cooperation with GIZ Project in Serbia, representatives of Serbian journalists, and the Republic Public Prosecutor’s office. The Guidebook was published in March, 2016.

¹⁵ "Official Gazette of RS", no. 106/2015

¹⁶ Ibid.

¹⁷ Action Plan for Chapter 23, Subchapter Judiciary, activity 1.3.6.7

- The preparation of Newsletters about MoJ activities related to Serbia's EU integration, Judicial Reform, and the fight against organized crime and corruption was very active. The Newsletters were sent to all Serbian Embassies and Consulates in the EU and China, Canada, USA and Australia. The Newsletters were also sent to all foreign Embassies and Consulates in the Republic of Serbia.

-During 2015, in cooperation with international organizations OECD, USAID and GIZ, more than 11 public debates related to new draft laws and strategic documents prepared by the MoJ were organized. There were also six meetings of the Strategy Implementation Commission related to objectives defined by the NSRP.

- Four media trainings for spokespersons of courts and public prosecutor's office in Serbia and for representatives of the Serbian Media were conducted and one media training was completed for state secretaries, minister assistants and chiefs of sectors of the MoJ.

- The MoJ participated in the creation and implementation of four promo-campaigns related to the new-adopted laws and MoJ projects¹⁸.

- In addition, the MoJ supported the delivery of a documentary film "Gram, kilogram, ton", on drugs trafficking in Serbia, and had an active role in the preparation of a TV Show, "Right to Justice". The episodes of the TV Show are related to the negotiations on Chapter 23, and they are going to be broadcasted on the National Public Broadcaster in Serbia – RTS during 2016.

2 Sub-Component 2.1: Reform/ Accession Facilitation Unit

2.1 Introduction

This sub-component funds the maintenance of a RAFU at the Ministry of Justice and Supreme Court of Cassation. The RAFU is responsible for contributing to achieving reform goals. The team provides expert advice, recommendations and technical assistance. Tasks include drafting of technical and policy notes and papers, input to strategic planning, facilitation of aid coordination and effectiveness, project design and implementation.

The RAFU has a double purpose: (1) to provide technical assistance to justice sector to prepare and implement the AP Ch. 23 and to implement the NJRS and AP, and (2) to build capacity within MOJ/SCC so that they can operate sustainably. RAFU staff focuses on reform and alignment related activities that are aligned to the priorities identified under the MDTF-JSS, as well as

¹⁸ Law on Protection of Whistleblowers - "Now the Whistle-blowers are stronger" Campaign, Enforcement System in Serbia - "The Response is Responsibility" Campaign, the new Civil Code Draft, and Project "One tree for the one warrior"

ongoing accession process activities, which represent the key priority of the MoJ, while building staff capacity of the MoJ/SCC to develop and implement policy in these areas.

In addition, the Trust Fund covered the procurement and financing of small scale projects and events including learning events, conferences, study tours, round tables, workshops, etc. The following paragraphs give more insight into the rationale of each specific event which was procured and financed by the PIU through MDTF-JSS funds.

2.2 Procurement and Training Activities

a) Study Tours

- With the support of the MDTF-JSS, the PIU organized the attendance of the Senior Legal Advisor-Court Jurisprudence Specialist based in SCC, to participate in a study visit to Berlin from April 26 to April 29, 2015. The OSCE Mission in Serbia organized a study visit for SCC justices and staff to German courts (April 26-29, 2015) with the exclusive focus on case-law harmonization in Germany and best practices in harmonization of these courts' decisions with the CJEU case-law. The relationship between German courts' decisions and CJEU case-law is an area of particular interest to the Supreme Court of Cassation, but also an area to be thoroughly investigated during the EU accession process, and as such very important to SCC.



Upon returning to Belgrade, study visit participants held a presentation to the SCC justices and legal advisors on German best practices with regard to case law harmonization. During this presentation, the Supreme Court justices pointed out the following conclusions and recommendations:

- The stability of legal, i.e. legislative system is of key importance to aligned case law. In the 20th century, Germany went through at least three turbulent periods: The First World War, the Third Reich and the consolidation of two Germanies into one state in 1989/1990. However, its main procedural laws were created towards the end of the 19th and in the beginning of the 20th century, and they did not suffer great or systemic changes. These changes did not occur often, either.
- Organized and continuous education of judges and judicial advisors contributes to harmonized jurisprudence. There is a general awareness of the importance of

investing into future generations of judges, which is accompanied by a comprehensive and well established system of their professional development.

- The engagement of experienced judges for the purposes of the ministry of justice, i.e. the executive branch of government, could be introduced in Serbia as well. Such engagement would contribute to continuity and sustainable institutional reform (in times of frequent elections, and subsequent changes of personnel in ministries), the quality of legislative changes and proposals, and coherency of legislative framework.
- It will be good to include practical education in second instance courts into the Judicial Academy's initial training curriculum, i.e. to organize practical education in these courts for judicial assistants of first instance courts, in particular to the case law departments, for at least three months.

The last two recommendations do not require changes of legislation, or additional human or material resources, and the study visit participants assess that they would contribute to institutional capacity building with the purpose to reinforce legal certainty, which is the aim of case law harmonization.

- Having assessed the internal performance of Serbia's Justice Sector, the Functional Review (FR), carried out by the MDTF-JSS, provided a recommendation to bolster the sector's capacity in order "to systematically analyze workloads and determine the efficient resource mix to achieve policy objectives." The FR further recommends adopting a simple case weighting methodology as a tool to effectively manage resources and prioritize objectives. The recommendation was built into Chapter 23 Action Plan. A Study Tour to Slovenian Courts and the Slovenian Ministry of Justice was undertaken in December 3-5, 2015. The purpose of this study tour was to become acquainted with how case weighting methodology worked in practice, including how it was developed, how it was deployed, and any lessons learned from that experience.



Representatives from SCC, HJC and the RAFU Consultant for the Reform of the Judicial Network met with the Slovenian President of the Supreme Court, and had meetings at the Supreme Court/District Court (Labour and social court) and the Ministry of Justice.

The Program for weighing of cases is being developed by a working group, established by the HJC, SCC and SPC. The expected result of this activity is a program which introduces the complexity of the case as one of the criteria for its allocation. Prior to creating the working group, HJC and SCC wanted to get introduced to a case weighting program which was fairly recently introduced and was developed internally, and not imposed from the 'outside'. The Republic of

Slovenia is a perfect choice, since it introduced case weighting in 2012, and only in a number of courts. The methodology was developed by its Supreme Court, using entirely its own resources. Other reasons that make Slovenia a good choice are: the same or similar legal history and the continuous application of laws adopted during SFRY times, one of them being the Law on Obligations (the same being applied in Serbia).

b) Round Tables/Workshops

- Roundtable to discuss the Serbia Judicial Functional Review with relevant stakeholders in the WB Office in Brussels, Belgium, on 10 February 2015. The Serbian delegation comprised of representatives of the MoJ, SCC, HJC, CSO YUKOM, and the RAFU Consultant for Human Rights. On the first day of visit, the Serbian delegation held a meeting with representatives of DG NEAR's unit for Serbia, including the head of unit Myriam Ferran. The main topic of the meeting was the draft Action plan for Chapter 23 and supplements and amendments to the Criminal code, the Law on data protection, and the status of the draft Law on free legal aid and the Action plan for minorities. DG NEAR representatives expressed their satisfaction with progress made in the second draft of AP for Ch. 23 and expressed their expectation that the third draft will indeed be the final one. The parties to the meeting discussed the lack of substantial data regarding national minorities' part of AP CH. 23, the extension of deadlines, the progress made with supplements and amendments to the Criminal Code, and the impact of the lawyers' strike on the backlog reduction plan. However DG NEAR expressed their concern about lack of substantial data regarding national minorities part of AP CH 23, and also advised Serbian side to take once more closer look of all deadlines in AP having in mind negative Montenegro experience with having overly ambitious deadlines. Mr. Backovic, Assistant Minister for European Integration and International Projects informed DG NEAR about progress made regarding working group tasked to draft AP for national minorities but also tasked to provide some substantial data for national minorities part of AP CH 23 in order to overcome above stated concern with lack of precise measures. Mr. Radomir Ilic, State Secretary informed DG NEAR about progress made with supplements and amendments to the Criminal code in part dealing with economical crime and provided additional data on actual goal of these amendments. DG NEAR expressed concern about impact on lawyers strike on backlog reduction plan, but Serbian delegation explained that there is no cause for concern having in mind overall size of backlog. On the second day, the Serbian delegation took part in a presentation of the functional review of Serbian judiciary at the premises of the World Bank in Brussels held by World Bank's public sector specialists Georgia Harley, Klaus Decker and Srdjan Svircev. A head of presentation Mr. Milojević, President of the SCC expressed gratitude to the MDTF that financed functional review which he deemed as a very good analysis of flaws in functioning of Serbian judiciary. Mr. Backovic confirmed satisfaction with the high level of quality of functional review and stated that Serbian judiciary certainly needed such a through analysis in order to achieve full compliance with high EU standards. He also stated that findings of functional review will certainly find its place in AP CH 23 and in revised National judiciary reform strategy. During the presentation, World Bank experts focused on the methodology of research, major obstacles they have in countered during research and also explained how such a review can be prepared for almost every country.

- With the support of the PIU and the MDTF-JSS₂, the Supreme Court of Cassation organized its traditional Annual Judges' Conference ("Judicial Days 2015") on October 14-17, 2015 in Vrnjacka Banja. The Conference focused on recent developments and issues in court practice, as well as on the legal framework and exchange of best practices. The conference was attended by more than 1,200 judges from all Serbian courts, plus independent judicial professionals such as public notaries, enforcement agents and attorneys. Other guests included foreign diplomats and representatives of the EU Delegation, OSCE, the Council of Europe, USAID and US DoJ and other donor organizations. The SCC requested that the RAFU Senior ICT Advisor – Court Automation and Caseload Statistics Specialist, and the Senior Legal Advisor- Court Jurisprudence Specialist join the rest of the organizational board and help during the setup/organization and the realization of the conference and that their participation would be financed from the MDTF-JSS funds.

The conference agenda included topics directly related to the Terms of Reference of the two MDTF-JSS consultants:

- i) Case-law harmonization in general;
- ii) Measuring the effects of case-law harmonization efforts in 2014 and 2015, as well as next steps (expansion of the case-law database) and precondition for their realization;
- iii) Focus on amendments to the agreement between presidents of the Appellate courts regarding case-law harmonization and expansion to higher courts; and
- iv) Presentation and analysis of effects of the Unified backlog reduction program.



Furthermore, the MDTF-JSS financed the participation of 25 judicial assistants from Higher Courts at the conference. The conference was organized around four sections: criminal, civil, administrative and misdemeanor where judges presented their papers, and discussed legal issues. Major topics covered during the conference included:

- Unified backlog reduction plan,
- Special enforcement backlog reduction plan,
- Amendments to the Criminal Code, the Law on Protection of the Right to a Trial within Reasonable Time, the Law on Judicial Protection of Whistleblowers, and the new Labor Law, restitution of assets and compensation,
- Automated Case Management System in Misdemeanor Courts (SIPRES),
- Benchbook for criminal proceedings, and
- Some “hot topics” such as asylum and rights of minorities.

- Workshop on meeting towards the Estimation of the financial effects (MoJ, Belgrade, November 24, 2015) organized by RAFU consultants based in the MoJ. The Action plan is a new type of document which will create certain financial effects on the Budget of the Republic of Serbia. In addition, Serbia has now a new form of estimation of the financial effects. It was, thus, important to educate and inform all participants about this in order to achieve a unique approach in relation to the manner of estimation of the Action plan's financial effects. Therefore, in order to be better prepared for future processes, participants were informed on the methodology for the Estimation of the financial effects. During the meeting, the participants had inter-active communication which allowed them to share relevant information and to improve cooperation and efficiency which will be useful for further activities in this regard.



The aim of the meeting was to prepare relevant institutions for the further steps in the negotiation process. For the sake of clarity, the first step will be the obligation of the relevant institutions to present their prescribed form of the Estimation of the financial effects regarding their activities. The fulfillment of this step is the precondition for obtaining a positive opinion of the MoF, which is necessary for the further process of the adoption of the Action plan in the Serbian Parliament. In the future process, these forms will be prepared annually, following the revisions of the Action plan. Considering the above, this step is crucial for establishing the soil ground on how this process will be functioning so that the MoF is going to be able to adequately plan the budget for each year.

Participants from the relevant institutions were very satisfied with the meeting, i.e. they consider the meeting very useful for their future work. On the other side, the MoF stated that the meeting was a major shift in achieving better insight into costs related to the implementation of the Action plan.

- Workshop on the implementation of the Action plan for Chapter 23 and effective reporting (MoJ, Belgrade, December 14, 2015) organized by RAFU consultants based in MoJ. All AP23 stakeholders have been invited, including relevant institutions in the field of Judiciary, Anticorruption and Fundamental Rights. Workshop participants were informed about a set of important aspects with regard to forthcoming implementation of the AP Ch23.

Primarily, the discussion focused on the results of initial data collection, performed by RAFU at the end of November and beginning of December. This 'pilot' reporting was performed for the purpose of provision of information to the COELA members regarding the implementation of the activities planned by IV quarter of 2015. This process was very helpful for the identification of

potential issues that may be expected in the future reporting phase. Hence the workshop was mainly reporting-oriented, with an aim to support all representatives of responsible authorities to adequately and efficiently prepare relevant reports.



Participants were informed that all the *technical instructions* will be delivered after the workshop and will concurrently be available at the MoJ website (expecting upgrade in order to include a separate part on AP23 implementation). The need for mutual communication among the contact points in various institutions was emphasized (next workshop will particularly focus on this area). A single email address will be created in order to simplify the reporting procedure for all stakeholders. Furthermore, the RAFU will develop a template for reporting in the following period which will be provided to all contact points per institution.

With regard to the *reporting calendar*, participants were informed that reporting phases will be quarterly. Stakeholders were also advised that in case they notice that certain due activities are not implemented, or respective officials are not willing to provide information, they should contact individuals at RAFU responsible for reporting on a concrete subchapter in order to obtain information or speed up the process of implementation.

Participants were additionally informed that contradictory reports of the institutions performing the same activity will be addressed at joint meetings, whereas in case no agreement is reached, both reports will be included in the cumulative report i.e. no substantial changes of the institutions reports will be made. Likewise, in case of gaps, mutual communication among institutions is of major importance (e.g. if one institution is responsible for amendments to the normative framework and another for its implementation), in which case both reports are relevant and shall be included in the cumulative report.

Visibility of implemented activities was also addressed, whereby it was noted that future workshops, round tables etc. organized as a part of AP23 should be made available to the public, relevant experts in the field, and citizens. The Negotiating team will undertake similar visibility activities with the Convent, and also invite contact points to joint meetings depending on the specific topics addressed.

c) Presentations

- Representatives of the Republic of Serbia, including the Assistant Minister for EU Integration and International Projects- Head of Chapter 23 Negotiating Group and the RAFU Consultant for Outreach and Communication participated at the informal presentation of AP for Chapter 23 and

AP for Chapter 24 to COELA on October 9, 2015 in Brussels. Assistant Minister Cedomir Backovic was invited by the Chief Negotiator for Serbia's accession negotiations with the EU to take part in a meeting with representatives of the working group on EU enlargement (COELA), consisting of representatives of all member countries. The aim of the meeting was to do an informal presentation of the Action Plan for Chapter 23 to representatives of the working group on EU enlargement (COELA) in order to present the methodology for the Action Plan. Also, Mr Backovic explained to COELA representatives how important was the participation of civil society during writing process of the Action plan, how the monitoring plan looks like, etc.

The resolution of all possible misunderstandings with the representatives of COELA was crucial for more efficient adoption of the Action Plan for Chapter 23. Considering that Chapter 23 - justice, the fight against corruption and fundamental rights - is one of the most important chapters in the process of Serbia's EU accession, there is considerable interest from the media, and the general public in Serbia is always present. For this reason, it is necessary to promptly and adequately provide to the public information before and after these meetings with the purpose of introducing transparency in the process of negotiations with EU. Getting to know the content and the aim of the meeting with representatives of COELA is important not only for informing the domestic public (judicial institutions, civil society, the executive and the legislative authority), but also because of the ever-present interest of the international institutions in Serbia's progress in the field of European integration.

d) RAFU Composition and mandate

The RAFU based in the MoJ comprised of 12 consulting positions in 2015:

- Consultant for the Reform of Criminal Justice System¹⁹,
- Consultant for Access to Justice²⁰,
- Consultant for Constitutional Framework²¹,
- Consultant for Outreach and Communication²²,
- Consultant for the Reform of Legal Professions²³,
- Consultant for Human Rights²⁴,
- Consultant for Anticorruption²⁵,

¹⁹ Part- time local consultant contracted to perform the services on lump-sum basis during the period commencing January 1, 2014 and continuing through December 31, 2016.

²⁰ Full- time local consultant contracted to perform the services during the period commencing February 24, 2014 and continuing through December 31, 2016

²¹ Full- time local consultant contracted to perform the services during the period commencing March 1, 2014 and continuing through December 31, 2016

²² Full-time local consultant contracted to perform the services during the period commencing February 24, 2014 and continuing through December 31, 2016

²³ Full-time local consultant contracted to perform the services during the period commencing February 24, 2014 and continuing through December 31, 2016

²⁴ Full-time local consultant contracted to perform the services during the period commencing February 24, 2014 and continuing through December 31, 2016

²⁵ Full-time local consultant contracted to perform the services during the period commencing March 1, 2014 and continuing through December 31, 2016

- Consultant for Justice Sector Data Analysis/ Budgeting²⁶,
- ICT Consultant for support to the Judicial modernization²⁷,
- Consultant for the Reform of the Judicial Network²⁸,
- Consultant for the Reform of Civil Law System²⁹, and
- Consultant for Judicial Academy Competency/Education³⁰.

The RAFU seconded to SCC comprised of 3 consulting positions in 2015:

- Senior ICT Advisor – Court Automation and Caseload Statistics Specialist³¹,
- Monitoring and Evaluation Specialist³², and
- Senior Legal Advisor- Court Jurisprudence Specialist³³.

- As part of procurement activities, in December 2014, the PIU started with the activities to extend RAFU contracts. A proposal for continuation of the RAFU support to the MoJ as well as three new additional consultants in areas which fall within the jurisdiction of the SCC³⁴– was prepared together with a detailed financial proposal and organogram. The new RAFU was planned to have a double purpose: (1) to provide technical assistance to the justice sector to prepare and implement AP Ch. 23 and to implement the NJRS and AP, and (2) to build capacity within the MoJ/SCC so that in the future they can operate sustainably without external gap-filling after 2015.

- Amendments to the contracts with enhanced Terms of Reference for the following positions were prepared, approved by the WB on January 20, 2015, and signed:

1. Consultant for the Reform of Criminal Justice System
2. Consultant for the Reform of Civil Law System
3. Consultant for Access to Justice
4. Consultant for Judicial Academy Competency/Education

²⁶ Full-time local consultant contracted to perform the services during the period commencing March 1, 2014 and continuing through December 31, 2016

²⁷ Full-time local consultant contracted to perform the services during the period commencing April 1, 2015 and continuing through December 31, 2016

²⁸ Part-time local consultant contracted to perform the services during the period commencing March 16, 2015 and continuing through December 31, 2015

²⁹ Full-time local consultant contracted to perform the services during the period commencing November 17, 2014 and continuing through December 31, 2016

³⁰ Full-time local consultant contracted to perform the services during the period commencing March 1, 2014 and continuing through December 31, 2015

³¹ Full-time local consultant contracted to perform the services during the period commencing April 1, 2015 and continuing through December 31, 2015

³² Full-time local consultant contracted to perform the services during the period commencing April 1, 2015 and continuing through August 8, 2015

³³ Full-time local consultant contracted to perform the services during the period commencing April 1, 2015 and continuing through December 31, 2015

³⁴ Backlog reduction and acceleration of court proceedings, uniform statistic reporting and data management as well as harmonization of jurisprudence

5. Consultant for Constitutional Framework
6. Consultant for Outreach and Communication Strategy
7. Consultant for the Reform of Legal Professions
8. Consultant for Human Rights
9. Consultant for Anticorruption
10. Consultant for Justice Sector Data Analysis/ Budgeting.

- The PIU prepared Specific Procurement Notice (SPN) for following vacant positions:

1. ICT Consultant for Support to the Judicial Modernization based in the MoJ
2. Consultant for the Reform of the Judicial Network based in the MoJ
3. Senior ICT Advisor – Court Automation and Caseload Statistics Specialist based in the SCC
4. Monitoring and Evaluation Specialist based in the SCC
5. Senior Legal Advisor- Court Jurisprudence Specialist based in the SCC.

The SPN was announced on the MDTF-JSS and MoJ site, in the daily newspaper Politika (edition for the whole country) on January 22, 2015 and widely circulated through MDTF-JSS donors. The consultants were selected in accordance with the Guidelines Selection and Employment of Consultants under IBRD Loans and IDA Credits & Grants by World Bank Borrowers dated January 2011.

After no objection of the WB to the evaluation report and award of contract on March 11, 2015, the ICT Consultant for Support to the Judicial Modernization based in the MoJ signed the contract and started the assignment. Based on satisfactory performance this contract was extended on January 1, 2016 until the end of 2016.

The Consultant for the Reform of the Judicial Network started to work on March 16, 2015 after concurrence of the WB dated March 11, 2015. The Consultant decided not to extend the contract after December 31, 2015 and a new TOR for this position was sent to the WB for approval.

Three RAFU consultants based in the SCC commenced their services on April 1, 2015 after WB's approval dated March 11, 2015.

- Senior ICT Advisor – Court Automation and Caseload Statistics Specialist seconded to SCC executed services until December 31, 2015 (new selection procedure is at the time of preparation of this report in process).

- Contract with Monitoring and Evaluation Specialist was terminated on August 8, 2015 by mutual agreement. The TOR was updated with assistance of the SCC and the position was publicly announced on October 13, 2015. The evaluation report was cleared by the WB on December 1, 2015 and the consultant started to work in 2016.

- Senior Legal Advisor- Court Jurisprudence Specialist based in the SCC performed services until December 31, 2015. The TOR was updated and sent to the WB for clearance in 2016 (new selection is at the time of preparation of this report in process).

- After the change of MDTF-JSS closing date from December 31, 2015 to December 31, 2018, the PIU prepared the following 10 RAFU amendments extending their services until the end of 2016 and updating TORs:

- Consultant for the Reform of Criminal Justice System
- Consultant for the Reform of Civil Law System
- Consultant for Access to Justice
- Consultant for Constitutional Framework
- Consultant for Outreach and Communication Strategy
- Consultant for the Reform of Legal Professions
- Consultant for Human Rights
- Consultant for Anticorruption
- Consultant for Justice Sector Data Analysis/ Budgeting
- ICT Consultant for support to the judicial modernization³⁵

- Due to 12 new consultants seconded to the Judicial Academy (JA) and financed by a USAID project, there was no need to extend the contract with the consultant for Judicial Academy Competency/Education and this contract was completed on December 31, 2015.

- As part of bridging activities in 2015 three new TORs for short-term consultancies were drafted and cleared by the WB:

- TOR for ICT Consultant – Court Fee Collection Analysis,
- TOR for Consultant for Analysis of the Court Fee Waiver System, and
- TOR for Consultant for Analysis of guidelines and statistical data within Judiciary ICT.

The contract with the ICT Consultant – Court Fee Collection Analysis was signed on January 29, 2016 and is under execution. Specific tasks are divided into 3 phases and include: phase 1- Analysis of the Court Fee Collection; phase 2- Knowledge Transfer and Training; and, phase 3- Assessment of Human Resources regarding ICT systems.

The contract with the Consultant for Analysis of the Court Fee Waiver System was signed on January 26, 2016 and the consultant has commenced his work. The key tasks comprise of the

³⁵ At the time of preparation of Annual Report contracts with following 11 RAFU consultants are operational: Consultant for the Reform of Criminal Justice System, Consultant for the Reform of Civil Law System, Consultant for Access to Justice, Consultant for Constitutional Framework, Consultant for Outreach and Communication Strategy, Consultant for the Reform of Legal Professions, Consultant for Human Rights, Consultant for Anticorruption, Consultant for Justice Sector Data Analysis/ Budgeting, Consultant for support to the judicial modernization, and Monitoring and Evaluation Specialist

following: review existing literature regarding court fee waivers in Serbia and Europe; research of the comparative law, and more importantly the daily practice, in regard to the implementation of fee waivers in court proceedings in at least five countries in the region (EU/neighboring countries); analyze the normative framework and the various non-standardized practices in Basic Courts in Serbia related to fee waivers, and in consultation with stakeholders identify the current obstacles to an effective fee waiver system in Serbia; identify good practices from the comparative analysis above, and examine in detail how these could feasibly be replicated or adapted to the Serbian context; make practical recommendations and an implementation roadmap for amendments to law and practice in Serbia enabling swift implementation of an effective and standardized fee waiver system in practice.

The selection of the Consultant for Analysis of guidelines and statistical data within Judiciary ICT is at the time of preparation of this report in process. Given that the Consultant's assignment is closely connected to the annual CEPEJ peer evaluation which was held at the beginning of March 2016, the MoJ is still waiting for the peer evaluation report, after which the Consultant for Analysis of the guidelines and statistical data will be contracted.

2.3 Description of Delivery of Activities and their Impact in Supporting the Development Objective

1. Consultant for the Reform of Criminal Justice System.

The Consultant for the reform of criminal justice system took various activities during 2015 aimed at strengthening capacities of the representatives of MoJ, SPC, HJC, RPPO, SCC, WCPO, JA, etc.³⁶ in the areas of strategic and project planning; EU acquis and standards in relevant areas; methodology of monitoring reform implementation and reporting; transparency of work of the institutions; inclusion of CSOs in processes of development and implementation of reform activities; other topics relevant to the improvement of relevant knowledge and skills resulting in work quality. The consultant's key activities included:

Dialogue and knowledge-sharing events:

³⁶ Cedomir Backovic, assistant Minister for European Integrations and International Projects; Dusan Brajkovic, Head of the Project Department in the MoJ, Sector for European Integrations and International Projects; Uros Vucinic, adviser in the Project Department in the MoJ, Sector for European Integrations and International Projects; Danka Vasic-Joksic, independent adviser in the Project Department, MoJ, Sector for European Integrations and International Projects; Ana Djuriscic, adviser in the MoJ, Head of the Group for the NJRS implementation, MoJ, Sector for European Integrations and International Projects; Ana Brkic, junior adviser in the MoJ, Sector for European Integrations and International Projects; Natasa Dimitrijevic junior adviser in the MoJ, Sector for European Integrations and International Projects; Jelena Deretic independent adviser for normative affairs in the MoJ; Branko Stamenkovic, member of the SPC; Tamara Mirovic, Deputy Republic Public Prosecutor; Tatjana Vasiljevic-Veljkovic, adviser in the RPPO; Marijana Santrac, independent adviser for international cooperation in the SPC; Mirjana Pavlovic, adviser in the HJC; Gordana Janicijevic, Deputy Republic Public Prosecutor; Svetislav Rabrenovic, adviser in the War Crime Prosecutor's Office; Milan Petrovic, Deputy Prosecutor in the WCPO; Olivera Puric, adviser in the JA

- January-February 2015: Participated in **bilateral and multilateral meetings** with relevant stakeholders (e.g. head of IPA Unit in MoJ, assistant minister for EU integration and international projects, secretary of HJC, etc.) **to establish clear connections between project support for AP Ch. 23 activities** in the areas of prosecutorial reform, strengthening SPC activities, and development of statistical capacities of RPPO and SPC and planned IPA projects, with the aim to ensure complementarity and avoiding gaps and overlaps.
- January-December 2015: participated in **meetings and online consultations** with representatives of relevant institutions to properly **address the comments and suggestions received from CSOs and other interested parties during the public debate on draft AP Ch. 23** and other draft strategic documents and laws relevant for prosecutorial reform.
- April 2015: participated in **meeting** with representatives of the Ministry for European Integration and SEIO to **define guidelines for institutions regarding submitting written information for Progress Report**. Subsequently, the consultant held a meeting with the representatives of stakeholders to present them new reporting principles.
- April-June 2015: participated in **meetings** with representatives of relevant stakeholders to **identify all links between AP Ch. 23 activities and the Functional Review recommendations** aimed at their maximum alignment.
- October 28: participated in **meeting** between the Negotiation group for Ch. 23, and representatives of the NKEU to discuss the **status of implementation of prosecutorial reform and results of institutional capacity building in the area of inclusion of CSOs in reform processes**. The meeting resulted in the identification of shortcomings and potential models for improvements that helped the consultant to focus more on some institutions and specific issues that still require additional training.

Technical Assistance activities:

- June 2015: the consultant submitted the **Methodology guideline for drafting the National Strategy for Proceeding of war crimes**. The methodology was distributed and presented to the members of the working group for drafting the Strategy (representatives of MoJ, RPPO, SPC, HJC, Bar Association, JA, WCPO, WCIS, WPU, Higher Court in Belgrade, Appellate Court in Belgrade, etc.).
- August 2015: the consultant drafted the **Methodology guidelines for the revision of the Action plan for implementation of the NJRS 2013-2018** for representatives of the relevant stakeholders (HJC, SPC, RPPO, SCC, JA, MoJ). Subsequently, the consultant held several bilateral and multilateral meetings with representatives of the above mentioned institutions to support them in the implementation of the Methodology. The consultant presented the methodology on the open session of the Strategy Implementation Commission in November 2015 with participation of all relevant stakeholders, CSOs and international organizations.

- October 2015: the consultant drafted the **Methodology guidelines for effective reporting on implementation of the Action plan for Chapter 23**. The Methodology had been presented to the representatives of all institutions in charge of implementation of the Action Plan for Chapter 23 during a workshop held on December 14, 2015. The presentation included:
 - An analysis of the results of the pilot reporting circle organized during November 2015. This process was very helpful to identify potential issues that may be expected in the future reporting phase;
 - Technical aspects of reporting, including the presentation of a draft template that is going to be distributed to all stakeholders aimed at the facilitation of submitting and updating reports;
 - Instructions related to the improvement of inter-institutional communication;
 - Importance and role of contact points in all institutions (daily monitoring and transfer of knowledge);

Presentations:

- April 15, 2015: **presentation for CSOs and NKEU Serbia on the implementation of the new methodology for CSOs' inclusion in the reform processes** and on strengthening capacities of MoJ staff and other relevant stakeholders to properly understand and implement standards of consultative and inclusive reform processes.
- December 2015: Consultant took part in the Expert meeting "Penal policy in war crime proceedings" with participation of numerous representatives of: MoJ, WCPO, RPPO, BA, WCIS, WPU, SPC, Higher Court in Belgrade, Appellate Court in Belgrade, etc.). Consultant held a **presentation on possibilities to improve system of continuous and specialized training in the JA and proposed to produce a brochure with findings of the meeting** and use it as a material for continuous and specialized training in the JA.
- December 29, 2015: joint **presentation** with Mr. Svetislav Rabrenovic, adviser in the WCPO, **on draft National Strategy for Proceeding of war Crimes in the Republic of Serbia for the period 2016-2020** with the focus on the new concept of chapters dealing with: transparency of war crimes proceedings; strengthening capacities of relevant institutions regarding strategic and project planning as well as with case management; monitoring mechanisms and implementation of relevant strategic documents in the area of judicial and criminal proceedings reform.

Challenges:

- Based on the results of joint meetings with representatives of relevant institutions, comments received from CSOs and recently drafted documents by the SPC, MoJ and RPPO, it is clear that magistrates and civil servants have made progress since 2013, in particular with regard to the methodology of strategic planning and reporting and

transparency of work. However, some challenges remain with regard to long term project planning in relation to implementation of the relevant strategic document, which remains an issue of concern.

- Leakage of institutional memory and frequent changes within administrative structures accompanied by low civil servants salaries prevent the establishment of sustainable well trained staff structures. The same issues constrain the proper planning of trainings on an annual level.

2. **Consultant for the Reform of Civil Law System.** The Consultant provided capacity building to the MoJ staff³⁷ through daily twinning and on-the-job training in areas that include strategic and project planning as well as project management. The Consultant also held joint meetings on a weekly basis with representatives from Sector for Normative Affairs³⁸, MoJ, on enforcement procedures of EU countries while drafting the new Law on Enforcement and Securing Claims.

The Consultant is also a member of three working committees which consist of members from different ministries (Working Committee for Urban Commassation, Working Committee for Public Private Partnership and Working Committee for Development of National Strategy for IP). Within these groups, the consultant was actively involved in the discussion by providing advice on real estate issues and draft reports and analyses on comparative laws of the EU countries.

Through 2015 the Consultant cooperated with members of the Working Committee³⁹ on the draft of the new Law on Enforcement and Securing Claims. The National Assembly of the Republic of Serbia adopted the new Law on Enforcement and Securing Claims on December 18, 2015. The Law shall come into force on July 1, 2016. The Consultant provided comments to articles of the draft on the enforcement on real estate and enforcement on the financial instruments. The Consultant prepared several comparative analyses of the enforcing acts of the EU and EU candidate countries (Croatia, Montenegro, Slovenia).

The Consultant has been drafting the update of NPAA for judiciary in January 2015, and contributed by providing reports on status of laws on enforcement procedure, civil procedure and uniformity of the national case law. He has also been drafting the update of NPAA for property rights in January 2015, and contributed by providing reports on status of laws on property rights.

The Consultant has been working on the update of the AP for the implementation of the NJRS in October 2015, and has been drafting the update in accordance with the information from all relevant institutions (MoJ, JA etc.).

³⁷ Danka Vasic-Joksic, independent adviser in the Project Department, Sector for European Integrations and International Projects; Ana Djuriscic, Head of the Group for the NJRS implementation, Sector for European Integrations and International Projects; Ana Brkic, junior adviser in the Sector for European Integrations and International Projects

³⁸ Neda Markovic, adviser, etc.

³⁹ Zoran Rogic, judge at the First Basic Court, Jasmina Stamenkovic, judge at the Commercial Appellate Court

During entire 2015 the Consultant has contributed to the Commission for drafting the Civil Code by providing comments to the Draft of the Civil Code regarding property and contracts issues. Namely, he provided a comparative analysis of the Civil Codes of EU members regarding property issues (free acquire of real estate) and contract law (statute of limitations). He also provided an analysis of the relevant acquis and, in accordance with the results of the analysis, provided recommendations to the Commission. The Commission for drafting of the Civil Code has published the Draft of the Civil Code on June 26, 2015 when the public debate started.

3. **Consultant for Access to Justice.** Details about Consultant's work and ATJ activities are given in a separate part of this report under "Subcomponent Access to Justice".

4. **Consultant for Judicial Academy Competency/Education.** Consultant prepared a summary of comparative reviews of statutory regulations of judicial academies in ten neighboring countries: Macedonia, Bulgaria, Greece, Montenegro, Bosnia and Herzegovina, Croatia, Slovenia, Austria, Hungary and Romania. The summary of the comparative review will support the process of reform of Serbian Judicial Academy as it provides examples of best practices in countries which are in a similar position in relation to EU integration.

In addition, the Consultant analyzed the Action plan for Chapter 23, collected data and prepared a list of all trainings (Judiciary, Fundamental rights and Anticorruption) organized by JA and other institutions (Ministry of Interior etc.).

The Consultant drafted a Memorandum (and necessary preparatory acts for other Serbian Ministries and session of the Government) of cooperation between the Ministry of Justice of the Republic of Serbia and Ministry of Justice of Hungary, which was signed by the Serbian Minister of Justice and the Hungarian Minister of Justice. The Memorandum provides in its articles, among other things, "Cooperation in education and training of administrative staff".

The Consultant participated in drafting a Memorandum of cooperation between the Ministry of Justice of the Republic of Serbia and the Foreign Affairs of Kingdom of Netherlands which subject is donation to Serbian judicial system. This contract on donation is part of the MATRA project which aim is to provide assistance in the reform process of Serbian judiciary.

The Consultant also drafted a Memorandum of cooperation between the Serbian Ministry of Justice and the Italian Ministry of Justice which subject is sending Serbian public prosecutors and police officers to an Italian school for tax offences in order to train them to efficiently fight tax crimes in Serbia.

During April 2015, the MoJ received comments from several nongovernmental organizations on the Action plan for Chapter 23. Those comments were organized into tables and uploaded to the Ministry of Justice's web page in order to make the process of creating the Action plan more transparent. The Consultant prepared tables with comments of several organizations (Bar of Attorneys at law, Organization of Judges, comments raised by national minorities etc.) which are uploaded to the web page of the Ministry.

In May and on, the Consultant actively participated in the Working group for drafting the Personal Data Protection Law (analyzing Data Protection Directive 95/46/EC, Convention 108 of Council of Europe, General Data Protection Regulative from 2012 etc.) in order to align the draft act with

EU Acquis- input for the Report on progress of the RS in the process of the EI and harmonization of Serbia's legislation to EU standards related to the competences of the MoJ (Ministry of Justice's competencies include drafting personal data protection law). Also, during June he actively prepared and participated in a workshop in Belgrade for judges from the Hungarian Supreme Court (Curia) and the Serbian Supreme Court of Cassation on the topic- Uniformity case law decision of Curia, as part of implementation of the Memorandum on cooperation between the Serbian and Hungarian Ministry of Justice.

In line with the necessity of acquiring knowledge on data protection for the work of the Working Group, the Consultant participated in a seminar on Personal data protection for judges and public prosecutors in which lectures were delivered by, among others, expert Mr. Graham Sutton and Mr. Rodoljub Sabic (Commissioner for information of public importance and data protection). In relation to the Personal Data protection Draft, he participated in a meeting at the US Embassy as a member of delegation of Serbian institutions (discussion on comments and proposals on regulation of this legal field in respect of human rights).

The consultant actively participated in updating of a SPD document concerning activities of the JA. Also, he completed Tables of concordance for the Draft Law of Personal data protection (Draft Law and Directive EU 95/46).

The Consultant actively participated in organizing TAIEX's expert mission for British expert Mr. Sutton in Belgrade in November and was part of a group of civil servants from the Ministry who organized a roundtable on Personal data protection (public debate on draft Law) in Palace Serbia. In addition, he actively participated in the work of the Working Group for Personal Data Protection Law during expert mission of Mr. Sutton (during changing Draft Law in line with expert's comments).

In cooperation with other consultants, the Consultant actively contributed to the revision of National Judicial Action plan in line with Action Plan for Chapter 23.

On behalf of the Ministry of Justice, the Consultant actively participated in a meeting in Szeged, Hungary, on the subject of Hungarian Personal Data Protection (questioning and dialogue with Hungarian delegation-Commissioner for data protection, Ministry of Justice and Ombudsman-concerning Hungarian Law on Personal Data Protection and its alignment with EU Acquis).

In cooperation with other consultants, he participated in organizing a roundtable in Palace "Serbia" on trials for war crimes in Serbia which was organized for legal professionals who deal with criminal law and war crimes such as judges, attorneys at law, public prosecutors, experts etc.

5. **Consultant for Constitutional Framework.** The Consultant for the Constitutional Framework provided capacity building to the MoJ's, HJC's and SPC's staff⁴⁰ through daily twinning

⁴⁰ The Consultant attended various meetings with Danka Vasic-Joksic, independent adviser in the Project Department, MoJ, Sector for European Integrations and International Projects; Radmila Danilovic, adviser in the Project Department in the MoJ, Sector for European Integrations and International Projects; Ana Djurusic, adviser in the MoJ, Sector for European Integrations and International Projects; -Ana Brkic, junior adviser in the MoJ, Sector for European Integrations and International Projects; Nikola Naumovski, Advisor for the EU integration in the MoJ, Sector for European Integrations and International Projects; Natasa Dimitrijevic, junior adviser in the MoJ, Sector for

and on-the-job training in order to enable the gradual transition of responsibilities from the Consultant to civil service staff.

In addition, the Consultant coordinated the work of the Working group for the analyses of the constitutional framework changes. Within this issue the Working group was dealing with different tasks, among them the most prominent were: (i) Amendments to the Constitution in manner of exclusion of the National Assembly from the process of election of presidents of courts, judges, deputy public prosecutors and members of the HJC and SPC; (ii) changes in the composition of the HJC and SPC in order to restrict the influences of representatives from the legislative and executive branch in these bodies; (iii) obtaining the JA degree, which was mandatory obligation for the first-time election into the office of judge or prosecutor. However, in accordance with the newly adopted changes of the Law on Judges ("Official Gazette of RS", no. 106/2015) and the Law on the Public Prosecutor's Office ("Official Gazette of RS", no. 106/2015) the request for obtaining the mentioned JA degree is remained with the possibility that the individual who didn't complete initial training at the JA, may be candidate for the first time election to the office of judge or the prosecutor, but the expertise, competence and dignity will be tested before the HJC or SPC.

After receiving recommendations from the draft opinions of the Venice commission on the Law on the HJC and Law on the SPC (hereinafter: the "Laws"), the Joint Working Group for the amendments on the Law on the HJC and Law on the SPC decided to postpone the amending procedure of the Laws, in order to avoid unnecessary double amendments to the Laws. However some changes of the Laws were necessary to be performed prior to the adoption of the amendments to the Constitution of the Republic of Serbia. Newly adopted amendments to the Laws introduced the principle of higher transparency in the work of these bodies through the following activities: a) Public meetings of the HJC and SPC; b) Issued decisions of the HJC and the SPC have to include the explanation as the mandatory part; c) Decisions and work reports have to be publicly available and published on the website of the HJC and SPC.

The consultant organized and actively participated at meetings of the Working group for the analyses of the constitutional framework changes. These meetings were organized in two phases: 1) The legal analysis of the existing Constitutional framework within the judiciary and 2) Drafting amendments for the Constitution. The Consultant provided a legal analysis of the existing Constitutional framework within the judiciary, including a normative-legal dimension, as well the theoretical and legal comparative research⁴¹. The first phase of the legal analysis is completed, but the draft of the redacted articles has not yet been finished.

The Judicial Reform Strategy envisages the establishment of clear and transparent criteria for the election of judicial office holders and the evaluation of their work, strengthening of their accountability, as well as liability of the HJC and the SPC. Disciplinary bodies of the HJC and SPC were established and have commenced their work. The Consultant participated as a member of the working groups in the drafting process of the Rulebooks which will guarantee the above. The Rulebooks are the following: The Rulebook on the criteria, standards, procedures and authorities

European Integrations and International Projects; Ana Brkic, junior adviser in the MoJ, Sector for European Integrations and International Projects; Mirjana Pavlovic, Adviser in the High Judicial Council.

⁴¹ Comparative Research of 20 countries regarding their constitutional framework

for evaluating the work of judges and court presidents (adopted in July 1, 2015); The Rulebook on the criteria for the assessment of expertise, competence and dignity for the appointment of judges and court presidents (expected to be adopted on March, 28 2016), The Rulebook on criteria, standards, procedure and bodies in charged for the evaluate of the work of judicial assistants (expected to be adopted in I quarter of 2016) and The Rulebook on the criteria and evaluation of the work of public prosecutors and deputy public prosecutors (came into force on January 15, 2015).

The Consultant for the Constitutional framework has worked on different translations of documents (functional analyses, comments of the civil society regarding the AP 23-judiciary, Annexes for the AP for the Chapter 23 etc.) Regarding inputs for the envisaged updates of the AP for the implementation of the NJRS, the Consultant worked on: the timeframe for the actions from AP for Chapter 23 regarding changes to the Constitution, drafting of the AP for Chapter 23 in relation to the judiciary, contribution to the drafting of the Annex 2- Overview of Relations Between Recommendation from the Functional Review of Judiciary and Activities within Action Plan, contribution to the document relation to the judiciary -The Financial aspects of the AP Chapter 23, responding to the comments of civil society regarding judiciary, report of Stabilization and Association Agreement regarding Constitutional changes, update of the Progress report for 2015 in relation to the update on fulfillment of actions performed under the Action Plan Chapter 23, Subchapter- the Judiciary, drafting of the NPAA for the 2016 regarding the Judiciary (drafting process started in November in 2015), contribution to the drafting the negotiation position regarding the Judiciary, review of the Action Plan for the National Judicial Strategy.

6. **Consultant for Outreach and Communication.** In 2015, the Consultant for Outreach and Communication Strategy supported the delivery of the Guidebook for Spokespersons of Public prosecutor's offices and Journalists. The Guidebook was prepared in cooperation with GIZ Project in Serbia, representatives of Serbian journalists and the Republic Public Prosecutor's Office. The aim of the Guidebook is to increase the transparency of public prosecutors work and to explain the efficient communication of public prosecutor's offices with their target publics. The Guidebook was published in March, 2016

In addition, the Consultant participated in the preparation of Brochure „What Does the Civil Code Bring“ related to the new Civil Code Draft. The Brochure contains provisions and explanations of the four areas of law that constitute the Draft Civil Code: Family Law, Inheritance Law, Contract Law and Property Law. It also explains the objectives of the Draft Civil Code: strengthening the legal security, justice and fairness, protection of personal rights and property rights in accordance with *acquis communautaire*. The Brochure was published in November 2015.

In order to support the promotion of the work of the MoJ, during 2015 the Consultant prepared Newsletters related to MoJ activities (preparation of new draft laws, EU integration, Judicial Reform, fight against organized crime and corruption etc.). The Newsletters were sent to all Serbian Embassies and Consulates in the EU and China, Canada, USA and Australia, and to all foreign Embassies and Consulates in Republic of Serbia.

Since the constitution of the Strategy Implementation Commission (for NSRP 2013-2018) in September 2013, the Consultant has been responsible for communication activities of the

Commission. During 2015, six meetings of the Strategy Implementation Commission were held. In accordance with the Commission's Procedure Rules, all Commission sessions are open to the public and the Consultant acts as the coordinator of media activities for the members of the Commission.

In October 2015, a Serbian team traveled to Brussels to present the Actions Plans on Negotiation Chapters 23 and 24 to representatives of EU Members States. On October 9th, 2015, during an informal meeting, the Serbian representatives presented the Action Plans on Negotiation Chapters 23 and 24 to members of the Working Party on Enlargement and Countries Negotiating Accession to the Union - (COELA). The Consultant was also part of the Serbian team. During this trip, the key responsibilities of the Consultant were to inform Serbian journalists in Brussels about the meeting, to prepare the press conference for representatives of the Serbian delegation, to coordinate media statements of Serbian delegation representatives and to monitor media announcements.

Transparency is one of the most important parts of NSRP 2013-2018 that spreads horizontally throughout the Strategy. In accordance with that, during 2015 MoJ organized a great number of public debates related to new draft laws and strategic documents. The Consultant provided technical advice and support to the organization of more than 11 public debates related to the new draft laws prepared by the MoJ (Draft Law on free legal aid, Draft Strategy on Financial Investigation, Draft Law on Protection of Rights to Trial Within Reasonable Time, Draft Law on Protection of Whistleblowers, Draft Law on property restitution and compensation, the Civil Code Draft, Draft Amendments of Criminal, Draft Action plan for National Minority, Draft Law on organization and jurisdiction of state institutions in the fight against organized crime and corruption, Draft Law on personal data protection, Draft Law on Juvenile Offenders and protection of juveniles in criminal proceedings). Public debates were held in Belgrade, Novi Sad, Kragujevac and Nis.

The Consultant had significant role in capacity building of MoJ staff, including daily twinning and on-the-job training of civil service staff, in order to transfer knowledge and to improve their skills. The consultant participated in capacity building activities of civil staff responsible for communication activities from various judicial institutions, such as courts, public prosecutor's offices, HJC, SPC, JA etc. The Consultant also provided technical advice and support to the Serbian Public Notaries Chamber and the Serbian Chamber of Enforcement Agents.

The Consultant helped organize 4 interactive workshops for media representatives (editors and journalists) and spokespersons of courts and prosecutor's offices in Serbia. The workshops took places in Belgrade and Niš. The first and the second workshop were organized in Belgrade and Niš in the first half of 2015. The participants were journalists and spokespersons of prosecutor's offices in Serbia. The main topic of the workshops was „Transparency of Judiciary, New Communication Trends and Challenges“. The other two workshops were also organized in Belgrade and Niš in the second half of 2015, and in addition to journalists and spokespersons of the prosecutor's office, these two workshops were also attended by spokespersons of the Serbian high and basic courts. The main topic of these workshops was „Crisis Communication“.

In the first half of 2015, the Consultant organized media training for representatives of the MoJ (states secretaries, minister assistants and chiefs of sectors). It was a two-day training which

aimed to improve the communication skills of the above mentioned – how they should behave and talk in front of different types of media, what is the most efficient way to communicate the message to the target publics etc.

During 2015, the consultant participated in the creation and implementation of four promo-campaigns related to the new-adopted laws and activities of the MoJ (Law on Protection of Whistleblowers - "Now the Whistle-blowers are Stronger" Campaign, Enforcement System in Serbia - "The Response is Responsibility" Campaign, the new Civil Code Draft, Project "One tree, for one warrior").

At the beginning of 2015, the Consultant helped during the filming of a documentary ("Gram, kilogram, ton") on drug trafficking in Serbia. In this movie, thirteen young people, who are (or were) serving their sentences for this crime in Serbian juvenile prison, are telling their story about the entrance into that vicious circle, and about how difficult was to find the way out of it. The Consultant scheduled the meetings with convicted persons, reviewed filmed material, and helped with the promotion of the film by sending out invitations, etc. The film premiered in March, 2015.

In addition, the Consultant had an active role with helping with the preparation of a TV Show ("Right to Justice"), related to the negotiations on Chapter 23 that will be broadcasted on the National Public Broadcaster in Serbia – RTS during 2016.

Taking into consideration the NJRS, the Consultant prepared a communication strategy for the MoJ, with the aim to address the perceptions identified through the activity which the MoJ authorities consider should be addressed. In addition, the additional purpose of this strategy is to establish good correlation and efficient coordination of activities between the MoJ and other judicial institutions and organizations, and to define the role and the importance of all subjects comprising the judicial system of Serbia as a service to the citizens.

7. **Consultant for the Reform of Legal Professions** continued throughout 2015 to actively participate in the planning, implementing and monitoring of justice sector reform activities related to legal professions, as well as capacity building of relevant twinning partners, mostly MoJ staff from the Sector for Judiciary⁴². At the start of the year, the Consultant provided analyses, devised strategic framework, explanatory notes, minutes to the meetings with the Negotiating Team of the Bar Association of Serbia and assistance in drafting of the proposal for legislative amendments in the negotiations with the Bar Association of Serbia regarding notaries' competences, which resulted in the enacting of the Law on the Notariat and the accompanying set of laws on 21 January 2015. Subsequently, she provided support during the preparation of policy documents and reports dealing with the continuation of the reform of the notarial system and its implementation, such as providing a legal opinion on the use of language of national

⁴² Milica Simovic, advisor for notary profession, Janja Stevanovic, advisor for enforcement agents, Jelena Mirkovic, advisor for enforcement agents, Jelena Ivkovic, advisor for mediators, Zorana Ilic-Terzic, advisor (daily consultations, legal analyses and interpretation, proposals aimed at enhancing the efficiency of the Department, drafting of speeches for MoJ officials related to judicial professions, etc.). The Consultant also actively supported colleagues from the Notary Chamber of Serbia, Dusanka Zunic, Secretary, and colleagues from the Chamber of Enforcement Agents in their work with respect to judicial reform and European integration, training activities and drafting of relevant reports, providing relevant explanations, proposals, guidelines and assistance

minorities by notaries and charging of fees thereto related, analysis of the costs and effects of the introduction of the notary system for citizens and commerce, etc. As opposed to the first half of 2015, which was marked by major legislative activities in the field of notarial law, the rest of the year was devoted to capacity building, ensuring unified application of the laws and strengthening cooperation between the MoJ, the Notary Chamber of Serbia, and other institutions. The Consultant provided support to the Notary Chamber regarding the first period of data collection and analysis of work of notaries, devising topics for training of notaries, as well as international notarial cooperation: organizing and participating in visits by the International Union of Notaries - International Notarial Cooperation Commission (UINL CCNI) and Council of the Notariats of the European Union and communication related to the Chamber's application for UINL membership. As a member of the Working Group for Amendments of Law on Notary System (LoNS), the Consultant took part in efforts to find best solutions to problems of notarial practice, including problems in supervision and oversight, with the resulting law enacted on 18 December 2015.

The Consultant continued to participate in the implementation of the GIZ Rule of Law and Enforcement Project (RoLE), providing necessary analytical, planning and advisory services to the MoJ, participating in MMG meetings, and participating and preparing the MoJ RoLE PSC members for meetings. She also participated in international cooperation activities related to enforcement. With respect to the Law on Enforcement and Security (LoES), which was adopted on 18 December 2015, the Consultant provided input on beneficial amendments to the draft LoES, drafted a part of the draft's Regulatory Impact Analysis, and provided legal editing of the RoLE LoES translation, as well as comments to an analysis of the draft given by RoLE experts. As a deputy member of the Working Group for the Establishment of a Functional and Transparent Accountability System for Enforcement Officers, which is tasked with drafting acts on professional standards, monitoring, control and auditing, code of ethics as well as disciplinary measures, the Consultant continued to communicate the MoJ's positions on all acts and related activities. As the deputy member, the Consultant undertook necessary preparatory activities, analyses, etc. and, in coordination with, and upon consultation with the Assistant Minister regarding contentious issues actively participated in activities of this working group. Thereto related, the Consultant participated in a two-day retreat in 27-28 March in Sremski Karlovci, during which an analysis was made of necessary amendments to the draft LoES and where the first drafts of basic quality control bylaws were agreed upon. In a workshop on 16-17 July 2015, during which the relevant bylaws were further improved, the RoLE IT System Overview was discussed and IT needs of enforcement system / monitoring and control system were planned. Together with RoLE, the Consultant planned a workshop on best practices in enforcement and improving administrative capacities of the Department for Judicial Professions.

With respect to the application of the Law on Mediation in Dispute Resolution from 1 January 2015, the Consultant participated in capacity building and every day on-the-job training regarding the correct application of the new mediation legislation and the framework for licensing of mediators/ granting accreditations for training programs for mediators. The register was published on the MoJ website on 15 May 2015. Together with the junior advisor who is tasked with keeping the Register of Mediators and other databases, the Consultant took measures to further improve the Register and its functionalities for future reporting, finding simplest, most

efficient solutions, seeking and planning of IT solutions, as well as calling of mediators to fulfil their existing reporting obligations. Thereto related is the Consultant's work on the analysis of Registers within the Department of Judicial Professions, and meetings held with IMP.

On May 26th 2015 the Consultant participated in the Regional Cooperation Council (RCC) Conference on "Comparative overview and analysis of good practices with identification of elements of court-annexed mediation programme" in Fruška Gora, Republic of Serbia, during which she made a presentation about Serbia's mediation system. Subsequently, the Consultant supported the preparation of the MoJ's participation at the National Mediators Association of Serbia 2nd Annual Conference on November 28th, 2015. On December 9th, 2015, the Consultant participated as a host representative of the MoJ in a RCC preparatory meeting on the establishment of a network of mediators' associations.

With an objective to improve the implementation of the NJRS AP strategic measure no. 4.4.3.1 ("the consistent application of the Law on Expert Witnesses with respect to the obligation of the first instance courts to discuss issues of importance to the court concerning the work of expert witnesses at least once a year"), the Consultant initiated a MoJ call to first instance courts to provide the MoJ with information on monetary fines imposed on experts as well as remarks and complaints on unprofessional, negligent or improper performance of expertise and to deliver reasoned proposals for the dismissal of an expert, provided cases of dismissal exist. She informed the NJRS Commission in the IV quarter 2015 of the MoJ findings with respect to this call; the findings will be useful for the MoJ working group for Amendments and Supplements to the Law on Expert Witnesses, once it begins working. Likewise, having in mind the fact that the CEPEJ Guidelines on the role of court-appointed experts in judicial proceedings of Council of Europe's Member States were enacted in December 2014, and bearing in mind the fact that the standards of the Council of Europe have become benchmarks for the European Union in the area of the rule of law, the Consultant has undertaken to translate them.

As CEPEJ deputy member, assisting the Assistant Minister for Judiciary, the Consultant has actively participated in the work of this Council of Europe body, including in the 25th and 26th Plenary Session Meetings of CEPEJ (held on 2-3 July 2015 and 10-11 December 2015 in Strasbourg, France) and in a meeting of National Correspondents regarding the Scheme for Evaluation of Judicial Systems 2015 on 5 November 2015. The Consultant also initiated the forming of a new section of the MoJ website dedicated to the work of the CEPEJ⁴³ and supplied input for it, as well as brief information to the CEPEJ Secretariat on the celebration of the European Day of Justice in Serbia. As a national correspondent for CEPEJ, starting in June 2015, she undertook an analysis of the CEPEJ Scheme for Evaluation Judicial Systems 2015, determining correct interpretation of the questions and their translation, as well as fault lines in the previous evaluation periods, dividing of competences for the provision of answers among relevant institutions, giving them instructions and communicating with contacts from these institutions in order to quality check these answers, most which were subsequently also translated into English by the Consultant. Likewise, the Consultant provided answers to all questions which relate to legal professions and further reform activities (146-208). The aim of this more thorough exercise is to finally provide relevant data which can be compared against other countries and future

⁴³ <http://www.mpravde.gov.rs/tekst/9289/cepej.php>

evaluation periods, through which progress can be monitored. In the last quarter of 2015, the Consultant intensified activities on the organization of a CEPEJ Peer Evaluation Visit on judicial statistics, scheduled for 1-2 March 2016.

With respect to strategic planning and reporting activities, the Consultant has provided input on the implementation of all strategic measures and activities related to judicial professions delivered to relevant institutions in relevant reporting periods (MoJ, NJRS Implementation Commission, Government, EC, etc.). The Consultant has also participated in drafting and revision of all relevant strategic documents which relate to legal professions reform.

8. **Consultant for Human Rights** supported capacity building efforts of MoJ staff engaged in the accession and reform implementation units, and conducted daily twinning and on-the-job training of civil service staff. He was also engaged in daily twinning and on-the-job training of civil service staff from various other institutions who are part of negotiation group for Chapter 23 namely, Office for human and minority rights, Ministry for public administration and local self-government, Ministry of labor, Ministry of culture and information, Ministry of education, Mol and Republic public prosecutor's office.

The Consultant had numerous meetings and online consultations with representatives of relevant institutions in order to facilitate the work of the special working group for drafting dedicated Action plan for the enforcement of rights of national minorities. The Consultant was also the secretary of the special working group. He also had meetings and consultations with representatives of relevant institutions aimed at properly addressing all comments and suggestions received from CSOs and other interested parties during the public debate on draft AP Ch. 23 fundamental rights subchapter, draft AP for national minorities, and other draft strategic documents and laws relevant for subchapter fundamental rights. He held several meetings with relevant stakeholders, namely Ministry of labor, SIPRU team, OfHMR in order to facilitate uniformity between Operational conclusions of the EU-Serbia Roma seminar, AP for CH 23 and new Roma inclusion strategy.

For the needs of the Council of Government for implementation of recommendation of UN mechanism for human rights, the Consultant prepared a set of impact and result indicators. The set of indicator is of key importance for the institutions in charge of implementation of said recommendations and it is aimed at facilitating full implementation obligations arising from the UN mechanism.

Furthermore, he contributed to the EU-Serbia stabilization and association agreement meetings sub-committee on justice, freedom and security in part dealing with AP for rights of national minorities, and state of play of AP for CH 23 subchapter fundamental rights and protection of victims and witnesses. He also coordinated the preparation of contribution for Annual progress report in part dealing with fundamental rights, and prepared a written contribution in part dealing with the AP for national minorities.

In order to facilitate coordination of the working group for Chapter 23 and the working group for AP for exercising rights of national minorities, MoJ took upon itself to coordinate the work on the special Action plan for exercising rights of national minorities. As a Secretary, the Consultant organized nine meetings of the working group, and helped to draft the decision for creating of

the working group, gathered relevant data regarding the acquis in the area of National minorities, and provided input regarding the methodology of inclusion of National councils of national minorities and CSOs. The Consultant provided assistance to the expert hired through the Council of Europe project in order to prepare a draft of formal and material elements of AP for national minorities. Said materials have been prepared and disseminated to the members of the working group. While performing these activities, the Consultant cooperated with the Advisor for the improvement of human and minority rights from MPALS and the Advisor for monitoring the state of human and minority rights from MPALS. The Consultant took part in drafting the first draft and subsequently in changes following meetings of the working group that led to final version of AP.

The Consultant also took part in an EU peer review mission dealing with national minorities and provided data regarding the development of AP for implementation of rights of national minorities and inclusion of national councils of national minorities. He also provided input to the expert mission of the European council in charge of preparation of the Third periodical report on implementation of the European charter for regional and minority languages dealing with the official usage of language and script in judicial proceedings. While performing these activities, the Consultant cooperated with the Advisor in the Department for monitoring of the implementation of international and regional human rights treaties from the Office for human and minority rights.

The Consultant took part in the work of the working group for the preparation of the Third periodical report on the implementation of the International covenant for civil and political rights, and prepared inputs dealing with the normative framework and child friendly justice, and coordinated the preparation of the contribution of MoJ for the said report. He also prepared the input for periodical questionnaires of UN special reporters dealing with hate crimes, protection of journalists, and on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Furthermore, he prepared the input for additional questions of the UN committee on the rights of persons with disabilities, and the CoE committee for Charter for regional or minority languages. The Consultant participated in the coordination meeting for the organization of the EU – Serbia Roma inclusion seminar. While performing these activities, the Consultant cooperated with the Advisor in the Department for monitoring the implementation of international and regional human rights treaties from the Office for human and minority rights.

The Consultant took part in the organization of a visit of the UN Special reporter for adequate housing, which included taking part in the organizational meeting at MoF, and the organization of a meeting in MoJ dealing with implementation of Human rights conventions in the Serbian normative framework and jurisprudence dealing with adequate housing.

The Consultant provided an in depth review of European commission's comments on the Second and subsequently the Third draft of the AP for Chapter 23 in order to provide the working group for Chapter 23 with recommendations regarding the preparation of a final draft of the AP in line with EC criteria.

During the said period the consultant organized meetings with relevant stakeholders in charge of the Fundamental rights subchapter in order to facilitate the preparation of the Third draft of the AP for Chapter 23. Following consultations with stakeholders, the consultant inserted necessary updates to the draft of the AP for chapter 23 and then disseminated the Third and

subsequently final draft to relevant stakeholders in order to ensure that updates to the AP for Chapter 23 correspond to both EC comments and agreements reached on meetings with stakeholders.

Having in mind that wide consultation process is of key importance for the preparation of the AP for Chapter 23, the working group for Chapter 23 widened practices already implemented in the Second draft of the AP for CH 23. The Consultant took part in three meetings with the National convent for the EU, a large coalition of CSO's, during which he provided input to the CSO's regarding the process of drafting of the AP and answered questions regarding various subareas of the fundamental rights subchapter. After the publication of the Third draft of the AP for CH 23, all interested parties were given the opportunity to comment and provide suggestions. He analyzed the received comments and provided feedback regarding the status of implementation of comments, as well as consultative processes with CSOs. The Consultant held several meetings with CSO's (Astra, Autonomous women center) in order to further ensure the transparency and inclusiveness of the AP CH 23 drafting process. The Consultant also provided substantial inputs to the consultant for budgeting in part dealing with fundamental rights in order to achieve a precise financial projection of costs.

The Third draft of the AP for CH 23 was made available to the parliamentary committees for human rights and gender equality, judiciary and European integration and the consultant took part in parliamentary hearings and provided feedback to the MPs regarding the subchapter on fundamental rights.

The Consultant is taking part in a working group for Amendments to the Law on national councils of national minorities, which is tasked to amend the Law in order to, inter alia, implement the January 2014 decision of the Constitutional Court. The Consultant is a member of a working group amending the Law on rights and liberties of national minorities, as well as of a group tasked with the preparation of an analysis on democratic participation of national minorities.

The Consultant prepared a report on the implementation of measures within the competencies of the MoJ, set forth in the AP for antidiscrimination, for the needs of the second meeting of the Council for implementation of the AP for antidiscrimination.

The Consultant took part in the work of the steering committee for OSCE's project aimed at strengthening victim and witness support and protection in Serbia. The Consultant provided input regarding planed measures for normative alignment set forth in AP CH 23.

9. **Consultant for Anticorruption.** The Consultant for Anticorruption provided capacity building to civil servants in the Department for the preparation of projects and in the Group for the coordination of implementation of the National Strategy for the Fight against Corruption through twinning and on-the-job training focused on relevant and ongoing anticorruption activities. Also, the Consultant, in cooperation with other RAFU consultants, participated in a joint workshop⁴⁴ organized for all stakeholders of the Action plan for Chapter 23 (contact points from 27 institutions) in December 2015.

⁴⁴ Workshop on the implementation of the activities envisaged by the Action Plan for Chapter 23 held on December 14, 2015

In order to fulfill the tasks Regional cooperation in the fields of mutual legal cooperation and assistance in matters related to organized crime and anti-corruption, and Supporting Serbia's active and substantial participation in regional cooperation within the Western Balkans context pertaining to organized crime and anti-corruption, the consultant was involved in several activities, including: involvement in the drafting of the Action plan on drugs combating, Regional Anticorruption Initiative (former Stability Pact Anti-corruption Initiative) assessment of the anti-corruption dimension of SEE 2020 project assistance in different areas (Integrity plans, mechanisms for corruption proofing of the legislation, Public procurement, Public procurement tenders, E-procurement, Independent audits in public institutions, Audits in public institutions, Investigations launched due to the audits findings, Anti-corruption campaigns budget, Anti-corruption agencies budget etc.) and further assistance in the review of the Serbian Government's self-assessment on anti-corruption through the Qualitative Indicators grid and through presence in meetings with OECD representatives.

Within the task supporting and advising the relevant decision makers in monitoring and implementation of the work programs of bilateral and multilateral development partners, international organizations and other key institutions in the areas of competence of the MoJ, the consultant conducted regular monitoring of both national and regional projects related to anticorruption in general, as well as projects related to the Action Plans of the National Judiciary Reform Strategy and National Strategy for Combating Corruption, and advising relevant decision makers in the MoJ when needed. Also, the consultant took part in activities related to GRECO IV Evaluation Round report drafting, in a sense of data collecting, providing all relevant information to the Greco Evaluation Team and further clarification of unclear issues.

Providing support to the MoJ in meeting its international obligations in the area of international law, including the preparation of reports in relation to relevant international instruments and Serbia's future international obligations, and providing support to the MoJ with drafting various technical and policy notes and papers, as well as input to strategic planning, encompasses (among other activities):

- Drafting of the Action plan for Chapter 23 - Subchapter Anticorruption⁴⁵ that consists of Current state of play, Implementation of anticorruption measures, Prevention of corruption, Repression of corruption;

- Drafting of the Annexes to the Action Plan for Chapter 23⁴⁶;

- Active participation in drafting of the Action plan for Chapter 24 (Subchapter Organized crime - establishment of national criminal intelligence system in Republic of Serbia and Subchapter Cooperation in the field of drugs combating)⁴⁷;

- Drafting of the Report on civil society organizations involvement in drafting the AP for Chapter 23. This document is an overall report covering the period from November 2014 to May 2015,

⁴⁵ Action plan for Chapter 23 drafting - Subchapter Anticorruption

⁴⁶ Annex III Schematic overview of the financial aspect of action plan for Chapter 23 related to anticorruption and Annex IV Diagram of implementation of anticorruption measures

⁴⁷ Action plan for Chapter 24- Subchapter Organized crime and Subchapter Cooperation in the field of drugs combating

and it represents a continuation of the previous report drafted by the consultant that covers the period from September 2013 to November 2014⁴⁸. Also, the consultant made a special report/table with feedback information regarding suggestions made by civil society organizations;

-Active participation in drafting of Civil society Development Action plan with regard to the improvement of the legal framework for the financial sustainability of civil society organizations and strengthening public administration capacities for planning and transparent allocation, monitoring and evaluation of the use of budget funds for programs and projects of civil society organizations;

-Writing contribution to the Stabilization Association Agreement Committee related to anticorruption issues;

-Data collecting and drafting contribution for the Progress report for 2015 related to anticorruption issues in line with the new methodology;

-Fulfilling the questionnaire on the Code of conduct of the Politico-Military aspects of security;

-Annual input for the update of the NPAA;

-Drafting of the Revised National Action Plan for Fight Against Corruption;

-Drafting of the Negotiating Position – Anticorruption part;

-Drafting of the Action Plan for the implementation of the Financial Investigations Strategy;

-Drafting of Responses to COELA questions;

-Drafting of the Code of Conduct for the Members of the Government.

10. **Consultant for Justice Sector Data Analysis/ Budgeting** is responsible for providing advisory services and direct support to the senior management of the MoJ on issues related to strengthening resource mobilization and management in the justice sector. The Consultant advised senior management in the MoJ on policies/actions to increase the effectiveness and resource utilization in the reform of the justice sector. The Consultant analyzed fiscal, caseload and HR data and provided advice on the basis of relevant strategic documents, reports/studies and surveys on issues related to the reform of the justice sector.

The Consultant worked on capacity building of civil servants in the MoJ (Sector for budget preparation and reporting, Sector for European integrations and international projects as well as Directorate for Execution of Criminal Sanctions), HJC, SPC and the State Attorney's Office of Republic of Serbia. Direct cooperation with all these institutions allowed the Consultant to present to the civil servants a methodology for the budgeting of individual activities and methods for presenting financial resources: by funding source (the Budget of the Republic of Serbia, EU funds and other sources of funding) and by year (a schedule for planned funds covering the period 2014 to 2018), as well as with a view to organize relevant education.

⁴⁸ Report on civil society organizations involvement in drafting the AP for Chapter 23

Direct support was provided and elements of cost estimates prepared for each activity set out in the Action Plan to Chapter 23 - the judiciary, fight against corruption and fundamental rights, and Chapter 24 (the segment related to the MoJ).

One of the most prominent contributions of the Consultant was the estimation of costs of the activities in the Action Plan for Chapter 23. Special attention was paid to reducing additional budgetary costs to the minimum and at the same time maximizing the utilization, reorganization and coordination of the resources (presented in each activity through: the structure of the costs, their dynamic and sources of funding). This activity was performed in MoJ as well in other institutions which are involved in this process.

The consultant participated in several workshops in cooperation with other RAFU consultants, but the most significant was the workshop organized for the Estimation of the Financial Effects attended by representatives from 80 institutions involved in the process of drafting the Action Plan for Chapter 23 (state institutions which are direct, indirect and non-budgetary beneficiaries as well as the NGO representatives). This workshop was particularly useful in providing direct advice to all beneficiaries on how to proceed with newly adopted PFO forms (Estimation of the Financial Effects forms), prescribed by the MoF, which should significantly improve the planning and budgeting system of the particular costs.

The following activities were undertaken by the consultant:

- Identification of key obstacles to the improvement of financial management and budgeting of the judiciary after the analysis of the budgeting laws, as shown in the documents:
 - Analysis of the components of the budget system
 - Creating unique qualitative elements for the establishment of an independent general expenditure framework and internal arrangements of the courts - Key obstacles;
- Preparation of the Qualitative analysis of the budgeting process, which contains 15 forms;
- Preparation of the Analysis of the legislation that governs the judiciary and proposals for amendments and supplements to such legislation in order to ensure complete budgetary independence of the judiciary so as to strategically plan the volume and structure of the judiciary needs-Analysis of the laws regarding the budgeting needs;
- Drafting of Guidelines which were drawn up on the single methodology for preparing job descriptions and job classification rulebooks (work in progress). These Guidelines include technical recommendations and procedures that will facilitate the drafting of the job classification rulebooks in the justice sector;
- A new Rulebook on job classification is being prepared in the MoJ - Administration for Execution of Criminal Sanctions. Pursuant to these methodological guidelines (work in progress), the elements for budgeting will be determined based on uniform principles of budget planning. This segment of tasks is drafted by the consultant in direct communication with the representatives of the MoJ - Administration for Execution of Criminal Sanctions, who are expected to make their suggestions regarding the draft of this document;
- Preparation of a Qualitative analysis with a recommendation on how to amend the regulatory framework.

11. **ICT Consultant for support to the judicial modernization.** The process of modernization of the ICT environment in the judiciary to support the justice sector reform process continued in the recent period through a definition of ICT related activities for the Action Plan for Chapter 23, as well as the continuous execution of national budget projects and international donors' contracts. These activities, as described further on, included the active contribution of the ICT Consultant as support to this process. The role of the Consultant varied from technical and advisory support to these activities, to direct development of outputs related to them.

a. Assessment of ICT infrastructure

Particular tasks were conducted through the assessment of all hardware infrastructure (servers, desktop computers, printers, scanners and basic network equipment) within Basic and Higher Courts, as well as in Courts of Appellation and the Supreme Court. The Consultant gathered information from all basic and higher courts and with the information given by HJC; overview of ICT assets has been completed. Furthermore, the Consultant has assisted the ICT department in creating and drafting a comprehensive table for gathering network equipment throughout the Judiciary, in accordance to the activity defined in Action Plan for Chapter 23.

b. Data consolidation of Case Management Systems (AVP, SAPS)

Main focus of the activity was related to data consolidation and data quality issues in case the management system in courts. During several years of exploration of case management systems, it was recognized that similar data in both case management systems (AVP, SAS) are not consistent. The Consultant's task was to assist the ICT department in analyzing the data and to draft certain rules and develop procedures in order to have data consolidated in both types of case management systems.

c. CEPEJ ICT Review

During 2015, there was a request for a CEPEJ ICT Review, as part of the CEPEJ judiciary review. The Consultant has gathered information about ICT from various aspects and has answered to more than 50 comprehensive questions. As part of the review, a presentation for peer review was developed and presented during the annual peer review.

d. Judicial Efficiency IT Supply tender

As a part of IPA2012 programme, the Consultant assisted MoJ in drafting the technical specification for supply of infrastructure ICT equipment with a budget of 1.000.000 EUR. The Consultant drafted the specification for procurement of PC desktops, printers, scanners/multifunction devices, as well as server infrastructure based on the previous assessment and analysis of hardware infrastructure.

e. Assistance to GIZ RoLE project

Financed under IPA 2012 by the EU, the Legal and Judicial Reform Program (LJRP) of the GIZ was implementing the project "Rule of Law and Enforcement" (RoLE). The aim of RoLE was to strengthen the independence, efficiency, quality and accountability of the judiciary by supporting the newly established system of enforcement of court decisions. As a part of the project, the

Consultant assisted the MoJ in the assessment of activities done by GIZ in the ICT field, with special respect to evaluation of proposed scenarios for the future ICT system for Enforcement Agents. The Consultant also assisted in the creation of terms of reference for the ICT consultant which activities should lead to full technical specification of the future ICT system.

f. Assistance to creation of ICT annual procurement plan for 2016

The main task of the Consultant was to gather relevant information about planned donors' intervention projects, as well as to oversee strategic goals in the ICT field which were going to reflect the upcoming procurement plan for 2016. According to the gathered information, the Consultant assisted the MoJ ICT Department in drafting the annual procurement plan with special focus on ICT projects regarding ICT infrastructure.

g. Assistance in drafting of tender documentation

During 2015, the Consultant drafted more than 10 service and supply tender documents, which reflected successful tender procedures executed and a winning contractor selected. It should be noted that the Consultant was involved in the creation of tender documentation for EU IPA projects, especially for IPA2015 – SAPO/SAPA roll-out service and supply tender.

The Consultant has been involved also in the tendering of introduction of digital audio recording for the higher courts, with donors' help of the US Embassy. The project aims to introduce a digital audio recording system in criminal court cases through a pilot project in 4 higher courts in Belgrade, Novi Sad, Nis and Kragujevac.

12. **Consultant for the Reform of the Judicial Network** had provided guidance to MoJ staff, including daily twinning and on-the-job training of civil service staff, in order to transfer knowledge and improve skills of the employees in different organization units of MoJ⁴⁹.

Beside the abovementioned, the Consultant participated in capacity building activities of civil staff from various institutions. As secretary of two working groups (The Working Group for the analysis of the position of assistants of judges and public prosecutors and The Working group for making the assessment and analysis of the situation in order to resolve property and infrastructure issues related to courts and public prosecutors), the Consultant was giving administrative and technical support to members of HJC - to presidents of working groups (to judge Sonja Vidanovic and to judge Aleksandar Stoilkovski). The Consultant was calling the meetings and keeping the minutes of the meetings of the working groups, analyzing comparative reviews and international recommendations related to the task of above mentioned working groups and transfer this data to representatives of different stakeholders⁵⁰.

⁴⁹ Jelena Deretic, adviser in normative sector, Jasna Bujuklic, junior adviser in the Group for coordination, Vlada Bojicic, secretary of the Group for coordination, Ana Brkic, junior adviser, the Sector for European Integration and International projects, Danka Vasic, adviser, the Sector for European Integration and International projects

⁵⁰ Snezana Bjelogrljic, member of Judge's Association of Serbia, Vesna Staletovic, member of Association of public prosecutors and deputies of public prosecutors, Nikola Stojanovic, member of Republic Public Prosecutor's Office, Nada Djordjevic, member of Association of judicial advisers

The Consultant for the Reform of the Judicial Network, in cooperation with other RAFU consultants, participated in a joint workshop organized for all stakeholders of the Action plan for Chapter 23, in December 2015⁵¹.

Also, the Consultant participated in the conference on the exchange on case weighting approaches between Serbia and Slovenia, which took place in Ljubljana, on December 4, 2015. The Consultant reported back to the civil service staff in MoJ regarding the issues discussed at the conference.

The Consultant delivered following:

- First and Second Periodical Report on Monitoring and supporting the implementation of the strategic guideline and relevant measures and activities determined by the AP related to the establishment of an effective and efficient network of courts and prosecutors' offices and conduction of analyses of judicial network efficiency,
- First and Second Periodical Report on Monitoring and supporting the implementation of specific measures and activities related to further enhancement of judicial administration through the implementation of the analysis and assessment of the roles of managers and secretaries of courts and public prosecutors' offices,
- First and Second Periodical Report on Monitoring and supporting the implementation of the strategic guidelines related to the judges' and prosecutors' assistants and trainees, their position, accountability and introduction of the overall access to training of judges' and prosecutors' assistants and trainees,
- First and Second Periodical Report on Supporting the administrative offices of the High Judicial Council and State Prosecutorial Council in the process of collecting and compiling statistical data relevant to their strategic decision making, and the process of developing a system of data collection necessary for their work, training members of independent judicial institutions in the field of analytics, statistics and strategic planning.

13. Senior ICT Advisor – Court Automation and Caseload Statistics Specialist based in SCC.

The consultant was engaged for the following tasks:

a. Capacity building of SCC staff engaged in collection and analysis of the caseload data and drafting reports on the work of courts, including daily twinning and on-the-job training of IT administrators, statisticians and judicial advisors to transfer knowledge and skills and to enable the gradual transition of responsibilities for the above tasks from RAFU consultants to the Court staff:

- Multiple capacity building meetings were held with two statisticians from the SCC in order to better understand their problems and look at them from an independent and unbiased perspective, provide help and assistance and build technical capacities, primarily to facilitate statistical collection and processing in the future.

⁵¹ Workshop on the implementation of the activities envisaged by the Action Plan for Chapter 23 held on December 14, 2015

- The consultant provided assistance to the Management of the SCC (Secretary of the Court and Internal Auditor) in negotiating terms and technical requirements for the contract with the Post of Serbia for the provision of electronic signatures and timestamps required for the continuation of the e-filing project with the 9 pilot courts (Basic Court in Subotica, High Court in Subotica, Basic Court in Novi Sad, Commercial Court in Novi Sad, Basic Court in Kragujevac, High Court in Kragujevac, Basic Court in Nis and Basic Court in Uzice, Commercial Court in Zajecar) and about 40 pilot attorneys and bankruptcy administrators which took part in the e-filing project back in 2014.

- An Excel spreadsheet with VBA macros was programmed specifically for the SCC statistical office, in order to automate collection and consolidation of all future statistical reports in uniform format. Developed Excel spreadsheet allows statisticians to get summary of all responses from individual Excel spreadsheets in a single file, and in the format which is convenient for creating advanced Pivot Reports. Statisticians were trained in using the Excel VBA application.

b. Assist the SCC in collecting and processing statistical information. Identify means to introduce new and more efficient tools and methodologies for statistical processing and automation of caseload processing:

- In April 2015, all courts in Serbia submitted their backlog cases information to the SCC (count and structure of criminal cases older than 5 years and civil cases older than 10 years). The reports were submitted in unstructured, narrative format and in paper form, requiring intensive manual labor to read, process and convert to electronic format suitable for statistical processing and analysis.

The Senior IT Advisor and Backlog Reduction Specialist took the responsibility to process and enter provided information in an Excel spreadsheet, which took several days to complete due to the amount of information and highly unstructured contents of the reports, which required careful examination in order to identify and not to miss important information and type them into Excel spreadsheets for further processing.

Consequently, a statistical framework was developed in Excel for the President of the SCC which allows a quick and flexible way to get different information related to backlog statistics. The consultants also explained to the SCC management the necessity of providing standardized reporting templates to the courts in the future, which would greatly facilitate processing of information.

c. Analyze current categories of statistical reporting from the aspect of different needs, identify deficiencies related to statistical reporting processes and formats of statistical reports. Harmonize statistical reports with European standards and help the SCC and courts in their implementation:

- Several mini-workshops were held with the statistical department of the SCC, in order to identify deficiencies in the existing statistical reports and reporting work processes and communication with the courts, in order to streamline the process of statistical reporting and statistical processing (with the ultimate goal to establish centralized statistical reporting database for all courts in Serbia).

In this process, many international reporting standards and formats were analyzed, including CEPEJ, NCSC Court-tools, and various World Bank, EU Commission and USAID ad-hoc reports, in order to determine information that need to be captured in the case management system in order to be able to answer similar requests in the future.

As a part of this effort, a tri-lateral meeting was held in the SCC between the statistics department, MDTF consultants and the representatives of MEGA Computer Engineering. At this meeting, identified inaccuracies and deficiencies in the existing statistical reports were pinpointed and discussed with MEGA (sorting issues, alphabet issues, Excel cell formatting issues, non-consistent values of the same statistical parameters in different reports etc.). Consequently, MEGA acknowledged the issues and quickly provided fixes and improvements in less than a week after the meeting, free of charge.

d. Conduct assessment of the current ICT infrastructure in the SCC and its capacity to support current and future business needs. Provide recommendations and assistance in developing a five year ICT strategic planning document for the SCC, provide technical specification for critical ICT infrastructure strengthening:

- During April and May, an exhaustive assessment of the current ICT infrastructure was conducted using physical visits and inspection of each and every work place in the Supreme Court of Cassation, from Judges, over judicial assistants, to typists and registry staff.

The assessment included the following aspects of the ICT infrastructure: Physical infrastructure (building, offices, data center); Power infrastructure and number of available power and network outlets (sockets) per work seat; Telecommunication infrastructure including availability of phones; Servers; Active network equipment (routers and switches); Data storage equipment (NAS/SAN); Desktop workstations; Displays; Laptops; Printers; Scanners; Copiers and multi-functional devices.

Simultaneously, assessments of the operating system, office applications, anti-virus software and web browsers in use were conducted as well. All the collected information is a necessary prerequisite for analysis of the existing ICT environment, identifying key issues and development of ICT strategic planning document for the Supreme Court of Cassation which will be one of the primary deliverables of the Consultant.

- The SCC was invited by the MoJ and the HJC to take part in the process of specification of computer hardware and equipment that will be procured from funds available within IPA 2012 budget (1 million EUR). The President of the SCC appointed the MDTF-JSS Senior IT Advisor as the SCC representative at the meetings organized regarding this matter.

The Senior IT Advisor was also assigned responsibility to identify technical requirements for the ICT infrastructure strengthening of the judicial data center in Nemanjina street (SCC building), in order to increasing its capacities to host future information systems and databases, such as centralized court statistical database and case-law databases (court practice database) for the appellate and higher courts. The required technical specifications and budget-estimates were provided to the MOJ, together with recommended criteria for allocation of the desktop computers using objective and weighted multiple-criteria approach.

- During December 2015, a report on the ICT assessment of the SCC was drafted. Recommendations were provided on the strengthening of internal capacities in order to support current and future business needs, as well as technical specification for critical ICT infrastructure strengthening.

e. Draft functional requirements and principal software and hardware architecture for the centralized national caseload database and statistical reporting server:

Several necessary preparatory activities for this objective are underway, required for the estimations of effort, costs and schedule of implementation (in case that funding for the implementation is provided). In June 2015, R/AFU consultants based in SCC drafted recommendations for improvements of statistical reporting for the Supreme Court of Cassation, aligned and harmonized with the actual needs of the SCC management and with European best practices and standards. The enhanced list of statistical/performance indicators is a combination of existing indicators and newly identified indicators based on CEPEJ and EU reporting requirements.

The draft recommendation was presented to the President of the Supreme Court of Cassation on July 1st, 2015. President of the SCC gave his consent to proceed with the preparation for establishing centralized caseload database. Functional requirements and principal architecture of such centralized statistical collection system were defined in December 2015, and preliminary contacts between SCC and donor organizations were established, in order to provide funding for the implementation of centralized national caseload database.

f. Provide technical assistance and write functional specifications for improving the existing case-law database. Investigate the technical possibilities to its further expansion to state level courts' and appellate courts' decisions, as well as decisions of relevant international institutions (CJEU case-law, UN Committees, etc.):

- The SCC Management and the MDTF-JSS consultants met with the representative of the Embassy of the Kingdom of Netherlands, which expressed interest in funding the development of unified websites for all four appellate courts and expansion of case-law database system to host decisions of the appellate courts, as well. The negotiations and meetings with the Netherland's Embassy will be continued.

Regardless of the outcome of meetings with the Dutch Embassy, MDTF-JSS Consultants will start drafting functional requirements for the centralized national caseload database and unified appellate court website that could be developed once and then deployed and slightly customized for the specific needs of the appellate courts under the same budget.

- An informative meeting was organized with company "Mrežni Sistemi", vendor of the existing Case Law database in the SCC to get an initial and non-binding budget estimate and time estimate for the expansion of the existing case-law database to accommodate four appellate courts' decisions and all higher courts decisions in the prospective future.

- An analysis was drafted for the Case Law Harmonization of the SCC and Appellate Courts, with cost estimate and principal hardware architecture. It was agreed with Supreme Court Justice

Snežana Andrejević that a working group in the SCC should update the keywords registry to be used for annotation of the future case law decisions.

g. Identify the ICT-related training needs of the SCC judicial and non-judicial staff, develop training curriculum:

- Inventory process of the IT equipment from office to office was a great opportunity to personally meet with all judges and staff of the Supreme Court of Cassation and hear about the problems they encounter in their day-to-day activities that could be possibly facilitated or eliminated with more effective use of information technologies. It was particularly the case with administrative positions such as statisticians, registry office staff, HR staff, typists and judicial assistants.

It was revealed that typists do not use a shared file-server, resulting in individual decisions being spread-out over dozens of computers in the court, making it difficult to locate particular decisions in electronic format when needed, resume typing of the decision from any available computer, or create centralized backups. Together with the new Head of IT Department in the SCC, it was agreed that a file server, visible from all computers in the SCC will be deployed where draft and final decision in Word format will be organized in a strictly defined folder structure with specific access privileges for typists, judicial assistants and judges.

- Many staff members expressed interest in one-to-one training in using Windows, Microsoft Excel and/or Microsoft Word. It was agreed that the Senior IT Advisor will be available daily for such capacity building activities, whenever an opportunity arises.

- After the MoJ and the SCC identified state-wide issue of courts not populating court fees information into their case management system, the Senior IT Advisor prepared detailed and illustrated user manual with screenshots on how to register and manage court fees in the AVP software application. The user manual in electronic (PDF) format was distributed via email to all courts in Serbia that use AVP (basic courts, higher courts, commercial courts).

- The HJC introduced a HR software application for submitting judges' personal files to the HJC via internet (web). The use of the web-based HR application is mandatory as of January 2015, however SCC staff could not attend trainings organized in 2014 in Belgrade, Novi Sad, Kragujevac and Niš. In coordination with the High Judicial Council, MDTF-JSS Senior IT Advisor provided necessary training for the SCC staff directly in the court premises, with a hands-on demonstration of the fully functional test-instance of the system.

h. Other relevant activities:

The consultant provided assistance and input for the preparation of the EU Accession Progress Report related to the following questions:

- Are there Information and Communication Technology (ICT) - systems for courts available e.g.

 Systems for the registration and management of cases?

 Electronic communication between courts and parties?

All the answers were provided based on factual and documented grounds, in Serbian and English language.

14. **Monitoring and Evaluation Specialist** based in SCC. The Consultant worked in the SCC from April 1, 2015 to August 8, 2015. During this period, the Consultant was very active in capacity building of the SCC's staff and the Working Group for implementation of the National Backlog Reduction Program (WG). The capacity building measures included inter alia, daily twinning and on-the-job training for individual WG's members, SCC Chief of Staff and SCC statistical department, as well as other judicial advisors. The primary area of work was the analysis of courts' statistical data, particularly in relation to the courts' backlog reduction and efficiency efforts conducted in accordance with the National Backlog Reduction Program. The consultant has developed and delivered training for the courts' staff that focused on types of statistical reports, analysis of courts' data, the most relevant indicators and their interdependence. The training materials were transferred to SCC for future use as orientation training on analysis of courts' statistical data and defining recommendations for backlog reduction. These efforts have led to a gradual transition of responsibilities from RAFU consultants to the SCC staff in the areas of analytical work and defining recommendations for court performance improvements.

The Consultant was assigned to work closely with the WG on designing WG Plan of activities and Court Performance Framework. The Consultant initiated and organized two WG's quarterly meetings, and cooperated with each member individually on an analysis of courts' backlog reduction programs. He also defined recommendations for future WG activities. Based on these recommendations, the WG adopted conclusions in which it defined 2015 activities. Among other conclusions, the WG decided to discuss the revisions of court's statistical reporting and identify relevant indicators, data types and reports to be used in the future in order to tackle deficiencies in the existing statistical reports and reporting work processes. After extensive consultation process and analysis of all reporting requirements, the Consultant and the Senior ICT Advisor – Court Automation and Caseload Statistics Specialist (RAFU consultant) jointly presented a proposal for statistical reporting changes to the Chief Justice, WG members, Chief of Staff, statistical department and IT staff.

During its work in SCC, both the Consultant and Senior ICT Advisor –Court Automation and Caseload Statistics Specialist supported the SCC in obtaining accurate data and reports that feed the relevant indicators. In particular, they worked on improving reports, definitions, internal and external communication, as well as administrative procedures to ensure easier access to data. At the end, the Consultant defined and presented his recommendations for improving statistical reporting and analysis. All these efforts had an ultimate goal of streamlining procedures in statistical reporting and analysis, and creating conditions for establishing centralized statistical reporting database for all courts in Serbia.

For the WG's purposes, the consultant conducted an analysis of Courts' 2014 data on a system-wide level, court types' level, and individual courts level. Furthermore, the consultant made comparisons of selected indicators for 2012, 2013 and 2014 and presented certain trends on a system-wide level to the members of the WG, such as: negative trends in a rising number of old enforcement cases while the total number of cases decreased; drop in efficiency in periods with lower inflow of cases; a drop in average number of cases resolved per judge in courts with recently increased number of judges. Some of these findings have been supported by the conclusions of the Functional analysis. Jointly with the Senior ICT Advisor, he gathered and

analyzed first-quarter of 2015 data on criminal cases pending for more than five years, and civil cases pending for more than 10 years. The Consultant also helped WG's members to gather relevant data from the courts they oversee and conduct analysis in accordance with his instructions. This facilitated a transfer of know-how to the WG's members and strengthening of their capacities to conduct a proper statistical analysis independently. This should help sustainability of efforts aimed at improving efficiency of Serbia's court system.

The Consultant has prepared written proposals aimed at efficient disposition of the old cases and presented the general and special measures to the members of the WG. The consultant also worked actively with other WG's members to identify and define adequate measures based on the statistical analysis. The main systematic recommendations referred to unequal distribution of cases and judges throughout the system. The Consultant advised examining possibilities, jointly with competent authorities, of horizontal transfer of judges in accordance with the recommendations of USAID SPP Best Practices, Functional Analysis, NJRS and draft Action Plan for chapter 23. Furthermore, WG members discussed issues in processing over a million enforcement cases in three basic courts located in Belgrade. The Consultant has been appointed member of a team designated to work on tackling these problems.

The Consultant actively cooperated with international organizations and other agencies in relation to the backlog and case-delay reduction. The consultant participated in meetings with different international organizations and agencies and discussed possibilities of cooperation and gaining support for SCC BLR and case-delay efforts. In particular, the consultant, in cooperation with other two R/AFU consultants based in SCC, organized the following events:

- A conference on case-law harmonization in enforcement cases and presentation of the new draft Law on Enforcements. The conference was held in Belgrade on June 22 and was organized jointly by SCC and GIZ. The Conference gathered representatives of all the courts that have competences in processing enforcement cases. The enforcement cases represent the major share in backlog of cases, hence solutions presented on the conference, as well as harmonization of practices in this area, will reflect largely on reduction of backlogs.
- A retreat on methodology for harmonization of court practices, on June 18-19. The retreat was organized for those who are the key stakeholders in the process of case-law harmonization – judicial advisors and assistants from the Supreme Court of Cassation, Administrative Court and appellate courts (including Commercial and Misdemeanor Appellate Courts). This retreat/workshop defined the following conclusions and recommendations:
 1. All state-level courts, appellate courts and higher courts must establish Case-law Departments, or at least case-law registries (smaller higher courts), and such organization as well as the actual competences must be determined in the courts' annual workplans.
 2. It is necessary to:
 - a. Define in the annual work plan that judicial assistants in the Case-law Departments are engaged in this work only, in every court in which the number of judicial assistants allows this.

b. Adopt the unified nomenclature (thesaurus) of legal institutes (terms) for all areas of law and all the courts. The key words for each case have to be registered on case files as a special text box.

c. Strengthen the position of the Case-law Departments in every court by providing ICT and other tools. Build capacities of these departments through training, meetings and best-practices exchange.

3. All state-level courts, appellate and higher courts must keep their decisions in electronic format in a single electronic storage, preferably computer, designated for this purpose, which is accessible through a protected internal network, in the format which is suitable for classification and search (Word or PDF).

4. Create a horizontal and vertical network of judicial advisors and assistants engaged in case-law harmonization.

5. Carry out a SAPS training in all courts which use this case management application, to enable horizontal and vertical exchange of decisions between courts.

6. The Supreme Court of Cassation will provide support to the courts facing challenges in applying ICT technologies for implementation of these conclusions and case-law harmonization.

Under the auspices of the Annual Judges' Conference "Judicial Days 2015", Supreme Court justices conducted a workshop for judicial assistants who attended the Conference on importance and mechanisms of case-law harmonization. All three events were prepared and moderated by the Consultant.

The Consultant also worked extensively on drafting the input for the EU Progress Report, particularly on issues of monitoring and evaluation of courts' activities and providing data on efficiency indicators. Furthermore, the Consultant worked on supporting the SCC staff in their communications with other organizations and state bodies, such as World Bank, Norwegian Embassy, CEIO etc.

15. **Senior Legal Advisor- Court Jurisprudence Specialist** based in SCC. The Consultant provided capacity building to the SCC staff through daily twinning and on-the-job training on how to monitor, track and record progress in the case-law harmonization process laid out in the SCC Case-law Harmonization Activity Plan and the Agreement of Appellate Court Presidents on Appellate Courts' Joint Sessions. The Consultant also held joint meetings with appellate courts' assistants and advisors on how to strengthen performance of case-law departments in these courts. In close cooperation with the Head of the Office of the SCC President, the Consultant identified main training needs, aiming at building capacities of the SCC staff, primary judicial advisers, and developed a training plan accordingly. The Consultant carried out an impact analysis of the case-law harmonization activities carried out in 2015 and, which showed the following:

- SCC Civil Department expressed its standpoint on all legal issues disputed by the appellate courts during 2014 (in accordance to the Consultant's recommendations, this process was accelerated)

- Out of all disputed legal issues raised in 2015, upon which the appellate courts could not reach an agreement, by October 2015 SCC Civil Department expressed its standpoint on 5 and remained silent on 12
- Appellate Courts' criminal departments agreed their standpoints on 16 disputed issues by November 2015, and these consistent standpoints were verified by the SCC Criminal Department
- Appellate Courts' criminal departments did not reach consensus on 10 disputed issues. The SCC Criminal Department expressed its standpoint on 7 out of these 10 issues.

The Consultant assisted the SCC in organizing and executing the following conferences, workshops and training events:

1. On June 22, 2015 the SCC organized a conference dedicated to case-law and resolution in enforcement cases, which for the first time gathered under one roof bailiffs (i.e. enforcement agents) and judges, and consolidated challenges of court enforcement and enforcement conducted by bailiffs. Some of the conclusions and recommendations of the Conference were to strengthen the court enforcement in the same manner as the 'outside-of-court' enforcement, and enable the courts to use all the tools that bailiffs have; to foster the cooperation between the Chamber of Bailiffs and the Supreme Court of Cassation with respect to law implementation, backlog reduction and equal application of law.
2. For the purposes of improvement of the SCC Case-law Harmonization Activity Plan, a regional conference was organized. It was dedicated to the issues of case-law harmonization, and it gathered representatives of the highest courts from Slovenia, Bosnia-Herzegovina and Macedonia. Special attention was paid to the case-law of the ECHR and its implementation into national jurisprudence, as well as to the relation of the Constitutional Court decisions (as a public administration authority) on one hand, and decisions of state-level and appellate courts on the other. Under the auspices of this conference, the SCC published a bulletin "Case-law Harmonization – Challenges and Possible Solutions", which was distributed to all judges in Serbia, and made available through the SCC website⁵². The Consultant took part in drafting this publication as the reviewer.
3. In order to ensure efficient and uniform application of the Law on Protection of the Right to a Trial within Reasonable Time, under the Consultant's coordination, the SCC prepared a judges' training plan, developed a training curriculum, carried out a training for judges between October and December 2015, and organized a meeting with all courts' presidents, during which the organizational issues related to the Law implementation were discussed as well. In order to provide sustainability to the entire process, during 2015 the SCC organized three workshops for those who are its key stakeholders – judicial advisors and assistants from the Supreme Court of Cassation, Administrative Court, appellate courts (including Commercial and Misdemeanor Appellate Courts) and higher courts. The SCC expects these to be only the first meetings in a row of those which will

⁵² <http://www.vk.sud.rs/sites/default/files/attachments/PublikacijaUjednacavanjesudskeprakse.pdf>

improve the uniformity of the process and its formalization. These meetings defined the following conclusions and recommendations:

- I. All state-level courts, appellate courts and higher courts must establish Case-law Departments, or at least case-law registries (smaller higher courts), and such organization as well as the actual competences must be determined in the courts' annual work plans.
- II. It is necessary to:
 - a. Define in the annual work plan that judicial assistants in the Case-law Departments are engaged in this work only, in every court in which the number of judicial assistants allows this.
 - b. Adopt the unified nomenclature (thesaurus) of legal institutes (terms) for all areas of law and all the courts. The key words for each case have to be registered on case files as a special text box.
 - c. Strengthen the position of the Case-law Departments in every court by providing ICT and other tools. Build capacities of these departments through training, meetings and best-practices exchange.
- III. All state-level courts, appellate and higher courts must keep their decisions in electronic format in a single electronic storage, preferably computer, designated for this purpose, which is accessible through a protected internal network, in the format which is suitable for classification and search (Word or PDF).
- IV. Create a horizontal and vertical network of judicial advisors and assistants engaged in case-law harmonization.
- V. Carry out a SAPS training in all courts which use this case management application, to enable horizontal and vertical exchange of decisions between courts.
- VI. The Supreme Court of Cassation will provide support to the courts facing challenges in applying ICT technologies for implementation of these conclusions and case-law harmonization.

Under the auspices of the Annual Judges' Conference "Judicial Days 2015", Supreme Court justices conducted a workshop for judicial assistants who attended the Conference on importance and mechanisms of case-law harmonization. All three events were prepared and moderated by the Consultant.

The Consultant also provided international exchange on case-law harmonization issues between SCC and corresponding institutions in Europe:

- Supported by the MDTF and OSCE the delegation of the SCC justices and staff visited German courts and Federal Ministry of Justice and learned about legislative solutions and best practices on jurisprudence aligning in Germany. Some German solutions were later incorporated into draft amendments of Serbian Book of Court Rules (see below).

- Supported by the MDTF, the delegation of SCC justices, HJC members, MoJ and respective staff visited the Slovenian Supreme Court and Ministry of Justice of Slovenia. Although this visit was primarily dedicated to introduction to Slovenian case weighting solutions, the delegation had a chance to get acquainted with methods and techniques of case-law harmonization in Slovenian courts.

In close cooperation with the ICT Specialist based in the Supreme Court, the Consultant provided an assessment of the current SCC case-law database and recommendations for its future development. The activities that the SCC should carry out independently were identified. These are the activities which require intervention in the current case-law database, in order to enable its upgrade. A donor conference was organized during which the financial needs for the appellate courts' websites were presented, as well as the resources needed for case-law database expansion.

The Consultant supported SCC justices who drafted amendments to the current Book of Court Rules, which formalize the process of case-law harmonization and strengthen the role of case-law departments in courts (Art. 9-21 of the Amendments to the Book of Court Rules). These amendments are still pending adoption. The Consultant worked with Justice Snezana Andrejevic, SCC Deputy Court President and leading member of the Working Group tasked to amend the Book of Court Rules, in designing the process of case-law alignment inside one court (between single judges and chambers) and among courts of the same type and instance. Also, the Consultant assisted in transferring rules established in the Case-law Harmonization Agreement between appellate courts⁵³ into the Book of Court Rules. The BCR amendments came into force in April 2016.⁵⁴

⁵³ <http://www.vk.sud.rs/sites/default/files/attachments/SPORAZUMPREDSEDNIIKAPELACIONIHSUDOVA.pdf>

⁵⁴ "Official Gazette RS" 39/2016,

<http://www.vk.sud.rs/sites/default/files/attachments/Sudskiposlovnik28saizmenamaod15.04.2016.pdf>

3 SUB-COMPONENT 2.2: TECHNICAL ASSISTANCE TO STRENGTHEN THE ACCESS TO JUSTICE

3.1 Introduction

- A comprehensive Strategy for the provision of free legal aid in Serbia was officially adopted by the Serbian Government in October 2010. Several working groups (WG) have been established since then, with WG members representing diverse stakeholders. A number of drafts were developed, however, due to a variety of factors, the draft was never adopted (subsequent elections, lack of consensus among stakeholders, etc.). The new Working Group tasked to draft the Law on Free Legal Aid was established by the MoJ in 2013 (amended in 2014 and 2015) and has developed the final Draft Law. Upon the adoption of the Law, the MoJ will develop the necessary bylaws for the implementation and supervise the functioning of the free legal aid system.
- Consultant for Access to Justice – a local consultant was contracted to perform the services during the period commencing July 1st, 2011 and continuing through January 31, 2014. After significant change of ToR in accordance with the MoJ request for continuation of RAFU support to the Ministry, this position was re-announced and new contract with the same consultant was signed on February 24, 2014. This contract was amended on January 1, 2016 because of change of ToR and extension of services until the end of 2016.

3.2 Procurement and Training Activities

- The PIU organized a three-day FLA retreat in Fruska Gora on February 07-08, 2015 to finalize the provisions of the Draft Free Legal Aid Law. Upon finalization, the Draft was submitted to the European Commission for opinion. The Working group continued to draft the provisions in line with EC comments. Several issues remained, arising from different standpoints of the EC and WG members. For the purpose of clarification, a TAIEX mission was organized in April 2015. Several meetings with TAIEX expert took place, both within the Working Group, as well as separately, with various stakeholders including broader civil society.

The FLA working group finalized the drafting process of the FLA Law in the summer 2015. Subsequently, normative work continued within the MoJ, for the purpose of preparation of all relevant documents accompanying the law for the adoption procedure in the National Assembly. The Draft was submitted for opinions to relevant ministries and independent state bodies and received positive opinions. Concurrently, budgeting was performed in line with the Fiscal impact analysis performed by the World Bank in 2013, as well as new data on socio-economic status of potential beneficiaries.

3.3 Description of delivery of activities and their impact in supporting the development objective

The Consultant for Access to Justice had daily collaboration with civil service staff at the Ministry of Justice, working at the Department for EU Integration, the Department for preparation of projects and the Department for Normative Affairs. Throughout the whole year, the Consultant actively transferred knowledge with regard to the relevant acquis in the Chapter 23 through:

- meetings focused on specification of the activities stipulated in the AP for Chapter 23,
- brief documents distribution related to key goals to be achieved with regard to acquis alignment in this field,
- meetings on key issues in the field of criminal and civil law which require alignment of the Serbian legal system with the acquis,
- identification of current/planned projects that can be utilized in AP 23 Subchapter Fundamental Rights, with an aim to avoid overlapping of the project activities,
- provision of relevant information on the future tasks of the MoJ in terms of monitoring the implementation of the FLA Law, aimed at the gradual transition of responsibilities to civil service staff.

The work on the development of AP Ch 23 (and pilot reporting) also involved cooperation with civil service staff at the Administration for Enforcement of Criminal Sanctions⁵⁵. The Consultant also worked closely with the representatives of the Ministry of Public Administration and Local Self-government, focusing mainly on the future setting of the FLA system and jurisdiction of the relevant ministries. This process mainly took place during the first half of the year⁵⁶, while certain provisions of the Draft LFLA were still in the process of development. Coordination and exchange of knowledge with Ministry of Public Administration and Local Self-government proved to be very beneficial in drafting the specific provisions of the LFLA. This resulted in the following:

- data collection and analysis of the structure of staff in local self-government units aimed at determination of the capacity for adequate triage,
- identification of the total number of employed lawyers (including those with a Bar exam) in local self-government units,
- data collection for budgeting the law on FLA,
- provision of information to the local self-government units about their new responsibilities and forthcoming training for the implementation of the law,
- discussions about the proposed framework with the representatives of Standing Conference of Towns and Municipalities,

⁵⁵ Provision of information on improvement of access to justice in the enforcement system, protection of the rights of detained/convicted individuals, impact of the future implementation of the Law on FLA.

⁵⁶ Series of meetings with the representatives of the Ministry of Public Administration and Local Self-government, both with Assistant Minister and executives who will cooperate in the implementation of the law, providing basic information on the future FLA system.

- ongoing information exchange with the coordinators for the social policy from the Team for the Social Inclusion and Poverty Reduction relating to the poverty levels and vulnerable groups in Serbia, which resulted in the inclusion of additional categories of potential beneficiaries in the Draft LFLA.

The Consultant provided support⁵⁷ to the work of the Working group on the Action plan for the Exercise of the Rights of National Minorities in the period from April 2015 until the adoption of the AP for national minorities. The work on this AP involved cooperation with various stakeholders, including Ministry of Public Administration, Ministry of Interior, Ministry of Education, Ministry of Labor, Office for Human and Minority Rights, as well as 11 National Councils of National Minorities and the CoE representatives. The Consultant also took part in the presentation of the AP for National Minorities at the meeting with members of the Serbian Negotiation Team and representatives of National Convent for Accession to the EU.

The work on the development of AP Ch23 Subchapter Fundamental rights also involved active cooperation and information exchange with the relevant bodies (Office for Human and Minority Rights, Ministry of Labor, Ministry of Interior, etc.), whereby the Consultant focuses on access to justice of various vulnerable groups such as detainees, women victims of violence, Roma, other underprivileged persons.

The Consultant provided advice and support in creation of legal framework for FLA system in Serbia, through regular information exchange with the FLA Working Group, ongoing data provision used for final drafting activities, regular reporting on the work of the Working group and provision of analyses and support in creation of FLA legal framework⁵⁸. In the beginning of 2015, the Consultant drafted three circles of responses to the EC opinions on Draft LFLA, including analysis of particular provisions and rationale for certain solutions in the Draft. The Consultant subsequently drafted a set of amendments to the LFLA in line with several sets of EC comments. For the purpose of clarification of different issues that were still pending among different interest groups in the WG, TAIEX mission was organized in May, attended by all the WG members, relevant CSOs engaged in the provision of FLA, the Bar Association, and other relevant stakeholders. The Consultant:

- organized the mission,
- prepared the expert through the provision of relevant material on FLA Law and briefed the EC expert on the whole process of FLA drafting, as well as the main obstacles to its finalization,
- organized individual meetings with key stakeholders including CSOs.

The Consultant performs continuous data exchange with relevant CSOs focused on access to justice, as well as the Bar Association and legal clinics. In close cooperation with the Assistant

⁵⁷ A total of 11 meetings with the entire Working group took place between April and December, while a set of additional inter-sectorial meetings followed the work of the Working group. The Consultant participated in all the meetings, supported the process of drafting specific measures, discussions with state bodies, development of all related documents, briefs and other relevant information, including analysis of the expert opinion received in November, as well as inclusion of additional activities in line with expert opinion.

⁵⁸ Drafting minutes at the WG meetings, provision of support in drafting provisions of the law, analyses of the acquis, advocating for broader circle of providers.

Minister for EU Integration, the Consultant actively supports preparations for the implementation arrangements for the legal framework upon its adoption. The Consultant attended all the relevant conferences associated to free legal aid, organized by YUKOM, Bar Association of Serbia, PRAXIS. Throughout the year, the Consultant organized several media appearances of the WG members in order to present the work on the Draft Law.

The Consultant actively cooperated with the Assistant Minister for Normative Affairs in the process of preparing the Draft for adoption, including a set of meetings and amendments, including development of the necessary documents for the adoption in the parliament⁵⁹. These documents, along with the Draft Law, have been submitted to the relevant ministries and other state bodies and the Draft Law received positive opinions at the end of November.

For the purpose of budgeting the Draft FLA, the Consultant actively cooperated with the Consultant for Justice Sector Data Analysis through:

- provision of updated information on the final solutions in the law,
- data collection on qualitative elements for budgeting.

Recommendations for drafting bylaws relating to the practical implementation of the LFLA are to be sequentially submitted upon the passage of the law. Given the fact that the final solutions are still pending (potential change in political will, amendments in the Parliament), it is challenging to develop specific implementation rules prior to finalization of the process⁶⁰. Initial ethical rules are currently in the process of development, pending discussions with FLA stakeholders. Despite the delay in adoption, the Consultant reviewed relevant bylaws in the region and EU MS. Informal negotiations with the Bar Association will be performed to have an informal consent on the bylaws (pending internal elections at the Bar).

As the adoption of the Law is repeatedly delayed, the Consultant still prepares to deliver a draft Training module designed for FLA providers relating to the start of implementation of the law as well as the Draft Strategic framework on cost-effective promotional activities and provision of information to citizens on the Law on FLA. These activities strongly depend on the final content of the Law (i.e. who will be the providers, what is the implementation timeframe, what is the final circle of the beneficiaries, etc.). To this end, the Consultant included provisions on training in the Draft LFLA, in order to make sure that training is mandatory for those determining eligibility. The Consultant identified a set of topics that need to be included in the training module, according to the type of participant (e.g. future MoJ staff monitoring implementation of the Law on FLA, municipal FLA services, staff in municipalities determining eligibility, the Bar). For the purpose of increasing access to justice not solely related to free legal aid system, the Consultant cooperated in preparatory meetings focused on development of standardized information (brochures, online info) in Serbian courts, aimed at provision of relevant information to citizens.

⁵⁹ Documents include the following: preparation of the rationale, tables of concordance, statement on alignment, with the particular acquis, analysis of the effects of the law, report on public debate, brief documents on alignment with strategic framework.

⁶⁰ However, given that the Registry of providers to be kept in the MoJ is not considered a disputable issue, the Consultant developed the Draft form for entry into the Registry and the Draft Rulebook on entry into the registry.

The Consultant provides regular reports to the Commission for Implementation of the Judicial Reform Strategy on the implementation of the NJRS for the National Assembly, with regard to strategic guideline on establishment of the standardized system of legal aid and establishment of institutional framework

The Consultant provided analysis⁶¹ of the additional procedural safeguards that need to be aligned with the EU acquis to the MoJ. This resulted in a set of activities in AP Ch23 (i.e. right to a fair trial, right to counsel) under measures in the part 3.7. of the AP Ch23. To address this, a Working group on amendments to the Criminal Procedure Code was established at MoJ.

Moreover, in cooperation with the Consultant for Human Rights, the Consultant also had a series of meetings with representatives of CSOs engaged in victim protection in the beginning of 2015, whereby numerous proposals have been subsequently presented to the MoJ and successfully included in the AP Ch23.

During the second half of 2015, the activities of MoJ with regard to the victim protection have increased, which resulted in the Consultant's additional tasks. Several aspects of access to justice/victims' rights have been discussed with the civil society and MoJ, in light of future improvements in the field of access to justice not solely limited to FLA law. The Consultant participated at relevant meeting focused on improvement of victim protection, both with local stakeholders and MDTF expert on victims, including provision of information relevant for the expert analysis as well as identification of the future model to be implemented upon establishment of victim support network.

The Consultant provided input for the update of the AP for the implementation of the NJRS during the autumn, focusing mainly on alignment with AP Ch23 and re-addressing of certain aspects. Annual input for the update of the NPAA has also been prepared and submitted by the Consultant in December, in line with instructions of EU Integration Office. As a part of the EU integration process, and the provision of support to MoJ with regard to Chapter 23, the Consultant participated in preparation of final AP Ch 23 Subchapter Fundamental Rights, the responses to COELA, development of a pilot report on implementation of AP Ch23 and guidelines for reporting, presentation of the AP Ch 23 and the AP for the Exercise of the rights of National Minorities at the parliamentary boards for EU Integration and Human and Minority Rights, as well as National Convent for Accession to the EU. Moreover, the Consultant took part at the joint Workshop⁶² for implementation of AP Ch23, organized by RAFU, with all the stakeholders of the AP. Likewise, the Consultant provided periodic reports on the normative framework and the current situation in relation to access to justice, informing cooperation of the MoJ with international organizations (e.g. the European Commission, Sub-committee on Justice, Freedom and Security, CEPEJ, the UN Commissioner for Human Rights, Amnesty International). Concurrently, the Consultant provides information to the MoJ about the identified obstacles in terms of access to justice, both normative and implementation barriers, through daily communication, various meetings with

⁶¹ The Consultant prepared a brief overview of the recent 'package' of the EC proposals in the field of criminal proceedings (proposals for Directives remain in the EU pipeline), aimed at future inclusion in the CPC during the process of amendments planned for 2016/2017.

⁶² Workshop on the implementation of the activities envisaged by the Action Plan for Chapter 23 held on December 14, 2015

relevant stakeholders and analysis of the reports of other institutions (including international organizations' reports on Serbia). The Consultant also provides responses to the Requests for access to Information of public importance regarding the Draft Law on FLA.

4 DISBURSEMENTS

4.1 Overall Disbursements

WB FUND

Grant Amount	\$ 2,700,000.00	
Disbursed	\$ 2,435,236.87	
	*\$ Designated Account	1,776,676.87
	*\$ Direct Payment	658,560.00
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Undisbursed Amount \$ 264,763.13

GOS

Disbursed Amount \$ 451,109.20 (includes related exchange rates and period when GOS paid taxes and contributions for individual consultants in full amount from Government funds)

4.2 Disbursements/Uses of Funds

4.2.1 Total Uses of Funds

\$2,781,526.94

\$2,330,417.74 financed by the WB

\$451,109.20 financed by the GOS

5 CONTRACTED AMOUNTS

Total Contracted Amount \$ 2,800,262

*TF \$ 2,428,381

*GOS \$ 371,881

(includes related exchange rates)