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WORLD BANK GROUP



## Annual Report for 2017

### MDTF-JSS Recipient- Executed Grant



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# EXECUTIVE SUMMARY

## Key Achievements in 2017:

- Monitoring reports on implementation of the Action Plan for Chapter 23 (AP CH23) developed and published;
- Capacity for implementation and reporting on the AP CH23 increased in relation to initial state of play;
- Second biannual report on implementation of the AP CH23 developed and submitted to the European Commission;
- Regional Conference/Workshop on Access to Justice in criminal proceedings organized;
- Round tables on Draft FLA Law organized;
- Public debate on Constitutional amendments organized;
- Innovative SCC Annual Report developed;
- Backlog reduction continued;
- Enhanced monitoring and control mechanisms over the work of enforcement agents set in place and applied;
- Court Rewards Program (as performance incentive) successfully implemented;
- Continuation of enhanced cooperation with the European Commission for the Efficiency of Justice (CEPEJ), in particular through organizing the 2016-2018 CEPEJ Evaluation Scheme;
- Steering organization of Mediation Week in October 2017 at the 2nd Basic Court in Belgrade and at the Basic Court in Kragujevac;
- Guidelines for the Improvement of Mediation in the Republic of Serbia drafted and jointly enacted on June 28, 2017 by the President of the Supreme Court of Cassation and the High Judicial Council and the Minister of Justice;
- Monitoring of the functioning of the notary system and analyses and drafted in order to improve the normative framework;
- Various trainings and workshops - 957 people participated, 94.83% participants reported that training was useful for their daily work and 82.91% reported improved skills.

## MDTF-JSS BACKGROUND

Project Description: The Multi-Donor Trust Fund for Justice Sector Support (MDTF-JSS) was established in 2009 at the request of donors and the Serbian Ministry of Justice (MoJ) to support the strengthening of the Republic of Serbia's justice sector in order to facilitate its integration into the European Union (EU). The MDTF-JSS aims to improve aid effectiveness and donor coordination across the sector through the implementation of a coordinated work

program, financed by contributions from Serbia's development partners. 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 MoJ, which 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 the 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 the organization of 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 the 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.

Project Arrangements: The Project Implementation Unit (PIU) comprising a PIU director i.e. the Assistant Minister for European Integration and International Projects appointed and funded by the MoJ, procurement specialist- recipient executed Trust Fund coordinator and financial management specialist, both funded by the Grant, with resources and terms of reference satisfactory to the World 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.

Project Development Objective: To support the strengthening of the justice sector of the Republic of Serbia in order to facilitate its integration to the EU. Causal chain: The Serbia Judicial Functional Review 2014 documents the existing capacity of the justice sector to deliver services to citizens and business in terms of efficiency, quality, and access to justice, against the backdrop of Serbia's aspiration of EU membership. To support the strengthening of Serbia's justice sector, the MDTF-JSS delivers targeted analyses, technical assistance, training, and operational support to justice stakeholders that strengthen their capacities in line with the AP CH23. The project modality is flexible, with a range of targeted activities delivered across the sector, in cooperation with justice institutions and with non-governmental organizations (NGOs) to cumulatively strengthen the justice sector.

The MDTF-JSS Grant funds the maintenance of a **Reform Facilitation/Accession Unit (RAFU)** at the MoJ and Supreme Court of Cassation (SCC). 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, legal analyses, input to strategic planning, facilitation of aid coordination and effectiveness, and project design and implementation. The RAFU has a double purpose: (1) to provide technical assistance to the justice sector to prepare and implement the AP CH23 and to implement the National Judicial Reform Strategy (NJRS) and Action Plan (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 Grant, as well as 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.

The RAFU, based in the MoJ, comprised of 11 consulting positions in 2017: Consultant for the Reform of the Criminal Justice System (part-time), Consultant for Access to Justice (full-time), Consultant for Constitutional Framework (full-time), Consultant for Outreach and Communication (full-time), Consultant for the Reform of Legal Professions (full-time), Consultant for Human Rights (full-time), Consultant for Anticorruption (full-time), Consultant for Justice Sector Data Analysis/ Budgeting (full-time), ICT Consultant for support to the Judicial modernization (full-time), and Consultant for the Reform of Civil Law System (full-time).

The RAFU seconded to the SCC comprised of 3 consulting positions in 2017: Senior ICT Advisor – Court Automation and Caseload Statistics Specialist (full-time), Monitoring and Evaluation Specialist (full-time), and Senior Legal Advisor- Court Jurisprudence Specialist (full-time).

In addition, the Trust Fund covers 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 Grant funds.

## **JUSTICE SECTOR BACKGROUND**

The Government of the Republic of Serbia adopted the AP CH23 on April 27, 2016. Subsequently, the Republic of Serbia opened the Chapters 23 & 24 in accession negotiations with the EU, on July 18, 2016. The implementation of the AP CH23 is regularly monitored, and quarterly reports on implementation are available on the website of the MoJ. Brief biannual reports on implementation of the AP CH23 are provided to the European Commission and, upon submission, are also available at the website of the MoJ.

Additional strategic documents which were adopted in 2016, as part of the accession negotiations with the EU, namely the National Strategy for the Prosecution of War Crimes and the Action Plan for the Exercise of the Rights of National Minorities, were implemented and monitored in 2017. Given the coordinating role of the MoJ with regard to Chapter 23, all strategic documents associated with this chapter are closely monitored by the MoJ and their

implementation is supported. Through its daily activities, the RAFU MoJ facilitates the efforts of the MoJ to successfully implement specific activities set in the AP CH23 and AP CH24 within MoJ competences. RAFU MoJ also actively supports overall implementation of AP CH23 through regular reporting and early warning mechanisms. The MoJ continued effective outreach activities during 2017, promoting in this way the achieved results and including civil society in relevant processes in judicial reform and accession negotiations.

## SUMMARY OF PROGRESS UNDER THE GRANT

### 1. THE AP CH23 AND KEY REFORM STRATEGIES (NJRS, BACKLOG REDUCTION PLAN, ETC.) ARE DEVELOPED AND MONITORED

The Government of the Republic of Serbia established the Council for the implementation of the AP CH23 (hereinafter: Council) on December 11, 2015, as a special working body of the Government for the expert support to the Negotiating Group for Chapter 23. The members of RAFU MoJ are members of the Council. The responsibility for monitoring the implementation of the activities envisaged in the Action Plan is entrusted to the Council, the Head of the Negotiating team for Negotiations for accession of the Republic of Serbia to EU, the Negotiating Group for Chapter 23 led by the President/Head of the negotiation group, and the Coordination body for the process of accession of the Republic of Serbia to the EU<sup>1</sup>, which consider the most important issues and guide the operations within the scope of the public administration in the process of accession of the Republic of Serbia to the EU.

The Council for the implementation of the Action Plan for the negotiations for Chapter 23 monitors the implementation of the activities envisaged in the Action Plan on a daily basis, anticipates and instigates early warning mechanism in case of delays and other problems in the implementation of the Action Plan and coordinates the reporting process. The Council submits monthly reports on the implementation of the Action Plan to the Head of the Negotiating team for negotiations for accession of the Republic of Serbia to the EU, the President of the Negotiating Group on Chapter 23, and the Coordination Body Council. The Council pays particular attention to ensuring that monthly reports encompass conclusions and recommendations from relevant bodies which monitor the implementation of national strategic documents. The Council for monitoring the implementation of the AP CH23 prepares quarterly reports on the implementation of AP CH23. Concurrently, the Council submits two biannual reports to the European Commission. Quarterly and annual reports are published on the web page of the MoJ. The members of RAFU MoJ, as members of the Council, hold regular meetings with relevant stakeholders from the responsible institutions for AP CH23 implementation with an aim to resolve delays and foster efficient implementation. Reports of the Council include the following: 1. A detailed report on the implementation of activities due for the reporting cycle (Serbian/English version); 2. The AP CH23 with a special column including brief description of the status of implementation (Serbian/English version); 3. A statistical review of the status of implementation of the AP CH23 (Serbian/English version) on

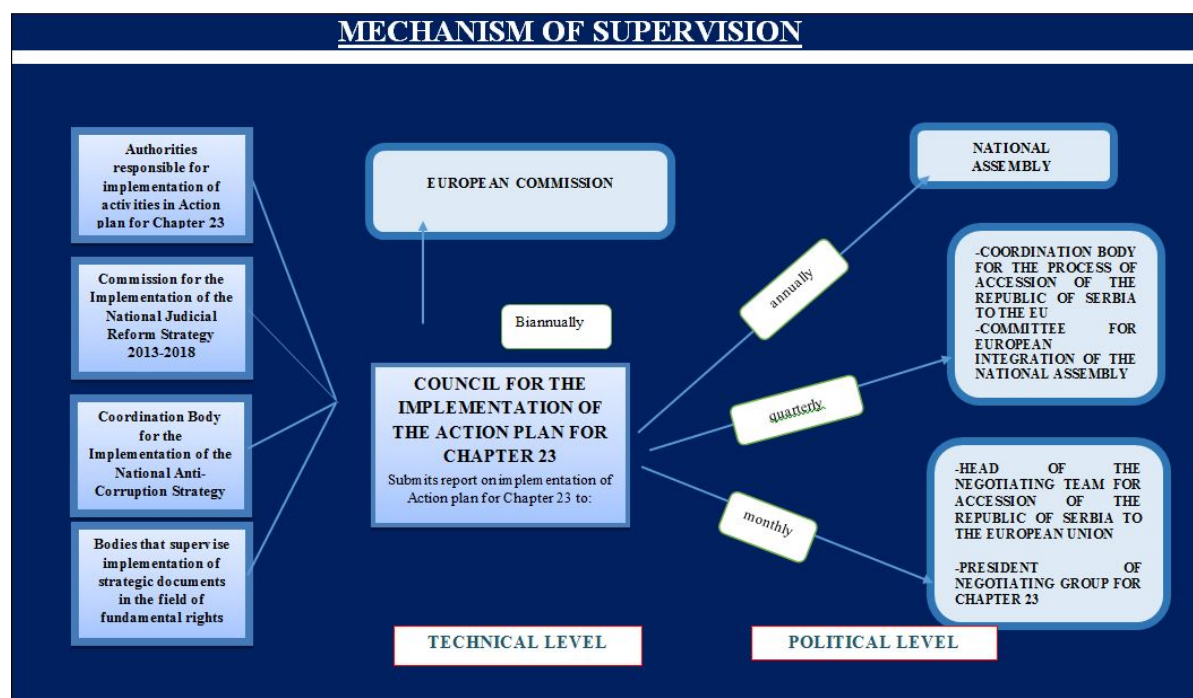
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<sup>1</sup> The structure of the Coordination Body Council includes: the member of the Government responsible for European integration, who is also a chairman of the Council of the Coordination body, the Director of the Office for European Integration, Head of the Negotiating Team, the heads of negotiating groups, state secretaries of the ministries whose representatives do not lead the negotiating groups, a representative of the National Bank of Serbia, Deputy Director and Coordinator for EU funds in the EU Integration Office and the representative of the Republic Secretariat for Legislation.

several levels (implementation of the activities in entire Chapter; implementation of the activities in each Subchapter; implementation of the activities per each institution). All reports are available at: <https://www.mpravde.gov.rs/tekst/2986/pregovori-sa-eu.php>. The Council also organizes two biannual public presentations of the Report on the implementation of the AP CH23 for representatives of all stakeholders, media, civil society, and international organizations.

The results of the monitoring process so far could be briefly summarized as follows: four implementation reports were published during 2017, second biannual report for the European Commission was developed, series of focus groups with key stakeholders on improving implementation of APCH23 were organized, including meetings with the civil society. Contact points in institutions responsible for implementation of APCH23 were additionally trained to improve reporting quality. Initial findings identified throughout this process indicate that most institutions undertake important steps towards implementation of the activities set in the AP CH23, despite certain delays. Key delays are mainly in the legislative process, usually associated with repeated election cycles, problems in jurisdiction of certain institutions or the fact that lack of implementation of a single activity causes delays in a set of connected activities. Moreover, certain challenges in the implementation process were identified and addressed through the organization of bilateral and multilateral training sessions with representatives of the institutions responsible for AP CH23 implementation, including high level officials and the contact points. Finally, methods of reporting indicate that there is a strong need for the existence of a monitoring mechanism which does not rely solely on civil servants, but also includes independent experts who can evaluate the technical reports of the institutions.

Chart 1.



Monitoring of implementation of AP CH23 continued throughout 2017. The members of RAFU MoJ as members of the Council continued the collection of data and reports on implementation from responsible institutions, analyzed the reports and developed the quarterly reports on implementation.

The **fourth cycle of reporting** was performed in the period from 1 to 20 of March 2017. The Report on the Implementation of the AP CH23 for the I quarter of 2017 is available at: <https://www.mpravde.gov.rs/tekst/16145/izvestaj-br-12017-o-sprovodjenju-akcionog-plana-za-poglavlje-23.php>

The **fifth cycle of reporting** was performed in the period from 12 to 30 June 2017. The Report on Implementation of the AP CH23 for the II quarter of 2017 is available at: <https://www.mpravde.gov.rs/tekst/16416/izvestaj-br-22017-o-sprovodjenju-akcionog-plana-za-poglavlje-23.php>.

The **sixth cycle of reporting** was performed in the period from 11 September to 2 October 2017. The Report on Implementation of the AP CH23 for the III quarter of 2017 is available at: <https://www.mpravde.gov.rs/tekst/17033/izvestaj-br-32017-o-sprovodjenju-akcionog-plana-za-poglavlje-23.php>

The **seventh cycle of reporting** was performed in the period from 11 to 29 December 2017. This final Report for 2017 will be published on the MoJ website upon finalization.

In addition to the Reports on implementation published quarterly, **the Second biannual report for the European Commission** has been prepared and is available at: <https://www.mpravde.gov.rs/files/Action%20plan%20for%20Chapter%2023%20with%20implementation%20status%20on%2028%20July%202017.pdf>

Successful cooperation with the civil society, including the National Convent for Accession to the EU and other civil society organizations continued throughout 2017,

According to the activities prescribed by the Action Plan for Chapter 23 (AP CH23) and **National Strategy for the Prosecution of War Crimes<sup>22</sup>**, the *Working group for monitoring of the implementation of the National Strategy* has been established in August, 2017. Among others, the members of the Working group are minister of justice, who is a president of the Working group, the assistant minister of justice, the war crimes prosecutor, director of the Judicial Academy, the state secretary in the Ministry of Interior as well as representatives of

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<sup>22</sup> National Strategy for the Prosecution of War Crimes was adopted on March 29, 2016. (For more information, see: [http://www.mdtfjss.org.rs/en/mdtf\\_activities/2016/-report-on-drafting-of-national-strategy-for-proceeding-of-war-crimes-ap-23#.WMJvKTj8pPY](http://www.mdtfjss.org.rs/en/mdtf_activities/2016/-report-on-drafting-of-national-strategy-for-proceeding-of-war-crimes-ap-23#.WMJvKTj8pPY))

courts and civil society. The first draft of the report on implementation has been developed and is currently a subject to comments by the stakeholders. It is expected the final version of the report on implementation of the National Strategy to be finished and publicly available during January 2018. RAFU MoJ supports the work of the Working group, through capacity building in relation to implementation and reporting. To this end, a ***Monitoring tools package for the monitoring of the National Strategy for the prosecution of war crimes implementation*** has been developed and provided to the Working group, including as follows: model template for reporting; reporting guidelines for focal points; reporting calendar; guidelines for reports evaluation; guidelines for presentation of the reform results; and reporting templates for individual institutions. These documents were developed by RAFU MoJ with the aim to facilitate the reporting process on the implementation of the National Strategy for the Prosecution of War Crimes and support the focal points in institutions. The process was accompanied by training sessions, described in more detail under Section 3 of the document.

In relation to AP for **Chapter 24 implementation**, RAFU MoJ continued to report on implementation of activities within MoJ competence and to closely cooperate with CH24 representatives with an aim to foster implementation. Several meetings were organized to this end, resulting in improved coordination between the MoJ and MoI in the field of APCH24 implementation. Members of RAFU MoJ participated in Evaluation of the National Strategy and Action Plan on Drugs, working meetings with representatives of the Ministry of Interior and the Office for Combating Drugs and data collection on drugs within MoJ competence with purpose of fulfilling AP for Chapter 24 activities.

As part of the accession process, several other strategic documents had been adopted in 2016. RAFU MoJ continued to actively support the implementation and monitoring of the ***Action Plan for the Exercise of the Rights of National Minorities***<sup>3</sup>. So far five reports were developed and presented (Report 1-2/2016, 3-4/2016, 1/2017, 2/2017 and 3/2017) covering implementation period from 2016 to third quarter of 2017. All reports are made in Serbian and translated to English, while Report 1-2/2016 was translated in 11 languages of the national minorities. First three reports (Report 1-2/2016, 3-4/2016, 1/2017) were presented to the Council for national minorities and adopted. Fourth and Fifth reports are yet to be adopted by Council for national minorities but have been presented to public. The sixth reporting cycle began on December 1, 2017 (October-December).

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<sup>3</sup> Adopted by the Government of the Republic of Serbia on March 3, 2016. The Action Plan is a mid-term strategic document containing the objectives set in accordance with the recommendations of the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities. Link: <http://www.mduls.gov.rs/dokumenta-nacionalni-saveti-manjina.php>



Technical assistance was also provided to the **Coordination body for monitoring the implementation of Roma Inclusion Strategy**, as a part of support to implementation of the Roma Inclusion Strategy and its Action Plan, which form an integral part of the AP CH23. The support included assistance in monitoring specific activities and lessons learned in monitoring of the implementation of AP CH23. The aim of the provided support is to ensure smooth implementation of the AP for Roma Inclusion Strategy, given that implementation of this document shall be closely monitored by the European Commission in relation to Interim benchmarks.

Moreover, RAFU MoJ has been preparing diverse **documents related to the accession** in the field of competence of the MoJ. This process includes cooperation with the European Integration Office (SEIO) and subsequently the Ministry for EU Integration, as well as the EUD. The documents prepared in 2017 include the preparation of the update of the NPAA, the collection and presentation of data for the Progress Report on Serbia, and the Report on implementation of the Stabilization and Association Agreement. RAFU MoJ facilitated and supported the organization of several Peer Review missions in 2017, on the topics related to freedom of expression, national minorities, judicial academy and organized crime, as well as TAIEX missions.

### **Support to the development of the Mediation System in Serbia**

Having in mind the fact that the results of the implementation of the new **Law on Mediation in Dispute Resolution** which has been applicable since January 1, 2015 have not been satisfactory as well as considering the relevant activities contained in strategic documents and the fact that the EU highlights the need for further consideration and promotion of the use of various alternative dispute resolution methods, it has been determined that it is necessary to adopt systematic measures which will substantially support mediation as ADR mechanism, including by the courts. Therefore, **R/AFU supported the Supreme Court of Cassation, High Judicial Council and the Minister of Justice in drafting of Guidelines for the Improvement of Mediation in the Republic of Serbia, jointly enacted on June 28, 2017**, available on: <https://www.mpravde.gov.rs/tekst/16729/uputstvo-za-unapredjenje-medijacije-u-republici-srbiji-po-zakonu-o-posredovanju-u-resavanju-sporova.php>. Among the proposed measures are the following: relevant amendments to the individual programs for resolving backlog for 2017 and the Annual Schedule of Tasks; Establishing Info-Services for the Support of Alternative Dispute Resolution Methods within all basic, higher and commercial courts to provide information on the possibilities and procedure of alternative dispute resolution (including designating a judge who would manage the mediation programs, monitor and evaluate the progress of the program, and promote the activities of the service and be responsible for all questions related to development of mediation within the court territory); Forming an Info-Desk on ADR; Promotional activities, including organising mediation weeks, and providing adequate training for both judges and presidents of courts. Most importantly, having in mind the fact that the Law has established a decentralised,

demonopolized system of mediation providers, the **Guidelines encourage the courts to actively cooperate with external partners of the court**, i.e. providers of mediation services, based on signed protocols of cooperation, such as centers for social work, mediation centers, Bar associations, local authorities, local chamber, depending on the type of dispute (for example, commercial courts with the Serbian Chamber of Commerce and centers of ADR in the area of commercial law), as well as organising hearings for the purposes of attempting to resolve the dispute, by referring the parties to mediation, before preparatory hearing or the first main court hearing. The Guidelines have been introduced to the presidents of courts and info-sessions for judges, organised by the Judicial Academy, promoted by the relevant institutions and have been **well received by the mediation community and NGO sector** (see: <http://www.partners-serbia.org/en/?p=5190>).

## Support to the Supreme Court of Cassation

### *Backlog Reduction*

With support provided by the MDTF, the Backlog Reduction Working Group (WG), operating under the auspices of the SCC since 2014 convened twice during 2017: on February 1-2 and on August 22-24. During the February meeting, the WG assessed the implementation of the new Law on Enforcement and Security (LoE), and concluded that it reduced significantly the number of backlog enforcement cases in basic and commercial courts, however that Belgrade basic courts remained a challenge due to the large number of utility enforcement backlog, which administration required more resources. The second WG besides the WG members, gathered representatives of the High Judicial Council (HJC) and presidents of appellate courts.

In this meeting the WG concluded that positive trends in backlog reduction are maintained in basic and commercial courts, and not only due to proliferation of utility enforcement cases (which hasn't been fully completed in 2016). The case inflow slightly decreased in these courts.

However, the inflow in higher courts jumped by 30% compared to the same period of 2016. Although the WG members were supposed to look into the reasons for this change, the full analysis is still missing. As this inflow can potentially flood the second instance courts, and further delay first instance proceedings in higher courts, three members of the WG were tasked to conduct detailed assessment on causes of this increase and challenges to address them.

It was also noted that the number of oldest cases – older than 10 years – is slightly increasing, so it was decided that centralized measures, conducted by the SCC, are reintroduced. The WG also identified good practices introduced in this period by a number of basic courts, and will urge other courts to try them either by the end of 2017, or as of 2018.

## *Court Awards Program*

Under the auspices of the 2017 Annual Judges' Conference, the Supreme Court of Cassation awarded the best performing courts for the second year in a row. Assisted by the MDTF-JSS, the SCC designed the Court Rewards Program to motivate first instance courts to improve their efficiency and productivity in processing cases.

As in the inaugural year, in 2017 the SCC issued two categories of awards:

1. The largest improvement in backlog reduction per judge, and
2. The largest improvement in the number of resolved cases per judge.

The absolute winner in both categories is Belgrade Commercial Court, which, compared to June 2016 performance results decreased the number of backlogged cases by more than 500, and resolved more than 550 cases. As monetary rewards cannot be cumulated, this court was awarded as the court with largest improvement in backlog reduction per judge. Other reward winners in this category are: Basic Court in Lazarevac, Basic Court in Ivanjica and Basic Court in Bujanovac. The following courts were rewarded for achieving largest improvement in the number of resolved cases per judge: Higher Court in Leskovac, Higher Court in Nis, Higher Court in Krusevac and Belgrade Third Basic Court. The SCC rewarded 15 first instance courts with recognition awards.

This year for the first time the SCC ran a competition for innovation award – recognition. Between June 1 and September 1, 2017 more than 30 courts nominated their internal procedures and activities which increased efficiency and quality of service for the innovation recognition. Five courts were recognized as innovators: Belgrade Second Basic Courts for efforts in ADR, Belgrade Third Basic Court for community outreach and improved service quality for people with disabilities, Basic Court in Novi Sad for improved efficiency of enforcement proceedings via electronic communication with participants, Basic Court in Uzice for establishing and maintaining the e-registry and Basic Court in Pozega for continuous good governance.

The full list of all awarded courts, as well as supporting documents (SCC decision, comparative charts and tables) can be found [here](#) (in Serbian).

In his keynote address during awarding ceremony, president of the SCC, Chief Justice Dragomir Milojevic, reminded the audience of the reasons for introducing Court Rewards Program:

- The awards and recognitions are won by the courts as a team of judges and court staff. By this principle, the SCC especially wishes to give recognition to court staff, the so-

called invisible heroes of the judiciary, which contribute to raising the efficiency and quality of the system, despite the unenviable position.

- The Program rewards progress made in solving old cases and solving cases in general. This motivates underperforming courts and the courts whose contribution to the functioning of the system is critical to be more effective.

As in 2016, the 2017 Court Rewards Program is fully supported by MDTF-JSS, which support includes non-monetary rewards in the form of goods and services for rewarded courts (a value of 5,000 EUR for first-prize winners, 3,000 EUR for second-prize winners and 2,000 EUR for third-prize winners), as well as awards ceremony. The video on 2017 Court Awards ceremony in Serbian, subtitled in English can be seen [here](#).

### *Annual Judges Conference*

The Annual Judges' Conference is the main judicial event in Serbia, held traditionally each autumn in Vrnjačka Banja resort. 157 courts gather during three working days to discuss the crucial legal and judicial issues which arose during the year. The SCC hosts the conference, supported by the pool of international donors, among which the largest support this year was provided by the MDTF, being administered by the World Bank, through its Justice Sector Support project. Two MDTF consultants Ms. Sonja Prostran and Mr. Milan Bajić acted as part of the organizational committee in various roles, executing various duties.



## *THE JUDICIARY TODAY: CURRENT ISSUES OF JUDICIAL INDEPENDENCE AND EFFICIENCY, STATUS AND POSITION OF JUDGES AND THE COURT OF LAW*

The inputs to the keynote speech of President of the SCC within the traditional annual address regarding Judicial Independence and the Status and Position of Judges and the Court of Law were provided by MDTF Court Jurisprudence Specialist. The inputs to this SCC President's annual address regarding efficiency were provided by MDTF Monitoring and Evaluation Specialist.

### *COURT JURISPRUDENCE HARMONIZATION*

In Plenary Session of the Civil and Administrative Section, Justice Vesna Popović from SCC Case Law Department provided the presentation on Case Law Harmonization Activities of SCC, which included the range of activities carried out or contributed by MDTF Court Jurisprudence Specialist (joint meetings of SCC & appellate courts, joint meetings of higher courts, identification and selection of disputed legal issues on law on enforcement and security etc.)

### *EUROPEAN STANDARDS OF NE BIS IN IDEM PRINCIPLE*

Justice Milunka Cvetković supported by MDTF Court Jurisprudence Specialist prepared paper on this very important topic presenting relevant European Court of Human Rights (ECHR) and other case law standards.

### *MEETING OF THE SUPREME COURT OF CASSATION CHIEF JUSTICE WITH PRESIDENTS OF COURTS FROM REPUBLIC OF SERBIA*

MDTF Monitoring and Evaluation Specialist moderated the Meeting of SCC Chief Justice with Presidents of courts from Republic of Serbia, focusing on range of issues, including achievements and results regarding: the Unified Backlog Reduction Plan, improvement of enforcement of court decisions, as well as case weighting methodology. In addition, this meeting launched strong support to mediation, as a peaceful dispute resolution substitution to the court proceedings.

## **Building Capacities to Measure Performance**

### *2016 SCC Annual Report*

Supported by the MDTF-JSS, the Supreme Court of Cassation redesigned its Annual Report on Work of All Courts and presented it to the wide audience (presidents of all courts, international community and experts) in March 2017. The Annual Report issued by the SCC is the only report of its kind, as it encompasses performance data of all courts of general and special jurisdiction, and the analysis of basic trends. However, the 2016 Annual Report, compared to previous ones, is quite innovative in at least three aspects:



- Approach – instead of depicting performance in a row of tables with no or very little explanation, this Report comprises data in user-friendly formats: dashboards, and pies, as well as comparative tables.
- Methodology – the Report cross-references the courts’ performance data with human resources and budget data, i.e. HJC data; also, the Report dedicates sections to certain types of cases which are either new, or acquire a lot of public attention: whistleblowers’ protection cases, enforcement cases, cases of protection of the right within reasonable time.
- Indicators – for the first time the Report provides data on the clearance rate and disposition time, two of key CEPEJ performance indicators, by which this Report moves closer to CEPEJ and EU Justice Scoreboard methodology.

The 2016 Report was published both in Serbian and English languages, and its English version can be found [here](#).

### *2017 SCC Semi-Annual Report*

Following the lay-out and the methodology of the Annual Report, the Supreme Court of Cassation published, for the first time, the Report on Work of All Courts in the Republic of Serbia for the period January-June 2017. Although according to the Book of Court Rules all courts are obliged to compose semi-annual reports, it was not a custom to announce them publicly, however, supported by the MDTF-JSS the SCC did it and presented it in a meeting with all court presidents held on August 29, 2017 (see below). The Semi-Annual Report was also published in English and Serbian languages, and its English version is available [here](#).

### *Court Presidents and Performance Measurement*



The SCC, in cooperation with the Office of the Council of Europe (CoE), EUD and MDTF-JSS, organized a meeting with presidents of all courts in Serbia on August 29, 2017 in the Palace of Serbia in Belgrade. Apart from the presentation of the Semi-Annual Report on Work of All Court in the Republic of Serbia, the purpose of the meeting was to stress out court performance in the areas of backlog and case delay reduction, i.e. protection of the right to a trial within reasonable time.

The President of the SCC noted that although the overall positive trend of reducing backlogs is maintained on the level of entire court system, some warning indicators emerged during the first half of 2017: higher courts received much more cases than in the first half of 2016 and it is predicted that this number will even higher by the end of the year; in the first half of 2016 all higher courts received 75,950 cases, and in the same period this year they received 101,997 cases, or 26,047 cases more. Further analysis of the reasons causing this increase is to follow.

Also, the President of the SCC noted that the number of the oldest cases – pending for more than 10 years, is slightly increasing in first instance courts, with no indication of objective reasons for this. President Milojevic encouraged court presidents of second instance courts to create BLR teams which would perform oversight of first instance courts of their jurisdiction in applying measures reduce the number of oldest cases. The full report from this event is available on: [http://www.mdtfjss.org.rs/en/mdtf\\_activities/2017/the-court-presidents-convene-to-discuss-court-performance-related-issues-protection-of-the-right-to-a-trial-within-reasonable-time-and-tools-to-reduce-case-delays-belgrade-august-29-2017#.WIXT2ainHIU](http://www.mdtfjss.org.rs/en/mdtf_activities/2017/the-court-presidents-convene-to-discuss-court-performance-related-issues-protection-of-the-right-to-a-trial-within-reasonable-time-and-tools-to-reduce-case-delays-belgrade-august-29-2017#.WIXT2ainHIU) .

## **2. VARIOUS ANALYSES, TECHNICAL ASSISTANCE AND SURVEY DATA RAISE AND MEASURE AWARENESS OF ISSUES FACING THE JUSTICE SECTOR, AND INFORM POLICIES/DECISION MAKING**

During 2017, a set of analyses have been performed focusing on issues of importance for the justice sector, as well as specific topics informing policies in the field of access to justice and human rights.

*The Assessment of the current state of play of the process of alignment of Serbian criminal legislation with relevant EU standards under Chapter 23*, was delivered to the MoJ on January 31, 2017. RAFU MoJ presented this analysis at international conference in BIH, Milići, in April 2017.



*In the field of judiciary, Analysis of the amendments to the Section XXII of the Criminal Code, was delivered to the MoJ on November 30, 2017, as well as the Analysis of the conditional release implementation related to medical security measures in Serbian penal sanction system, delivered to the MoJ on March 31, 2017.*

RAFU MoJ presented the analysis "Action plan for Chapter 23: strategic framework for improving relations between the judiciary and media in the Republic of Serbia" at International Conference "Judiciary and the media" organized by the Institute for criminological and sociological research at Palić, June 8-9, 2017. The analysis was published in the Conference Volume below.



Visit to the United Nations (UN), New York, USA, was organized on June 5-9, 2017. The aim of the visit was to take part in the UN Security Council Session as well as to present recent developments and Serbian position regarding implementation and monitoring of the National Strategy for the Prosecution of War Crimes. In parallel, the expected result of the visit was to get wider picture of the current assessment of the situation and expectations of the SC member states as well as of the ICTY regarding future activities in the field.

*Analysis of alignment of criminal legislation with EU standards in CH23 in the field of economic criminal offences, prepared by RAFU MoJ, was presented at the Conference Economic criminal offences in Vrsac October 23-24, 2017.*





Members of RAFU MoJ, the Consultant for the Reform of Criminal Justice System Milica Kolakovic Bojovic, the Consultant for Access to Justice Darja Koturovic, and the Consultant for Human Rights Vladimir Vukicevic, developed and presented three analyses at the Conference “**Reform processes and Chapter 23 – one year later – the aspects related to criminal law**”, organized by Serbian Association for Legal Theory and Practice, as a part of 57<sup>th</sup> regular annual counselling of the Association on Zlatibor September 21-23, 2017.



Moreover, the *Analysis of system of enforcement of criminal sanctions* was prepared, which focused on presenting development of EU acquis in field of criminal sanctions enforcement, sources of international standards, current state of play and recommendations on ways forward. Analysis pointed out growing interest of EU for achieving common level of human rights respect for the persons deprived of liberty in all member states which is creating opportunity for broader acquis development in the future. One of the keynotes was huge importance of work of UN and CoE bodies and the importance of synergy between the UN, CoE and EU in order to streamline common European practices and align

Serbian system accordingly. Analysis further presented progress in implementation of measures defined by the AP CH 23 and concluded that most of the plan is being implemented with some delay, and that the possible issue could be that the AP CH 23 is tailor made to answer very specific benchmarks but not the needs of whole system.

**In the field of access to justice**, the analysis *Free Legal Aid –international legal standards, legislative framework and practice in Serbia* was developed, and provides an overview of the work on the development of free legal aid system in Serbia, a brief review of the normative framework and emphasizes international standards as a role model for the Serbian system.

In addition, the analysis titled *Free Legal Aid and access to justice in criminal proceedings*, presents the key innovations in the field of procedural safeguards in the EU, with an aim to inform the forthcoming amendments to the CPC, as stipulated by the AP CH23. It also focuses on the ECHR practice related to legal aid in criminal proceedings, indicating gaps in the Serbian

legislative framework. Given the forthcoming amendments, specific provisions are analyzed in depth including recommendations to achieve full alignment.

*Analysis of the proposals regarding constitutional changes in judiciary*, which were provided by the civil society organizations in a consultative process on Constitutional amendments, was submitted to the MoJ in July 2017, including comparison of the proposed solutions for the future amendments.

In the field of human rights, **a number of reports were prepared during 2017 related to the work of UN human rights treaty bodies, monitoring bodies of the CoE and International Labour Organization (ILO)**. With an aim to prepare these reports, data was collected from the courts, public prosecutors' offices and other relevant bodies. Reports involve the following: Convention on the Elimination of All Forms of Discrimination against Woman, International Covenant on Civil and Political Rights, Universal Periodical Review by UN Human Rights Council, European Charter on Regional and Minority Languages, Framework Convention on Rights of National Minorities, International Convention on Elimination of all Forms of Racial Discrimination, The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention), Council of Europe Strategy for the Rights of the Child (2016-2021) and ILO conventions 143.

Data was collected and analyzed for several questionnaires by the High commissioner for the Human rights and UN special reporters (i.e. On measures taken to eradicate child, early and forced marriages in accordance with UN General Assembly Resolution 71/175, On the Right to Housing for Persons with Disabilities, On access to justice for persons with disabilities), ODIHR questionnaire on hate crimes/speech, Lanzarote committee on Protection of Children against Sexual Exploitation and Sexual Abuse) etc.

In the course of reporting on implementation of the International Covenant on Civil and Political Rights, an **Third periodical state report was presented to the UN Committee on the Human Rights**. During the dialogue with committee members, further clarifications were provided with regard to several topics of interest to the experts such as violence against woman and children, alternative sanctions, procedures in case of death of inmates, penal sanctions against incest and Common-law marriage, realization of AP for national strategy for judicial reform, automatic case allocation, progress made regarding capacity building of Judicial academy and etc.

In the course of reporting on implementation of the International Convention on Elimination of all Forms of Racial Discrimination an second and third report were presented to the Committee on Elimination of all forms of Racial Discrimination. In the interactive dialogue with the Committee members, backlog reduction, independence of judiciary and efficiency of antidiscrimination trials were discussed. These reports represent official MoJ reports provided periodically on the basis of questionnaires circulated to all state bodies that are responsible for implementation of various UN conventions.

**Technical assistance** was provided by RAFU MoJ throughout 2017 in several aspects.

Support was provided in the field of **constitutional amendments**. A consultative process with civil society regarding the future amendments to the Constitution in the field of judiciary was organized with an aim to discuss the necessary changes. On May 19, 2017 the MoJ in cooperation with the Office for Cooperation with Civil Society issued a public call for the participation of civil society organizations in a consultative process inviting the CSOs to submit their proposals for amending the Constitution in the part relating to the judiciary. The public call was open until July 1, 2017 and 13 proposals of amendments to the Constitution were received till that date. In the period from August to November, 12 more proposals were received. All proposals were published at the websites of the MoJ and Office for Cooperation with Civil Society. Analysis of all the proposals regarding constitutional changes in judiciary was submitted to the MoJ, including comparison of the proposed solutions for the future amendments. <https://goo.gl/kamnKs> ; <https://goo.gl/naQNzg>

As a part of this process, **six roundtables** were organized, with participation of key civil society organizations, representatives of HJC, State Prosecutorial Council (SPC), SCC, Republic Public Prosecutor's Office, Bar associations, as well as the EU Delegation, the OSCE, CoE, USAID and representatives of various embassies. The Round tables were organized throughout Serbia (on July 21, September 7 and November 15, 2017 in Belgrade, on September 26, 2017 in Kragujevac, on October 13 in Nis, on October 30 in Novi Sad). The aim of these roundtables was to consider the proposals received more closely by all participants together and to discuss about the most important topics related to the future amendments.

The second round table was devoted to the topic "The Competence of the Holders of the Judicial Functions: The Position and the Role of the Judicial Academy in the Appointment Process, the Continuous Training and the Appraisal of the Competence", while in Kragujevac the focus was on "The Competences of the High Judicial Council and the State Prosecutorial Council". Next three round tables organized in Nis, Novi Sad and Belgrade were dedicated to the following topics: "Competences of the High Judicial Council and the State Prosecutorial Council", "Sources of Law and Harmonization of Jurisprudence" and "Appointment of Judges and Public Prosecutors". The Round tables served as an opportunity to continue and enhance the on-going process of Constitution reform in Serbia through a comprehensive exchange of opinions of different actors.

**The visit to the Venice Commission** was organized in October 2017. Mr. Cedomir Backovic, current member of Venice Commission, Assistant Minister of Justice for EU Integration and international projects and Head of Chapter 23 Negotiating Group and RAFU MoJ member attended the 112<sup>th</sup> Plenary Session of Venice Commission that was held from October 5-7, 2017 in Venice at the Scuola Grande di San Giovanni Evangelista. They attended the Sub-Commission on the Judiciary and followed the plenary session of the Venice Commission.

The visit and participation at the Venice Commission's plenary session was important for representatives of Serbia given that they obtained relevant professional insight related to forthcoming constitutional amendments in the part of judiciary.



The visit was followed by the visit of the expert of the Venice Commission, Mr. James Hamilton, in Belgrade from November 27-30, 2017. Mr. Hamilton held an all-day meeting at the MoJ with the Minister of Justice, MoJ Assistant Minister, Special advisor of Minister and member of RAFU MoJ. The representatives of the MoJ presented ideas of the on-going constitutional changes and directions in which changes will be made and the expert provided his assistance regarding the possible solutions that can be found to align the new Constitution stand with European standards. Meetings were also held with the representatives of the Constitutional Court, National Assembly, Judicial Academy and HJC.

RAFU MoJ supported the work of the Working group for amendments to the Civil Procedure Code which was established in April 2017. The Civil Procedure Code is planned to be amended pursuant to the AP CH23 in order to improve efficiency, particularly in part which deals with: service of documents, hearing recording and discipline during the proceedings. The WG has been reviewing some of the main topics such as postponement of hearings, pre-hearings, hearings and judgments. Members of the WG have agreed on the final list of all topics that are to be discussed on the following meetings. The list is published on the web page of the MoJ at: <https://www.mpravde.gov.rs/sekcija/17092/zakon-o-parnicnom-postupku-.php>

The two recently established working groups were also supported, namely the WG for analysis of the normative framework in relation to the court practice and WG for analysis of the normative framework on responsibility of the judges and public prosecutors and functional immunity of the holders of judicial functions.

Members of RAFU participated in work of number of working groups tasked with legislative amendments and strategic document development. Working groups formed by MPALS worked on amendments to the Law on Right and Liberties of National Minorities and amendments to the Law on National Councils of National Minorities, Ministry of transportation, infrastructure and construction prepared Action plan for Roma inclusion Strategy, while MoI prepared Draft Strategy for Combat against Irregular Migrations. Members of RAFU also participated in work of several monitoring bodies such as Council for implementation of Anti-discrimination strategy, Council for implementation of UN human rights mechanism recommendations, Coordination body for Roma inclusion, Anti-tariffing council, etc.

In the field of **anti-corruption**, technical assistance was provided by RAFU MoJ to the development of Anti-Fraud Strategy and Action Plan, the development of Action Plan for fulfilling MONEYVAL recommendations, and the Action Plan for Public Administration Reform. The Government Priority Programme Action Plan – Fight against Corruption was supported through monitoring, strengthening implementation and regular reporting on activities. Anticorruption activities were presented at two TAIEX Multicountry Workshops in 2017 “Obstacles to good governance in Western Balkans: how to effectively prevent and address corruption in the private sector” and Multicountry Workshop “Corruption prevention, conflict of interest and whistleblowing”. Whistleblowers protection system in Serbia was presented.

***As part of the Access to justice component***, technical assistance was provided in the process of drafting the **Law on Free Legal Aid**. RAFU MoJ and representatives of the Ministry continued to hold regular meetings with relevant stakeholders in the framework of negotiations with the Bar associations and civil society organizations, with regard to the different standpoints. Given the disagreement of the Bar and the CSOs in terms of the providers, negotiations continue. Under the Section 3 of this document, details on wide public debate and workshop on access to justice are provided.

In addition, as a part of the Access to Justice component, with the support of MDTF-JSS, the MoJ hired an expert on **personal data protection**. With an aim to effectively regulate this rather demanding field, it was necessary to undertake a thorough analysis of the EU acquis on personal data protection, including the Data Protection Regulation<sup>4</sup> and the Data Protection Directive<sup>5</sup>. Following comprehensive work, the following documents have been submitted to the MoJ: 1. The analysis of the new EU acquis on personal data protection; 2.

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<sup>44</sup> Regulation (EU) 2016/679 of the of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

<sup>5</sup> Directive (EU) 2016/680 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA



Practical recommendations for harmonization of Serbian legal framework with the new EU acquis on personal data protection; and 3. Conclusions from the participation in the Working group for drafting the Law on Personal Data Protection. The results of these analyses were used to draft the new law on personal data protection. As a result, the MoJ has finalized the Draft Law on PDP and submitted it in December 2017 to the EC for opinion. The expert has also provided the Conclusions from the participation in the Working group for the Law on Access to Information of Public Importance.

A public presentation was organized in November 2017 to discuss the work on the Draft law and the requirements of the EU acquis in this field. More info is available at: <https://www.mpravde.gov.rs/vest/17177/ministarka-kuburovic-rad-na-izradi-nacrta-zakona-završen-uskoro-javna-rasprava-.php>



## Legal and IT support

Legal and administrative support was provided for creation of web-based software application "*Online register of Notaries*", as well as legal support and analytics for E-filing application for Administrative court. IT support and development tickets were created for new court registries to enable automatic registering in CMS.

Support in negotiations, drafting, signing and executing data exchange agreements between MoJ and various entities were conducted, such as Ministry of public administration and local self-government, Ministry of interior, Central register of the obligatory social insurance, Agency of register of commercial subjects.

Support in preparation of changes of case management system and relevant legal acts was provided for data exchange with Statistical Office of the Republic of Serbia, regarding queries for marriage divorce RB-1 FORM.

Technical assistance was provided for changes in organization of Libra system for registering contracts for sale of immovable properties, defining set of data for exchange between MoJ and Republic Geodetic Authority (geodetic information system data needed by courts and notary), and related analyses. In relation to this field, support was provided to the working group for preparing Draft Law on state survey and cadaster rules, as well as for definition of the data exchange between courts, public notaries and cadaster, creating unique database of contracts for sale of immovable property. Drafting of bylaws for efficient connecting via web services to "E-counter" software application of Republic Geodetic Authority was performed.

Consultants provided consultancy and advisory services for the Department of judicial professions regarding procedures for registers and data for court expert witnesses, mediators and Civilian Enforcement Officers regarding imputing in this database of procedures.

Administrative and legal support regarding PIS (Judicial Information System) project included preparation of the list of persons with authorities for access from courts for Judicial informational system.

Legal, organizational and administrative support on project of creating SIPRIS, case management software system for commercial courts, which is centralized software system in sense that enables administrating, software developing (adding new court registers, functionalities etc.), case status search among different courts etc. from one access point. Phase of implementing SIPRIS in commercial courts in Serbia was planned for 2018.

**On the basis of the recommendations of the Judicial Functional Review**, technical assistance was provided for the establishment of **Standardized methodology and Guidelines for description of jobs (particularly typical jobs,) in court administration and the judiciary**. The aim of this process is an optimal distribution of human resources, decrease of the costs and better organization of tasks aimed at improving efficiency. The analysis focuses on and contains two key parts:

The first part refers to court and public prosecutorial proceedings, focusing on time management in those proceedings. So far, the total of 11 courts and public prosecutors offices have been recorded, including data from actual final criminal cases for 4 pilot criminal offences (minor bodily injury, theft, armed robbery, unauthorized distribution of narcotics), as well as in several cases in misdemeanor proceedings (the idea is to perform parallel analysis of the use of resources in both types of proceedings). Interviews have been conducted with judges and prosecutors who directly work on these cases and these data were also used for the analysis. To this end, a **methodology for collection and processing of data** was developed.

Analysis of the collected data in line with this methodology is in progress. The second part refers to the Guidelines for description of typical jobs. The Guidelines are prepared and analysis on this basis is currently performed in the Sector for Material and Financial Affairs at MoJ and all the common services in the whole judiciary is in progress. Training was performed in all courts and public prosecutors offices enabling their administrative staff to record the necessary data on all types of resources (human/time/finances) for all types of cases in line with the Methodology.

RAFU MoJ performed a survey and analysis of human resources (HR) and infrastructure capacities of the courts to apply mediation, as well as their willingness. The analysis identified 50 judges who have previous substantial experience in mediation, and who are willing to perform mediation and to be mentors to future mediators. An analysis of the implementation of the system of dispute resolution through mediation was drafted. Likewise, since its establishment in May, RAFU MoJ has supported the work of the **Working Group for the Enhancing of the Use of Alternative Dispute Resolution Methods**, whose main task is to adopt and monitor the implementation of a joint action plan and through regular meetings, providing guidance and expert opinions, coordinate the work of the holders of the proposed activities, and initiate cooperation with other institutions, whose participation would be of particular importance for improving the application of methods of alternative dispute resolution.

RAFU MoJ provided various analytical work throughout 2017 with respect to mediation system reform, in order to ensure informed decision making. A comprehensive report was drafted based on mediators' Annual Reports on statistics for 2016. Likewise, a report was drafted **of the personnel and infrastructure capacities of the courts for the application of mediation**, as well as **the interest of the presidents of courts, judges and employees to improve the application of mediation**, to ensure adequate planning and implementation. A total of 854 judges have sent the completed questionnaire, developed by MoJ R/AFU, in consultation with judges and JA staff, a standardized questionnaire. Of that number, **509 judges were willing to go through basic training for mediators, 66 judges stated that they had experience in conducting mediation, while 480 judges indicated interest** in conducting mediation. All 731 judicial assistants and trainees stated that they were interested in providing information on mediation while 573 of them were interested in the implementation of mediation. RAFU MoJ provided a **Report on the impact of the Council of Europe Recommendations and CEPEJ Guidelines on Mediation on the development of mediation in Serbia**.

In September-October 2017, MoJ cooperated with two pilot courts – Second Basic Court in Belgrade and Basic Court in Kragujevac and IPA 2012 Judicial Efficiency Project (JEP) in order to **design and prepare activities for the Mediation Week**, which was held in the week of October 25, 2017, the week of the European Day of Justice.



RAFU MoJ provided support to the MoJ to continue to monitor and analyse **judicial statistics related to the entrusting of the implementation of inheritance proceedings** and undertaking of actions in non-contentious proceedings, and to draft relevant policy papers on the matter. As opposed to 2016, when the number of inheritance procedure death certificates entrusted to notaries was 20.713, 501 evaluation of assets and inventory were conducted and inheritance procedure was entrusted in 13.900 cases, in 2017, by November 15, notaries received in total 97.583 entrusted cases from courts, a drastic increase. Likewise RAFU MoJ, supported the MoJ to monitor the implementation of the Law on Enforcement and Security and to determine measures for its smoother application and has continued with intensified supervision over the work of enforcement agents. Likewise, RAFU supported MoJ in organising and preparatory work for the constitutive session of the Commission for the Revocation of Licenses for Mediation, held on December 11, 2017.

*Technical assistance was also provided to the MoJ throughout the year in the process of drafting of legislation. In order to ensure the smooth transferral of competences to notaries and to inform citizens, a notice was published* on the website of the MoJ, and the MoJ has also developed an Address Book for Verification of Signatures, Copies and Manuscripts, <http://www.mpravde.gov.rs/vest/15607/adresar-za-overu-potpisa-prepisa-i-rukopisa-za-brze-i-lakse-informisanje-gradjana.php>, which enables citizens to get information in a quick and efficient way regarding which a notary, court or municipal administration can authenticate signatures, copies and manuscripts. Support was provided to the MoJ to develop **amendments to the Notary Tariff** enacted on March 2, 2017 ("Official Gazette of RS", 17/2017) by the MoJ, in order not to burden citizens with additional fees, as agreed with the Chamber of Notaries. The amendments provide exemptions from payment of rewards for the verification of signatures and photocopies and reduction of fees for the certification of transcripts and photocopies. Support was provided to the MoJ in relation to the development of the **amendments to the Bylaw on Notary Office and Working Hours of Notaries** ("Official Gazette of RS", 31/2012, 87/2014, 15/2017), allowing for the possibility of the working hours of notaries to be extended to **19 h (7 pm) for verification of signatures, copies and photocopies, without additional charges** (bylaw is available in Serbian: <http://beležnik.org/images/pdf/zakon/pravilnik-o-jb-kancelariji-i-radnom-vremenu-jb-2017.pdf>).

Throughout the year, the MoJ analyzed appropriate solutions for improving the registration process in the real estate cadastre, i.e. for the improvement of the legal framework for cooperation of notaries, courts and enforcement officers with the Republic Geodetic Authority, as well as concrete normative solutions for the **Draft Law on Registration in the Real Estate Cadastre**, in order to enhance the service delivered by notaries as well as their interaction with the Real Estate Cadastre. On this topic, representatives of the RAFU, MoJ and the Notary Chamber held several meetings with representatives of the Ministry of

Construction, Traffic and Infrastructure, the Republic Geodetic Authority and NALED, and finalised the text of the draft law.

RAFU MoJ participated in the drafting of normative solutions related to the competence of notaries envisaged by the **Law on Electronic Document, Electronic Identification and Trusted Services in Electronic Commerce** which regulates the digitization of a non-electronic document, as well as the verification of the digitized document. In order to complete the reform, the MoJ prepared a **Draft Supplement to the Law on Certification of Signatures, Manuscripts and Transcripts** ("Official Gazette of RS", No. 93/14 and 22/15). Having in mind the need for planning of an IT Strategy of the Notariat and gradual introduction of e-notariat, RAFU MoJ developed **an analysis of needs related to digitalisation, having in mind EU integration, and potential solutions.**

*Technical assistance was provided in the field of international cooperation and gathering of statistics.* In line with the strategic activity for enhanced cooperation with international organizations of which the MoJ is a member, RAFU MoJ **supported gathering of statistics and replying to the CEPEJ Evaluation Scheme for 2016-2018.** RAFU MoJ likewise supported the work of the **national section of the European Association of Judges for Mediation – “GEMME”** (“Groupement européen des magistrats pour la médiation”).

In 2017, the Notary Chamber of Serbia has been accepted by the Council of the Notariats of the European Union (CNUE) in the capacity of a member-observer and has actively participated in its activities as well as the work of the International Union of Notaries (UINL), as a full-fledged member, including providing various analytic work. The Notary Chamber of Serbia worked together with the RAFU MoJ to submit a report on the Serbian notariat to the European Commission for the Efficiency of Justice (CEPEJ), which is available via the following link: <https://rm.coe.int/specific-study-of-the-cepej-on-the-legal-professions-contribution-of-t/168076ccb9>.

### **3. VARIOUS TRAININGS & WORKSHOPS CONTRIBUTED TO STRENGTHENING INDIVIDUAL CAPACITIES OF KEY PERSONNEL IN THE SECTOR. KNOWLEDGE TRANSFERRED FROM EXPERTS/CONSULTANTS TO KEY PERSONNEL**

Capacity building supported by RAFU MoJ includes, inter alia, the following:

- Effective utilization of a methodology for monitoring the implementation of reform activities and active participation in the monitoring mechanisms i.e. the Council for monitoring implementation of the AP CH23;

- Improved collection and analysis of data in relation to the implementation of the strategic documents for the needs of the Department for EU Integration and International Projects as well as reporting obligations towards the CEPEJ;
- Development of a methodology of collecting and analyzing data in relation to the implementation of the Joint Guidelines for Enhancing the Use of Mediation, for the needs of the MoJ Department for Legal Professions, SCC and HCC;
- Development of a methodology of collecting and analyzing data in relation to annual mediator's reports;
- Development of analyses and statistical reports for the needs of the Department for Judicial Professions;
- Coordination of reporting and efficient support to the implementation of national strategic documents (NJRS, AP for Exercise of the Rights of National Minorities, Roma Inclusion Strategy etc.) for the needs of the Department for EU Integration and International Projects;
- Training on methodology for reporting on implementation of National Strategy for War Crimes;
- Effective implementation and update of reporting methodology for activities under the competence of MoJ in Chapter 24;
- Regional Conference & Workshop on Free Legal Aid, particularly focusing on access to justice in criminal proceedings;
- Development of analyses and statistical reports for the needs of the Department for EU Integration and International Projects;
- Support in programming of international development assistance and project management methodology to the sector for Strategic Planning and EU Integration;
- Organization of various fit for purpose trainings/workshops, dissemination events i.e. public presentations/roundtables, etc., in cooperation with relevant sectors in the MoJ;
- Skills training on using the CEPEJ-STAT database and other instruments and tools of the CEPEJ;
- Mini-workshops on interpretation of CEPEJ questions and provision of data for institutions responsible with filing of data, as well as raising of awareness of the need to submit accurate and precise data for the CEPEJ Evaluation Scheme;

- Interactive workshops were held in the first quarter of 2017, with the purpose of enhancing English skills through analysis of European standards in the field of legal professions;
- Presentation on “Alternative Dispute Resolution and Investor-State Dispute Settlement in the Republic of Serbia” at a Regional Meeting on International Dispute Resolution Instruments, held on 9-10 May 2017, as well as at a Workshop on Investor State Dispute Settlement (ISDS) “Improving ISDS mechanisms in SEE Economies”, held on 2 November 2017.

In September 2016, a [Simplified Results Framework](#) was developed for the period 2016 to 2018, as per Table 6. below.

The Project Development Objective (PDO) is to support the strengthening of the justice sector of the Republic of Serbia in order to facilitate its integration to the EU. The Serbia Judicial Functional Review 2014 documented the existing capacity of the justice sector to deliver services to citizens and business in terms of efficiency, quality and access to justice, against the backdrop of Serbia’s aspiration of EU membership. To support the strengthening of Serbia’s justice sector, the MDTF-JSS delivers targeted analyses, technical assistance, training and operational support to justice stakeholders that strengthen their capacities in line with the AP CH23.

*Table 6.*

#	Outcome indicator	Baseline at 1 January 2016	Target by 31 December 2018	Source/methodology
1	The AP CH23 and key reform <b>strategies</b> (NJRS, backlog reduction plan etc.) are <b>developed and monitored</b> .	APs drafted from 2013 to 2016 and approved by EC in 2016. Sector capacity generally low with excessive variation and lack of coordination, as documented in Judicial Functional Review 2014.	Strategies and plans monitored and periodically updated.	Verified through AP monitoring of documentation submitted to the EC.
2	Various analysis, technical assistance (TA) and survey data <b>raise and measure awareness</b> of issues facing the justice sector, and	Some analyses conducted in previous project period (incl. FR in 2014 and survey 2013). New analyses to be delivered across	Targeted TA delivered by MDTF are viewed by at least 75% of relevant stakeholders to be useful for raising awareness and	Verified through annual stakeholder responses to MDTF M&E survey, annual MDTF reports and aide memoires.

	<b>inform policies/decision-making.</b>	the sector to support efficiency, quality and access in project period (2016-2018).	informing decision-making. Surveys identifying sector needs.	
3	Various trainings & workshops <b>strengthen individual capacities</b> of key personnel in the sector. Knowledge transferred from experts/consultants to key personnel.	Sector capacity generally low with excessive variation and lack of coordination and training, as documented in FR 2014.	At least 500 people participate in training & workshops in targeted fields. At least 80% participants report that training was useful. At least 70% report improved skills	Verified by training data prepared by JA and PIU Training Plans, including data on number of participants and training evaluations, or before/after testing where possible. Workshops data prepared by PIU/MDTF.

According to the Simplified Results Framework 2016-2018, the target to be achieved by December 31, 2018 toward the outcome indicator to ***strengthen individual capacities*** is:

Table 7

Output indicator	Actual Dec 2017	Target Dec 2018
Number of people participated in trainings & workshops in targeted fields	957	500
Number of participants report that training was useful (%)	95%	80%
Number of participants report improved skills (%)	83%	70%

As the table above shows, the targets have already been achieved and significantly exceeded (including during 2016 and 2017).

This data is to be measured by JA and PIU Training Plans, including data on the number of participants and training evaluations.

After the preparation of the MDTF-JSS Grant Simplified Results Framework 2016-2018 in September 2016, a *Recipient executed MDTF training questionnaire* has been developed with the aim to assess the quality and effectiveness of training implemented through recipient executed MDTF activities. Starting from October 2016, this questionnaire is being utilized for all training sessions and participants provide answers the following questions:

1. Criterion 1: "Do you consider that the organization of this seminar is useful for your daily work?", and
2. Criterion 2: "To what extent have you improved your skills?"

The participant has the option to encircle one of the listed numbers: 1- not satisfied; 2- partially not satisfied; 3- undecided; 4- partially satisfied; and 5- fully satisfied. The percentage of people satisfied (partially and fully) with the usefulness of the seminar for their daily work was 94.83%. This data is 14.83% above requested 80% from the Simplified Results Framework which presents that topics are very well chosen and fit for purpose (see Chart 3). Furthermore, the percentage of people satisfied with the extent that training had improved their skills was 82.91% or 12.91% higher than 70% which was given in the Simplified Results Framework (see Chart 3). Overall, trainings have been evaluated satisfactorily and the interest in courses has been increased, so a second, larger, round to reach a higher number of participants is planned.

Chart 3.

No. of Training	Date of Training	Name and Address of Training Organization/Trainer	Training		Participants/ Target Group	No. of Participants	Criterion 1 ("Do you consider that the organization of this seminar is useful for your daily work?" The participant could encircle just one of the listed numbers whereby 1 is for the lowest and 5 for the highest level of satisfaction)						Criterion 2 ("To what extent have you improved your skills?" The participant could encircle just one of the listed numbers whereby 1 is for the lowest and 5 for the highest level of satisfaction)					
			Specific Topic				Percentage of participants given mark	Percentage of participants given mark	Percentage of participants given mark	Percentage of participants given mark	Percentage of participants given mark	Percentage of partially/ fully satisfied participants (given	Percentage of participants given mark	Percentage of participants given mark	Percentage of participants given mark	Percentage of participants given mark	Percentage of partially/ fully satisfied	
1	27.2.-10.3.2017.	CPU d.o.o. Beograd/ Ljubomir Ivanš	Task C Administering Windows Server® 2012		Moj, SPC, HIC, SCC staff	11	0	0	9.09	90.91	90.91	90.91	0.00	0.00	9.09	0.00	90.91	90.91
2	13.3.-24.3.2017.	CPU d.o.o. Beograd/ Milan Vukašinović	Task D Course 20461D: Querying Microsoft SQL Server®		Moj, SPC, HIC, SCC staff	5	0	0	0	100	100	100	0.00	0.00	0.00	20.00	80.00	100.00
3	20.2.-26.4.2017.	CPU d.o.o. Beograd/ Predrag Jovanović/Dejan Tomic	Task A ECDL Start		Moj, SPC, HIC, SCC staff	147	0.00	0.00	3.40	6.80	89.80	96.60	0.00	0.00	4.76	12.24	82.99	95.24
4	4.5.-29.5.2017.	CPU d.o.o. Beograd/ Predrag Jovanović/ Milan Vlahović	Task B ECDL Advanced		Moj, SPC, HIC, SCC staff	44	0.00	0.00	0.00	2.27	97.73	100.00	0.00	0.00	6.82	6.82	86.36	93.18
5	29.5.-2.6.2017.	CPU d.o.o. Beograd/ Milan Vukašinović	Task E Developing Microsoft SQL Server Databases		Moj, SPC, HIC, SCC staff	1	0.00	0.00	0.00	0.00	100.00	100.00	0.00	0.00	0.00	0.00	100.00	100.00
6	12.5.-16.5.-2017.	CPU d.o.o. Beograd/ Predrag Jovanović	Task F Excel 2013 Expert		Moj, SPC, HIC, SCC staff	4	0.00	0.00	0.00	0.00	100.00	100.00	0.00	0.00	0.00	0.00	100.00	100.00

Overall, **957 people** from various institutions<sup>6</sup> participated in trainings, workshops, and events provided by the externally engaged JA (Human Rights; Court Management) and consulting companies (Communication Skills and Public Relations; Certification Courses in ISO 27001, ISO 20000, ISO 22301, ISO 31000, ISO 21500), as well as MoJ RAFU (AP CH23 reporting and monitoring, finances and budgeting methodology implementation, implementation, etc.) and SCC RAFU consultants (harmonization of court practice, improving of statistical reporting, use of legal databases with jurisprudence of the ECHR, etc.) as listed below.

### **Trainings/workshops**

Bilateral training sessions for focal points for AP CH23 monitoring and implementation: Additional training sessions were organized on several occasions during 2017, addressing identified challenges in reporting on implementation of the AP CH23. The focus of these trainings was on the particular issues faced by different institutions, related to the competencies of these institutions, the methods of developing the reports and the type of data included in the reports, and the set deadlines. In 2017, particular emphasis was given to training for improved implementation of activities set in the AP CH23. The following institutions participated: the Ministry of Labor, Employment, Veterans, and Social Affairs, the JA, the Ministry of Interior, the Office for Human and Minority Rights, the Ministry of Health, the Ministry of Construction. The training sessions were aimed at improved understanding of the obligations of responsible institutions in relation to AP CH23 and clarification of the EU standards requiring these actions. The rationale for organization of these separate training sessions was identification of certain issues in implementation and diverse conflicts in jurisdiction between institutions.

Following these training sessions, the reporting has been improved, overall as a result of continuous training starting from 2016 and throughout 2017. Reporting methods and the quality of reports have significantly improved following training, pointing out to the need to continue this practice, given the frequent changes in the institutions in terms of the contact points, as well as different types of data required for specific activities. In addition, reporting on the non-implemented and delayed activities has improved, given that the focal points

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<sup>6</sup> MoJ, SCC, HJC, SPC, Ministry of Finance, Official Gazette, Anti-Corruption Agency, Ministry of Construction, Transport and Infrastructure, Public Prosecution Office for Organized Crime, Republic Public Prosecutor Office, Anti-Corruption Council, Regulatory Body for Electronic Media, Office for Cooperation with Civil Society, Office for State Aid Control, JA, Human Resource Management Service, Ministry of Commerce, Chamber of private executors, Ministry for Labor, Employment, Social and Veterans' Affairs, Serbian Government General Secretariat, Public Notary Chamber, Ministry of Health, National Assembly, Commissioner for Information of Public Importance and Personal data Protection, Unit for Witness Protection, Ministry of Public Administration and Local Self-Government, Ministry of Culture, Provincial Secretariat for Information and Culture, Ombudsman, Public Prosecution for War Crimes, Anti-Monopoly Commission, State Audit Institution, Ministry of Education, Science and Technological Development, Commissioner for Protection of Equality, Tax Administration, Office for Human and Minority Rights, etc.

started providing a reasonable rationale for the lack of implementation as well as an assessment of a new deadline for finalization. This was one of the most difficult results to achieve, and has resulted from the intense bilateral sessions. Reporting for the biannual reports was also improved in 2017 following training.

In relation with the process of monitoring of the National Strategy for the Prosecution of War Crimes, on October 2017 the training on methodology for reporting has been organized by RAFU MoJ for representatives of all authorities that are included in the reporting process. Therefore representatives of the MoJ, Ministry of Interior, War Crimes Prosecutor Office, Appellate Court in Belgrade, Higher Court in Belgrade, Judicial Academy, Serbian Bar Association, Commission on Missing Persons, Academic and Civil society, War Crime Investigation Service, Witness Protection Unit took part in the training session. All participants were informed on the main principles of the reporting process in the Chapter 23. The following materials were provided to the participants: model template for reporting; reporting guidelines for focal points; reporting calendar; guidelines for reports evaluation; and guidelines for presentation of the reform results. RAFU MoJ prepared a presentation regarding reporting on the implementation of the National Strategy using the knowledge and experience in reporting on the implementation of the AP CH23 and all relevant document templates were presented to the participants.



### Access to justice

Due to the long standing issues that have been hindering the adoption of the law for a number of years, the MoJ has decided to **include the public** in this process, to a greater extent than before. This approach is expected to result in a **greater understanding of the needs for adoption of FLA** as well as to expose the reasons for constant delays and seek methods to address them. To this end, the MoJ with the support of MDTF JSS initiated organization of a



series of round tables across Serbia, focused on presentation of the Draft Law. The **first round table was held in Kragujevac on October 6, 2017**, with participation of the local Bar and several CSOs working in the area. Draft FLA Law was presented with a focus on the current normative framework, indicating the rationale for the determination of the providers in line with the existing laws in Serbia.



The **second round table was organized in Nis on November 20, 2017** (<https://www.mpravde.gov.rs/vest/17207/okrugli-sto-o-izradi-nacrta-zakona-o-besplatnoj-pravnoj-pomoci-u-nisu-.php>), with participation of representatives of local self-government units in Nis, free legal aid service in Pirot, the members of the Nis Bar and the local CSOs. The discussion indicated increased needs of the citizens for access to justice, as well as the need to include as many providers as possible given the specific legal problems and groups of citizens. Given the fact that none of the providers have the capacity to solely provide legal aid to everyone, it is beneficial to find methods of mutual cooperation and not competition. Continued discussions may prove to be useful to clarify these standpoints and adopt the law.



As a part of **access to justice** activities, RAFU MoJ organized a **Regional Conference/Workshop on December 14-15, 2017 aimed to** increase knowledge and build capacities of Serbian stakeholders in order to prepare the ground for the adoption of FLA Law

as well as to emphasize other aspects of access to justice in criminal proceedings that require improvement. In order to enhance the discussions of the expert public, coupled with representatives of local self-government units, the members of the Bar and not solely the Bar leadership and the local CSOs, experts in the region were also invited as trainers (Croatia, BiH, Montenegro) to share the experiences and lessons learned related to establishment of the FLA systems in their countries. The trainers were also local experts, including academics, judges, prosecutors, MoJ, and representatives of relevant CSOs. The Workshop was aimed at increasing knowledge of the participants in order to foster their understanding of the needs for adoption of the FLA Law that includes all available providers of legal aid, utilizes available capacities and provides the budgetary resources for the provision of legal aid to those who most need them – the citizens. The topics were organized in a manner that enables clear presentations of international standards related to legal aid, the new EU acquis on legal aid, the effectiveness of human rights protection mechanisms associated to legal aid availability, and ECHR standards related to legal aid. RAFU MoJ organized the event and prepared two presentations for the Workshop, focusing on Free Legal Aid and Access to justice in criminal proceedings and International standards of free legal aid and. For more info, see:



<https://www.mpravde.gov.rs/vest/17616/besplatna-pravna-pomoc-okupila-region-.php>.



Trainings were performed in the field of **finances and budgeting methodology** during 2017. A Workshop on implementation of AP CH23 regarding Financial aspects was held on May 30, 2017. Training of civil servants in local self-government units regarding qualitative and legal elements in the process of inclusive budgeting was organized in Vrnjacka Banja on July 12, 2017, with 20 participants from several local self-government units. Training of MOJ civil servants and advisors in the Sector for Material and Financial Affairs regarding qualitative and legal elements in process of budgeting was held on September 29, 2017. The capacity of staff of the MoJ and other participants has been increased with regard to the preparation of draft laws, contributing to the improvement of the estimation of the effects of draft laws and better connectivity of the draft law with the budgetary system. The correct estimation of the fiscal effects of draft laws introduces greater certainty in securing the required amount of funds for their implementation, which improves the overall budget processes and provides greater efficiency in the planning and execution of the budget for the judiciary.

Training of IT staff of courts of general jurisdiction and commercial courts on a qualified electronic signature was organized <https://www.mpravde.gov.rs/vest/17584/skup-informaticara-sudova-u-paracinu.php>





## IT Trainings

Overall, 62 people from various institutions participated in ISO 27001, ISO 20000, ISO 22301, ISO 31000, ISO 21500 training, of which almost 50 participants were from Public Prosecutors' Offices.

### *ISO standards training*

The MDTF-JSS organized training in the field ISO standards for employees of the MoJ, HJC, SPC, SCC, Commercial Court of Appeals, Appellate Public Prosecutors Office - Belgrade, Appellate Public Prosecutors Office - Niš, Appellate Public Prosecutors Office - Novi Sad, Higher Public Prosecutors Office - Nis, First Basic Public Prosecutors Office - Belgrade, Second Basic Public Prosecutors Office - Belgrade, Third Basic Public Prosecutors Office - Belgrade, Basic Public Prosecutors Office - Leskovac.



The trainings were organized for standards:

- ISO 27001 - Information technology - Security techniques - Information security management systems - Requirements,
- ISO 20000 - Information technology - Service management - Service management system requirements,
- ISO 22301 - Societal security - Business continuity management systems - Requirements,
- ISO 31000 - Risk management - Principles and guidelines, and
- ISO 21500 - Guidance on project management.



The courses were attended by over 25 judicial and government officials during September and October 2017. The training was conducted by Institute for Standards and Technologies Ltd. Belgrade in cooperation with Institute for Information Security Ltd. Novi Sad and Eucons Group Ltd. Belgrade. The lecturers were Bojan Perovic and Rade Dragovic.

### *Testing of the software platform*

Testing of various software platforms were conducted, emphasizing: testing of eSud platform, writing feedback, review of instructions for eSud. The "eSud / (eCourt)" is electronic filing system for filing and service of documents within the administrative disputes and connected processes (execution of administrative disputes decisions) for Administrative court. Within the Courts, the „eSud” allows electronic documents to be automatically routed to the appropriate registry staff for processing; testing of PIS (Judicial informational system) for using of data exchange according to agreements.

### *Organization of the events*

Support in organization of first gathering of ICT from basic, higher and commercial court in Paracin on December 22, 2017 was provided and presenting instructions and lectures for using of qualified electronic certificate and legal aspect of this technology.

Training sessions at the Office for Human and Minority Rights on monitoring system for the AP on the Exercise on the Rights of National Minorities: Additional training sessions were provided through *support to the Office for Human and Minority Rights in the process of monitoring the AP Exercise of the Rights of National Minorities*. Key staff was trained to improve the data collection and include additional stakeholders and to avoid some of the identified obstacles.

Training on transfer of knowledge for the MoJ staff: Topics of the training and transferred skills include the following: Support to relevant departments at the MoJ in the process of implementation of the AP CH23; Support to the Normative department (EU acquis, international standards, comparative analyses, access to justice issues, drafting provisions of normative acts, participation in relevant working groups); the Financial department (budgeting methodology for strategic documents, laws, development of regulatory framework forms and tables); the European integration and projects department (key issues

in the sector, avoiding overlaps in programming of international development assistance, efficient identification of project needs, strategic planning and strategic approach, project management methodology and good practice); the Department for the judiciary (key issues in enforcement, mediation, notary system), the Administration for Enforcement of Criminal Sanctions (international standards, access to justice issues, strategic planning), as well as the organization of public debates, campaigns, seminars/workshops involving a set of stakeholders from different institutions, the development of brochures, etc. These trainings are beneficial for the MoJ staff as they focus on particular issues which they encounter in daily work. They are aimed at the improvement of functioning in specific sectors resulting eventually in improved MoJ performance overall.

During 2017, four internal media trainings were organized for the employees of the Press Office and representatives of the MoJ (state secretaries, assistant ministers). Considering the fact that social media have become a very influential factor of communication with the target public audience, special attention on trainings was paid to the implementation of public campaign “Off Violence”.

### *Court Staff Training*

Led by the MDTF Monitoring and Evaluation Specialist and supported by the MDTF-JSS the members of the Backlog Reduction Working Group held a series of workshops with court staff from basic and higher courts in Belgrade and Novi Sad Appellate Court jurisdiction. Approximately 140 court staff from various courts attended the workshops.

The aim of these events was to improve tracking and monitoring of backlog cases in courts. During the workshops several challenges were identified by participants, mainly related to ICT management, i.e. case management via application used in courts:

- Basic and higher courts use different versions of CMS (AVP) – there are more than 100 versions of AVP in courts and court units.
- The court staff are not aware of all CMS features – the only AVP training was conducted in 2010, and it was supported by MDTF; meanwhile a large number of those who were trained did not remain in courts.

As the result of these workshops the SCC identified a number of potential AVP improvements, and worked intensively and effectively with the MOJ to implement these by the end of 2017. In addition, based on the SCC’s initiative, the MOJ worked with the AVP maintaining company to unify all AVP versions and deploy it in courts by the end of 2017.

Court staff training was organized during 2017 in the following fields as well:

- European Judicial Academy (ERA) Summer Course on European Labor Law - participation of 2 judicial advisors from Supreme Court of Cassation of Serbia, July 3-7, 2017, the Summer Course on WTO and EU Trade Law, - participation of 2 judicial advisors from Supreme Court of Cassation of Serbia, July 3-7, 2017 and the Summer Course on European

Data Protection Law Trier, participation of 2 judicial advisors from Supreme Court of Cassation of Serbia, September 11-15, 2017

- 5 judicial advisors (from SCC Criminal Department) were appointed to attend the Conference, organized by the Serbian Association for Criminal Law and Practice on Zlatibor, September 21-23, 2017 titled "Criminal Legislation and European Integration" - Chapter 23- one year later.

- Fourth Meeting of 50 judicial advisors & judicial assistants from SCC, state-level courts, Appellate Courts and Higher Courts on the harmonization of jurisprudence, with a focus on the relationship between Strasbourg and the Luxembourg jurisprudence (as an issue being among top challenges of the European Case Law) in cooperation with the CoE, Novi Sad, October 24, 2017

- Conference "Solved disputed legal issues regarding Law on Enforcement and Security – a summary of 5 round-tables for Basic, Higher and Commercial Courts held in 2017" (in cooperation of SCC, MDTF, JEP, USAID BEP & CoE), October 2017

- Visit to Court of Justice of EU (CJEU) Luxembourg for up to 14 SCC Justices, as a tool for acknowledgment on Court of Justice of EU Case-Law, November 19-21, 2017.

### *Trainings on Mediation*

**Workshops were organized on the topic "Strategic Approach to Improving the Use of Mediation in the Republic of Serbia"** on May 31, 2017 and June 30, 2017. Workshops were organized in close cooperation with the IPA 2012 Judicial Efficiency Project and mediation expert Leonardo D'Urso, who presented the previous experience of European countries in the introduction of mediation, after which the applicability of the solutions as well as the key issues and steps towards further development of the system in Serbia were discussed. At the second workshop, recommendations for the development of mediation in the territory of the Second Basic Court in Belgrade and the Basic Court in Kragujevac (D'Urso) were presented, as well as the report "**Financial Incentives for the Application of Mediation in the Republic of Serbia**" (Blažo Nedić), the delivery of which was coordinated with RAFU MoJ. The held workshops as well as the organised mediation Week and the meeting on December 6, 2017 have resulted in an agreed framework of the future steps for increasing the use of mediation, including enacting of a new effective law similar to the Italian Mediation Model (first information session) in order to ensure an effective recourse to mediation and at the same time to ensure the quality of mediation services as well as to monitor and support for at least three years the effective implementation of the new mediation law, though different capacity building programs (MoJ, courts, centres for mediation), and to be ready to adopt amendments, if needed.





RAFU MoJ attended the annual meeting of the **European Judicial Network in Civil and Commercial Matters**, on February 1-2, 2017, and upon attending the meeting, the Consultant for the Reform of Judicial Professions presented the work of the European Judicial Network and the meeting report to the heads of the relevant MoJ Sectors, with proposals on how to gain the most benefits from the observer status and in view of adequate preparation for participation in this network, for the purpose of enhanced access to justice and judicial cooperation in civil and commercial matters, <http://www.mpravde.gov.rs/vest/14918/republika-srbija-je-stekla-status-posmatraca-u-evropskoj-mrezi-za-pravosudnu-saradnju-u-gradjanskim-i-privrednim-stvarima.php>.

On October 10-11, 2017 a training was organized in cooperation with IPA 2012 JEP and the Judicial Academy, attended by 81 mediators, 1/5 of the registered mediators. The training was delivered by an EU and local expert and judge, while RAFU MoJ Consultant delivered an introductory note and participated in the Q&A and shadowing of simulations, in order to give feedback to the mediators and determine the existing level knowledge and skills. Having in mind the small number of cases in which parties voluntarily entered into mediation, 32 mediators participated in mediations organized within the week.

#### *Dissemination Events*

RAFU MoJ supported the MoJ to actively communicate with its target public audience throughout 2017. Focus was on promoting the new Law on the Prevention of Domestic Violence and on promoting mediation as an alternative dispute resolution method.

Pictures for social media – examples:



The MoJ Online Communication Strategy was created with the support of the MDTF.

In 2017, the Commission for the Implementation of the National Judicial Reform Strategy 2013-2018 held 5 sessions on which important issues were considered related to achieved results of work of all judicial institutions, as well as effects of the implementation of activities from the AP CH23.

All Commission sessions were open for media representatives who were invited to attend and report from the sessions. Press statements were organized before the beginning or after completion of a sessions. In most cases the collocutor was Secretary of the Commission, Čedomir Backović (Head of the Negotiating Group for Chapter 23 and Assistant Minister of Justice).





### *Initial public debate on amendments to the Constitution*

The forthcoming amendments to the Constitution of the Republic of Serbia in the field of judiciary represent one of the most important tasks set out in the AP CH23. Since the drafting of constitutional amendments requires an inclusive process, the MoJ initiated a consultative process in May in the form of round tables, in order to allow all relevant stakeholders to express their views and opinions about Constitution amendments. A total of 6 round tables were held in Belgrade, Novi Sad, Niš and Kragujevac from May to December 2017. All round tables were open for the media. After announcement of the Draft Amendments to the Constitution in early 2018, the second round of a public debate will be conducted and organized.









The new Law on the Prevention of Domestic Violence is implemented since June 1, 2017. After only a few months of implementation, the Law has shown good results in practice – competent state authorities responded quickly and efficiently to more than 20,000 reports of violence, while courts issued more than 7,200 emergency measures.

Implementation of communication activities continued in 2017 within the second and third stage of campaign "Off Violence".

Website [www.iskljucinasilje.rs](http://www.iskljucinasilje.rs) is fully functional: the website contains all relevant information regarding the new Law, as well as general information about combating domestic violence.

Six video spots were made to explain new legal measures and call for action. The spots have been published both in the media and on all communication channels of the MoJ, and they may be found at [www.iskljucinasilje.rs](http://www.iskljucinasilje.rs).

<https://www.youtube.com/watch?v=SAX5dHLwBbk>

<https://www.youtube.com/watch?v=qw5fo2RdsLc>

<https://www.youtube.com/watch?v=56P8CrsCKAQ>

[https://www.youtube.com/watch?v=KUMPIW7\\_S34](https://www.youtube.com/watch?v=KUMPIW7_S34)

<https://www.youtube.com/watch?v=24B1Agjyf5c>

[https://www.youtube.com/watch?v=gpwBzfD7S\\_Q](https://www.youtube.com/watch?v=gpwBzfD7S_Q)

Iskljuci nasilje

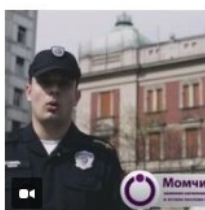
Sorted by name



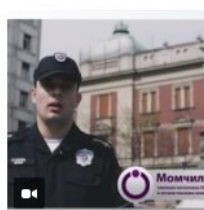
Centar za socijalni rad ...  
ilje.mov



NVO - Isključi nasilje.mov



Policaјac - Isključi  
nasilje.mov



Svi zajedno - Isključi na...  
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Tuzilac - Isključi  
nasilje.mov

In accordance with the Law on the Prevention of Domestic Violence, the Government of the Republic of Serbia established the Council on Preventing and Combating Domestic Violence on July 13, 2017 whose members held the first meeting at the end of July.

<http://www.rts.rs/page/stories/sr/story/125/drustvo/2803120/vlada-formirala-savet-za-suzbijanje-nasilja-u-porodici.html>

<https://www.mpravde.gov.rs/vest/16187/prva-sednica-saveta-za-suzbijanje-nasilja-u-porodici.php>



A press conference was held after the meeting.



**The World Bank is one of the largest partners who supported the campaign, donating funds for the implementation of activities of campaign “Off Violence”.**

A video was also made to present effects of the campaign to the MDTF:

[https://www.youtube.com/watch?v=qm3pBW\\_cXLU](https://www.youtube.com/watch?v=qm3pBW_cXLU)

A mini online campaign was also conducted in November on the occasion of the International Day of the Elimination of Violence against Women:





RAFU MoJ supported the organization of a Conference to present the results of six month of implementation of the law on December 21, 2017:

<https://www.mpravde.gov.rs/vest/17572/ilic-uspesna-sestomesečna-primena-zakona-razmotreno-preko-20000-slucajeva-nasilja-u-porodici.php>



The Government of Serbia celebrated its first 100 days of work in mid-October 2017, and the RAFU MoJ supported the development of a promo spot for this occasion to present its results:

<https://www.youtube.com/watch?v=b0O63Zdxlus>

<http://www.telegraf.rs/vesti/politika/2903521-rezultati-rada-ministarstva-pravde-kroz-8-kljucnih-oblasti-u-proteklih-100-dana-nove-vlade-srbije-video-foto>

### **Year 2017 was marked by the promotion of mediation:**

During 2017, the MoJ and RAFU MoJ engaged in more active promotion of mediation.

RAFU MoJ supported the opening of the **Centre for Mediation in the Bar Association of Cacak** on April 24, 2017, with the active participation of the Basic and Higher Courts in Cacak, the Bar Association of Serbia and the JA and the support of the SCC and the MoJ. RAFU MoJ supported the event: <http://advokatskakomoracacak.rs/otvoren-centar-za-medijaciju-advokatske-komore-cacka/>.





The Conference on the topic "**Mediation as a means of preventing and resolving Commercial Disputes**" was held on April 27, 2017 in the Chamber of Commerce of Serbia, attended by the presidents of the Basic and Commercial Courts, lawyers, mediators and representatives of commerce and regional chambers of commerce. RAFU MoJ supported the conference with an introductory speech and participation in the discussion. For more information on the conference, see the section "**Commercial Mediation - Needed but Under-represented**" at the MoJ website <http://www.mpravde.gov.rs/actual.php>.



In order to better inform citizens about this procedure and its advantages, the R/AFU MoJ assisted in creating more extensive **content on mediation on the Ministry's website**,

<http://www.mpravde.gov.rs/sekcija/15851/medijacija.php>, including comparison with court proceedings, and infographics, which also appeared on the profile of the ministry on social networks, starting from the second quarter of 2017.



RAFU actively supported the MoJ in promoting the **Guidelines for the Improvement of Mediation in the Republic of Serbia**, which were strongly endorsed on September 6, 2017 by the MoJ in her keynote speech delivered to the presidents and judges of commercial courts at the **Annual Conference of Commercial Courts** organised by the Commercial Appellate Court in Zlatibor, as well as in the Minister's keynote speech in the **Annual Conference of Judges of RS** in Vrnjačka Banja in October. Please see:

- <https://www.mpravde.gov.rs/vest/16502/ministarka-kuburovic-rad-privrednih-sudova-vazan-za-unapredjenje-poslovne-klime-.php>;
- <http://www.blic.rs/vesti/drustvo/kuburovic-medijacijom-u-privredi-do-bolje-poslovne-klime/8s60zq2>;
- <http://www.rts.rs/page/stories/sr/story/125/drustvo/2859951/kuburovic-medijacijom-u-privredi-do-bolje-poslovne-klime.html>.

Presenting latest developments in ADR in Serbia and implementation obstacles at **RCC Network of Mediators from South East Europe (SEE) meeting** (Zagreb).

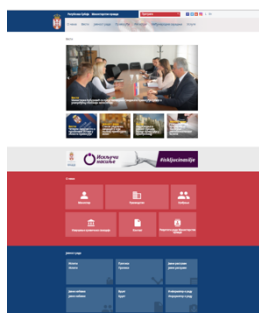


During the IPA 2012 JEP Closing Event on December 1, 2017, a **Panel Discussion** was dedicated to mediation, during which RAFU MoJ joined JEP mediation expert and representatives of courts in discussion on the obstacles in the implementation of the current mediation law, of designing of a new roadmap of mediation with the major stakeholders and ways to increase the recourse to mediation in Serbia in the next five years.



Likewise, information on the status of implementation of the mediation system was provided: <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:653399-Bilans-medijacija-Vise-vole-spor-nego-dogovor>.

### A new website of the Ministry of Justice



The MoJ has also created a new website which is primarily designed for mobile devices, so-called “Mobile First”. The new website is fully in line with the latest trends in the field of digital communications.



## Pictures for posts on Facebook and Instagram

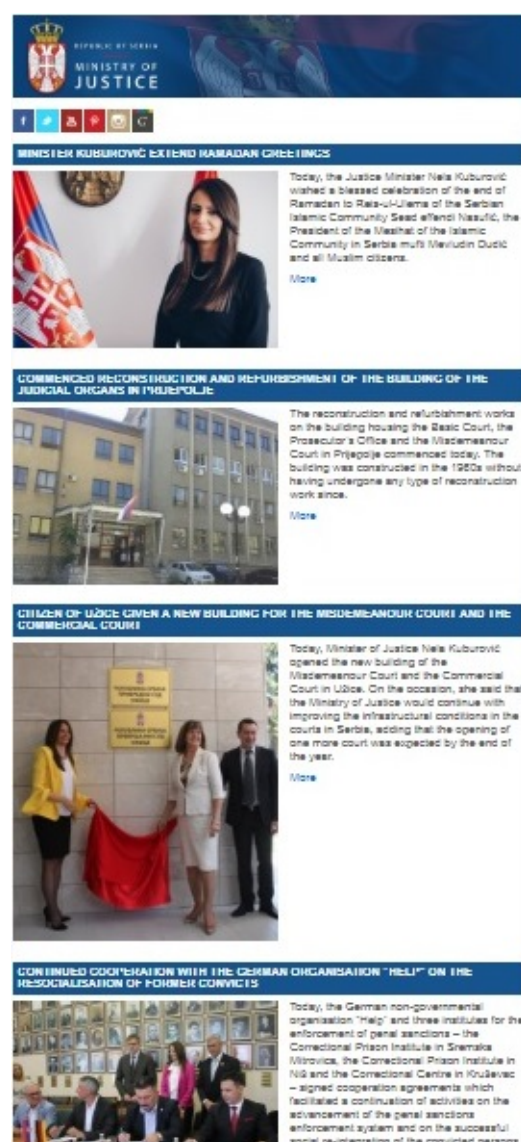


## Newsletters

In 2017, the MoJ published 11 Newsletters related to its activities. Target public which received the newsletters included Embassies and Consulates of the Republic of Serbia in the EU, the United States, and in China and Australia. The newsletters also were forwarded to the embassies of EU Member States in Serbia, as well as to international institutions and missions

(the EU Delegation in Serbia, OSCE, UNDP, etc). The Newsletters were sent via the service MailChimp and contained 230 electronic addresses.

## Examples:



## RESULTS

Table 7.

#	Outcome indicator	Baseline at 1 January 2016	Actual at December 31, 2017	Target by 31 December 2018
1	The AP CH23 and key reform <b>strategies</b> (NJRS, backlog reduction plan	APs drafted from 2013 to 2016 and approved by EC in 2016.	AP CH23 adopted on April 27, 2016, and the Chapters 23 & 24 in accession negotiations with the EU, opened on July 18, 2016.	Strategies and plans monitored and

	etc.) are <b>developed and monitored</b> .	Sector capacity generally low with excessive variation and lack of coordination, as documented in FR 2014.	The implementation of the AP CH23 is regularly monitored, and quarterly reports on implementation are available on the MoJ website. Brief biannual reports on implementation of the AP CH 23 are provided to the EC and, upon submission, are also available at the MoJ website. Additional strategic documents are implemented and monitored: the National Strategy for the Prosecution of War Crimes, the AP for the Exercise of the Rights of National Minorities, the Roma Inclusion Strategy. Given the coordinating role of the MoJ with regard to Chapter 23, all strategic documents associated with this chapter are closely monitored by the MoJ and their implementation is supported. Successful cooperation with civil society i.e. the National Convent for Accession to the EU and other CSOs, continued throughout 2017, through discussion on the implementation of the AP CH23.	periodically updated.
2	Various analysis, technical assistance and survey data <b>raise and measure awareness</b> of issues facing the justice sector, and <b>inform</b>	Some analyses conducted in previous project period (incl. FR in 2014 and survey 2013). New analyses to be delivered across the sector to support efficiency, quality and access in project period (2016-2018).	Following was performed: Assessment of the current state of play of the process of alignment of Serbian criminal legislation with relevant EU standards under Ch 23, Analysis of the amendments to the Section XXII of the Criminal Code, Analysis of the conditional release implementation related to medical security measures in Serbian penal	Targeted TA delivered by MDTF are viewed by at least 75% of relevant stakeholders to be useful for raising awareness and informing decision-making.

	<b>policies/decision-making.</b>		<p>sanction system, Analysis “Action plan for Chapter 23: strategic framework for improving relations between the judiciary and media in the Republic of Serbia”; Analysis of alignment of criminal legislation with EU standards in CH23 in the field of economic criminal offences; Analysis of system of enforcement of criminal sanctions; Analysis “Free Legal Aid –international legal standards, legislative framework and practice in Serbia”, Analysis “Free Legal Aid and access to justice in criminal proceedings” ,Analysis of the proposals regarding constitutional changes in judiciary</p> <p>Standardized methodology and Guidelines for description of jobs (particularly typical jobs,) in court administration and the judiciary</p> <p>Draft Law on personal data protection</p> <p>Third periodical state report was presented to the UN Committee on the Human Rights</p> <p>Action Plan for fulfilling MONEYVAL recommendations</p> <p>Six roundtables on Constitutional amendments</p> <p>Public debate on Constitutional amendments</p> <p>Innovative SCC Annual Report</p> <p>Web-based software application "Online register of Notaries”</p> <p>Promotion of the Use of Alternative Dispute Resolution Methods</p>	Surveys identifying sector needs.
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3	<p>Various trainings &amp; workshops <b>strengthen individual capacities</b> of key personnel in the sector. Knowledge transferred from experts/consultants to key personnel.</p>	<p>Sector capacity generally low with excessive variation and lack of coordination and training, as documented in FR 2014.</p>	<p>957 people participate in training &amp; workshops in targeted fields. 94.83% participants report that training was useful for daily work. 82.91% report improved skills</p>	<p>At least 500 people participate in training &amp; workshops in targeted fields. At least 80% participants report that training was useful. At least 70% report improved skills</p>
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## LOOKING AHEAD

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- In line with the set objectives of the MDTF-JSS and the AP CH23, in 2018 it is planned to continue implementation of the relevant activities. This involves continuation of support the MoJ in implementing activities set in the AP CH23 and monitoring implementation of AP CH23 and AP CH24 and the associated strategic documents in the field of judiciary, human and minority rights. Emphasis will be given to finalization of the normative framework in the field of access to justice, including the Law on Free Legal Aid and legislative amendments improving access to justice in criminal proceedings. Trainings on improved and available access to justice mechanisms are expected to follow these normative changes, as well as provision of information to citizens. The work on developing and implementing Standardized methodology and Guidelines for description of jobs (particularly typical jobs,) in court administration and the judiciary will continue, with an aim to decrease the costs and ensure effective implementation of resources. Activities aimed at implementing recommendations of the Judicial Functional Review 2014 and its forthcoming update will continue throughout 2018.
- Plans also include continuation of capacity building aimed at improved reporting and implementation of strategic documents, as well as capacity building of relevant MoJ staff and court staff and judges: tailored ICT trainings, analytical and management skills, advanced legal education (ECHR and EU law). Evaluation of results of implementation of AP CH23 regarding Financial aspects is planned in 2018, as well as the work on update of AP CH23 and CH24 in coordination with the European Commission.

