

## Annex 6: Complaints Relating to Justice Service Delivery

	HJC / SPC	SCC / RPPO	Court President or Chief Prosecutor (in Basic, Higher and Appellate Courts)	MOJ	Ombudsman's Office	ACA
<b>How would individuals know that this institution receives complaints about the judiciary? Is information publicly available? Is there any awareness campaign?</b>	By reading laws	By reading laws	By reading laws	By reading laws	Communication strategy & awareness campaigns (USAID JRGA).	Law, awareness campaign (USAID JRGA)
<b>How many complaints regarding judiciary do you receive in a year?</b>	1642 complaints received by the HJC in 2013.  No statistics available for previous years on the structure of the complaints and number of founded complaints.	<b>2010:</b> 1644 complaints received (90 against the SCC, 1554 against other, lower-level courts) <b>2011:</b> 1111 complaints received (77 against the SCC + 1034 against other courts) <b>2012:</b> 954 complaints received (53 against the SCC + 901 other courts) <b>2013:</b> 780 complaints received (39 against the SCC, 741 against other, lower-level courts).	No known figures. However, appellate courts notified the HJC Complaints Process Working Group that they had received 11.534 complaints on the work of Basic Courts and Higher Courts within their jurisdiction.	<b>2012:</b> A total of 335 founded complaints (no information on number of complaints received).	<b>2011:</b> 440 total (213 against Basic Courts, 64 against Higher Courts, 52 against the Prosecutors Office, 39 against the Commercial Courts, 37 against the Appellate courts, 18 against the Administrative Courts, 17 against the Supreme Court of Cassation) <b>2012:</b> 585 total (333 against the Basic Courts, 76 against the Higher Courts, 64 against the Commercial Courts, 60 against Prosecutors' Office, 52 against other judicial authorities) <b>2013:</b> 633 total (351 against the Basic Courts, 77 against the	<b>2010-2012:</b> A total of 208 citizens' complaints received related to judiciary.

					Higher Courts, 58 against the Appellate courts, 43 against the Commercial courts, 43 against the Prosecutors' Office, 28 against the Misdemeanor courts, 33 against all other judicial authorities)	
<b>How many complaints are made against Judges? Court staff? Others (bailiffs, lawyers etc.)?</b>	Not available	Not available	Not available.	Not available	Not available	Not available
<b>Is the number of complaints increasing or decreasing? Any other interesting trends?</b>	The only data available is for 2013.	The number of complaints filed to the SCC is decreasing each year.	The number of complaints is increasing, but no hard data is available.	There is no data for 2010, 2011 or 2013.	The number of complaints is increasing yearly. The Basic Courts are constantly subject of the most complaints.	
<b>Is there a format for making a complaint?</b>	No	No	Yes, can found on the website	Yes, can be found on the website and available in paper form at the reception desk.	Yes, templates are available on the Ombudsman's website in Serbian language and 10 languages of minorities living in Serbia.	Yes, can be found on the website
<b>What types of complaints are most common?</b>	According to HJC Secretary General, most of the complaints relate to the violation of the right to trial within a reasonable time	The violation of the right to trial within a reasonable time	Not available	The large majority of cases are related to the violation of the right to trial within a reasonable time, but there are no precise statistics	The right to trial within a reasonable time, postponement of hearings; the right to fair trial, non-enforcement of final and enforceable court decisions; the protection of the rights of persons deprived of liberty, inappropriately long duration of detention,	N/A

					conditions in the detention facilities including torture	
<b>What is the institution's competence to act on the complaint?</b>	Disciplinary proceeding against Judge that may lead to removal of Judge in drastic cases.		Higher Courts can oversee the work of lower courts in their hierarchy.	They mostly ask the Court President to declare on the allegations of the complaint. However, for founded complaints against the Judge and involving elements of corruption etc... The case can be forwarded to the Public Prosecutor for investigation.	Providing recommendations, opinions and suggesting proposals of the measures for rectifying the errors in work.	Filing motions against the Judge in case that elements of corruption were identified.
<b>How does this institution engage with other institutions who also receive complaints?</b>	No known engagement	No known engagement	No known engagement	No known engagement	Ombudsman has prepared a template letter to advice citizens of the competence of other institutions.	No known engagement
<b>What action has been taken in response to complaints? Any sanctions imposed? Any changes implemented to improve practice?</b>	A total of 62 disciplinary reports filed against Judges, but their outcome is unknown. There is no policy or system in place for tracking the fulfillment of rectifying measures.			There were 61 were elements of alleged corruption have been identified. These cases were forwarded to the Public Prosecutor's Office.	Preventive visits to the institutions accommodating persons deprived of liberty, inspection of facilities and uncontrolled conversation with detained persons and prisoners.	Not available.