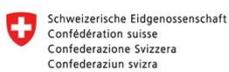


Multi-Donor Trust Fund for Justice Support in Serbia



2018 Annual Report Bank-Executed Components

April 2019

Table of Contents

Executive Summary.....	3
Results Framework	5
Component 1: World Bank–Executed Advisory Services.....	7
1. Outcome Indicator #1: Key reform strategies and action plans are developed and monitored	7
1.1 Increasing equal access to justice.....	7
1.2 Support to strengthen victim support services	12
2. Outcome Indicator #2: Analyses, technical assistance, and survey data raise and measure awareness of issues facing the justice sector and inform policy and decision-making	19
2.1 Improving public sector performance	20
2.2 Improving resource management of the prosecution system	21
2.3 Increasing transparency of the prosecution system	22
2.4 Improving financial management within the High Judicial Council	23
2.5 Examining the role of expert witnesses.....	24
3. Outcome Indicator #3: Capacity of key personnel is strengthened through knowledge transfer.....	25
3.1 Website usage training for Public Prosecutor’s Office employees	26
Component 2: Supervision of the Government-executed Grant	27
Component 3: Trust Fund Administration and Management	28

Executive Summary

1. This annual report summarizes the main activities conducted and progress made under the World Bank - executed components of the Multi-Donor Trust Fund for Justice Sector Support in Serbia (MDTF-JSS) Program in 2018. This report should be read in conjunction with the Government of Serbia's annual report on the Government-executed Grant of the MDTF-JSS for the same period which will be realized in June 2019.

2. The MDTF-JSS was established in 2009 at the request of donors and the Serbian Ministry of Justice. The development objective of the MDTF-JSS is to support the strengthening of the justice sector of the Republic of Serbia in order to facilitate its integration into the European Union. In working toward this development objective, the MDTF-JSS takes a sector-wide approach and promotes dialogue and coordination arrangements between the executive, judiciary, development partners, civil society, and academia.

3. In 2018, the Bank-executed component of the MDTF-JSS has made progress on a range of analytic advisory reports, key reform strategies, and capacity building activities aimed at improving access to justice and efficiency in the courts. In particular, the MDTF-JSS played a key role in a number of activities to help improve access to justice and the protection of victims of crimes in Serbia. The MDTF-JSS was involved in creating and disseminating several Guides and other tools to help citizens gain legal literacy and understanding of the legal system, as well as an interactive map to help victims of crimes get the help they need. The MDTF-JSS was involved in a number of conferences, regional meetings, discussion panels, and workshops throughout the year as well. The MDTF-JSS produced over a dozen reports, including a Functional Review of the Prosecution System in Serbia, and analyses on topics such as Court Arrears and the Role of Experts, among others. The MDTF-JSS was also heavily involved in providing training as well as technical and capacity support to strengthen the justice sector throughout Serbia.

4. A Mid-Term Review was also conducted in early 2018 to assess the performance of the Program for the period 2013-2017. Specifically, the Review aimed to capture progress made towards fulfilling the project development objective, assess the results of the project against the outcome indicators in the Results Framework agreed at the beginning of 2016,¹ record lessons learned to date, identify opportunities to strengthen the implementation of the Program for the remainder of its duration, and make recommendations on future directions for the MDTF-JSS after 2018. Overall, the Review found that the MDTF-JSS is on track to achieving its development objective. Moreover, the Review concluded that there was unanimous support among stakeholders to continue implementing the Program beyond December 2018.

5. The MDTF-JSS project was extended until December 31, 2022 and the remaining donors are: the United Kingdom, the Netherlands and Sweden. Project beneficiaries as well as donors reiterated their commitment to continue with the MDTF-JSS to advance the justice sector reform

¹ The MDTF Result Framework has been prepared in consultation with the IEG and is available at <http://mdtfjss.org.rs/archive//file/MDTF-JSS%20Simplified%20Results%20Framework%202016-2018.pdf>

agenda in support of EU integration. The President of the Supreme Court, the President of the State Prosecutorial Council, and the Minister of Justice each wrote to the World Bank requesting that the MDTF-JSS deepen its work in 2019 and beyond.

6. Going forward, activities under the Bank-executed component of the MDTF-JSS will focus on (i) improving the quality of selected justice institutions, paying particular attention to the integrity and independence of the judiciary, and (ii) building on the diagnostic and analytic work undertaken to improve access to justice by implementing activities that are centered around promoting access to justice.

Results Achieved

8. The project development objective of the MDTF-JSS is to “provide support for strengthening the justice sector of the Republic of Serbia in order to facilitate its integration to the European Union (EU)”. In working toward this development objective, the MDTF-JSS provides financial and human resources, including national, regional, and international expertise and know-how in justice system reform, governance, and operations. The MDTF-JSS uses these inputs to deliver a range of activities across Serbia’s justice sector, including: expert analyses; technical assistance; reform facilitation; training and capacity building activities; operational support; and coordination services in areas of need. Through these targeted activities, the MDTF-JSS aims to contribute to three short- to medium-term outcomes. First, the MDTF-JSS strengthens the ability of the sector to develop, implement, and monitor strategies and action plans. Second, it raises awareness among policy and decision-makers of the challenges facing the justice sector and reform opportunities and provides support to stakeholders to implement reforms. Third, it strengthens individual and institutional capacities across the sector. In turn, achievement of these outcomes contributes to the longer-term goal that Serbia’s justice system meets EU benchmarks and deliver efficient, high-quality, and accessible services to all citizens and businesses.

9. This 2018 Bank-executed annual report shows progress from inception through 2018 as measured against the Result Framework established for 2016-2018. Specifically, this report focuses on three outcome indicators: 1) strategies and action plans are developed and monitored effectively; 2) technical assistance raises awareness of issues and informs policy and decision-making; and 3) capacity of key personnel is strengthened through knowledge transfer.

10. Under Outcome Indicator 1, the MDTF-JSS has cumulatively prepared 7 reports and another 6 lay format materials for raising awareness in the form of Guides. The MDTF-JSS also contributed to the creation of an animated video and two interactive maps to increase access to justice. Under Outcome Indicator 2, the MDTF-JSS prepared a total of 5 reports and analyses, and provided technical support to Serbian Public Prosecutor’s Offices with its Multi-Site System project. Under Outcome Indicator 3, in addition to hosting Roundtables and Workshops, the MDTF-JSS provided hands-on training to Serbian Public Prosecutor’s Office employees.

11. With the extension, the MDTF-JSS maintains its Project Development Objective and also developed a **new Results Framework for 2019-2022**, which will prioritize two areas: transparency and access to justice; and quality, integrity, and independence of the judicial system. As *inputs*, the MDTF-JSS provides financial and human resources, including national, regional, and international expertise and know-how in justice system reform, governance, and operations. The MDTF-JSS uses these inputs to deliver a range of *activities* across the justice sector in collaboration with justice stakeholders and in line with the Chapter 23 Accession Action Plan and related strategies and action plans. As *outputs*, the MDTF-JSS delivers expert analyses, technical assistance, facilitation of policy dialogue, reform facilitation, training and capacity building activities, awareness raising, operational support, and coordination services in areas of need. The MDTF-JSS also provides a mechanism for pooled donor contributions for the fund’s administration, management, and fiduciary oversight.

Through these inputs, activities, services, and outputs, the MDTF-JSS aims to contribute to three *short- to medium-term outcomes*. First, to strengthen the ability of the target groups to navigate through the justice system and uphold the rule of law. Second, to raise awareness of courts and prosecution to be better able to fend off undue influence and of citizens to understand relevance of an independent and impartial judiciary, as well as to improve the track record in prosecution of high-level corruption cases. These in turn contribute to the *longer-term goal* that Serbia's justice system meets EU benchmarks and delivers efficient, high-quality, and accessible services to citizens and businesses and regain the trust of citizens and businesses in the justice system. The *baseline* for measuring progress of the MDTF-JSS under the Results Framework for 2019-2022 will be established from the follow-up *Serbia Judicial Functional Review and Justice Perception and Experience Survey*, both of which will be completed in 2019.

Component 1: World Bank–Executed Advisory Services

1. Outcome Indicator #1: Key reform strategies and action plans are developed and monitored

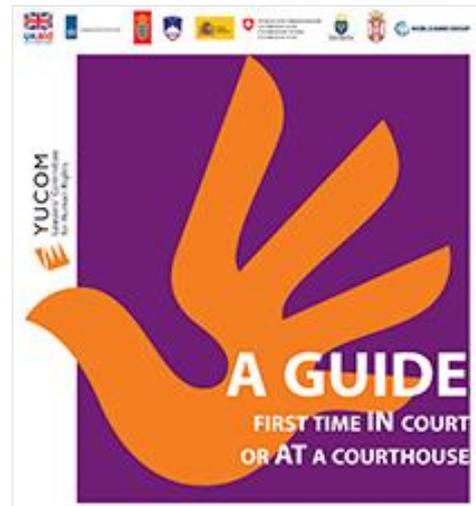
12. This outcome indicator measures the justice sector’s ability to develop, implement, and monitor strategies, action plans, and related plans so that they can effectively drive sector performance. Under the Bank-executed component, the MDTF-JSS contributes to the achievement of this outcome indicator by playing an advisory role to justice sector stakeholders. The Bank contributes expertise, technical know-how, international and regional examples, and targeted analyses that can inform the development and implementation of various aspects of these strategies and plans.

1.1 Increasing equal access to justice

13. The **OECD Policy Roundtable on Equal Access to Justice** was held on July 5-6, 2018 in Riga with the aim to highlight efforts in strengthening equal access to justice. The event was an opportunity to present evidence-based and innovative policy tools and criteria pertaining to people-focused access to justice and legal empowerment and accessibility of justice services. The MDTF-JSS team showcased its latest progress in understanding and measuring what works, assessing the impact, outcomes, cost-effectiveness, and efficiency of legal empowerment, and strengthening the capacity of all people to exercise their rights. The MDTF-JSS approach combines multiple strategies with complementary interventions to increase efficiency and maximize the societal impact to achieve legal empowerment in Serbia. The MDTF-JSS team partnered with Serbian civil society organizations (CSOs) to implement a range of activities and legal empowerment tools (described below) to ensure access to a legal information in a variety of formats that are effective for different types of judicial system users. The MDTF-JSS team also discussed the user-centric approach in accessing justice for businesses and investors, including small and medium enterprises. The MDTF-JSS approach to legal empowerment and the improvement of access to justice is easy to adjust and apply in different countries and environments. Several OECD member states have shown an interest in learning from the Serbian experience.



14. The MDTF-JSS has partnered with the **Lawyers' Committee for Human Rights (YUCOM)** to prepare a whole set of tools to help citizens gain legal literacy and understanding of the justice system, so they can exercise their rights in court and in legal proceedings. As part of their efforts, the MDTF-JSS and YUCOM jointly developed two guides – the **"Self-Representation Guide"**² and **"A Guide - First Time in Court or at a Courthouse"**³ – to help improve access to justice in Serbia through the use of lay formats and guides aimed at non-lawyers and citizens without legal experience or knowledge. The two Guides address relevant problems related to judicial procedures and procedures before independent institutions in an illustrative manner, using simplified language and terminology, all with the intent to make complicated terms and concepts easier to understand and apply. The publications give answers to questions that citizens usually ask themselves even before they decide to go to court, related to, for example: legal expenses, writing lawsuits, statements, counter-statements, responses to lawsuits, hearings, evidence submission, access to records, acceleration of the proceedings, judgments, and legal remedies. Also, the publications provide answers to what may seem to be trivial questions, but are nonetheless important to citizens, such as: "What to bring to court", "What to wear", and "Where is the courtroom situated at?", etc. The Guides, however, do not replace legal advice, so information on how and where free legal aid can be obtained is also included. The Guides can be downloaded electronically, or a free printed copy can be ordered by calling YUCOM⁴.



15. A range of public information campaign activities were organized to promote newly developed access to justice tools. A **Conference** for the promotion of the two Guides was held in

² Available in Serbian at: <http://www.mdtfjss.org.rs/archive//file/Vodic%20za%20samozastupanje.pdf>.

³ Available in English at: <http://www.mdtfjss.org.rs/archive/file/guide-first-time-at-court/A%20Guide%20-%20First%20Time%20in%20Court%20or%20at%20a%20Courthouse%20-%20EN.pdf>.

Available in Serbian at: <http://www.mdtfjss.org.rs/archive//file/guide-first-time-at-court/A%20Guide%20-%20First%20Time%20in%20Court%20or%20at%20a%20Courthouse%20-%20SR.pdf>.

Available in Albanian at: <http://www.mdtfjss.org.rs/archive//file/guide-first-time-at-court/A%20Guide%20-%20First%20Time%20in%20Court%20or%20at%20a%20Courthouse%20-%20AL.pdf>.

Available in Bulgarian at: <http://www.mdtfjss.org.rs/archive//file/guide-first-time-at-court/A%20Guide%20-%20First%20Time%20in%20Court%20or%20at%20a%20Courthouse%20-%20BG.pdf>.

Available in Hungarian at: <http://www.mdtfjss.org.rs/archive//file/guide-first-time-at-court/A%20Guide%20-%20First%20Time%20in%20Court%20or%20at%20a%20Courthouse%20-%20HU.pdf>.

Available in Romanian at: <http://www.mdtfjss.org.rs/archive//file/guide-first-time-at-court/A%20Guide%20-%20First%20Time%20in%20Court%20or%20at%20a%20Courthouse%20-%20RO.pdf>.

⁴ YUCOM can be reached at: (+ 381) 11 33-44- 235.

Belgrade,⁵ and additional conferences are being planned for second half of 2019 in other cities throughout Serbia as well.⁶ As part of the promotional campaign for the Guides, posters and flyers were distributed to more than 750 addresses of various institutions, specifically: to all the Courts and Prosecutors Offices, Local Self-Government Units, Centers for Social Work, Cadasters on the territory of the Republic of Serbia, etc. Poster advertisements were also placed in public transportation vehicles as well as on billboards in bigger cities throughout Serbia. Campaign activities have been featured in articles of daily newspapers with national circulation, as well as broadcasted on television channels. For example, information about the Guides and the campaign were featured on TV Happy's Morning News, which is a national broadcast station. A large number of public institutions have already set up a link to the Guides on their website. Moreover, publication of the Guides on the electronic database of legal regulations, Paragraph Lex,⁷ suggests that this work has garnered a great interest. A large number of institutions have contacted YUCOM to request more free copies of the Guides for further distribution, and YUCOM lawyers receive an average of 5 to 10 calls daily from citizens who wish to receive a free copy of the Guides. Since the campaign's launch in mid-December 2017, the Self-Representation Guide has been downloaded from the YUCOM platform 4,735 times. As the campaign gets more intense, it is expected that this number will keep on growing.

16. In addition to these campaign efforts, the ***Animated Video as a Tool for Improving Access to Justice***⁸ was selected as an effective instrument for the promotion of the *Self-Representation Guide*. The Animated Video aims to provide through illustrations information on the Guide's content and the ways in which citizens can use it. In an illustrative way, the short-animated movie addresses specific questions on how to choose a court, the costs of the proceedings, the dress code, and the overall behavior in the court itself. The video is an attempt to reach a broader audience and get them interested in learning about the benefits of reading and getting acquainted with the Guide.



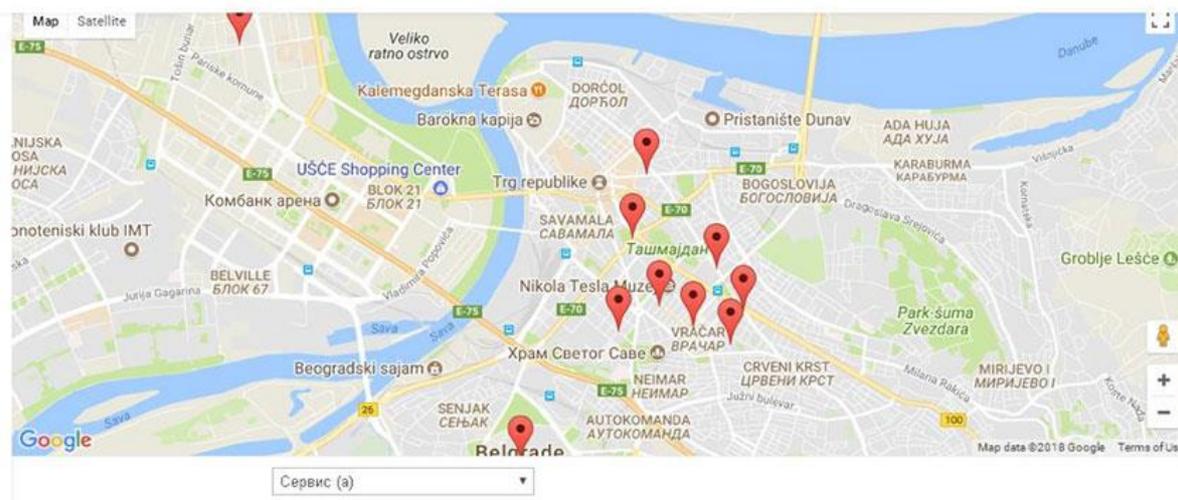
⁵ <http://www.tanjug.rs/full-view.aspx?izb=370387>.

⁶ Information about these additional conferences can be found on YUCOMs social networks.

⁷ The Paragraph Lex website is available at: <https://www.paragraf.rs/dnevne-vesti/301117/301117-vest2.html>.

⁸ Available at: <https://youtu.be/UCkevuSNxhw>.

17. In Serbia, even though article 67 of the Constitution proclaims that everyone is entitled to the right to legal representation under certain conditions, the Law on Free Legal Aid was only adopted in late 2018. To that end, the MDTF-JSS and YUCOM are preparing a ***Draft Interactive Map of Free Legal Aid Providers in Serbia***, which is a specific web platform where citizens will find all free legal aid providers in Serbia. Currently, the team is finalizing the collection of information from CSOs and institutions all over Serbia to then summarize the services they are providing. A draft version of the interactive map is already completed and launch of the final map will be promoted on the media and social networks.



1 2 3 4

Име организације	Сервис (а)	адреса/град	контакт
Новосадски хуманитарни центар	- Free Legal Aid/Advice/Counselling - Education - Psychological Support	Арсе Теодоровића 3 21000 Нови Сад	00381 21 423 021, 00 nshc@eunet.rs http://www.nshc.org.rs/...
Одбор за људска права Ниш	- Free Legal Aid/Advice/Counselling - Human Rights	Обреновићева бб, ТПЦ Калча, II спрат, L-8-39	00381 18 526 232, 00 office@chrin.org.rs

18. The MDTF-JSS, in partnership with YUCOM, also prepared the ***“Guide for Exemption from Court Fees: Court Fees in Civil Proceedings and How to Dispense with Payments”***.⁹ The main objective of this Guide is to improve financial access to justice and to instruct materially disadvantaged individuals on how to use their right to be exempt from court fees. The 2014 *Serbian Judicial Functional Review* pointed out that individuals with lower incomes are often discouraged from using the courts due to high costs, so exemption from paying a court fee may be crucial to enable their



⁹ Available at: <http://www.mdftjss.org.rs/archive//file/Vodic%20za%20oslobodjenje%20od%20sudskih%20troskova.pdf>.

access. However, the general public has a rather limited understanding of exemptions from paying court fees and therefore many potential beneficiaries do not pursue this option. The *Guide for Exemption from Court Fees* lays out the basic costs of civil proceedings in a simple manner, and provides instructions on how they are determined, what are the payment deadlines, as well as what are the consequences in case of refusal to pay these costs. The Guide will empower parties in civil proceedings to estimate costs and possible consequences on their financial status and ensure informed decision-making on their part if the dispute should be submitted to the court.

19. In parallel with the development of the *Guide for Exemption from Court Fees*, the MDTF-JSS team, in cooperation with YUCOM, conducted research analyzing the practices of courts dealing with requests for exemption of court fees. The aim was to identify the challenges that courts face when deciding such requests. The team collected data on approved requests for exemption from procedural costs in 2017 from 23 basic courts. Also, when possible, the courts shared two decisions on exemption from court fees – one where the request was approved and the other where it was denied. Based on the statistical data and cases collected, a report entitled **“Courts’ Practice on Court Fee Waiver”**¹⁰ was prepared. The Report identifies legislative gaps and variations in practice and provides practical recommendations on how to improve affordability of the justice system and overcome existing challenges in the court fee waiver process.

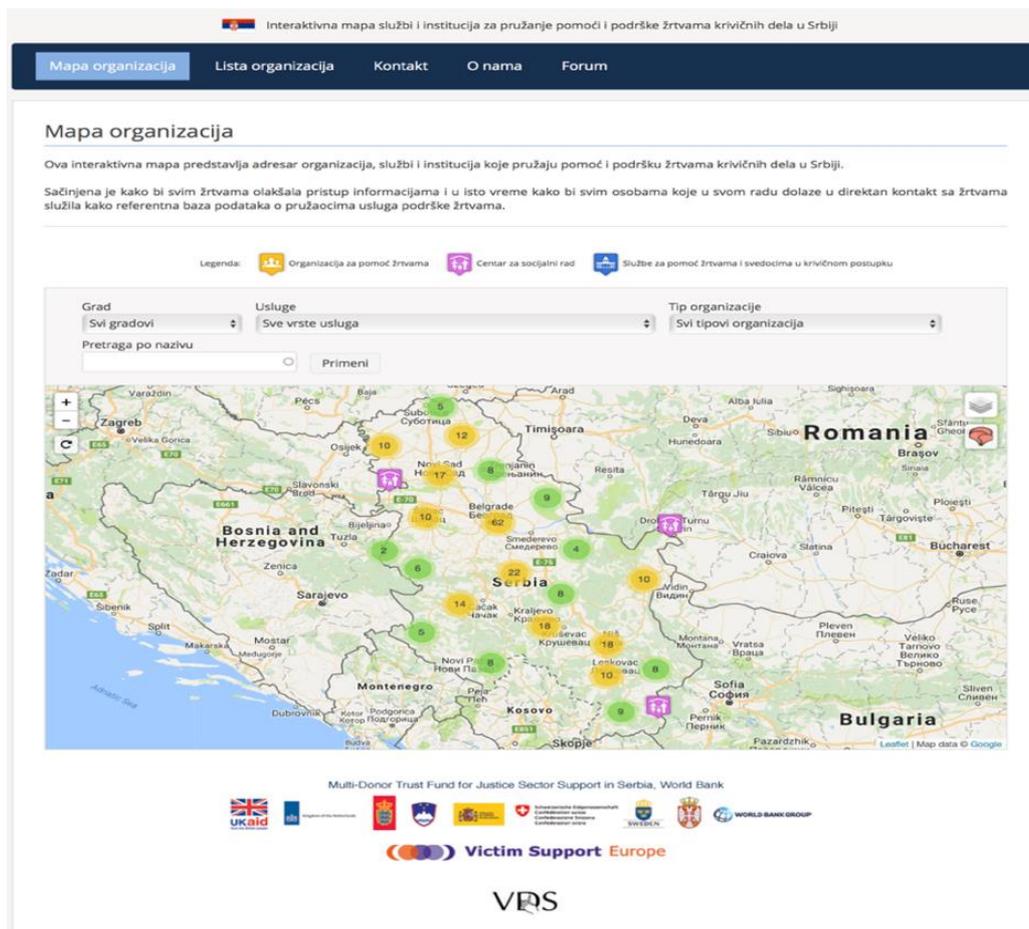
20. The MDTF-JSS team also partnered with YUCOM to prepare the **“Guide for the Exercise of Right to a Court Interpreter (translator)”**¹¹ as a tool to raise awareness on the role of, and right to, a court-appointed interpreter. The Report was created after the 2014 *Judicial Functional Review* had identified challenges in both accessing court-appointed interpreters and obtaining information on those who provide interpretation services. The Guide provides basic information on interpreters and the manner of their engagement, as well as on parties' costs if they



¹⁰ Available at: <http://www.mdtfjss.org.rs/archive//file/Analiza%20sudske%20prakse%20oslobadje%20od%20troskova.pdf>.

¹¹ Available in English at: [http://www.mdtfjss.org.rs/archive//file/vodic-za-sudske-tumace/EN-Vodic%20za%20ostvarivanje%20prava%20na%20sudskog%20tumaca%20\(prevodioca\)%20-%20engleski.pdf](http://www.mdtfjss.org.rs/archive//file/vodic-za-sudske-tumace/EN-Vodic%20za%20ostvarivanje%20prava%20na%20sudskog%20tumaca%20(prevodioca)%20-%20engleski.pdf). Available in Serbian at: [http://www.mdtfjss.org.rs/archive//file/vodic-za-sudske-tumace/RS-Vodic%20za%20ostvarivanje%20prava%20na%20sudskog%20tumaca%20\(prevodioca\).pdf](http://www.mdtfjss.org.rs/archive//file/vodic-za-sudske-tumace/RS-Vodic%20za%20ostvarivanje%20prava%20na%20sudskog%20tumaca%20(prevodioca).pdf).

a **“Guide through Victim Support Services in Serbia”**.¹⁴ The Guide aims to inform service providers and practitioners as well as victims about existing services for victims in Serbia, the available forms of assistance and support provided by each specific service, as well as contact details and information on working hours of these services. Its goal is to make it easier for practitioners to respond to the needs of victims, and for victims to obtain information in a timely manner so they can find the services which are best equipped to respond to their needs. The Guide also aims to promote use of the **Interactive map on victims’ services**,¹⁵ which was launched in 2017. The interactive map is the basis for creating a network of victim support organizations, which would further lead to the establishment of a national helpline for victims as in other countries in Europe.



¹⁴ Available at:

<http://www.mdtfjss.org.rs/archive//file/Vodic%20za%20organizacije%20za%20pomoc%20%2010%2004%202018.pdf>.

¹⁵ The interactive map is available at: www.victimservices.eu.

24. To empower victims through the criminal justice system, the MDTF-JSS also partnered with VDS to develop the “*Victims’ Guide through the Criminal Justice System*”.¹⁶ This Guide informs victims about their rights and how to exercise them, so as to make the criminal justice system less confusing and overwhelming to them. The Guide is user-friendly and easy to navigate, so victims can receive step-by-step guidance through the criminal justice system of Serbia. Topics include how to report a crime, who initiates the criminal proceedings against adults and juveniles and how, victims in the court, victims’ protection, and the right to compensation. It is also meant to be a helpful tool for professionals and volunteers that provide services to victims, as it offers answers for service providers with respect to specific questions that victims may have as they navigate the criminal justice system.



25. Printed versions of both the *Guide through Victim Support Services in Serbia* and *Victims’ Guide through the Criminal Justice System* are distributed through representatives of state institutions and CSOs which are likely to come into contact with victims. Victim support organizations and relevant ministries will further disseminate the two Guides in their local communities to end-users (victims and other relevant service providers). Electronic versions of the Guides will also be distributed through VDS’ website¹⁷ and the website <https://victimservices.eu/>, as well as through social media.

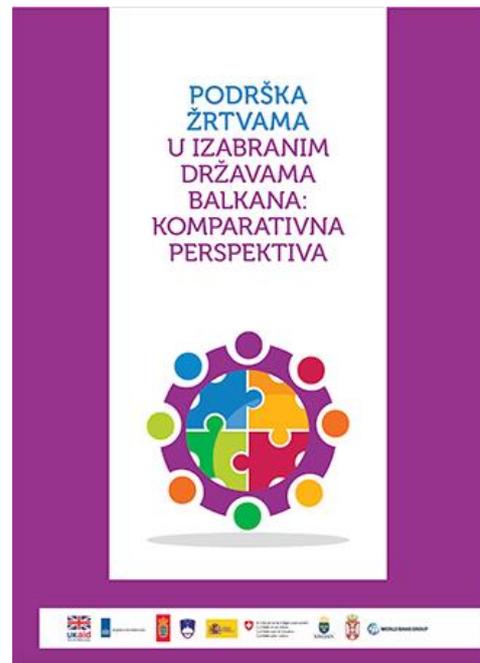
26. The MDTF-JSS and VDS jointly organized a series of **Regional meetings** to present and disseminate the *Guide through Victim Support in Serbia* and *Victim’s Guide through the Criminal Justice System*, as well as to promote the Interactive map of victim support services. The first regional meeting was held in Kragujevac on May 9, 2018, then in Novi Sad on May 15, Užice on May 17, Nis on May 24, Zajecar on May 25, and Belgrade on May 30, 2018. The aim of these Regional meetings was to bring together practitioners – representatives of judicial authorities, centres for social work, police, health institutions, and CSOs – to contribute to the establishment of a dialogue, network, and promote better use of existing resources for assistance and support to victims at a local and regional level. The main discussion was focused on the availability and use of the interactive map as well as ways for its wider use, the current situation relating to the protection of victims, the issue of visibility and availability of assistance for various categories of victims, and the models of networking, cooperation, and use of existing resources in the protection of victims.

¹⁶ Available at: <http://www.mdftjss.org.rs/archive//file/Vodic%20za%20krivicnopravni%20sistem%20final.pdf>.

¹⁷ <http://www.vds.rs/indexEng.html>.



27. The MDTF-JSS and VDS also collaborated on a report entitled “*Victim Support in the Selected Balkan Countries: A Comparative Perspective*”,¹⁸ which examines the organization and functioning of victim support systems in Serbia, Croatia, Bosnia and Herzegovina, Montenegro, and Macedonia. The Report aims to reveal good practices and challenges in the process of establishing a comprehensive victim support system in selected Balkans countries that share a common legal heritage, and identify opportunities for practical reforms that can be implemented without expending a lot of funding. The study focuses on four main aspects: defining the term ‘victim’ in the criminal legislation, defining victims’ rights in the criminal legislation, victims’ right to receive information, and victims’ right to access confidential victim support services free of charge, before, during, and for an appropriate time after criminal proceedings. The Report then provides practical recommendations on how to improve victim support in Serbia based on the experience of countries in the region, which were presented to the relevant stakeholders. The MDTF-JSS and VDS will continue to disseminate results of the research.



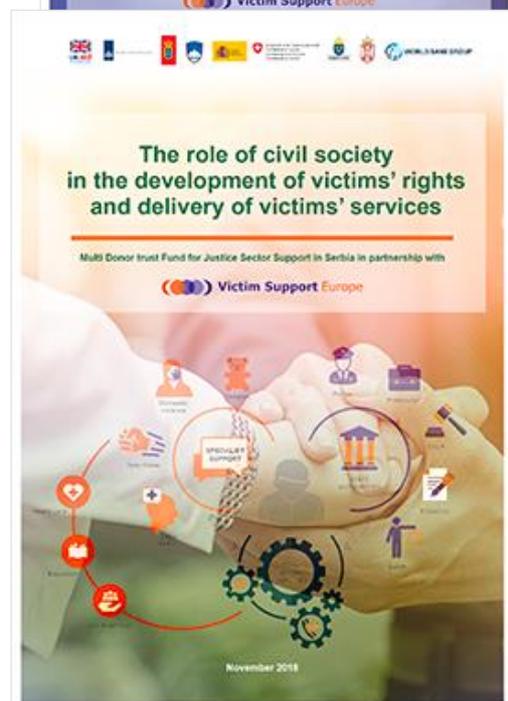
¹⁸ Available at:

<http://www.mdtfjss.org.rs/archive//file/Podrska%20zrtvama%20u%20izabranim%20drzavama%20Balkana.pdf>.

28. As part of its efforts to support Serbian authorities in developing quality standards for victim support services, the MDTF-JSS partnered with **Victim Support Europe (VSE)** to prepare a report entitled **“Ensuring Quality of Victim Support Services in Serbia”**.¹⁹ The Report proposes a set of tailored standards for Serbian victim support providers, which should be acceptable to and be seen as valuable by different stakeholders, from policy-makers to NGOs and the judiciary. The objective of introducing standards should be to help organizations to raise the caliber of their operational capabilities, thus allowing them to improve their care and better respond to victims’ needs. In addition, a **draft guidance document** will explain the individual elements, as well as suggest a set of indicators to verify the correct application of these standards and provide practical tools to help organizations comply with the suggested quality-assurance systems. The Report requires informed decision-making by Serbian stakeholders to decide which path to take in the adoption of the proposed standards. There are benefits and shortcomings to each approach and the chosen approach will depend on many factors, including the time and resources available, as well as the circumstances and context within which standards will be introduced. Standardization therefore needs to be based on in-depth discussion and agreement between the governmental and non-governmental actors working towards better services for victims of crimes.



29. As Serbia is moving forward with its engagement to implement *Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime*, the question of who will provide support services for victims needs to be answered. The MDTF-JSS team, in partnership with VSE, therefore prepared the report **“The role of civil society in the development of victims’ rights and delivery of**



¹⁹ Available at: <http://www.mdtfjss.org.rs/archive//file/EN-Ensuring%20Quality%20of%20Victim%20Support%20Services%20in%20Serbia.pdf>.

*victims' services*²⁰ to explore the interaction between states and NGOs in the delivery of support to victims of crimes. The Report looked into experiences of both NGOs and governmental actors working in the field of victim support to identify some of the key principles of delivering services which make those services victim-centric and as effective and efficient as possible. The Report is based on data collected through desk research, a survey, and a comparative study to ensure a combination of legislative and practical insight. A total of 32 stakeholders from 18 European states responded, with NGOs consisting of 58 percent of respondents with the remaining 42 percent consisting of other entities primarily from the State. The comparative study looked at three countries – Croatia, Hungary, and Portugal – which were selected as they each implement victim support differently, thus allowing Serbian authorities to learn from their peers who have already faced challenges with the implementation of a victim support system. A number of victim support experts were also interviewed to better understand the specific role that NGOs do, or may, play in the provision of victim support services. Based on these consultations, the Report concludes that non-state actors are better placed than state actors to deliver support to victims of crimes in an accessible, flexible, and cost-effective manner. It is still, however, the responsibility of the state to create an environment in which NGOs can effectively operate, including by securing stable sufficient sources of funding for NGO work. The Report puts forward several recommendations for Serbian stakeholders to follow in their endeavor towards the introduction of victim support services.

30. The MDTF-JSS also prepared a draft report in partnership with VSE, entitled *“Costs and Benefits of victim support in Serbia”*. This Report is the first preliminary attempt to measure the cost of victimisation – including the cost to government, the victim, and to society as a whole – and the project benefits of introducing victim support in Serbia. The cost of crime and victim support was calculated based on: the data received from the respective Serbian authorities and NGOs, data extracted from publicly-available documents, and, where such data was not available, estimates, extractions, and extrapolations from costs in comparative practices. When seeking to calculate the benefits of victim support, the study limited itself to a few expected benefits, amongst those for which there is significant scientific evidence. The Report, while only preliminary, presents a strong argument in favour of a systematic comprehensive state-wide victim support system, although additional data and research will be needed to further understand victimisation and its consequences in Serbia. The Report also makes recommendations



²⁰ Available in English at:

<http://www.mdtfjss.org.rs/archive//file/The%20role%20of%20civil%20society%20in%20the%20development%20of%20victims%E2%80%99%20rights%20and%20delivery%20of%20victims%20services.pdf>.

Available in Serbian at:

<http://www.mdtfjss.org.rs/archive//file/Uloga%20civilnog%20dru%C5%A1tva%20u%20razvijanju%20prava%20C5%BErtava%20i%20pru%C5%BEanju%20usluga%20podr%C5%A1ke%20C5%BErtvama.pdf>.

32. Finally, on December 18, 2018, the MDTF-JSS organized a **conference on victim support in Serbia**. The aim of the conference was to present reports and analysis prepared to inform Serbian authorities how to ensure quality of victim support services and role of NGOs in providing victim support, as well as the cross-country practices of entry-point institutions for victim support. In addition, the MDTF-JSS presented draft methodology and preliminary results of cost benefit analysis of victim support in Serbia. The discussion also went towards exploring how Portuguese victim support providers came to start improving their quality and introducing quality standards and looked into how different types of standards already in place ensure increased quality of services.²² Regarding the discussion on the role of NGOs, the participants were particularly interested to discuss the dynamics between the state and NGO run victim support services in Hungary and were interested to know about the added value of one and the other type of service. In addition, the participants were interested to learn about the different forms of financial assistance provided to victims by government and NGO providers. Representatives from the Center for Social Work and prosecution offices provided their suggestions how to improve methodology to better reflect reality in current spending on victims and costs of victimization. Vivid discussion reveal that Serbian stakeholders are interested to learn from other experiences and build comparative best practices into the future Serbian system of victim support.²³

2. Outcome Indicator #2: Analyses, technical assistance, and survey data raise and measure awareness of issues facing the justice sector and inform policy and decision-making

33. Under the Bank-executed advisory component, the MDTF-JSS contributes to the achievement of this outcome indicator by conducting analytic work and providing technical assistance to encourage informed and evidence-based decision-making processes across the justice sector. This aspect of the Bank's work draws on a range of tools, including legal, fiscal impact, and statistical analyses, along with analyses of practices and implementation of legislation and desk reviews. The analyses are followed by recommendations and options for improvement. Stakeholders are consulted on the analyses, which are then disseminated to the wider public to raise awareness and inform policies to boost justice system performance.

²² The system in Portugal was most interested for Serbian counterparts given the size of the country and general provisions of the criminal code related to victim protection.

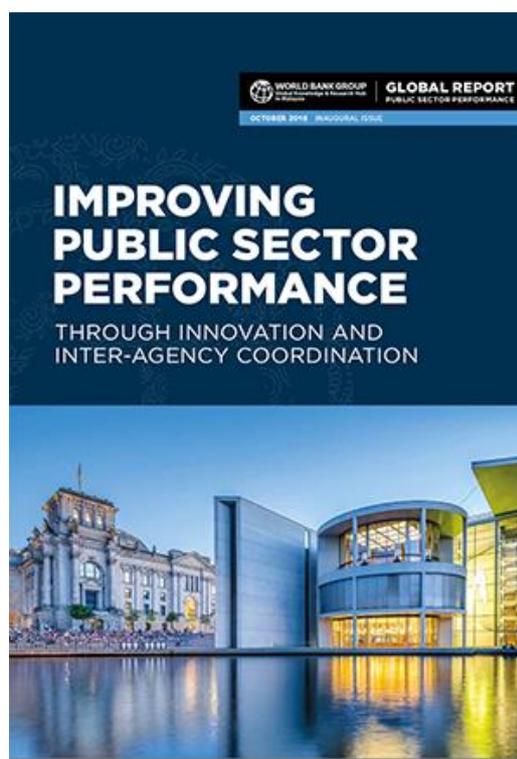
²³ Slides for Proposed standards for quality of victim support services in Serbia are available at: https://www.mdtfjss.org.rs/en/mdtf_activities/2018/professionals-discussed-introduction-of-victim-support-system-in-serbia#.XEYvXM9Kiml.

2.1 Improving public sector performance

34. To support countries to move further along the path of reform for better public sector performance, including performance in the justice sector, the World Bank prepared the report *“Improving Public Sector Performance through Innovation and Inter-agency Coordination”*.²⁴ The Report aims to serve as a reference guide for all those involved in designing or implementing public sector reforms. It presents Serbia’s experience in incentivizing its best performing courts, and consequently efficiency of the justice system, by offering judges some positive competition and recognition for improving the efficiency of their work with increased management authority. Allowing presiding judges to organize their courts, assign workloads, and implement mechanisms to reduce case backlogs validated their knowledge and capacities and placed them in the forefront of reform

efforts. Transparency, public communication, and outreach were also recognized as important complements that helped ensure buy-in, generate peer-pressure, and improve public perception. These performance incentives were key to the success of reform efforts to improve the efficiency and quality of justice services. **Serbia’s Courts Rewards Program** was commended as an innovative approach for offering an opportunity for the justice system to signal positive change to external audiences and to reinvent itself in the eyes of citizens and businesses. The Report concludes that the Serbian example is proof that small incentives can go a long way and shows what can be achieved to improve justice system performance on a broader scale. Lesson learnt from the Serbian experience is that countries keen to adopt reforms to address issues of efficiency, quality, and access need to engage the various institutions representing the justice sector and the donor community to coordinate efforts and build momentum for the reform.

35. Serbia’s **Courts Rewards Program** was also featured in the *Court Administrator*, the leading journal of the International Association of Court Administrators.²⁵ The article highlights how Serbia is leading the way as an innovator in improving court performance by taking the initiative to reward those courts which make the greatest improvements in court productivity.



²⁴ Available at: <http://documents.worldbank.org/curated/en/833041539871513644/pdf/131020-WP-P163620-WorldBankGlobalReport-PUBLIC.pdf>.

²⁵ See here: http://www.mdtfjss.org.rs/archive//file/The%20Court%20Administrator_Final_May%202023.pdf.

2.2 Improving resource management of the prosecution system

36. Based on the request of the State Prosecutorial Council (SPC), the MDTF-JSS team conducted a **Functional Review of the Prosecution System in Serbia**.²⁶ The Prosecution Functional Review provides analytical and advisory input to enable Serbian authorities to adjust their approach in improving the quality and performance of the prosecution system. The Review is based on an assessment of relevant project documentation and approximately 50 in-person interviews with stakeholders conducted in Belgrade, Serbia between January to December 2018. Performance results over the three-year period of implementation of prosecutor-led investigations (2014-2016) were analyzed in conjunction with available resources – human resources, financial resources, infrastructure, and ICT. The Prosecution Functional Review analyzes various efficiency metrics, including clearance and disposal rates, pending caseloads, as well as how many, which, and in what manner different case types are processed and disposed of. Performance is also evaluated in several other ways, such as ease of access to courts, judicial transparency, and quality of the appeal system. The relevant data were obtained from statistics maintained by the prosecutor's offices and also from surveys, interviews, and detailed analyses from a sample of public prosecutor's offices. Where relevant, available comparative statistics collected by the European Commission for the Efficiency of Justice (CEPEJ) for 46 European countries were also used as a means to determine how well Serbian prosecutors are performing compared to others in Europe. Collecting and analyzing this information is important for reasons of transparency, to defend budget requests, to identify and resolve problems, and to track the effects of reforms. The SPC can use the Prosecution Functional Review for the management of resources within the system, including financial resources, human resources, infrastructure, and information and communications technology (ICT). Preliminary findings²⁷ from the Prosecution Functional Review were presented to SPC members on December 27, 2017. To make navigation through the findings easier, the MDTF-JSS team prepared four infographics with key findings on the efficiency of the prosecution system,²⁸ human resource management,²⁹



²⁶ Available here: <http://www.mdtfjss.org.rs/archive//file/SRB%20Prosecution%20FR%20December%202018.pdf>.

²⁷ Available here: http://www.mdtfjss.org.rs/archive//file/SER%20FR%20PPOs_27%20December%202017.pdf.

²⁸ Available at: <http://www.mdtfjss.org.rs/archive//file/Efficiency.pdf>.

²⁹ Available at: <http://www.mdtfjss.org.rs/archive//file/HR.pdf>.

financial management³⁰ and ICT management.³¹ The SPC will consider the recommendations formulated in the Prosecution Functional Review and work on their implementation in the short- and medium-term.

2.3 Increasing transparency of the prosecution system

37. The MDTF-JSS supports the State Prosecutorial Council's (SPC) efforts to improve transparency of its work. To that end, the MDTF-JSS team assisted with preparing the format and data presentation for the **SPC's 2017 Annual Report**.³² The aim of the SPC Annual Report is twofold: to provide information on the latest SPC results and achievements to the Parliament, as well as to inform the public on programs and activities that were undertaken throughout the year. The 2017 Annual Report is divided into several subsections, including: overview of all relevant activities; summary of the SPC workload; achievements in the area of human and financial resource management; and conclusions accompanied with the plan of main activities for 2018. For the first time, data in the Annual Report was presented according to the competences of the SPC, not the organizational structure of the Administrative office.



38. The MDTF-JSS further supports efforts to improve transparency within the prosecution system through increased online presence of Prosecutor's Offices. The 2017 *"Analysis of Prosecutor's Offices Web Sites in the Republic of Serbia"*³³ revealed that less than 20 percent of Prosecutor's Offices in Serbia have a website. In addition, the existing websites lack a standardized layout and information package, which contributes to the lack of trust in the prosecution system among citizens. To address this challenge, the MDTF-JSS and SPC, in cooperation with Serbian Public Prosecutor's Offices, started a project called the **"Multi-Site System for all Public Prosecutor's Offices in Serbia"**. The aim is to provide web locations and increase the online presence for all Basic, Higher, and Appellate Prosecutor's Offices in Serbia. The MDTF-JSS team provided technical support in the development of standardized content for the websites in line with the best European practice. Web content will be presented in five key categories administrated locally and globally: (1) About the Prosecutor's Office – information about the specific state authority, including history, contact info, authority structure, and organization; (2) Information related to citizens and the public – news

³⁰ Available at: <http://www.mdtfjss.org.rs/archive//file/Financial.pdf>.

³¹ Available at: <http://www.mdtfjss.org.rs/archive//file/ICT.pdf>.

³² The full Report is available in Serbian on the SPC webpage at: http://www.dvt.jt.rs/wp-content/uploads/2018/03/IZVESTAJ-O-RADU-ZA-2017_V5.pdf.

³³ Available at:

<http://www.mdtfjss.org.rs/archive/file/Analysis%20of%20Prosecutor's%20Office%20Web%20Sites%20in%20the%20Republic%20of%20Serbia%20-%20EN.pdf>.

and announcements, ongoing projects, electronic bulletin board, links, and FAQs; (3) Documents – laws and regulations, information and guide books, forms, and reports; (4) Public Procurements and Job Offerings; and (5) Public Prosecutors Offices in Serbia – a directory of all Public Prosecutors Offices in Serbia with an interactive map. The project’s implementation along with system development and equipment procurement began in September 2017 and the official system launch is expected in early 2019, at which point all 87 Public Prosecutor’s Offices websites will be present on the internet.

2.4 Improving financial management within the High Judicial Council

39. The MDTF-JSS expert team continues to provide support to the High Judicial Council (HJC) to improve execution of its budgetary competences. One way it has done so is by preparing an **“Analysis of Arrears of Courts in Serbia”**³⁴ similar to the **“Analysis of Arrears of Public Prosecutor’s Offices”**³⁵ conducted by the MDTF-JSS and SPC in early 2017. Accumulation of arrears creates significant problems in the courts as it leads to the inefficient resource allocation, causes delays and adjournments in the scheduling of hearing, and creates vulnerabilities to corruption. The growth in arrears also generates a significant amount of work, as court presidents and financial departments operate in a continuous crisis management mode, including the management of litigation against service providers. The Analysis represents an effort to analyze the level and



structure of arrears accumulated by Serbian courts and assess the reasons underlying their excessive generation in the past several years as well as how this could be better managed. The study examines the two largest sources of arrears accumulation (investigation and postal service related expenditures) in a sample of five Basic Courts and five Higher Courts across Serbia: The Higher Court in Belgrade, Higher Court in Valjevo, Basic Court in Smederevo, Basic Court in Prokuplje, and Basic Court in Novi Sad. The Analysis – which will support the HJC in future budget planning and management – includes recommendations for better arrears management, which is expected to increase transparency, protect integrity, and boost the financial and overall performance of Serbian courts. A draft version of the Analysis, including main findings and recommendations, was discussed with the HJC Financial Sector and will be presented to the members of the HJC, representatives of the courts covered by the Analysis, and the HJC Administrative office staff.

³⁴ The final report is available at:

[http://www.mdtfjss.org.rs/archive//file/Analysis%20of%20Arrears%20of%20Courts%20in%20Serbia\(1\).pdf](http://www.mdtfjss.org.rs/archive//file/Analysis%20of%20Arrears%20of%20Courts%20in%20Serbia(1).pdf).

³⁵ Available at: <http://www.mdtfjss.org.rs/archive/file/ProsecutorsArrears%20-%20EN.pdf>.

2.5 Examining the role of expert witnesses

40. The MDTF-JSS team conducted a study on the role of expert witnesses in the Serbian judicial system and drafted the report *“Examining the Experts: The Role of Expert Witnesses in Serbia, and How Reform Could Improve Efficiency and Quality of Justice”*.³⁶

The participation of expert witnesses in court proceedings has shown to significantly impact the efficiency of justice, as they often help inform judges’ decisions. Accurate, valid, and good quality court decisions, in turn, lead to an improved delivery of justice and the creation of a level playing field for investors. The purpose of the analysis was therefore to identify key issues related to the engagement of expert witnesses in distinct types of court proceedings. Findings were based on desk research and analysis of implementation of legislation in practice, which

included the review of cases in basic and commercial courts in Belgrade (First Basic Court), Niš, Subotica, and Užice. The Report provides recommendations on how to improve expert witness appointment, selection, and engagement in trials, which will serve as a good starting point for future strategic reforms in the field. The MDTF-JSS presented the Report to the Ministry of Justice (MoJ) to inform its work on amending the existing regulatory framework on expert witness, as well as to the SCC. Key findings and recommendations were presented in the form of infographics on the accountability of expert witness,³⁷ quality of their work,³⁸ and efficiency.³⁹

41. Findings and recommendations on how to improve expert witness work were also presented to a wider community of professionals at a **Conference** held on September 18, 2018. The Conference brought together key stakeholders and served as a discussion platform for judges and expert witnesses to share insights into their practical experience related to expert witnesses’ engagement and role in court proceedings. Both the panelists and attendees acknowledged the importance of the initiative undertaken by the MDTF-JSS and its donors to address the role of expert witnesses in the judicial system, and expressed strong motivation and readiness to take part in future strategic reforms.

42. The MDTF-JSS team together with representatives of the SCC, HJC, SPC, and the Ministry of Justice officially launched the preparation process for the **follow-up Judicial Functional Review**



³⁶ Available at: <http://www.mdtfjss.org.rs/archive/file/EW%20Report.pdf>.

Annex 1 can be downloaded at: http://www.mdtfjss.org.rs/archive//file/upitnik_prilog%201.docx.

Annex 2 can be downloaded at:

http://www.mdtfjss.org.rs/archive//file/Expert%20witness%20data%20collection_prilog%202.xlsx.

The Report is also available in Serbian at: <http://www.mdtfjss.org.rs/archive/file/Vestacenje%20Vestaka.pdf>.

³⁷ Available at: <http://www.mdtfjss.org.rs/archive/file/EW%20responsibilities.pdf>.

³⁸ Available at: <http://www.mdtfjss.org.rs/archive/file/Shortage%20of%20high%20quality%20expert%20witnesses.pdf>.

³⁹ Available at: <http://www.mdtfjss.org.rs/archive/file/Superfluous%20EW.pdf>.

in Serbia on February 8, 2018. The internal event was an opportunity for justice sector stakeholders to present the review's methodology⁴⁰ and ensure the involvement of all relevant institutions. The 2014 *Judicial Functional Review* provided a baseline assessment of the justice sector's performance and informed the drafting of the Chapter 23 Action plan. The follow-up Judicial Functional Review will apply the same methodology of measuring progress in three main areas: efficiency; quality; and access to justice. It will focus on the progress of courts and prosecutor's offices achieved over the four-year period 2014-2017. The main sources of data to be used is statistical data that already exist in the system along with the new Stakeholders Perception Survey that will be conducted in parallel with the follow-up Judicial Functional Review. Justice sector performances will then be assessed against available resources: human and financial resources, infrastructure, and ICT. The MDTF-JSS will continue with the good practice of engaging with all stakeholders on equal footing over the entire process: from data collection to analysis of data and the identification of recommendations.



3. Outcome Indicator #3: Capacity of key personnel is strengthened through knowledge transfer

43. Trainings and workshops aim to strengthen the capacity of judges, prosecutors, and judicial staff. Many activities are designed as peer exchanges and efforts to promote the unification of work and practice in courts and PPOs. The majority of these activities are implemented under the Government-executed component of the MDTF-JSS and are presented in its separate annual report. In a few instances, the Bank-executed advisory component has supported capacity strengthening activities, as outlined below.

⁴⁰ The full presentation of the methodology is available in Serbian at:
<http://www.mdtfjss.org.rs/archive//file/Judicial%20Functional%20Review%202018.pdf>.

3.1 Website usage training for Public Prosecutor's Office employees

44. As an important part of the *Multi-Site System for all Public Prosecutor's Offices in Serbia* project and education process for system usage, the MDTF-JSS supported the **training of 65 Serbian Public Prosecutor's Office employees**. The training took place on November 26-29, 2018, and covered website content editing, methodology, and technical aspects for all relevant website tools and procedures that will be used on a daily basis on Serbia Prosecutor's Office websites.



Component 2: Supervision of the Government-executed Grant

45. Unlike most donor projects in Serbia, the MDTF-JSS finances the Serbian Government directly to implement activities, facilitate reforms, and monitor progress. This arrangement maximizes stakeholder ownership, encourages inter-agency coordination, and builds State capacity. However, this requires close supervision and oversight to ensure full fiduciary compliance and value for money to the donors. This supervision service is provided by the Bank through the Supervision Component of the MDTF-JSS.

46. In 2018, the Bank continued to carry out its supervisory and fiduciary functions as trustee for the hybrid trust fund. Under Component 2, the Bank supports and supervises the 4.7 million USD Government-executed Grant, including oversight of all procurement and financial functions. The Bank reviewed all requests for activities financed under the Grant and issued no objections.

Component 3: Trust Fund Administration and Management

47. Under Component 3, the Bank is also responsible for the administration and management of the parent trust fund and the four child trust funds.

48. Periodic Management Committee meetings provide an opportunity for stakeholders, both national authorities and international partners, to receive updates on MDTF-JSS progress, discuss policy challenges and opportunities, and provide feedback and suggestions on next steps. These meetings, coupled with ongoing informal dialogue, help to coordinate the preferences and administrative arrangements of stakeholders to ensure that the project meets the needs of the many different interests involved. Management Committee meetings contain a standing agenda item at which donors and beneficiaries are asked to provide feedback or suggestions that feed into the continuous improvement of the MDTF-JSS as a flexible and responsive vehicle for the delivery of justice sector support.

49. To promote transparency and information exchange, the Bank continuously updates the MDTF-JSS website with information on project activities, data, links to blogs, and other resources, including aide memoires, annual reports, and audit letters.