

Multi-Donor Trust Fund for Justice Sector Support in Serbia



Kingdom of the Netherlands



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra



WORLD BANK GROUP

2016 ANNUAL REPORT

MDTF-JSS RECIPIENT - EXECUTED GRANT

Multi-Donor Trust Fund for Justice Sector Support in Serbia, World Bank

ANNUAL REPORT FOR 2016
MDTF-JSS RECIPIENT- EXECUTED GRANT

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
MDTF-JSS BACKGROUND	1
JUSTICE SECTOR BACKGROUND	3
SUMMARY OF PROGRESS UNDER THE GRANT	4
1. THE AP CH23 AND KEY REFORM STRATEGIES (NJRS, BACKLOG REDUCTION PLAN, ETC.) ARE DEVELOPED AND MONITORED	4
2. VARIOUS ANALYSES, TECHNICAL ASSISTANCE AND SURVEY DATA RAISE AND MEASURE AWARENESS OF ISSUES FACING THE JUSTICE SECTOR, AND INFORM POLICIES/DECISION MAKING.....	16
3. VARIOUS TRAININGS & WORKSHOPS CONTRIBUTED TO STRENGTHENING INDIVIDUAL CAPACITIES OF KEY PERSONNEL IN THE SECTOR. KNOWLEDGE TRANSFERRED FROM EXPERTS/CONSULTANTS TO KEY PERSONNEL.....	25
RESULTS	44
4. FINANCIAL HIGHLIGHTS.....	46
LOOKING AHEAD	47

EXECUTIVE SUMMARY

Key achievements in 2016:

- Backlog reduction – enforcement backlogs reduced by 51%, backlogs in other case types reduced by 10.5%;
- Enhanced monitoring and control mechanisms over the work of enforcement agents set in place and applied;
- Court Rewards Program (as performance incentive) developed and introduced;
- 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;
- Public presentations of implementation of the AP CH23 organized;
- First biannual report on implementation of the AP CH23 developed and submitted to the European Commission;
- Cooperation with the European Commission for the Efficiency of Justice (CEPEJ) significantly strengthened, including more accurate and precise reporting within the CEPEJ Evaluation Scheme;
- 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. 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 European Union. 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 Chapter 23 Accession Action Plan. The project modality is flexible, with a range of targeted activities delivered across the sector, in cooperation with justice institutions and with NGOs to cumulatively strengthen the justice sector.

The MDTF-JSS Grant funds the maintenance of a **Reform Facilitation/Accession Unit (RAFU)** at the Ministry of Justice 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, 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 2016: 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), Consultant for the Reform of the Judicial Network (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 2016: 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 European Union, 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 have been adopted in 2016, as part of the accession negotiations with the European Union, namely the National Strategy for the Prosecution of War Crimes and the Action Plan for the Exercise of the Rights of National Minorities. 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. Concurrently, the key Action plans in the field of Judiciary and Anti-corruption have been amended in 2016 to align with the AP CH23. Through its daily activities, the RAFU MoJ facilitates the efforts of the MoJ to successfully implement specific activities set in the AP CH23 within MoJ competences. Successful cooperation with civil society i.e. the National Convent for Accession to the EU, continued throughout 2016, whereby several round tables were organized to discuss and promote the implementation of the AP CH23. The MoJ continued effective outreach activities during 2016, 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 European Union, 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 European Union¹, 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 European Union.

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 European Union, 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.

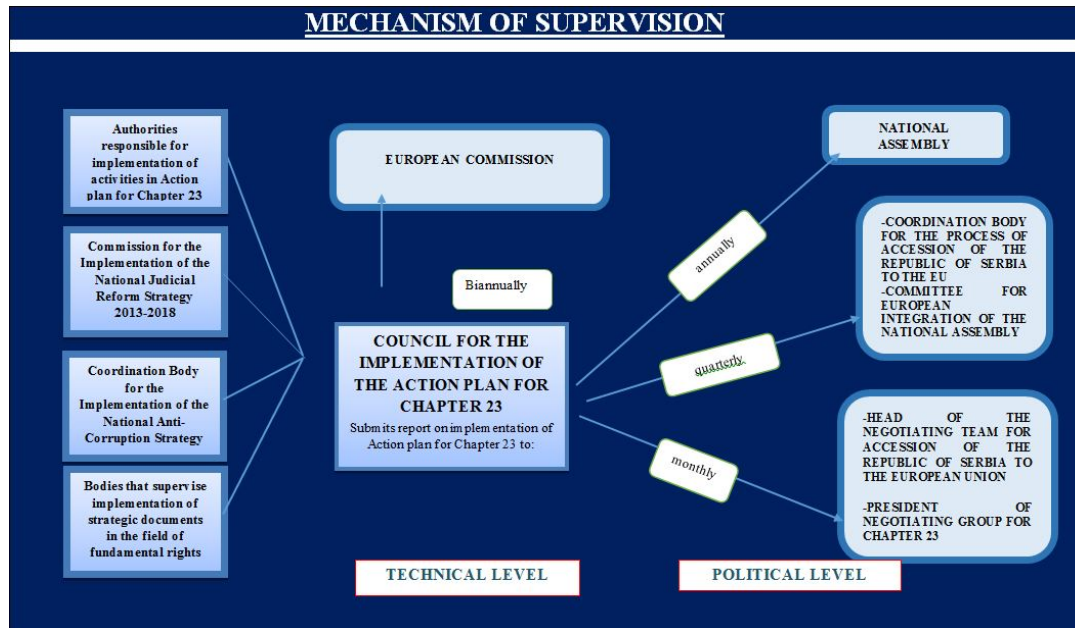
Reports of the Council include the following: 1. A detailed report on the implementation of activities due for the reporting cycle (Serbian/English version); 2. The AP CH23 with a special column including brief description of the status of implementation (Serbian/English version); 3. A statistical review of the status of implementation of the AP CH23 (Serbian/English version) on 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: <http://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 2016, two public presentations with participation of key stakeholders and civil society were organized, and several workshops with contact points were organized. 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 or the

¹ 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.

fact that lack of implementation of a single activity causes delays in a set of connected activities. Moreover, certain challenges in the reporting process were identified and addressed through the organization of bilateral and multilateral workshops aimed at improving reporting. 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.



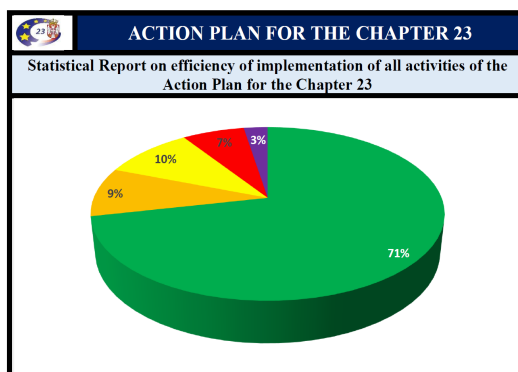
As a part of the monitoring process within Chapter 23, a set of activities has been performed. The process of monitoring was initiated by the preparation of a **pilot reporting cycle on implementation of AP23** for the European Commission. The members of RAFU MoJ participated, with representatives of MoJ, at relevant Parliamentary boards for EU Integration, the Judiciary, and Human and Minority Rights with the aim to present the relevant documents. Likewise, in order to continue the successful cooperation with civil society – the National Convent for Accession to the EU – several round tables were organized to discuss the implementation of the AP CH23 and received comments.

In order to prepare the effective functioning of the monitoring mechanism, a **pilot reporting cycle** was organized at the end of 2015 and beginning of 2016, to identify potential problems in the reporting process. The **first cycle of reporting** was performed in the period from May 9 to 27, 2016. For the purposes of the first reporting cycle, following the training session, the Council developed and delivered to all institutions the final text of the AP CH23 which was adopted by the RS Government on April 27, 2016, as well as the following documents: *Guidelines for development of the reports*, and *Forms for reporting in Serbian and English language*. These documents were developed by RAFU MoJ with the aim to facilitate the reporting process on the implementation of the AP CH23 and support the focal points in institutions. The Report on the Implementation of the AP CH23 for the I & II quarter of 2016 is available at: <http://www.mpravde.gov.rs/tekst/13178/izvestaj-br-1-22016-o-sprovodjenju-akcionog-plana-za-poglavlje-23.php>.

The **second cycle of reporting** was performed in the period from September 1 until 20, 2016. The Report on Implementation of the AP CH23 for the III quarter of 2016 is available at: <http://www.mpravde.gov.rs/tekst/13933/izvestaj-br-32016-o-sprovodjenju-akcionog-plana-za->

[poglavlje-23.php](http://www.mpravde.gov.rs/tekst/14618/izvestaj-br-42016-o-sprovodjenju-akcionog-plana-za-poglavlje-23.php). The **third cycle of reporting** was performed in the period from November 21 until December 21, 2016. The Report on Implementation of the AP CH23 for the IV quarter of 2016 is available at: <http://www.mpravde.gov.rs/tekst/14618/izvestaj-br-42016-o-sprovodjenju-akcionog-plana-za-poglavlje-23.php>. Each of the reports is followed by the relevant Statistical report on AP CH23 implementation, at the same links on the website of the MoJ.

Chart 2. Statistical report on implementation IV quarter 2016



In addition to the Reports on implementation published quarterly, **the first biannual report for the European Commission** has been prepared and is available at: <http://www.mpravde.gov.rs/tekst/14904/polugodisnji-izvestaji-pregovaracke-grupe-za-poglavlje-23.php>.

Moreover, throughout 2016, RAFU MoJ has been preparing all **documents related to the accession** in the field of competence of the MoJ. This process includes cooperation with the European Integration Office (SEIO), whereby the key documents are prepared by the MoJ, and subsequently forwarded to the EC through SEIO. These documents include the preparation of the *Negotiating position* (available at: <http://www.mpravde.gov.rs/tekst/13244/pregovaracka-pozicija-.php>), a set of *responses to COELA* members' questions, the Report on implementation of the Stabilization and Association Agreement, update of the NPAA, and the collection and presentation of data for the Progress Report on Serbia.

The *Standardized Methodology for Budgeting Action plan for Chapter 23* was developed and implemented in the AP23. Given the successful implementation, the same methodology was applied for the development of a reliable budget for the Action Plan for the Exercise of the Rights of National Minorities.

The key strategic documents from the field of judiciary have been updated to align with the AP CH23, namely the Action Plan for the National Judicial Reform Strategy and the Action Plan for National Strategy for the Fight Against Corruption. In addition, as part of the accession process, a new **National Strategy for the Prosecution of War Crimes** was developed and 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). The Draft Prosecutorial Strategy for Investigation and Prosecution of War Crimes was also prepared, and continuation on the development of the final text is pending the election of the War Crimes Prosecutor. A reform of judicial professions within the **CH3 Program for the Harmonisation, Transposition and Implementation of the EU *acquis* in the Field of Mutual Recognition of Professional Qualifications** has been planned in conjunction with relevant reform activities within AP CH23 and AP NJRS.

Having in mind the need to enhance the **promotion and use of mediation as an alternative dispute resolution mechanism**, as well as to foster an inclusive approach to future policy measures and ensure that future reforms are effectively and efficiently planned and successfully implemented, RAFU MoJ held a series of meetings with judges, representatives of the Supreme Court of Cassation and the four appellate jurisdictions (Belgrade, Niš, Kragujevac and Novi Sad), representatives of the Judicial Academy (JA), and the CSO's, in order to prepare the establishment of the Working Group for the Enhancing of the Use of Alternative Dispute Resolution Methods. The main task of the working group will be to adopt and monitor the implementation of a joint action plan, and, through regular meetings, provide 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. MoJ RAFU has prepared a preliminary draft of an action plan for improving the application of methods of alternative dispute resolution, which will be further elaborated on by the working group in 2017.

The Action Plan for the implementation of the National Strategy for the Fight against Corruption for the period from 2013 to 2018 was revised and adopted by the Government of the Republic of Serbia. Revision is made based on Anti-Corruption Agency Annual Reports, contributions submitted by the authorities responsible for the implementation of the Action Plan, perceived difficulties in the implementation and monitoring of the implementation of the Action Plan, and the fact that the AP CH23 envisages the same, or essentially same, obligations as the Action plan for the implementation of the National Strategy for the Fight against Corruption. Link: http://www.srbija.gov.rs/vesti/dokumenti_pregled.php?id=268508. The Action Plan for the implementation of Financial Investigations Strategy was drafted in 2016 as well.

Also, RAFU MoJ collected and presented data within competences of the MoJ on the Action Plan for combating Drugs and the Action Plan for the implementation of the National Programme for Combating Grey Economy.

As part of the accession process, there was a need for development of additional strategic documents. RAFU MoJ has actively supported and participated in the development of the ***Action Plan for the Exercise of the Rights of National Minorities***, which was adopted by the Government of the Republic of Serbia on March 3, 2016. Link: <http://www.mduls.gov.rs/dokumenta-nacionalni-saveti-manjina.php>. 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. This process involved 11 working group meetings and ongoing consultations with national councils of national minorities. As suggested by the European Commission, given the satisfaction with the reporting mechanism for AP CH23, the same mechanism and methodology of reporting is to be implemented for the purposes of reporting on the implementation of the Action Plan for the Exercise of the Rights of National Minorities in 2017.

As part of the Support to the Supreme Court of Cassation, the following key activities of the RAFU SCC took place in 2016:

Backlog Reduction

With support provided by the MDTF-JSS Grant, the Backlog Reduction Working Group, operating under the auspices of the Supreme Court of Cassation since 2014, adopted the Amended Single Backlog Reduction Program in the Republic of Serbia, and its enforcement started on September 1, 2016. Program duration was extended until 2020, given the strategic importance of this activity, not only for

the courts, but for the entire justice sector, as it was recognized in a number of national action documents (NJRS and AP CH23). The amended program put together the previous Single Backlog Reduction Program and the Special Program for Backlog Enforcement Cases. Also, the amended program envisages systemic (strategic), general, special measures for backlog enforcement cases, individual measures for courts, measures that will be undertaken by the MOJ, measures undertaken by the SCC, as well as the special measures for courts located on the territory of the City of Belgrade. Detailed classification of measures is a novelty compared to the previous Single Backlog Reduction Program. Another novelty in the program is the methodology of setting the objectives: these are segregated by case type and court type.

A thorough analysis on the so-far implementation of the Unified BLR Program preceded the amendments, and some of it is shown in the tables below (See Table 1. and Table 2.).

The implementation of the Unified Backlog Reduction (BLR) Program and accompanying Special Program for Reduction of Backlog Enforcement Cases was almost impossible in the second half of 2014 and at the beginning of 2015 due to the general strike of attorneys, i.e. all Serbian Bar members. The first strike occurred in June 2014 and lasted one month, whereas the second, longer shutdown began on September 17, 2014 and ended on January 28, 2015². In these periods first instance proceedings did not run before the courts, nor did the second instance proceedings in which hearings were opened. The consequences of this situation were evident throughout entire 2015, and they were mostly beard by the first instance courts, since they had to maximize their efforts to make up the time lost during the attorneys' strike, with available resources.

In line with the recommendations issued by the SCC Working group on monitoring the implementation of the Unified Backlog Reduction Program (hereinafter referred to as: BLR Working Group), during 2015 first instance courts were mainly focused on reducing the oldest cases: older than five and older than 10 years.

In basic courts, the number of cases older than five years was reduced by 4%, and the number of cases older than 10 years by 12%³; in higher courts the number of cases older than five years was reduced by 3%, and the number of cases older than 10 years by 14%; in commercial courts the number of cases older than 10 years was reduced by 9%, but the number of cases older than five years rose by 17%⁴ (the increase was caused by bankruptcy cases).

² The attorneys' strike lasted six months altogether: five months in 2014 and one month in 2015.

³ Enforcement cases **were excluded** from this calculation.

⁴ *Ibid.*

Table 1.

REPORT ON PENDING BACKLOG CASES ON 31.12. - ACCORDING TO THE INITIAL ACT DATE								
	No. of judges	TOTAL PENDING BACKLOG CASES on 31.12.2012.	No. of judges	TOTAL PENDING BACKLOG CASES on 31.12.2013.	No. of judges	TOTAL PENDING BACKLOG CASES on 31.12.2014.	No. of judges	TOTAL PENDING BACKLOG CASES on 31.12.2015.
	2012		2013		2014		2015	
TOTAL AT THE LEVEL OF SERBIA INCL. ENFORCEMENT:	2.380	1.729.768	2.652	1.773.475	2.595	1.822.001	2.522	1.740.400
TOTAL AT THE LEVEL OF SERBIA EXCL. ENFORCEMENT:	2.165	140.418	2.365	127.773	2.331	126.878	2.256	133.365

Table 2.

OVERVIEW OF BACKLOG CASES IN FIRST INSTANCE CRIMINAL MATTER											
CRIMINAL MATTER	MATTERS	2012		2013		2014		2015		01.01. - 30.06.2016.	
		No. of judges	No. of cases	No. of judges	No. of cases	No. of judges	No. of cases	No. of judges	No. of cases	No. of judges	No. of cases
Higher courts	K	90	1.676	103	1.278	105	1.606	107	1.246	93	1.123
Basic courts	K	279	18.206	320	17.125	372	16.567	326	11.957	300	8.761
TOTAL:		369	19.882	423	18.403	477	18.173	433	13.203	393	9.884
OVERVIEW OF BACKLOG CASES IN FIRST INSTANCE CIVIL MATTER											
CIVIL MATTER	MATTERS	2012		2013		2014		2015		01.01. - 30.06.2016.	
		No. of judges	No. of cases	No. of judges	No. of cases	No. of judges	No. of cases	No. of judges	No. of cases	No. of judges	No. of cases
Higher courts	P	77	1.085	91	1.162	87	1.400	87	1.490	96	1.575
	P1	51	34	57	26	78	246	81	319	81	333
	P2	64	23	68	22	71	36	75	34	73	29
TOTAL:		192	1.142	216	1.210	236	1.682	243	1.843	250	1.937
Basic courts	P	480	31.251	574	31.121	544	34.593	515	37.901	564	32.789
	P1	286	9.514	345	10.140	307	10.465	305	9.423	305	8.623
	P2	217	839	260	720	262	697	266	810	275	659
TOTAL:		983	41.604	1.179	41.981	1.113	45.755	1.086	48.134	1.144	42.071
TOTAL BC+HC:	P	557	32.336	665	32.283	631	35.993	602	39.391	660	34.364
	P1	337	9.548	402	10.166	385	10.711	386	9.742	386	8.956
	P2	281	862	328	742	333	733	341	844	348	688
TOTAL P+P1+P2 (BC+HC):		1.175	42.746	1.395	43.191	1.349	47.437	1.329	49.977	1.394	44.008

As of late 2013, when the new Criminal Procedure Code became fully effective in courts of all jurisdictions, the inflow of new criminal cases into courts is descending continuously. This is mainly the consequence of very wide application of the new prosecutorial tools – plea agreement and deposition of prosecution (so-called “opportunity principle”). The drop in inflow affected the existing pending criminal cases, including the backlog ones – by their resolution the courts made great progress, although the overall number of judges dealing with this type of cases dropped from 477 in 2014 to 393 in 2016.

However, the situation with civil cases is completely different: comparative data on incoming cases in all courts in the Republic of Serbia (the influx of cases) indicate a significant increase of influx in 2015 and 2016. According to the indicators, the expected inflow in the period 2012 to 2014 was, without enforcement cases, at the level of about 1.500.000 cases per year. However, in 2015, the courts have received 1.902.475 cases, which is 415.840 cases more compared to 2014, i.e. compared to the expectations. The inflow in 2016 was, once again, higher than expected, and even above the inflow seen in 2015. Thus, in 2015 and 2016, more than 850.000 more cases than expected entered the system, which affected the achievement of the planned objectives defined in the strategic documents of the Supreme Court of Cassation and related to the backlog reduction. Misdemeanor and basic courts suffered the biggest „shock“ due to the increased inflow of cases: in 2015, misdemeanor courts received 222.295 cases more than in 2014, which was also the year with increased inflow of cases, while the basic courts received 200.000 cases more in the same period. In basic courts, increased inflow is related,

inter alia, to repetitive civil cases, the so-called. mass claims against the state, local self-government units, public enterprises founded by the state or other organizations and legal entities that are financed from the budget. These cases are burdening the court system and require extrajudicial, systemic measures to prevent them from occurring in the future (harmonization of military pensions, payment of the war per diems and discrimination, payment of increased wages to the employees of the Ministry of Interior, the amount of minimum benefit paid by the National Employment Service, shift work in PE “Railways of Serbia“, PE “Kolubara“, repayment of overcharged fees for the use of preschool institutions...).

Based on the findings, the amendments of the Program encompassed the following:

- The earlier Unified BLR Program and The Special Measures for Backlog Enforcement Cases were merged into one document, thus providing the umbrella for all backlog reduction and prevention measures to be applied in all types of cases.
- The targets set in the Amended BLR Program have been set in a changed methodology, in figures (#of cases), rather than in percentage.
- The Amended BLR Program prescribes measures to be undertaken by multiple institutions within the sector. Therefore, the BLR Working Group was extended by a member from the HJC.

Supported by the MDTF-JSS Grant, the SCC developed a monitoring tool to track-record the implementation of the Amended BLR Program.

MDTF-JSS Grant Consultant based at the SCC heavily engaged with other donors in the implementation of the Amended BLR Program, in particular EUD Judicial Efficiency Project (JEP), which has worked with 30 basic and higher courts to reduce their backlogs. As recognized by the EUD, thanks to the joint efforts by MDTF-JSS Grant and JEP, in 2016 the backlog of enforcement cases was reduced by 51%: from 1,574,855 on December 31, 2015 to 765.901 on December 31, 2016.

Court Awards Program

In an effort to boost court performance through incentives, the SCC with support by the MDTF-JSS Grant, designed and introduced the Court Awards Program that taps into positive competition to promote justice for citizens and businesses. The Program is conceived on the following principles:

- Sustainability: non-financial rewards are more numerous than those supported financially;
- Team work: courts are awarded as teams of judges and court staff;
- Progress: the Program motivates lower and middling performers to improve their performance; and
- Transparency and visibility: the performance data of all courts are accessible via the SCC website, and rewards are awarded by a public, reasoned decision, in a ceremony attended by peers and the public.

The Program is designed to motivate first instance courts to improve their efficiency and productivity in processing cases. In 2016, the inaugural year, 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.

By focusing on first instance courts, the program aims to improve the court experience for citizens and businesses on the front line of justice service delivery. By targeting ‘most improved’ courts, the

program aims to lift average court performance across the country and improve consistency of justice overall. By measuring performance on a ‘per judge’ basis, the program controls for variation in court size, so smaller courts with fewer judges have an equal chance of success.



MDTF-JSS Grant assisted the SCC in developing rewarding rules and procedures, tools to track-record and analyze courts’ data relevant for rewarding, and provided goods to be awarded to the courts.

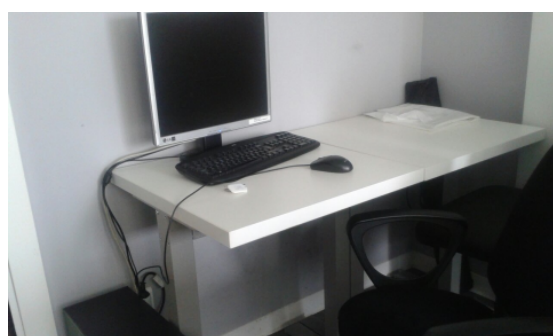


More info on the Program can be found at: http://www.mdtfjss.org.rs/en/mdtf_activities/2016/launch-of-inaugural-court-awards-program#.WK1anm_yuM8 and <http://www.vk.sud.rs/sr/%D0%B4%D0%BE%D0%B4%D0%B5%D1%99%D0%B5%D0%BD%D0%B5-%D0%BD%D0%B0%D0%B3%D1%80%D0%B0%D0%B4%D0%B5-%D0%B8-%D0%BF%D1%80%D0%B8%D0%B7%D0%BD%D0%B0%D1%9A%D0%B0-%D1%81%D1%83%D0%B4%D0%BE%D0%B2%D0%B8%D0%BC%D0%B0>

Based on the assessment of employees on the identification of award that will improve their court performance, Basic Court in Nis and Second Basic Court in Belgrade requested to be awarded with furniture for all their employees (See Table 3.).

Table 3.

Item No.	Description of Goods	Quantity (pieces)
1. BASIC COURT IN NIS ⁵ , VOZDA KARADJORDJA 23, 18000 NIS		
1.1	Working armchair	25
1.2	Typist chair	25
2. SECOND BASIC COURT IN BELGRADE, KATANICEVA 15, 11000 BELGRADE		
2.1	Conference chair	40
2.2	Office desk	24



Furniture- Second Basic Court in Belgrade

Other awarded courts assessed that IT and office equipment should be more adequate to their needs (See Table 4.).

Table 4.

Item No.	Description of Goods	Quantity (pieces)
1. FIRST BASIC COURT IN BELGRADE, BULEVAR NIKOLE TESLE 42a, 11000 BELGRADE		
1.1	Server	5
1.2	Mouse	5
1.3	Keyboard	5
1.4	Monitor	8
1.5	Set Dictaphone with transcription kit	5
2. BASIC COURT IN NIS ² , VOZDA KARADJORDJA 23, 18000 NIS		

⁵ Basic Court in Nis requested furniture and IT and office equipment within the awarded amount

2.1	Photocopier, printer and scanner	1
2.2	Image Scanner	1
2.3	Monitor	1
3. THIRD BASIC COURT IN BELGRADE, MIHAILA PUPINA 16, 11000 BELGRADE		
3.1	Photocopier, printer and scanner	1
3.2	Printer	9
4. BASIC COURT IN LESKOVAC, KOSTE STAMENKOVICA 16, 16000 LESKOVAC		
4.1	Desktop	2
4.2	Software	2
4.3	Mouse	2
4.4	Keyboard	2
4.5	Monitor	2
4.6	Monochrome Laser Multifunctional Device	1
5. BASIC COURT IN LEBANE, CARA DUSANA 118, 16230 LEBANE		
5.1	Color image ADF document scanner A4	3
5.2	Printer	4
5.3	Monitor	4
6. BASIC COURT IN NOVI SAD, SUTJESKA 3, 21000 NOVI SAD		
6.1	Monochrome Laser Multifunctional Device	2



IT Equipment- First Basic Court in Belgrade



IT Equipment- Basic Court in Lebane

The Rewards Program attracted a lot of attention, locally and internationally. Court presidents of the winning courts have been interviewed about their “recipe for success” on national TV⁶. Their awards

⁶ See for example: <http://www.worldbank.org/en/news/video/2016/10/21/serbia-launches-court-rewards-program>

were also highlighted in local media, on social media networks and via blogs. The Program was presented by the SCC in the regional meeting of the Western Balkans Regional Network of Judicial Councils held in Budva, Montenegro in November 2016. The feedback SCC received from non-winning courts, as well as from the winning ones proves that public recognition of improvement, i.e. non-financial rewards, are more powerful than cash.

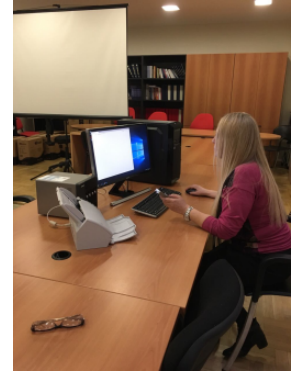
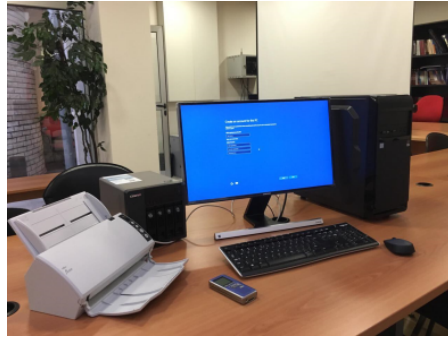
The High Judicial Council Structure Support Program

The HJC identified the need for procurement of various IT equipment in order to improve the work of the disciplinary office and automated register office. Also, some of this new IT equipment will be used for the training purposes of the existing Council's staff as well as for new employees when the transfer of competences from the MoJ to the HJC is done. Given the fact that the HJC has been working on establishing several databases that contain information on judges and court staff in all courts in the Republic of Serbia, as well as databases concerning material and financial affairs of courts, it is very important to have a well-established and functional back-up system. In order to set up this kind of a system, a Network attached storage (NAS) that would help the HJC to make additional back-ups had to be purchased. Also, this device was needed to support the work of administrative staff of the HJC by establishing shared space for frequently used documents and for individual back-ups of all departments.

With support provided by the MDTF-JSS Grant, the IT equipment that was procured for the HJC is listed in Table 5.

Table 5.

Item No.	Description of Goods	Quantity (pieces)
1. HIGH JUDICIAL COUNCIL, RESAVSKA 42, 11000 BELGRADE		
1.1	Desktop	16
1.2	Software	16
1.3	Mouse	16
1.4	Keyboard	16
1.5	Monitor	16
1.6	Set Dictaphone with transcription kit	4
1.7	Image Scanner	5
1.8	Monochrome Laser Multifunctional Device	1
1.9	NAS – Network attached storage	1



IT Equipment- HJC

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

During 2016, a number 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 human rights.

In the field of the judiciary, several analyses were performed with an aim to inform future policies and/or legislative amendments. An *Analysis on efficiency of criminal proceedings for organized crime* was performed in 2016, as well as an *Analysis on effects of multiple abolition of the first instance verdict on the length of criminal proceedings*. (For more information, see: http://www.mdtfjss.org.rs/enhttp://www.mdtfjss.org.rs/en/mdtf_activities/2016/analysis-on-effects-of-multiple-abolition-of-the-first-instance-verdict-on-the-length-of-criminal-proceedings-and-efficiency-of-criminal-proceedings-in-organized-crime#.WMJ8Wzj8pPY/mdtf_activities/2016/analysis-on-effects-of-multiple-abolition-of-the-first-instance-verdict-on-the-length-of-criminal-proceedings-and-efficiency-of-criminal-proceedings-in-organized-crime#.WMJ8Wzj8pPY). The *Comparative analysis on universal jurisdiction in criminal proceedings for war crimes* was provided to the MoJ in April 2016, in connection to the opening of the Chapter 23. Following the submission to the MoJ, the analysis can be used to inform future policies and potential legislative amendments in this field.

Moreover, an *Analysis of the Law on protection of the right to trial within reasonable time* was performed and submitted in May 2016, focusing on the environment for criminal sanctions that serves its purpose and cost saving. (For more information, see: <http://www.mdtfjss.org.rs/archive//file/Analysis%20of%20the%20Law%20on%20protection%20of%20right%20to%20trial%20within%20reasonable%20time.pdf>). The Analysis titled the *Service of documents in the criminal proceedings: Efficiency in the gap between wishful thinking and bad habits* was provided to the MoJ in February 2016 to inform future policies and potential legislative amendments in this field. (For more information, see: <http://www.mdtfjss.org.rs/archive//file/Analysis%20of%20efficiency%20in%20criminal%20proceedings.pdf>).

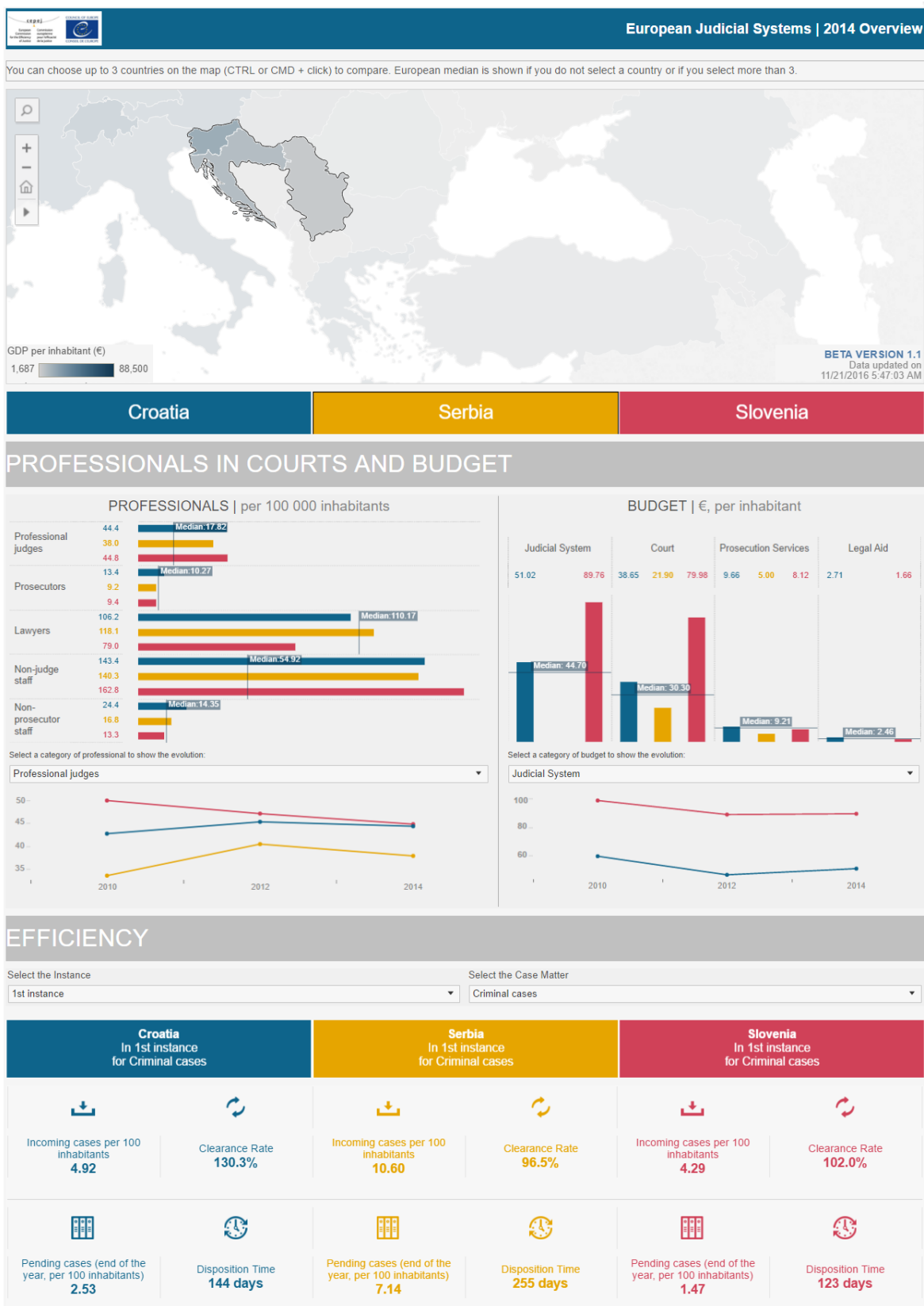
In line with the strategic activity for enhanced cooperation with international organizations of which the MoJ is a member, RAFU MoJ supported gathering of statistics and replying to the **CEPEJ Evaluation Scheme**, including the entire quality control process. In order to facilitate exchange of information between the CEPEJ Secretariat and key Serbian stakeholders and improve the accuracy of provided statistical data, RAFU MoJ organized a CEPEJ Peer Evaluation Visit on Judicial Statistics. Reports on the visit are available on the following links:

<http://www.mpravde.gov.rs/tekst/12156/poseta-evropske-komisije-za-efikasnost-pravosudja-u-vezi-sa-pravosudnom-statistikom-1-2-marta-2016-godine.php>

[http://www.mpravde.gov.rs/files/CEPEJ%20Peer%20Review%20on%20Judicial%20Statistics%20Visit%20Report%20%20\(2016\).pdf](http://www.mpravde.gov.rs/files/CEPEJ%20Peer%20Review%20on%20Judicial%20Statistics%20Visit%20Report%20%20(2016).pdf),

The presentations are available on the MDTF-JSS Grant website. (For more information, see: http://www.mdtfjss.org.rs/en/mdtf_activities/2016/sentation-of-the-2016-report-of-the-european-commission-of-the-efficiency-of-justice-#.WPf_59J97gn).

Slide 10 of the [Presentation on the main statistics, indicators and excerpts from CEPEJ-STAT Database](#) - Excerpt from **CEPEJ-STAT Overview**, comparing basic judicial data from 2014 of three comparable countries:



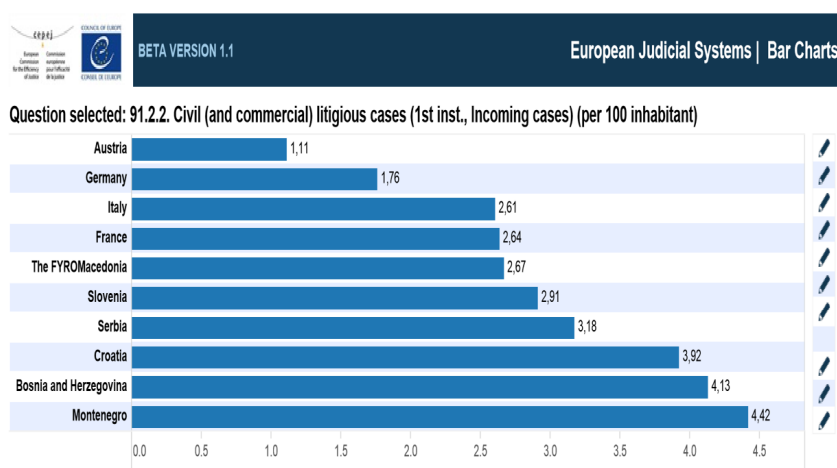
Slide 12 of the [Presentation on the main statistics, indicators and excerpts from CEPEJ-STAT Database](#), showing a comparison of the incoming first instance cases, per 100 inhabitants:

Како до ефикаснијег парничног поступка путем унапређења примене медијације у Србији?

- Формирање Радне групе за унапређење алтернативних начина решавања спорова
- Упитници о капацитетима судова за примену медијације
- Предлог Закона о изменама **закона о судским таксама** у плану рада Владе за 2017. годину
- Припреме за увођење „**недеље медијације**“ у оквиру Европског дана правде (недеља која обухвата 25. октобар)?
- Препоруке/Смернице ВКС/МП/ВСС за спровођење Закона о посредовању у решавању спорова и успостављање служби за подршку медијације?
- Појединачни програми за решавање старих предмета у судовима измењени да обухватају програме медијације?

Уколико у 2017.г. предузмемо одлучне мере за развој ове области, у 2018.г. ћемо имати мерљиво побољшање статистике.

Slide 27 of the Presentation “CEPEJ Methodology and Serbia“ addressing enhancing of judicial efficiency of civil proceedings through various promotion of mediation:



Приказ броја првостепених парничних предмета (укључујући предмете пред привредним судом) на 100 становника
(База података „CEPEJ-STAT“, приступљено 19.11.2016.г.)

- У Србији на 100 становника **3,18 лица** учествује у парничном поступку у 2014. години, за разлику од нпр. Аустрије (**1,11**), Немачке (**1,76**) па чак и Италије и Француске.

Guidelines which determine the directions of ICT system development in Serbia (conceptual model) and which include data on infrastructure of Information and Communication Technology and costs of its maintenance, software and human resources have been drafted and adopted, on the basis of activity 1.2.1.2. of the AP CH 23 (Drawing up Guidelines which determine the directions of ICT system development in Serbia (conceptual model) and which include data on infrastructure of Information and Communication Technology and costs of its maintenance, software and human resources). Guidelines will be based on the results of Judicial Functional review and Analysis of current state of play (activity 1.2.1.1, 1.3.6.6. and 1.3.8.2.). The Guidelines (For more information, see: IT Development Guidelines In Justice Sector, in [English](#) and [Serbian](#)), for the first time, introduce and emphasize the principles regarding: (a) data management, (b) software application and (c) technology, as one of the key points in the new approach to ICT in the judiciary. Furthermore, with implementation of the sectorial approach, an adequate participation and coordination of all different stakeholders, such as courts, prosecutors’

offices, and prison institutes was ensured, which is a necessity due to the need for unified ICT treatment of all judicial processes. Accordingly, the MoJ has taken steps in line with the transfer of jurisdiction by establishing a strategic body that consists of all relevant judiciary beneficiaries. The strategic body was introduced as the “ICT Sectoral Council”, which consists of representatives of the High Judicial Council, the Supreme Court of Cassation, the Republic Public Prosecutors Office, the State Prosecutorial Council, the Judicial Academy, the Prison Administration, the Chamber of Enforcement Agents, the Notary Chamber, the Directorate for Confiscated Property, the Department of Justice, the Division for material and financial Affairs, and the Department for e-Justice of the MoJ. The ICT Council was established in the I quarter of 2016 and one of its main activities is to adopt the guidelines and to manage the overall strategic orientation of ICT in the judiciary. Within its scope, the ICT Council shall, inter alia, create a strategy for the development of information and communication technology in the justice sector, provide a choice for the implementation of a case management system, make recommendations in terms of responsibilities and institutional set-up over the case management system to the MoJ, and perform other activities in line with the decision on its establishment. The ICT Council will deal with the ICT system’s sustainability in terms of planned budget for maintenance, and human and technical resources, by assuring adequate support through the institutionalization of public-private or public-public partnerships, as binding activity in the AP CH23.

An *Analysis on the Matter of Delivery within the CPC* was performed in the last quarter of 2016 (For more information, see: <http://www.mdtfjss.org.rs/archive//file/Analysis%20on%20the%20Matter%20of%20Delivery%20with%20the%20CPC.pdf>). The aim of this analysis was to inform forthcoming amendments in line with AP CH23, given that all relevant stakeholders have emphasized the importance of the issue of delivery of the documents. Accordingly, future amendments to the CPC will focus on increasing the effectiveness of the procedure, through more efficient delivery of documents in line with EU standards and decisions of the European Court of Human Rights. The Analysis addresses the regulation of the delivery of the documents in Croatia, as the neighbouring state to Serbia, and the latest member of the EU family. The analysis was forwarded to the Normative Sector of MoJ, which is responsible to prepare amendments to the CPC.

Technical assistance was also provided to the MoJ throughout the year in the process of drafting of legislation. Support was provided to the Department of Judicial Professions and the **Working Group (WG) on the Establishment of a Functional and Transparent Accountability System for Enforcement Officers**, as well as the **WG on Enforcement Agent Training, in conjunction with IPA funded GIZ Rule of Law and Enforcement (RoLE)**. The first amendments to the By-law on Tariff of Fees and Reimbursements for the Work of Enforcement Agents (“Official Gazette of RS”, no. 4/2016), had already entered into force on January 30, 2016 in order to address pressing issues, but a new Enforcement Agent Tariff (“Official Gazette of RS”, No. 59 of June 28, 2016) became applicable on July 1, 2016, concurrently with the new law, introducing a new method of calculating fees, which is more transparent, precise and allows the creditor and the enforcement debtor to more easily identify the costs of enforcement proceedings. The Rulebook on the Disciplinary Proceedings against Enforcement Agents and the Rulebook on Monitoring over the Work of Enforcement Agents were adopted (“Official Gazette of RS”, No. 32/2016) and entered into force from July 1, 2016 as well as the Rulebook on the Recordkeeping of Enforcement and Security Proceedings and Financial Operations of Enforcement Agents, the Manner of Reporting, the Content of the Report on the Work of the Enforcement Agents and on Archiving (“Official Gazette of RS” No. 37/2016). A further set of bylaws necessary for the implementation of the new law were enacted and published in the “Official Gazette of RS”, No. 58 of June 22, 2016, applicable from July 1, 2016, most important of which is the Rulebook on the

Enforcement Agent Examination, for which additional support was provided by MoJ RAFU. Likewise, the Rulebook on the Registry of Enforcement Agents, Deputy Enforcement Agents and Partnerships and the Rulebook on the General Conditions for the Conclusion of Contracts on the Insurance of Enforcement Agents (*"Official Gazette of RS", no 62/2016*) were enacted on July 13, 2016. The Chamber of Enforcement Agents was also assisted in the drafting of a new **Statute of the Chamber of enforcement agents and Code of professional ethics for enforcement agents**. Besides providing support in normative activities, technical assistance was provided to the MoJ, as the main beneficiary of the IPA funded GIZ RoLE, in order to steer and coordinate the project for the purpose of delivering the best possible results.

Amendments to the Notary Tariff have been enacted by the Minister of Justice ("Official Gazette of RS", 12/2016) on February 12, 2016 and entered into force on February 20, 2016. Many of the changes follow the amendments of the law, rationalising the costs of proceedings before notaries, for the purpose of increasing legal certainty (for example, it is now provided that a solemnisation of a preliminary contract costs 50% of the price of the main contract, and, if concluded before the same notary, this price paid is calculated into the price of the main contract). Upon obtaining the opinion of the Notary Chamber, the Minister of Justice has also established the **Tariff for Notaries as Court Commissioners in Inheritance Proceedings** ("Official Gazette of RS", no. 12/2016), also effective as of February 20, 2016. These legislative amendments enable the smooth transition of competences in conducting inheritance proceedings from courts to notaries, respecting that no additional burden is thereby created for parties involved. The **Rulebook on the Composition, Method of Work and Decision-Making of the Commission of the Ministry of Justice Which Decides on Appeals against decisions of the Disciplinary Committee of the Notary Chamber** has been adopted ("Official Gazette of RS", No. 16 of February 26, 2016).

Support was provided for the implementation of the analysis on victim support in Serbia in 2016, performed by a MDTF-JSS Grant expert. Following the submission of the Final Analysis of alignment with the Victims Directive and comparative models of victim supports services, RAFU MOJ prepared a **compiled report** including: an analysis on victim support, a list of principles and recommendations for the establishment of a network of victim support services in the Republic of Serbia, an analysis of witness protection in line with Article 102 Para 5⁷ of the CPC, an analysis of procedural safeguards with recommendations for CPC amendments, an analysis of the right to compensation of the victim, and an analysis of extra procedural protection measures. This compiled report was submitted to the MoJ at the end of 2016 and has been accepted by the Ministry. Finally, technical assistance was provided to the WG for drafting Prosecutorial Strategy for War Crimes and to the Strategy Implementation Commission.

An *Assessment of the ICT infrastructure of the Supreme Court of Cassation* with the list of recommendation for strengthening of the most critical areas was performed. This report shows the current status of ICT infrastructure in SCC at the time of writing of the report (December 2016), and should therefore be reevaluated and updated every year. This assessment sheet includes an analysis/description of the current situation of information and communication infrastructures of the SCC, the problems and risks to the Supreme Court of Cassation related to ICT, as well as proposals how to improve and extend the information and communication infrastructure. (For more information, see:

⁷ A public prosecutor or the court may request that the police undertake measures to protect an injured party or a witness in accordance with the law.

<http://www.mdtfjss.org.rs/archive//file/Assessment%20of%20the%20ICT%20infrastructure%20of%20the%20SCC.pdf>) Upon the recommendations laid out in the assessment, the SCC has already made capacity building plans in the area of ICT, as well as the plans for equipment purchase/renewal in 2017.

A Report on deficiencies of the existing caseload statistical reports and business processes was prepared. This report presents an overview of statistical reporting carried out by the Supreme Court of Cassation and includes a description of the current situation in terms of reporting, statistical data collected by the Supreme Court of Cassation from all courts (general and special jurisdiction, in accordance with its responsibilities (regular and periodic (ad hoc) reports), the problems which have been encountered in the collection and control of statistical data at the level of the Supreme Cassation Court and the lower courts, as well as specifications and suggestions for improvement and enhancement of statistical reporting.

As a result of this analysis, the Supreme Court of Cassation decided to change its traditional approach towards the Annual Report on the Work of Courts for 2016, which will be drafted during February, and asked further support in this area through the MDTF-JSS Grant. Through the changed format of the Annual Report, the SCC wants to bring courts and their performance closer to public, and therefore intends to make it more user friendly for citizens. (For more information, see: <http://www.mdtfjss.org.rs/archive//file/Report%20on%20deficiencies%20of%20the%20existing%20caseload%20statistical%20reports%20and%20business%20processes.pdf>)

An *Analysis of the effects of the reform of Judicial network* was performed in 2016. (For more information, see: <http://www.mdtfjss.org.rs/archive//file/Analysis%20the%20effects%20of%20the%20reform%20of%20Judicial%20network.pdf>). The analysis focuses on the functioning of the court and prosecution offices network (New network started its operation on January 1, 2014) according to the EU standards regarding efficiency. The analysis will be presented in early 2017⁸ to the Strategy Implementation Commission.

In the field of human rights, several analyses were performed with the aim to inform future policies and/or legislative amendments. A **Comparative legal analysis on democratic participation of national minorities** was performed in the first half of 2016. The analysis of democratic participation of national minorities contains recommendations for improving the democratic participation of national minorities at all three levels of government and identifies potential models, starting from the model present in the countries that were the subject of analysis and taking into account the existing system in the Republic of Serbia. The mentioned draft also includes recommendations for improving participation of national minorities in the existing constitutional system, as well as in the case of changing the Constitution. The analysis was provided to national councils of national minorities for comments. The final text was submitted to the Working group of the Ministry of Public Administration in order to initiate the official procedure for its submission to the relevant Committee of the National Assembly. This analysis was planned in the Special Action Plan for the Exercise of the Rights of National Minorities (activity 7.2.). (For more information, see: <http://www.mdtfjss.org.rs/archive//file/Comparative%20Legal%20Analysis%20on%20democratic%20participation%20of%20national%20minorities.pdf>). The next step should be the consideration of the Analysis by the relevant Committee of the National Assembly, with an aim to reach conclusions how

⁸ The Analysis was presented in March 2017

to improve current constitutional framework in order to enable adequate democratic participation of national minorities at all three levels of government.

A **Survey on the utilization of languages of national minorities in court proceedings** (civil, criminal and misdemeanor) was performed in autumn 2016. This survey involved all basic courts, all higher courts and misdemeanor courts in the Republic of Serbia. The data was obtained from 90% of the courts. Data analysis indicated that languages of national minorities which are in the official use in the territory of particular courts are not sufficiently implemented. However, the data also demonstrate that most of these languages are used through a translator, but courts often do not keep any record on the utilization of languages in civil and criminal proceedings. Misdemeanor courts keep separate data on the use of languages of national minorities. The results of this survey were submitted as the official report of the MoJ to the Office for Human and Minority Rights, which is responsible for the development of the state report on implementation of the European Charter on Regional and Minority Languages. The results now form an integral part of the state report. Moreover, the results of the survey will be provided to an expert who will work in the TAPA project⁹ in order to inform the forthcoming analysis of the use of minority languages in court proceedings in line with the Action Plan for the Exercise of Rights of National Minorities.

A number of **reports** were prepared during 2016 **on the implementation of the UN Conventions**. 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 Rights of Persons with Disabilities, International Covenant on Civil and Political Rights, Convention on the Rights of the Child, European Charter on regional and minority languages, Revised European social charter, and ILO conventions 29, 94 and 105. In the course of reporting on implementation of the UN Convention on the Rights of Persons with Disabilities, an initial state report was presented to the UN Committee on the Rights of Persons with Disabilities. During the dialogue with committee members, further clarifications were provided with regard to the rights of persons with disabilities in course of judicial proceedings, access to justice and special premises in correctional facilities. These reports represent official MoJ reports provided periodically on the basis of questionnaires circulated to all state bodies who are responsible for implementation of various UN conventions.

As part of the Access to justice component, technical assistance was provided in the process of drafting the **Law on Free Legal Aid**. Following the elections period in April, the Working group continued to hold regular meetings at the Ministry of Justice in the framework of negotiations with the Bar associations and civil society organizations, along with representatives of the EU Delegation as observers. The Draft has been amended with an aim to address the requests of the Bar association. These amendments continue to be based on international principles on the provision of free legal aid, including the recent UNODC Report on provision of FLA internationally. Given the disagreement of the Bar and the CSOs in terms of the providers, negotiations continue.

With the aim to improve access to justice in criminal proceedings, an **Analysis of relevant EU standards in the field of procedural safeguards** was performed in 2016. (For more information, see: <http://www.mdtfjss.org.rs/archive//file/Analysis%20of%20relevant%20EU%20standards%20in%20the%20field%20of%20procedural%20safeguards.pdf>). This analysis involves: an Analysis of the EU acquis: Directive 2013/48/EU of the European Parliament and of the Council of October 22, 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and

⁹ The Council of Europe project "Strengthening the protection of national minorities in Serbia - Horizontal Facility for Western Balkans and Turkey"

on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty; Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings with an aim to specify waiver of the right to translation; Directive 2012/13/EU of the European Parliament and of the Council of May 22, 2012 on the right to information in criminal proceedings; and Directive 2016/821/EU on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings.

It also involves the review of Directive 2016/822/EU on procedural safeguards for children suspected or accused in criminal proceedings as well as the Proposal of the Directive on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings (2013) 824] and two recommendations (1) on procedural safeguards for vulnerable persons (2013) 8178, and (2) on the right to legal aid for suspects and accused in criminal proceedings (2013) 8179, which should be considered in the process of amending the normative framework. The analysis also involves a brief review of the alignment with the new EU *acquis* performed in Croatia (rights of defendants, access to a lawyer when a person cannot cover the lawyers' expenses, etc.). Recommendations relating to the alignment with the EU *acquis* in the field of procedural safeguards are also provided. (For more information, see: <http://www.mdtfjss.org.rs/archive//file/Recommendations%20relating%20to%20alignment%20with%20the%20EU%20acquis%20in%20the%20field%20of%20procedural%20safeguards.pdf>). The analysis 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. Given that Serbian legislative framework is partially aligned with these Directives, the recommendations focus on specific steps which should be performed, including both the normative and practical aspects to achieve full alignment.

An *Analysis on the Court fee waiver system in Serbia* was conducted in 2016, to address recommendations from the Functional Review and identify potential amendments to the legal framework and/or practice. The analysis involves a comparative overview of fee waivers in court proceedings, a review of the Serbian normative framework on court fee waivers vs. the normative framework on the states in the region, key issues identified in current practice, and recommendations for system improvement. At the request of MoJ, the analysis was expanded to include also the financial *aspects* (comparison of level of fees in Serbia & states in the region). The Analysis is available at the MDTF-JSS Grant website at: <http://www.mdtfjss.org.rs/archive//file/Serbia%20Court%20Fee%20Waiver%20Eng%20-%20Final%208%20Sep%202016%20WITH%20LOGO.pdf>.

A public presentation of the Analysis was held in the MoJ premises on September 6, 2016, with participation of relevant stakeholders i.e. judges, EU Delegation, MDTF-JSS Grant representatives, and CSOs. The Report on the public presentation is available at: http://www.mdtfjss.org.rs/en/mdtf_activities/2016/report-from-the-presentation-of-the-analysis-of-court-fee-waiver-system-in-serbia-september-6-2016#.WKmKbWorLIU. The public discussion indicated a need for combination of the effects of FLA & Fee waivers, given that the combination of these legislative acts would have the greatest impact on citizens with most vulnerable socio-economic status. The results of this analysis will be used to inform legislative amendments in relevant fields.



Public presentation of the Analysis on Court fee waiver system in Serbia

Technical assistance was also provided to the Working group drafting the Action plan for Roma Inclusion Strategy, as well the Working group for the Law on the Rights and Freedoms of National Minorities and the Working group for the Law on the National Councils of National Minorities. The support included assistance in development of specific activities, knowledge sharing regarding EU standards in protection of human and minority rights that should be achieved through these strategic documents, as well as budgeting methodology. The aim of the provided support is to ensure smooth implementation of the AP CH23 and the AP for national minorities, as well as to provide advice with regard to the EU standards in protection of human and minority rights and methods of drafting strategic documents.

In the field of anti-corruption, technical assistance was provided in drafting the Action Plan for implementation of Financial Investigations Strategy, and Strategy and Action plan for combating fraud and irregularities in managing EU funds. Technical assistance was provided in terms of defining the specific activities, normative and technical consolidation of the document, as well as development of the rationale and other accompanying documents for adoption. UNODC forms on Mutual Legal Assistance, Extradition and transfer of sentenced persons were updated with relevant data as well as UN annual report on drugs.

Moreover, project coordination and steering was ensured in field of reform assisted by RAFU, including with IPA funded GIZ RoLE, Judicial Efficiency Project, Council of Europe-EU project “Horizontal Facility for Western Balkans and Turkey”, etc.

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:

- Development 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;
- Development of a methodology of collecting and analyzing 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;
- Coordination of reporting and efficient support to the implementation of national strategic documents (NJRS, AP for Exercise of the Rights of National Minorities, etc.) for the needs of the Department for EU Integration and International Projects;
- Effective implementation and reporting on activities under the competence of MoJ in Chapter 24;
- 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

The old Results Framework was obsolete and the new one was developed to cover the period based on consultation with stakeholders. 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 European Union. 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 Chapter 23 Accession Action Plan.

Table 6.

#	Outcome indicator	Baseline at 1 January 2016	Target by 31 December 2018	Source/methodology
1	The Ch23 AP and key reform strategies (NJRS, backlog reduction plan etc.) are developed and monitored .	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 raise and measure awareness of issues facing the justice sector, and inform policies/decision-making .	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).	Targeted TA delivered by MDTF are viewed by at least 75% of relevant stakeholders to be useful for raising awareness and informing decision-making. Surveys identifying sector needs.	Verified through annual stakeholder responses to MDTF M&E survey, annual MDTF reports and aide memoires.
3	Various trainings & workshops strengthen individual capacities 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 2016	Target Dec 2018
Number of people participated in trainings & workshops in targeted fields	957	500
Number of participants report that training was useful (%)	94.83%	80%
Number of participants report improved skills (%)	82.91%	70%

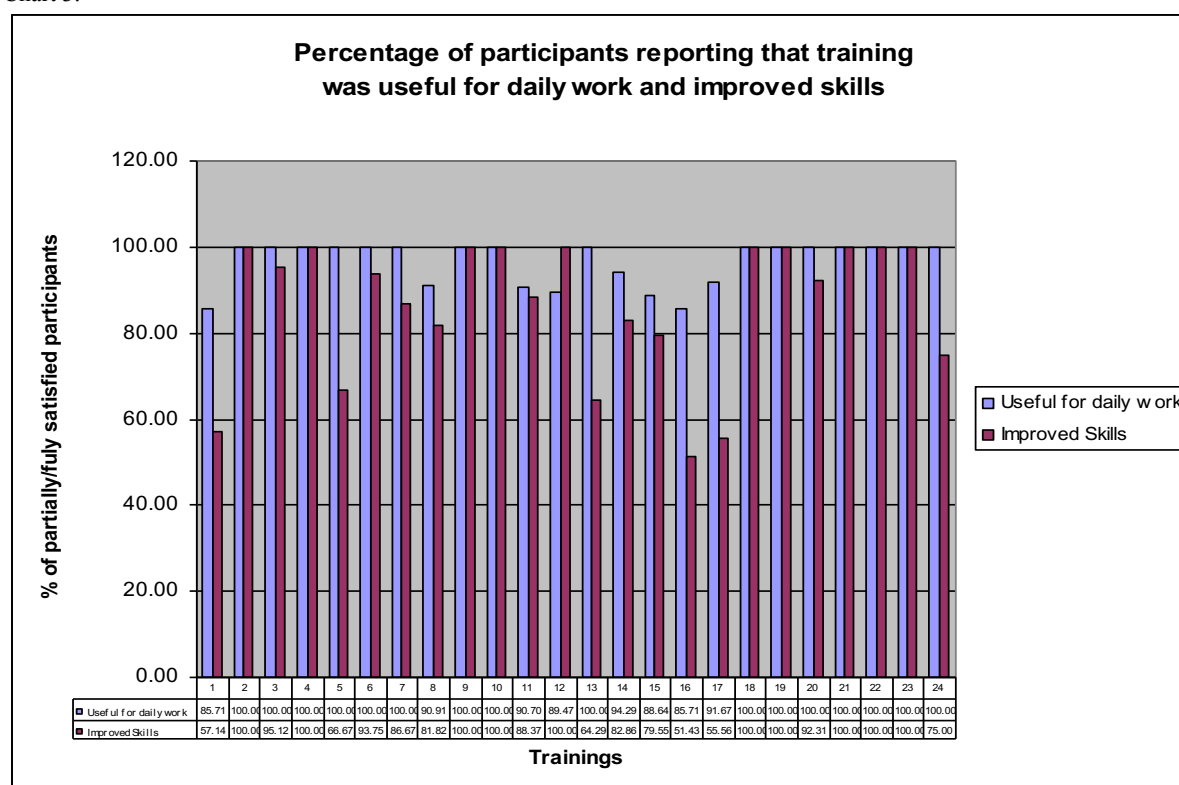
As the table above shows, the targets have already been achieved and significantly exceeded. This data is to be measured by JA and PIU Training Plans, including data on the number of participants and training evaluations.

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 was in use and participants answered to 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.

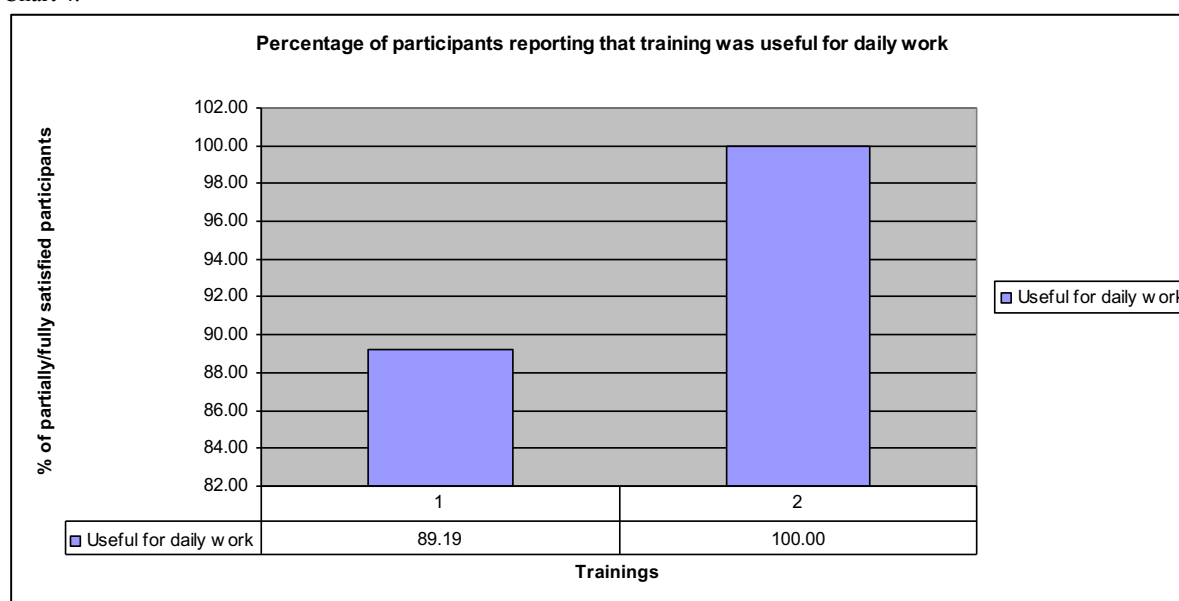


Trainings: 1- PR (Efficient and quick response to journalist's questions by MoJ officials); 2- Effective implementation and reporting on activities under the competence of the MoJ in Chapter 24. Communication flow and sustainable mechanisms of reporting (Sustainable monitoring and planning of TAIEX); 3- Improving Statistical Reporting upon Special Requests - Backlog Reporting; 4- Use of Legal Databases with Jurisprudence of the ECHR in Serbian language with interactive exercise on legal qualification of facts under ECHR (Appellate Court in Kragujevac); 5- Media training (Crisis Communication); 6- Presentation of the CEPEJ Report on Judicial Systems, 2016 (Comparing data and concepts and Overview of the procedure and experiences in filling out the Scheme for Evaluating Judicial Systems); 7- Communication Skills for Judiciary; 8- Public relations for Judiciary; 9- Workshop for the Improvement of the Work of the Department for Legal Professions (Presentation of European Standards for legal professions and strategic framework for reform of legal professions); 10- Improvement of general and special statistical reporting (Appellate Court Nis); 11- Improvement of general and special statistical reporting (Appellate Court Nis area); 12- Use of Legal Databases with Jurisprudence of the ECHR in Serbian language with interactive exercise on legal qualification of facts under ECHR (Appellate Court in Nis); 13- Improvement of general and special statistical reporting (Appellate Court Novi Sad); 14- Improvement of general and special statistical reporting (first group in Misdemeanor Court Belgrade); 15- Improvement of general and special statistical reporting (second group in Misdemeanor Court Belgrade); 16- Improvement of general and special statistical reporting (Appellate court Kragujevac area); 17- Improvement of general and special statistical reporting (Appellate court Kragujevac area); 18- Use of Legal Databases with Jurisprudence of the ECHR in Serbian language with interactive exercise on legal qualification of facts under ECHR (Appellate Court in Novi Sad);

19- Certification Courses in ISO 27001; 20- Certification Courses in ISO 20000; 21- Certification Courses in ISO 22301; 22- Certification Courses in ISO 31000; 23- Certification Courses in ISO 21500; 24- Communication Skills (Improvement of communication activities related to the new draft laws and new-adopted laws)

Trainings provided by the JA were completed in May and September before the development of the recipient executed MDTF-JSS Grant training questionnaire, which set two criteria for monitoring. Participants were interviewed by the JA from several aspects, however, since they have not been questioned on Criterion 2 ("To what extent have you improved your skills?") data presented in Chart 4. consists of numbers relevant only to Criterion 1 ("Do you consider that the organization of this seminar is useful for your daily work?"). Either way, the percentage of participants partially and fully satisfied with the usefulness of the seminar in HR is 89.19% and in Court Management it is 100%. This data is above the requested 80%, which confirms that both topics are well addressed (see Chart 4).

Chart 4.



Trainings provided by the Judicial Academy: 1- Human Rights (Areas: Civil rights; Administrative rights; Criminal rights); 2- Court Management (Areas: Court administration and management and case administration, budgeting and finances and transparency of work and PR)

Overall, **957 people** from various institutions¹⁰ 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, public presentations of reports on APCH23 implementation, etc.) and SCC RAFU consultants (harmonization of court practice, improving of statistical reporting, use of legal databases with jurisprudence of the European Court of Human Rights, etc.) as listed below.

¹⁰ 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.

Trainings/workshops

Training sessions on AP CH23 monitoring: As a part of the process of AP CH23 monitoring, a number of training sessions were organized throughout 2016. Prior to the pilot reporting cycle performed at the end of 2015 and beginning of 2016, the *first training session* aimed at identifying potential problems in the reporting process and introducing the process of reporting on AP CH23 implementation was organized. The training session included all focal points from institutions responsible for the implementation of AP CH23. Subsequently, a *second training for focal points* from all institutions responsible for the implementation of AP CH23 was organized, focusing in particular on the conclusions arising from the pilot reporting and key problems identified. The participants were invited to actively discuss and raise questions that mostly concern them in the process of reporting. Given the changes in a number of institutions, a *third round of trainings for focal points* from all institutions responsible for the implementation of AP CH23 was organized. The focus was on issues identified in reporting and methods of evaluation of the planned activities.

With regard to trainings performed in the field of finances and budgeting methodology implementation, the training sessions were focused not only on AP CH23, but also on budgeting of diverse draft laws. The progress resulting from these trainings may be perceived in proposing any strategic or other document approved by the Government or the National Assembly, in case there is a need for financial resources for its implementation. This is a completely new way of estimating the financial aspects in terms of costs, respecting the international classification of costs applied by the Ministry of Finance of the Republic of Serbia in line with the Government Financial Statistics (GFS) methodology. This methodology is also in line with the current budget system and budget classification framework, which include the development and completion of the prescribed *PFE form* (in Serbian: *Procena Finansijskih Efekata*), containing an estimate of the financial effects of the activities of each responsible authority, for the purpose of submission to the Ministry of Finance (For more information, see: <http://www.mfin.gov.rs/UserFiles/File/podzakonski%20akti/2015/PFE/Pravilnik%20PFE%2031%20mart%202015.pdf>). Based on the Analysis of the components of the existing budgetary system and identification of key obstacles, participants gained practical knowledge by using one example, related to the improvement of the system of financial management and planning of the judiciary budget, and the specific suggestions regarding the improvement of the budgeting process (For more information, see: Analysis of the components of the existing budgetary system and identification of key obstacles on the MDTF-JSS Grant website).

Trainings for assessing financial effects provided the participants with the necessary knowledge of qualitative (descriptive) elements for budgeting, resources that are needed to implement the activity (human resources, material costs, education, investments or other costs), as well as the need for a unified approach of all participants, without exception, requiring all ministries to express their estimated financial needs in the same way. Trainings held on September 1, 2016 also included the transfer of knowledge to managers and civil servants in the Department of Financial Affairs, and other organizational units dealing with financial matters and public procurement in the Ministry of Justice (the procedure for the identification of the main financial elements for determining the eligibility of participants in the tenders announced by the Ministry of Justice). The training for managers and advisors in the State Attorney's Office in Serbia, held on September 5, 2016, was organized in relation to the method of analysis of statistical and other data on the structure and content of court cases in which the Republic of Serbia is a plaintiff and/or defendant.

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 sessions at the Office for Human and Minority Rights on the establishment of a monitoring system for the AP 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 organize the data collection, to use the methodology developed for the purpose of reporting on AP CH23 implementation, and to avoid some of the identified obstacles.

Multilateral and bilateral training sessions for focal points for AP CH23: Additional training sessions were organized on several occasions during 2016, 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. The following institutions participated: the SPC, the JA, the Office for Human and Minority Rights, the Commissioner for the Protection of Equality, the Ministry of Education, the Ministry of Construction, the Official Gazette, WCPO, the Regulatory body for electronic media, and the Commission for the Protection of Competition.

Following these training sessions, the reporting has been improved, in particular with regard to initial reports. Data collected in the IV quarter of 2016 demonstrate significant improvement in reporting methods. The quality of reports has been 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.

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.

Supported by the IPA GIZ RoLE project, on February 10-11, 2016 RAFU MoJ organized and moderated a **workshop with representatives of the Ministries of Justice of Macedonia and Montenegro** in order to exchange experiences and to improve the administrative capacity of the

Department of the Judicial Professions, as well as the enforcement system itself. A “**Workshop for the Improvement of the Work of the Department for Legal Professions**” was organized on December 1, 2016 for the 10 MoJ employees from the Department for Judicial Professions. During the workshop, RAFU MoJ delivered a presentation of the European Standards for legal professions and strategic framework for reform of legal professions, through various reports required for the EU accession process and other means. The workshop was supported by GIZ Legal and Judicial Reform Project (LJRP).

A Kick-off event “**SEE Network of Associations of Mediators**” was held in Bled, Slovenia, on June 7-8, 2016, during which representatives of the MoJ RAFU, SCC and the National Association of Mediators of Serbia (NUMS) participated and presented the mediation system of Serbia. (For more information see:

<http://www.mdtfjss.org.rs/archive//file/Presentation%20on%20Serbian%20Mediation%20System%20and%20Legal%20Framework.pdf>). Mediation systems in SEE have similar problems and objectives, in particular the problem of creating a sustainable system of alternative dispute resolution, thus regular exchange of good practices and experiences is the important added value for all participants. The meeting was the 1st of the future regular meetings with the purpose of enhancing and strengthening cooperation and taking actions in order to improve the role of mediation. Regarding possible common activities, participants identified minimum 4 areas where regional activities are beneficial: training for different target groups (judges, lawyers, mediators, administration); influencing the programme of the faculties of law (cooperation with SEELS); public awareness raising and promotion of mediation; and development of manuals and studies in the field of mediation. It was concluded that regional cooperation of associations of mediators and governments is an added value and benefit for mediators as well as judiciaries in the region and a valuable example of cooperation of governments and CSOs.



On September 24, 2016, RAFU MoJ participated in the **First Annual Conference of Court Interpreters and Translators of Serbia**, presenting the strategic framework for the reform of judicial professions, plans of the MoJ for reform of court translators, and relevant acquis and European standards.



As a part of the Support to the Supreme Court of Cassation, RAFU SCC participated at the **Annual Judges Conference**. The Conference is the main judicial event in Serbia, held traditionally each autumn in Vrnjačka Banja. More than 1,300 participants gather during three working days to discuss the crucial legal and judicial issues which arose during the year. The Conference is hosted by the SCC, and supported by a pool of international donors, among which the MDTF-JSS Grant.

The 2016 Conference, held between October 9 and 12, was attended by more than 1,300 participants from all Serbian courts, as well as independent judicial professionals such as public notaries, enforcement agents and attorneys. Other guests included foreign judges and prosecutors, diplomats, experts, and representatives of the EU Delegation, the OSCE, the Council of Europe, USAID and US DoJ, and other donor organizations and NGOs.

The MDTF-JSS Grant was substantially presented at the Conference, of which more information can be found at: http://www.mdtfjss.org.rs/en/mdtf_activities/2016/2016-annual-judges-conference#.WK1dZm_yuM8.

Case law harmonization was also discussed at the Conference. A short overview of three chapters was presented: ECHR jurisprudence, disputed legal issues, and education plan. It was noted that case law departments in Serbian courts follow the practice of the Strasbourg court, however, mostly limited to Serbia-related cases. As the step made forward in the Supreme Court of Cassation in terms of expansion of the case-law database, the SCC joined the Superior Court Network (in August 2016), a network emerged from the intention of the European Court of Human Rights to interact with the highest courts in member states. Being part of implementing the Protocol 16 (on judicial dialogue) also contributes to the international reputation of the Serbian SCC, which stood among the first 18 highest courts, that have joined this network. The benefits include access to the intranet and a secure webpage, launched by ECHR Jurisconsult (case-law department), containing the non-public weekly legal analysis on Grand Chamber decisions. In addition, membership opens up the possibility for sending a limited number of queries to the ECHR Secretariat, and searching for delivery of legal opinions on the existing case-law. This was an initiative by the Council of Europe Belgrade Office, while RAFU SCC assisted in drafting the accession documents.

A new law on enforcement and security: SCC Justices have presented the SCC responses to disputed legal issues derived from the New Law on Enforcement and Security, the collection and processing with the support of RAFU SCC. http://www.mdtfjss.org.rs/en/mdtf_activities/2016/2016-annual-judges-conference#.WLA3aTs1-Uk

Disputed legal issues – translation of foreign and comparative jurisprudence: Considering those among disputed legal issues being not related exclusively only to one country, the MDTF-JSS Grant organized, in cooperation with the SCC Head of Civil Department, the translation of comparative jurisprudence of the highest courts of other countries (focusing on the experience of neighboring countries and the countries with which Serbia shares a common legal tradition in certain matters, such as Austria, Hungary, etc).

Joint meetings between SCC and appellate courts in 2016: In 2016, there were in total 8 meetings between SCC and the Appellate Courts for the purpose of harmonization of court practice through the resolution of disputed legal issues, including respectively: criminal law matters (4 meetings), and civil law, labor law and commercial law matter (4 meetings). The effects of this mechanism were noticed in criminal matters, in terms of stabilization and stagnation in the number of contentious legal issues nominated by the Appellate Courts. In civil law matters, on the other hand, the growing number of

disputed legal issues nominated (i.e. dozens of contentious issues at each joint meeting) indicates the need for further development and strengthening of the existing mechanism of harmonization of court practice. Deepening the so-called vertical harmonization of jurisprudence also included the standardization of court jurisprudence at the level of higher courts. This was achieved through joint meetings between the higher courts within two out of the four appellate regions (Kragujevac and Novi Sad Appellate areas).

Human Rights five-day seminar for the SCC advisors and HJC employees: with support of the MDTF-JSS Grant, the Judicial Academy organized training in the field of human rights, in accordance with “The Curriculum European Convention on Human Rights and Fundamental Freedoms”. The training was realized in May 2016 and included both theoretical and workshop methods, domestic and international legal frameworks. (For more information, see: http://www.mdtfjss.org.rs/en/mdtf_activities/2016/five-day-seminar-for-the-supreme-court-of-cassation-and-employees-at-the-high-court-council#.WMKa4Dj8pPY)

Court Management for Court Presidents: In September 2016, at the premises of the Supreme Court of Cassation in Belgrade, in cooperation with the SCC, the MoJ, and the MDTF-JSS Grant, the JA organized a two-day round table for court presidents. The round table was dedicated to court management issues – HR management, financial management, public relations and outreach, and case management issues – European standards, backlog management, reporting, etc. Participants at the round table were the President of the SCC, presidents of all four appellate courts, the Commercial Appellate Court, the Administrative Court and of the Misdemeanor Appellate Court, senior judges of these courts and their administrators. (For more information, see: http://www.mdtfjss.org.rs/en/mdtf_activities/2016/round-table-for-court-residents#.WLWaZDj8pPY



Training in the field of Communication Skills and Public Relations for the Justice Sector: At the end of November 2016, under the support of MDTF-JSS Grant, the Public Relations Agency (P.R.A.) organized tailored trainings in the field of Communication Skills and Public Relations. The 41 training participants from the Misdemeanor Court of Appeal, the Court of Appeal in Kragujevac, the Court of Appeal in Niš, the Administrative Court, the High Judicial Court, the Supreme Court of Cassation, the Commercial Court of Appeal, the Basic Prosecutor's Office, and the High Prosecutor's Office participated in training on basic models of communication as well as PR (For more information, see: <http://www.mdtfjss.org.rs/archive//file/Training%20in%20the%20field%20of%20Communication%20Skills%20and%20Public%20Relations%20for%20Justice%20Sector.pdf>)



Certification Courses in Various ISO Fields (ISO27001, ISO20000, ISO22301, ISO31000, ISO21500):

_ With the support of the PIU and the MDTF-JSS Grant, the Consortium consisting of the Institute for Standards and Technology, the Eucons Group Ltd. Belgrade and the Institute for Information Security Ltd Novi Sad, organized various ISO trainings in November and December 2016. Attendees of these courses were informed about details of the best practices and international standards in internal procedures and policies in order to improve transparency, efficiency, operational parameters and minimize security and business continuity risks. Participants were tested and passed exams on specific ISO modules. These trainings were particularly useful because, in accordance with the Law on information security, stakeholders should have employees trained in the field of information security or externally hire staff to prepare and implement procedure on information security (For more information, see: <http://www.mdtfjss.org.rs/archive//file/MDTF%20ISO%20-%20RSv2.pdf>).



Building Courts' Capacities to Measure Performance: Towards the end of 2016, staff statisticians from the Supreme Court of Cassation, members of the SCC Backlog Reduction Working Group and MDTF-JSS Grant consultants, conducted a series of workshops on how to improve tracking, recording and reporting data on the work of courts. Court staff involved in implementation of Backlog Reduction Programs and statistical reporting from basic, higher, commercial and misdemeanor courts were the primary target groups for these workshops; however, a few judges as well as court staff from appellate courts showed great interest and enthusiasm in participating. 409 participants in total took part in 11 workshops held in Nis, Novi Sad, Belgrade and Kragujevac.

Key topics included: statistical reporting of courts in accordance with the Book of Court Rules and SCC requirements – main challenges and means to overcome them; and: court performance measurement as required by the Amended Unified Backlog Reduction Program, CEPEJ, EU accession process, and other special needs.



The feedback received from the participants confirmed that court staff felt neglected in terms of professional development and involvement in reform processes: they often follow requests coming from “higher authorities”, without proper understanding of why particular information is required.

Given this, the Supreme Court of Cassation is determined to continue with such or similar events in 2017, tailor them as per particular needs and identified challenges, and broaden the target group to judges, court presidents and other court executives, as these workshops provide an excellent forum for peer-to-peer learning and exchange.

Peer-to-peer Exchange with Dutch Courts and participation in the 11th Regional IACA Conference



On May 15 to 20, 2016, a delegation of Supreme Court of Cassation justices and advisors visited The Hague, the Netherlands, as participants of the 11th Regional International Association for Court Administration (IACA) Conference (www.iaca2016.eu), as well as guests of a number of international and Dutch judicial institutions.

This visit had two focuses: case management improvements, in the light of backlog reduction and prevention; and access to court decisions, more precisely anonymization of documents made available to the public.

The delegation met with the following Dutch institutions: the Ministry of Security and Justice, the Dutch Council for Judiciary, and the Appellate and District Court in The Hague. Members of the delegation were introduced to the latest legislative changes in particular, the Criminal Procedure Code, and steps to be taken in order to efficiently change and implement the amended legislation. The Council presented its current projects related to the digitalization of case files, and access to court decisions and documents. The members of the delegation were particularly interested to learn more on the process of judicial appointments and promotion, on the governance competences of the Council, on judicial accountability, but also on the case delay prevention measures as well as case law harmonization.

More details on the content of the visit and delegation's participation in the IACA Conference can be found at: http://www.mdtfjss.org.rs/en/mdtf_activities/2016/-scc-justices-and-staff-visit-11th-iaca-regional-conference-and-meet-colleagues-from-the-dutch-judicial-institutions#.WK1uUm_yuM8.

Use of legal databases with jurisprudence of the European Court of Human Rights (workshops for judicial assistants from appellate courts in Serbia)

In November and December, a series of workshops on how to use legal databases in the Serbian language, which include jurisprudence of the European Court of Human Rights in Strasbourg, were conducted. Judicial assistants from Appellate Courts from the Case-Law Departments were the primary target group of these workshops, while some additional court staff (judicial assistants assigned to panels in criminal, civil and labour law matters) expressed also strong interest to benefit from this opportunity, so they were co-opted to the group upon application.



The workshops comprised of two components – the first one focused on the use of databases of the Strasbourg court jurisprudence in the Serbian language, while the other contained interactive exercises on legal qualification of facts under the European Convention on Human Rights in selected examples.

The high number of participants as well as the excellent feedback expressed through the evaluation (based on a questionnaire distributed in connection to the workshops) resulted in the willingness, both among the appellate courts as well as in the SCC, for these workshops on ECHR case law and databases to be spread in 2017 both vertically to judicial assistants (not limited only to those from Case Law Departments) from Higher Courts, and horizontally to judicial staff in state-level courts (Commercial Appellate Court, Administrative Court and Misdemeanor Appellate Court).

http://www.mdtfjss.org.rs/en/mdtf_activities/2016/use-of-legal-databases-with-jurisprudence-of-the-european-court-of-human-rights#.WLA2ODs1-Uk

In order to address most common issues identified in the courts' periodical reporting, *training workshops with Misdemeanor courts, Commercial Courts and Courts of general jurisdiction, with involvement of SCC employees*, were organized. The goal of these workshops was to increase the understanding and to unify the report preparation process in all courts through detailed explanation of the steps for report preparation and their importance and impact. Each workshop had active Q&A discussions. Major issues discussed during these workshops are listed in the "Report on deficiencies of the existing caseload statistical reports and business processes." (For more information, see: <http://www.mdtfjss.org.rs/archive//file/Report%20on%20deficiencies%20of%20the%20existing%20caseload%20statistical%20reports%20and%20business%20processes.pdf>). Attendance to these workshops was excellent and many court employees involved were grateful for the opportunity to discuss their problems and get better understanding of the work that they are doing. A vast majority of

the participants suggested that these workshops should be held regularly. Participants expressed great interest in and approval of the ICT trainings planned for the next year, targeting improvement of computer literacy and better use of standard office productivity suites.

Dissemination Events

RAFU MoJ organized two Public presentations of the Report on AP CH23 implementation during 2016. The **Public presentation of the joint First and Second Report on AP CH23 implementation** for the representatives of state institutions, the media, civil society and international organizations was organized on July 1, 2016. Minister of Justice Mr. Selakovic gave the opening statement, while the audience was also addressed by the Director of SEIO – Ksenija Milenkovic, the Head of the Rule of Law and Human Rights Department (OSCE Mission to Serbia) - Arthur Graham, and the Head of Chapter 23 Negotiating Group and Assistant Justice Minister – Cedomir Backovic. The Report on the public presentation is available at the MDTF-JSS Grant website at: http://www.mdtfjss.org.rs/en/mdtf_activities/2016/presentation-of-the-report-no-1-2-2016-on-implementation-of-the-action-plan-for-chapter-23#.WKmLNGorLIU



Public presentation of the joint First and Second Report on AP CH23 implementation

The **Public presentation of the Fourth Report on the implementation of the Action Plan for Ch 23** was organized in the Deputies' Club on December 22, 2016, with participation of all the institutions set as responsible for the implementation of the AP CH23, key civil society organizations monitoring Chapter 23 through the National Convent, representatives of the EU Delegation, the OSCE, and representatives of various embassies. The head of the EU Delegation Mr. Davenport gave an opening speech, as well as the Minister of Justice Ms. Kuburovic, Mr. Backovic, the Head of Negotiating group for Chapter 23, and Ms. Miscevic – the Head of the Negotiating team. The presentation was given by Ms. Milica Kolakovic, Consultant for Criminal Justice Reform, Mr. Vladimir Vukicevic, Consultant for Human Rights, Ms. Darja Koturovic, Consultant for Access to Justice and Mr. Lazar Djurovic, Consultant for Anticorruption.

This event was organized with an aim to present the key results of the implementation of the AP CH23 during 2016. The Report includes all the activities due by IV quarter 2016 as well as continuous activities. Along with a brief review of the overall state of implementation of the AP CH23, statistical reports were presented at several levels - for the entire Action Plan, for each of the Subchapters of the Judiciary, Anti-corruption and Fundamental Rights, and for each responsible institution. The aim of this event was also to publicly discuss about key challenges in implementation, as well as to underline some of the important activities that need to be implemented in the forthcoming period. The presented Report is available on the website of the Ministry of Justice and can be found at:

<http://www.mpravde.gov.rs/tekst/14618/izvestaj-br-42016-o-sprovodjenju-akcionog-plana-za-poglavlje-23.php>



Public presentation of the Fourth Report on the implementation of AP CH 23

Promotion of Mediation

During 2016, the MoJ and RAFU MoJ actively promoted mediation. The Minister of Justice participated on September 29, 2016 at the round table **"Alternative methods of dispute resolution in commerce - the advantage of domestic arbitration"** organised by the Serbian Chamber of Commerce and supported by RAFU MoJ, which presented the advantages of both arbitration and mediation. More about the event can be viewed via the following link: <http://www.mpravde.gov.rs/vest/13753/arbitraza-kao-alternativni-nacin-resavanja-sporova.php>. As a result of the successful event, a MoJ-SCCI working group was formed on January 26 2017, which will address and work on interests and topics of joint concern.

Further, RAFU MoJ participated in a **Roundtable on the topic "How to Improve the Quality of Services and Increase the Number of Mediation Requests"**, organised within the EBRD **"Commercial Mediation in Serbia"** project kick-off Conference on October 28th. The Conference was attended by over 120 mediators, presidents of primary and commercial courts, judges, lawyers, businessmen and representatives of regional chambers of commerce. The participants agreed that further incentives must be given in order for mediation to be utilised to a greater extent, as well as that the full-voluntary model of mediation should be replaced with certain elements of compulsory consideration of mediation, at least in certain select cases (ex. obligatory information sessions, opting-out model, etc.). MoJ RAFU is considering the various possible options, together with the Alternative Dispute Resolution (ADR) Working Group and is coordinating with IPA JEP the engagement of further mediation experts in order to facilitate the reform.



MoJ RAFU also participated in a public debate/promotional event in Novi Sad – “**Mediation in Serbia – Efficient and Humane Resolution of Disputes**”, organized on November 29, 2016, by the Serbian National Association of Mediators (NUMS).



Presentation of the CEPEJ Evaluation Report: European Judicial Systems – efficiency and quality of justice 2016

A presentation of the Report “European Judicial Systems - the Efficiency and Quality of Justice – 2016 edition” was organized on November 23, 2016 in Belgrade, Serbia, and was attended by 50 participants who are employees in the MoJ, SPC, HJC, SCC and court presidents as well as representatives of international partner institutions. The attendees assessed the training as very useful. The presentation was also attended by IPA JEP expert for Judicial Performance Analysis, with whom RAFU further coordinated in order to include standard data requests of relevant international institutions in the analysis.

More on the presentation and the report itself may be found on the following links:
http://www.mdtfjss.org.rs/en/mdtf_activities/2016/sentation-of-the-2016-report-of-the-european-commission-of-the-efficiency-of-justice-#.WK9btvkrLgl,
<http://www.mpravde.gov.rs/files/2016%20CEPEJ%20Report%20-%20Presentation%20Note%20SR.pdf>

Further workshops will be organized in 2017 in order to provide further insight into the interpretation of the CEPEJ questionnaire, for the purpose of providing the most accurate and precise information in the 2017 CEPEJ Evaluation Scheme. Moreover, further workshops will be organized in order to promote the use of CEPEJ-STAT database.



Communication Activities

During 2016, the MoJ had a large number of **communication activities** related to its competence. The Report on Promo Campaigns and Communication Activities of the MoJ, supported by RAFU MoJ, can be found on the following link: http://www.mdtfjss.org.rs/en/mdtf_activities/2016/promo-campaigns-and-communication-activities-of-the-moj-supported-by-outreach-consultant#.WlfSqDj8pPY. There were five meetings of the Strategy Implementation Commission that were followed by media, and more than 13 public debates related to the new draft laws.



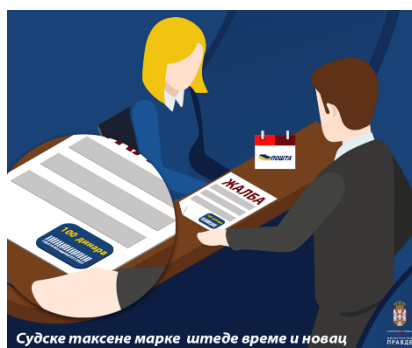
Also, representatives of the MoJ attended three media trainings that were organized in the second half of 2016. There were two media trainings for the members of MoJ Press Office and one for representatives of the MoJ (state secretaries, minister assistants, chiefs of sectors) in aim to improve their communication skills, as efficient and good communication can be very helpful in crisis situations in media. Following the RAFU Plan activities for 2017, five more media trainings will be organized for representatives of MoJ and for spokespersons of judicial institutions.

In addition to the above, there were several amendments to existing laws regarding the relationship between the judiciary and state institutions and the citizens. Thanks to the media training, the MoJ was able to effectively communicate the new procedures and measures to the public.

Several promo campaigns were created and implemented which were related to the new law amendments and procedures:

- introducing of the court stamps in Serbian judicial system

<https://www.facebook.com/pravdars/photos/a.109617032519256.19454.105221506292142/611394742341480/?type=3&theater>



- beginning of implementation of the Law on Protection of Trial on Reasonable Time

<http://www.mpravde.gov.rs/vest/11680/pocela-primena-zakona-o-zastiti-prava-na-sudjenje-u-razumnom-roku-.php>

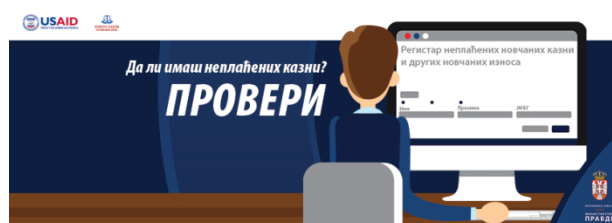
https://www.facebook.com/pg/pravdars/photos/?tab=album&album_id=574982479316040



- introducing of Register of Unpaid fines of the Misdemeanor courts

<http://www.mpravde.gov.rs/vest/11732/proverite-da-li-ste-u-registru-neplacenih-novcanih-kazni-i-drugih-novcanih-iznosa.php>

<https://www.facebook.com/pravdars/photos/a.109617032519256.19454.105221506292142/580212085459746/?type=3&theater>



- establishment of electronic Register of citizens and legal persons against whom is running criminal procedure

<https://www.facebook.com/pravdars/photos/a.109617032519256.19454.105221506292142/723625547785065/?type=3&theater>



Several reports were made on the new Law on Enforcement and Securities and on the profession of enforcement agents, such as on April 22, 2016 in the newspaper “Večernje Novosti”: <http://www.mpravde.gov.rs/vest/12672/kako-je-profesija-izvrshitelja-uvedena-u-srpski-pravosudni-sistem.php>.

Campaign “Off Violence”

One of the most important public campaigns, not just only for the MoJ but for all citizens and the justice system, related to the new Law on the Prevention of Domestic Violence aimed at prevention of violence against women in the family and in partner relationships, was launched in the second half of 2016. The MoJ initiated the campaign aimed at raising awareness of domestic violence and the new legal measures against domestic violence. The “Off Violence” campaign involves multiple events and the use of social media and offline media and aims to raise awareness of domestic violence, to inform and educate various target groups on the subject, and to make the future legal measures known to both actual or potential victims and perpetrators of domestic violence. The MoJ created a special website <https://iskljucinasilje.rs/>, which should be one of the most important communication channels during the campaign.

http://www.mdtfjss.org.rs/en/mdtf_activities/2016/the-ministry-of-justice-launches-the-off-violence-campaign-with-a-message-zero-tolerance-for-violence#.WK6j3IUrKM8

<http://www.mpravde.gov.rs/vest/14227/u-susret-novim-zakonskim-merama-u-borbi-protiv-nasilja-u-porodici-predstavljena-kampanja-iskljuci-nasilje.php>

<http://www.mpravde.gov.rs/vest/14974/ministarka-kuburovic-sa-koordinatorkom-savetovalista-protiv-nasilja-u-porodici-o-primeni-novog-zakona-o-sprecavanju-nasilja-u-porodici.php>

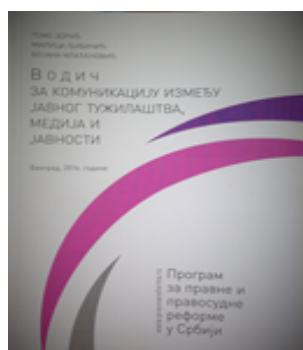


July 2016 marked one year of implementation of the Law on Protection of Whistleblowers. Thus, in September 2016, a brunch for journalists was organized, with the aim to present the courts' results related to the Law. The Brunch was organized in cooperation with USAID.



Newsletters

During the 2016, the MoJ published the Newsletters related to its activities. Target public which received the newsletters included Embassies and Consulates of the Republic of Serbia in the European Union, 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 are given below:



The MoJ RAFU supported the drafting process and promotion activities of the GIZ LJRP Guidebook for communication of public prosecutor's offices, as well. The MoJ RAFU Consultant worked closely with the authors of the Guideline, giving suggestions, information and remarks. Also, the representatives of the GIZ and the MoJ RAFU Consultant did the final authorization of Guideline text.

RESULTS

Table 7.

#	Outcome indicator	Baseline at 1 January 2016	Actual at December 31, 2016	Target by 31 December 2018
1	The Ch23 AP and key reform strategies (NJRS, backlog reduction plan etc.) are developed and monitored .	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 FR 2014.	AP CH23 adopted on April 27, 2016, and the Chapters 23 & 24 in accession negotiations with the EU, opened on July 18, 2016. 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 adopted: the National Strategy for the Prosecution of War Crimes and the AP for the Exercise of the Rights of National Minorities. 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. Concurrently, the key Action plans in the field of Judiciary and Anti-corruption have been amended in 2016 to align with the AP CH23. Successful cooperation with civil society i.e. the National Convent for Accession to the EU, continued throughout 2016, whereby several round tables were organized to discuss and promote the implementation of the AP CH23.	Strategies and plans monitored and periodically updated.
2	Various analysis, technical assistance and survey data raise and measure awareness of issues facing the justice sector, and inform policies/decision-making .	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: Analysis on efficiency of criminal proceedings for organized crime, as well as an Analysis on effects of multiple abolition of the first instance verdict on the length of criminal proceedings, Analysis of the Law on protection of the right to trial within reasonable time, Analysis of Efficiency in Criminal Proceedings, CEPEJ Visit Report, Guidelines which determine the directions of ICT system development in Serbia (conceptual model) and include data on infrastructure of ICT and costs of its maintenance,	Targeted TA delivered by MDTF are viewed by at least 75% of relevant stakeholders to be useful for raising awareness and informing decision-making. Surveys identifying sector needs.

			<p>Analysis on the Matter of Delivery within the CPC,</p> <p>Amendments to the Notary Tariff,</p> <p>Assessment of the ICT infrastructure of the SCC,</p> <p>Report on deficiencies of the existing caseload statistical reports and business processes,</p> <p>Analysis of the effects of the reform of Judicial network,</p> <p>Comparative legal analysis on democratic participation of national minorities,</p> <p>Survey on the utilization of languages of national minorities in court proceedings (civil, criminal and misdemeanor),</p> <p>Analysis of relevant EU standards in the field of procedural safeguards,</p> <p>Analysis on the Court fee waiver system in Serbia.</p>	
3	<p>Various trainings & workshops strengthen individual capacities 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 & workshops in targeted fields.</p> <p>94.83% participants report that training was useful for daily work.</p> <p>82.91% report improved skills</p>	<p>At least 500 people participate in training & workshops in targeted fields.</p> <p>At least 80% participants report that training was useful.</p> <p>At least 70% report improved skills</p>

4. FINANCIAL HIGHLIGHTS

SOURCES OF FUNDS	FY2016	TOTAL 2011-2016
MDTF-JSS	\$ 458,531.50	\$ 2,788,949.24
+ Counterpart fund (GoS)	\$ 74,610.51	\$ 525,716.93
= Total sources of funds	\$ 533,142.01	\$ 3,314,666.17

USES OF FUNDS PER SUBCOMPONENTS		
Financed by the MDTF-JSS		
2 - Technical Assistance to Strengthen Justice Sector Reform in Serbia (Client Executed)		
2.1 - Technical Assistance for Establish RFU	\$ 386,570.12	\$ 2,197,488.13
2.2 - Technical Assistance to Improve Access to Justice		\$ 145,646.31
2.3 - Other	\$ 71,961.38	\$ 445,814.80
Sub-total financed by the MDTF-JSS	\$ 458,531.50	\$ 2,788,949.24
Financed by the GoS		
2 - Technical Assistance to Strengthen Justice Sector Reform in Serbia (Client Executed)		
2.1 - Technical Assistance for Establish RFU	\$ 63,035.29	\$ 379,604.09
2.2 - Technical Assistance to Improve Access to Justice	\$ -	\$ 38,020.87
2.3 - Other	\$ 11,575.22	\$ 108,091.97
Sub-total financed by the GoS	\$ 74,610.51	\$ 525,716.93
Total uses of funds	\$ 533,142.01	\$ 3,314,666.17

Signed Amount ¹¹	\$ 4,700,000.00
Disbursed as at December 31,2016	\$ 2,824,796.13
Undisbursed as at December 31,2016	\$ 1,875,203.87

¹¹ Grant Agreement on the amount of \$2,000,000.00 was signed on November 30, 2010; 2nd Amendment to the Grant Agreement signed on April 4, 2013 increased amount for \$700,000.00; 4th Amendment to the Grant Agreement signed on May 11, 2016 increased amount for \$2,000,000.00

LOOKING AHEAD

MDTF-JSS RAFU continued to provide substantive support to the judicial reform and EU integration process throughout 2016, through developing and monitoring the relevant strategic framework, provision of necessary analyses, technical assistance and surveys as well as trainings and workshops, raising capacities in the sector and enabling informed decision making. Building on the achievements from the previous year(s), executed activities shall continue during 2017 in line with the key objectives of the MDTF JSS. Some of the main activities that shall be implemented are listed below:

- Support the MoJ in implementing activities set in the AP CH23,
- Support the MoJ in finalizing and implementing normative framework in the field of access to justice,
- Capacity building aimed at improved reporting and implementation of strategic documents in the field of judiciary, human and minority rights,
- Capacity building of court staff and judges: tailored ICT trainings, analytical and management skills, advanced legal education (ECHR and EU law),
- Performance track-record developed in line with the EU and CEPEJ standards,
- Conducting of the 2016-2018 CEPEJ Evaluation Scheme,
- Support of the work of the ADR Working Group,
- Procurement of IT equipment for SPC and Commercial Courts,
- Organization of 3rd International Association of Prosecutors (IAP) Global Forum “Accountability and Ethical Standards in Prosecution”, etc.

Given the importance of effective implementation of the activities set in the AP CH23, provision of continued support to the MoJ is highly significant. This is also closely associated with the need to improve capacities at the MoJ for numerous scheduled amendments to the legislative framework, implementation of the EU *acquis* in the Serbian normative system, raising capacities and monitoring and control over new legal professions, as well as adequate reporting on implementation of new legislative framework and relevant strategic documents. Concurrently, the completion of the normative and implementation framework in the field of access to justice represents one of the key priorities of the MoJ, in particular due to its interconnectedness with the EU accession process and repeated delays related to socio-political factors.

In 2017 MDTF-JSS boosts its capacity building support, by providing a large number of specific skills’ training to judges and prosecutors, but particularly to judicial staff, whose professional development deserves wholehearted support. The skills’ training encompasses the following areas: ICT, ISO, data management, statistical reporting, program and project management, HR management, financial management, PR and communication skills, etc. In addition, MDTF-JSS will support specific legal education related to the implementation of the ECtHR case-law in national jurisprudence, to the law of the EU (labor, trade, data protection), etc. Representatives from MoJ, HJC, SPC, SCC and other courts (Appellate Courts, Higher Courts, Basic Courts, Commercial Appellate Court, Commercial Courts, Misdemeanor Appellate Court, Misdemeanor Courts, Administrative Court) will participate in trainings.

As the SCC strives to re-establish a business-friendly and citizens-friendly environment, it proclaimed the civil enforcement as the primary focus of the BLR WG activities in this, and upcoming year. Through the support to the SCC BLR WG, MDTF-JSS support will be particularly targeted to the oldest enforcement cases, as there are approximately 120,000 such cases older than 10 and approx. 450,000 older than 5 years.

MDTF-JSS will support the Court Rewards Program, successfully introduced by the SCC in 2016. It will actively support the SCC introduce more rewarding categories and develop and deploy sustainable and transparent progress monitoring mechanisms, so the courts could track their results and compare between themselves.

SPC and Commercial Courts identified the need for procurement of various IT equipment in order to improve the work of their offices. This IT equipment will be purchased with support provided by the MDTF-JSS Grant. Regarding SPC's activities in strengthening of Public Prosecutor Offices' capacity, the MDTF-JSS will give support in establishing uniform web sites for all PPOs. Furthermore, the Association of Public Prosecutors and Deputy Public Prosecutors of Serbia will host 3rd IAP Global Forum in Belgrade with the MDTF-JSS support.

