

MULTI-DONOR TRUST FUND FOR JUSTICE SECTOR SUPPORT PROJECT IN SERBIA (MDTF-JSS)

Implementation Support Mission *AIDE MEMOIRE* September and October 2017

1. The World Bank provided implementation support to the MDTF-JSS through a series of short missions through September and October 2017.¹ The objectives of these mission were to:

- a. monitor the implementation of ongoing MDTF-JSS activities;
- b. supervise the rollout of new activities under the Serbia MDTF-JSS grant;
- c. participate in the Annual Conference of Judges, at the request of the Supreme Court of Cassation;
- d. host a Management Committee meeting with MDTF-JSS donors and beneficiaries;
- e. launch and disseminate recent work on victim's support services.

2. The team thanks the stakeholders we met during these missions for their contributions and active leadership. A list of persons met is at **Annex 1**.

KEY FINDINGS AND AGREED NEXT STEPS

3. The MDTF-JSS continues to make progress in supporting the justice sector to strengthen its performance in line with EU benchmarks. A Management Committee meeting was held on 18 September, 2017. Minutes of the meeting are at **Annex 2**. The MDTF-JSS website <http://mdtfjss.org.rs/en> is updated continually with information about project activities, reporting and results.

4. A key item discussed during the Management Committee meeting was the future of the MDTF-JSS, noting its current expiry date is 31 December 2018. At the meeting, the Ministry of Justice, Supreme Court of Cassation, Republic Prosecutor's Office and the State Prosecutorial Council requested that the MDTF-JSS be extended with additional financing to enable its work to continue, noting the ongoing EU accession process and the need for further support to the development and implementation of the updated Chapter 23 Accession Action Plan. Extensions take approximately six months to process. The meeting agreed to start consultations soon to ensure adequate time to plan and facilitate any extension and additional financing.

¹ From October 2 to 6, 2017, Dr. Linn Hammergren visited Belgrade for a technical mission and to present MDTF-JSS work at the Annual Conference of Judges. From September 14 to 19, 2017, an implementation support mission was led by Ms. Georgia Harley (Justice Reform Specialist and Task Team Leader) and comprised Mr. Srdjan Svirčev (Public Sector Specialist, Co-TTL), Dr. Marina Matić Bošković (Justice Reform Advisor), Mr. Nenad Milić (Communications and Online Transparency Consultant), and Ms. Miloš Marković (Budget Expert). From October 25 to 28, 2017, a mission was led by Dr. Marina Matić Bošković (Justice Reform Expert) and comprised Ms. Aleksandra Ivanković (Victim Support Europe Advisor), Ms. Sanja Čopić and Ms. Jasmina Nikolić (from Victimology Society of Serbia). The teams were supported by Ms. Bisera Nurković (Program Assistant). As discussed with the Ministry of Justice, these missions are merged into one Aide Memoire.

5. Following the Management Committee meeting, the World Bank received letters to this effect from the Minister of Justice, H.E. Nela Kuburović, and the President of the State Prosecutorial Council and Republic Prosecutor, Zagorka Dolovac, formally requesting extension and additional financing. The exchange of letters is attached.

6. The mission agreed upon the following key actions over the coming months.

ITEM	NEXT STEP	RESPONSIBLE	TIMEFRAME
1.	PIU to finalize procurement of activities to support website development to improve transparency and outreach at prosecutor offices	PIU and SPC	November 2017
2.	Scale up existing skills training for staff across the justice sector	PIU	November 2017
3.	Finalize training needs analysis for HJC	World Bank	November 2017
4.	Finalize Functional Review of Prosecution System	World Bank	December 2017
5.	Update procurement plan for 2016-2018	PIU	December 2017
6.	Case law harmonization workshops	SCC	December 2017
7.	Launch dissemination phase of the Self Representation Guide	YUCOM / World Bank	December 2017
8.	Start new Serbian Judicial Functional Review	World Bank/MOJ/SCC/SPC	December 2017
9.	Start with follow-up Perceptions of Justice Survey	World Bank/MOJ/SCC/SPC	December 2017
10.	Finalize Analysis of Courts Arrears	World Bank/HJC	January 2018
11.	Start discussions on the future of MDTF-JSS and possible extension and additional financing	Bank / MDTF-JSS donors	January 2018

UPDATE ON ACTIVITIES

Bank-executed activities

7. **Support to the establishment of a national victim's support service continues.** Three analyses have been finalized on key aspects of the establishment of such a system:

- a. Mapping of Existing Victim Support Services in Serbia²
- b. Ensuring Funding for Victim Support Services³
- c. Operating Networks for Victim Support Services⁴

²<http://www.mdtfjss.org.rs/archive//file/Overview%20of%20existing%20victim%20support%20services%20in%20Serbia%20-%20EN.pdf>.

³<http://www.mdtfjss.org.rs/archive//file/Ensuring%20funding%20for%20victim%20support%20services%20-%20EN..pdf>

⁴<http://www.mdtfjss.org.rs/archive//file/Operating%20networks%20for%20Victim%20support%20services%20-%20EN.pdf>

In addition to the reports, the team has prepared an interactive map of existing victim support organizations www.victimservices.eu

8. **Prior to these missions in September 2017, the MOJ and the MDTF-JSS jointly hosted a conference in Belgrade to launch this work and promote discussion of their findings.**⁵ The Minister of Justice opened the conference, together with the World Bank Country Manager, Stephen Ndegwa, and the Ambassadors of the UK and the Netherlands. From 25 to 28 October 2017, round tables were organized in Niš, Kragujevac and Novi Sad to present the findings of these reports and discuss recommendations. Participants included judges and judicial assistants of the Appeal Court, Higher Court and Basic Courts, prosecutors at all levels, attorneys, representatives of Police Directorate, Social Work Centre and NGOs.

9. **During the roundtables, participants used the maps as a platform for dialogue.** The workshops again confirmed how existing services focus primarily in cities, and on support to victims of domestic violence and human trafficking. Little awareness or work is being done to support other forms of victimization or outside of bigger cities. Some institutions were already aware of the interactive map and had linked the map to their website's main page. Judges and prosecutors (assistants) working in information services were interested in additional trainings and increasing of their capacities to communicate with victims.

10. **Participants were interested in findings and options for funding of victim support system, as this was the first opportunity most stakeholders have had to discuss this issue.** The discussion was dynamic and there was a consensus that funding for victim services in Serbia could come from the opportunity cases or the state lottery. There appears to be a need to support the judiciary, as well as government institutions such as police and centers for social work, in their efforts to support victims through their sensitization and referral systems. The CSO sector will need support to expand and strengthen their services. One of the greater challenges for the CSO sector is financial stability and sustainability, given their reliance on some ad hoc project-based funding. The MDTF-JSS is discussing next steps with its implementation partner, Victims Support Europe, to continue support the establishment of victim's support services, together with the OSCE and EU Delegation.

11. **The main conclusions from the roundtables were that a future victims' support strategy should build on, and improve, the current system of victim support services.** The workshops highlighted the need to build the capacities of service providers and the standardization of their work. Sources of funding should also be investigated further.

12. **The Bank is working closely with the HJC on a training needs analysis and updated training plan for their staff.** The current training plan will expire in December 2017, so a review of the implementation of that plan and future needs is necessary. Other donors are not providing assistance in this area. The review applies a similar methodology to the training needs analysis conducted by the MDTF-JSS together with the SPC in 2016, which has formed the basis of their programming. The analysis and updated plan should be finalized in November 2017.

⁵ http://www.mdtfjss.org.rs/en/mdtf_activities/2017/victim-support-services-in-serbia-conference-september-19-2017-#.WfyL_ciGN3g

13. **The Guide to Self-Representation for Citizens and Businesses has been finalized, together with CSO partner, YUCOM.** The Bank agreed with YUCOM to fund the next tranche of activities to disseminate the guide through a national awareness campaign. The dissemination phase should start by December 2017.

14. **The MDTF-JSS supported the Annual Conference of Judges, held at Vrnjačka Banja from October 4 to 6, 2017.** Dr. Linn Hammergren presented on a panel discussing Case Weighting Studies.

15. **The MDTF-JSS and the SCC have scaled up the second round of the Court Rewards Program.** The program aims to incentivize first instance courts to improve efficiency and productivity in case processing. The program has been formally endorsed and included in the Court Book of Rules and has been received well within the judiciary as a tool to promote positive competition. The initiative puts Serbia at the forefront of innovation among judiciaries in Europe in incentivizing court performance. Prior to the conference, the Bank together with the SCC assessed the performance of courts and chose the winners based on objective data.⁶ In this second year, the number of award categories remained the same but the number of award recipients increased. Also, for the first time this year, the SCC introduced mention rewards for courts that introduced innovations to their work.⁷ At the annual conference, the second round of Court Rewards was issued and received national media attention.

Government-executed activities

16. **Efforts to improve online transparency of the work of prosecutors continue.** Minor improvements are being made to the recently upgraded website of the SPC. Recent data shows that traffic to the SPC website has increased significantly and that a large number of documents are being viewed and downloaded. The PIU has contracted a firm to design and upgrade all websites in the prosecution network. Work should commence in December 2017.

17. **The Bank is supporting the HJC and SPC to develop an integrated human resource management information system and a budget preparation and monitoring information system.** Bank staff together with PIU staff and representatives of the HJC and SPC are canvassing options and developing a TOR. The PIU will start the procurement process in early 2018.

18. **The SCC developed and launched its Semi-Annual Report on Work of All Courts.**⁸ The report was based on the model developed in 2016 together with the MDTF-JSS. During the mission, the MDTF-JSS agreed to fund translation and printing of the report to further highlight the SCC's good results over the period.

⁶ See <http://www.vk.sud.rs/sr/%D0%B4%D0%BE%D0%B4%D0%B5%D1%99%D0%B5%D0%BD%D0%B5-%D0%BD%D0%B0%D0%B3%D1%80%D0%B0%D0%B4%D0%B5-%D0%B8-%D0%BF%D1%80%D0%B8%D0%B7%D0%BD%D0%B0%D1%9A%D0%B0-%D1%81%D1%83%D0%B4%D0%BE%D0%B2%D0%B8%D0%BC%D0%B0-0>

⁷ See http://www.mdtfjss.org.rs/en/mdtf_activities/2017/court-rewards-program-2017#.WgApn1tSyM8

⁸ See http://www.vk.sud.rs/sites/default/files/attachments/6-month%20Report%20on%20the%20Work%20of%20Courts%202017_0.pdf

19. **The SCC designed its Backlog Case Management training program for Basic Court judges which will be delivered in collaboration with the Judicial Academy.** The first two rounds of training will be delivered towards the end of 2017.

20. **The SCC facilitated five round tables in four appellate areas on challenges in implementation of the new Law on Enforcement and Security (LoE).** Roundtables brought together judges from Commercial, Higher and Basic Court and public enforcement agents to discuss open legal issues and collect, systematize and compare the relevant ECHR case-law. These various workshops have been supported jointly between the MDTF-JSS, the EU-financed Judicial Efficiency Project and USAID. The SCC plans to convene a conference on this topic in November 2017, supported by the Council of Europe. The Bank has been invited to the conference to present its recent regional report, *Towards Effective Enforcement of Uncontested Claims: Lessons from the EU II* (not funded by the MDTF-JSS but by the World Bank and the Ministry of Foreign Affairs of the Netherlands.)

21. **The MDTF-JSS continues to support the SCC's efforts to harmonize case law.** Seven joint meetings were held with the four appellate courts and three with higher courts, with the SCC justices. Four additional meetings of appellate and higher courts with the Supreme Court justices are planned for December 2017, and these will focus on disputed legal issues in civil and criminal cases. A further focus group meeting is also planned on 23-24 December 2017 focusing on trial within reasonable time standards, CEPEJ standards and ECHR standards. These various workshops have been supported jointly between the MDTF-JSS, the Judicial Efficiency Project and the Council of Europe. The fourth conference on case-law harmonization for judicial advisers and assistants of the SCC, state-level courts, appellate courts and higher courts, will be held in December 2017, and will focus on the 'triangle of jurisdictions' between Strasbourg, Luxembourg and national courts. This will also be supported jointly with the Council of Europe.

22. **The PIU is preparing to scale up sector-wide trainings for judges and staff working across the justice sector.** Future offerings will include training on case management systems and certification courses in various IT-related subjects (ECDL base, Microsoft Word. Administering Windows Server 2012, Querying Microsoft SQL Server); Course in Data Mining - Exploratory analysis. Training for communication skills, public relations, project management, financial management and human resource management are also being scaled up. Targeted trainings are also being developed on legal terminology and legal topics such as Non Bis In Idem and CEPEJ reporting.

23. **The MOJ requested interest in fast-tracking small claims procedures, as part of its broader efforts to update the civil procedure code.** The Bank agreed to provide targeted technical assistance to further explore options for fast-tracking, including by analyzing how many small claims there are in Basic Courts in Serbia, which are the best comparator countries for Serbia, which practices work best for them, relevant legal provisions relating to small claims, and how those countries navigated the reform process. A short mission focused on this activity will be conducted in November 2017.

24. **Progress toward the project's development objective remains satisfactory.** The latest World Bank Implementation Status and Results Report is available [here](#),

<http://documents.worldbank.org/curated/en/131881498402878585/Serbia-Serbia-Justice-Sector-Support-Multi-Donor-Trust-Fund-P121377-Implementation-Status-Results-Report-Sequence-02>.

The rating for implementation progress was upgraded from Satisfactory to Highly Satisfactory, noting the recent improvements in PIU performance, reflected in the increased grant amount, increased pace of activity implementation, increased rate of disbursements, and progress against the results framework.

ANNEX 1

List of Stakeholders Met

Name	Title, Organization
Mr. Čedomir Backović	Assistant Minister, Ministry of Justice
Mr. Tomo Zorić	Secretary General, State Prosecutorial Council
Ms. Svetlana Nenadić	Member of State Prosecutorial Council
Mr. Dragomir Milojević	President, Supreme Court of Cassation
Ms. Mirjana Pavlović	General Secretary, High Judicial Council
Mr. Tomislav Kilibarda	Public Prosecutor, Appellate Prosecution Office in Belgrade
Ms. Nataša Krivokapić	Public Prosecutor, Higher Prosecution Office in Belgrade
Ms. Jadranka Polić	General Secretary, Second Basic Prosecution Office in Belgrade
Ms. Ljiljana Krejović	MDTF-JSS Procurement Specialist, PIU
Mr. Matthew Jordan	Head of the Embassy Program Team, British Embassy Belgrade
Ms. Sanja Torov	Policy Officer for the Rule of Law, British Embassy Belgrade
Ms. Nataša Radović	Good Governance Fund Manager, British Embassy Belgrade
Mr. Ola Andersson	Counsellor, Embassy of Sweden,
Ms. Nataša Zoranović Divić	Development Program Section, Sweden Embassy
Mr. Aleksandar Momirov	Senior Policy Advisor, Embassy of the Kingdom of the Netherlands
Ms. Dickey Methorst	Head of Regional Rule of Law Unit, Embassy of the Kingdom of the Netherlands
Mr. Milan Antonijević	Director, YUCOM, Lawyers' Committee for Human Rights
Ms. Dragana Lukić	USAID – New Justice Project

Conference on Victim Support in Serbia – Niš, Kragujevac and Novi Sad, October 2017

Name	Title, Organization
Mr. Goran Spasić	President, Basic Court in Niš
Ms. Dragana Savić	Judge, Basic Court in Niš
Mr. Stefan Lazarević	Judicial Assistant, Basic Court in Niš
Mr. Zoran Krstić	President, Higher Court in Niš
Ms. Olgica Papović	Judge, Higher Court in Niš
Ms. Milica Zlatković	Judge, Higher Court in Niš

Ms. Ana Gajić	Judicial Assistant, Higher Court in Niš
Mr. Saša Djokić	Public Prosecutor, Basic Prosecution Office in Niš
Ms. Aleksandra Grujić	Deputy Prosecutor, Basic Prosecution Office in Niš
Ms. Jelena Branković	Deputy Prosecutor, Basic Prosecution Office in Niš
Ms. Bojana Tasić	Associate, Basic Prosecution Office in Niš
Ms. Marija Marinković	Associate, Basic Prosecution Office in Niš
Ms. Borica Mitić	Public Prosecutor, Higher Prosecution Office in Niš
Mr. Milan Manojlović	Center for Social Work in Leskovac
Ms. Marijana Stojković	Committee for Human Rights in Leskovac
Ms. Sonja Ščekić	Director, Safe House
Ms. Suzana Jović Vukadinović	Units for Supporting Children in Criminal Proceedings
Ms. Biljana Bataveljić Vučković	Basic Court in Kragujevac
Ms. Nataša Kostić	Advisor, Higher Court in Kragujevac
Ms. Dubravka Damjanović	Appellate Court in Kragujevac
Ms. Biljana Botić	Basic Prosecution Office in Kragujevac
Mr. Bojan Vuković	Basic Prosecution Office in Kragujevac
Ms. Marija Jevtić	Higher Prosecution Office in Kragujevac
Mr. Aleksandar Milovanović	Police Administration in Kragujevac
Ms. Jelena Milić	Center for Social Work in Kragujevac
Ms. Tatjana Djurašković	Judge, Higher Court in Novi Sad
Ms. Jelena Ostojin	Judicial Assistant, Higher Court in Novi Sad
Ms. Zdenka Stakić	Judge, Appellate Court in Novi Sad
Ms. Olivera Pejak Prokeš	Judge, Appellate Court in Novi Sad
Ms. Ksenija Bašić	Basic Prosecution Office in Novi Sad
Ms. Aleksandra Lučić Pfajer	Higher Prosecution Office in Novi Sad
Ms. Nenad Beljin	Higher Prosecution Office in Novi Sad
Ms. Branislava Inić Jašarević	Deputy Prosecutor, Appellate Prosecution Office in Novi Sad
Ms. Bojana Tankosić	Unit for Support of Child Victims and Witnesses
Ms. Tamara Savović	Safe House in Sombor
Ms. Snežana Knežević	Safe House in Sombor
Ms. Zorica Šurlan	Roma Association Bečej



Management Committee Meeting for the Multi-Donor Trust Fund for Justice Sector Support in Serbia

**18 September 2017, World Bank Office, Belgrade
Minutes**

1. Welcome & participants

Name	Title, Organization
Ms. Marijana Santrač	Senior Advisor for International Cooperation, State Prosecutorial Council
Mr. Aleksandar Momirov	Senior Policy Advisor, Embassy of the Kingdom of the Netherlands
Ms. Olivera Purić	Adviser, Swiss Cooperation Office
Ms. Sonja Prostran	Monitoring and Evaluation Specialist, Supreme Court of Cassation
Ms. Vanja Rodić	Senior Legal Adviser for European Integration, Supreme Court of Cassation
Mr. Milan Bajić	MDTF Senior Court Jurisprudence Specialist, Supreme Court of Cassation
Ms. Úna M. Kelly	Justice Sector Program Manager, Delegation of the European Union to the Republic of Serbia
Ms. Tijana Radnov	Advisor, Ministry of European Integration
Mr. Tomo Zorić	Secretary General, State Prosecutorial Council
Ms. Svetlana Nenadić	Member, State Prosecutorial Council
Ms. Sanja Torov	Policy Officer for the Rule of Law, British Embassy Belgrade
Ms. Nataša Radović	Good Governance Fund Manager, British Embassy Belgrade
Mr. Srdjan Svirčev	Co-Task Team Leader, World Bank
Ms. Georgia Harley	Task Team Leader, World Bank
Dr. Marina Matić Bošković	Justice Reform Expert, World Bank
Ms. Olga Šipka	Justice Reform Expert, World Bank

Apologies were sent from the High Judicial Council.

2. MDTF-JSS management and administration

a. Bank task team arrangements

The Bank advised that Ms. Harley will take maternity leave in early 2018, and that Mr. Svircev will continue as task team leader through the period.

As agreed during the last Management Committee meeting, future meetings may also be facilitated via video-conference to accommodate the increasing interest in participation among stakeholders, and among Bank staff in Washington DC.

b. Reporting

The Bank agreed to translate the most recent progress reports of the MDTF-JSS from English to Serbian, as requested by the President of the Supreme Court of Cassation.

As agreed during the last Management Committee meeting, the Bank offered to push MDTF-JSS website updates via email to the MDTF Management Committee distribution list to increase convenience for donors and visibility of MDTF activities. The first such period email update, in the form of a newsletter, was shared in July 2017. Feedback on this format is welcome. All outputs will also continue to be available on the MDTF-JSS website.

c. MDTF-JSS expiration in December 2018

The Bank noted that the MDTF-JSS is due to expire in December 2018. This would mean that MDTF-JSS implementation would taper off from the Summer of 2018, to give adequate time for the project to finalize activities and close out its reporting.

The MOJ, SCC and SPC requested that the MDTF-JSS be extended with additional financing to enable its work to continue, noting the ongoing EU accession process and the need for further support to the development and implementation of the updated Chapter 23 Accession Action Plan. The Bank advised that extensions take approximately 6 months to process. The meeting agreed to start discussions soon regarding the future of the MDTF-JSS to ensure adequate time to plan and facilitate extension and additional financing.

3. Update & discussion of recent progress

a. Bank executed advisory services:

Updates were provided by the Bank (Georgia Harley, Srdjan Svircev and Marina Matic) on recent advisory support. See MDTF-JSS website for details.

b. Government-executed implementation:

Updates were provided by Ministry of Justice (Čedomir Backović, Vladimir Vukićević and Darja Koturović), Supreme Court of Cassation (Sonja Prostran), and the State Prosecutorial Council (Marijana Santrač). See presentation on the MDTF-JSS website for details.

c. Priority activities for 2018

The Bank laid out the key priorities that the MDTF-JSS will focus on in 2018, under both the Bank-executed and Government-executed components. See presentation on the MDTF-JSS website for details.

4. Feedback / suggestions for improvement

The EU Delegation (Una Kelly) requested more frequent bilateral donor coordination meetings between the MDTF the EU Delegation. Mr. Svircev agreed to follow up.