

## REPUBLIC OF SERBIA

### MULTI-DONOR TRUST FUND FOR JUSTICE SECTOR SUPPORT (MDTF-JSS)

#### AIDE MEMOIRE

#### Implementation Support Mission: May 9 to June 3, 2016

1. **The World Bank conducted an implementation support mission for the Multi-donor Trust Fund for Justice Sector Support (MDTF-JSS) from May 9 to June 3, 2016.** The World Bank team was led by Ms. Georgia Harley (Justice Reform Specialist and Task Team Leader) and comprised at various times over the course of the mission the following experts: Mr. Srdjan Svirčev (Public Sector Specialist); Ms. Kate Harrison (Human Resources Consultant); Ms. Svetlana Djuković (Public Administration Consultant); Ms. Marina Matić Bošković (Justice Reform Consultant); Mr. Nenad Milić (Information and Communications Consultant); Mr. Lev Altan (Executive Director, Victim Support Europe); Ms. An Verelst (Victim Support Specialist); Mr. Milan Skulić (Legal Consultant for Victim Support); and Ms. Linn Hammergren (Judicial Performance Consultant). The team was supported by Mr. Kornel Dražilov (Program Assistant). The objectives of the mission were to:

- a. Finalize the draft institutional assessment on victim support services and agree with stakeholders on next steps for analytic work that supports the establishment of victim support services in line with EU standards;
- b. Finalize the training needs analysis for the State Prosecutorial Council (SPC), and work with the newly elected Council members on their upcoming strategic plan;
- c. Collect data for the human resource analysis of non-judicial functions in the judiciary;
- d. Work with the Supreme Court of Cassation to plan its annual reporting process and develop a court rewards program, and;
- e. Supervise recipient-executed activities and finalize annual reporting for the MDTF-JSS.

A partial list of persons met is at **Annex 1**.

2. **Progress is being made on a range of analytic advice that supports the Serbian justice sector to establish victim support services in line with EU 2012/29 Directive establishing minimum standards on the rights, support and protection of victims of crime.** On 20 May 2016, the team finalized the assessment of alignment of juvenile justice legislation with the EU 2012/29 Directive. The report is available at the MDTF-JSS website at [http://www.mdtfjss.org.rs/en/mdtf\\_activities/2016/assessment-of-alignment-of-serbian-juvenile-legislation-with-the-eu-2012-29-victim-support-directive-#.V2L7\\_NIUXEU](http://www.mdtfjss.org.rs/en/mdtf_activities/2016/assessment-of-alignment-of-serbian-juvenile-legislation-with-the-eu-2012-29-victim-support-directive-#.V2L7_NIUXEU). The team worked with stakeholders across the criminal justice sector on the draft institutional assessment on victim support services and the draft comparative analysis of EU experiences in delivering victims support services. The team facilitated a workshop on 13 May 2016 to discuss the preliminary findings of these reports and sought stakeholder views on next steps. Based on this feedback, the team will update the reports and a final version will be available in July 2016. The team discussed with the MOJ and the EU Delegation options to continue to support the implementation of the

Chapter 23 Accession Action Plan in this area to create a seamless transition to the IPA-financed victim support project that will come online in 2018.

3. **The team worked with the SCC on a range of initiatives to boost transparency and public trust in the judiciary.** The SCC aims to improve the quality of its reporting process and the layout and outreach of its reports (the 2014 report was over 500 pages). The team's judicial performance expert assisted the SCC management team to develop a new draft template and tables for the annual report of approximately 50 pages in length, highlighting key performance areas in a simplified and user-friendly layout that draws on international best practice in court annual reporting, accompanied by a short 5-page annual brochure. The SCC will now develop the templates further and populate the report and brochure with existing data from managerial reports. The team and the SCC held a brainstorming session on the establishment of a court rewards program aimed at incentivizing courts to improve their performance. The meeting agreed on tentative categories of awards, the type and quantum of the rewards, and options for launch and outreach. The SCC is now testing the rewards categories and hopes to announce the first round of winners at the Annual Conference of Judges in October 2016. The team started working with the SCC on their plans to upgrade the websites of courts across the judiciary. The MDTF-JSS team has undertaken an analysis of all existing court websites and shared this draft with the SCC for comments. It was agreed on 10 June 2016 that the MDTF-JSS will work with the SCC to develop technical specifications for website upgrades and facilitate a consultation process on the content and structure of the new sites. The project also supported the SCC's regional knowledge-sharing workshop on the implementation of the backlog reduction strategy.

4. **The team worked closely with the SPC on a range of institutional strengthening activities.** The team finalized a training needs assessment for the SPC Secretariat which analyzes existing skills, training needs, delivery options/providers and a training plan for all staff. During this mission, the team facilitated a workshop on May 16, 2016 with the new members of the Council and the Secretariat to validate the results and agree on next steps for capacity building of staff. The report is available on the MDTF-JSS website at [http://www.mdtfjss.org.rs/en/mdtf\\_activities/2016/the-mdtf-jss-worked-together-with-the-state-prosecutorial-council-spc-to-develop-a-training-needs-assessment-tna-#.V2P44dIUXEV](http://www.mdtfjss.org.rs/en/mdtf_activities/2016/the-mdtf-jss-worked-together-with-the-state-prosecutorial-council-spc-to-develop-a-training-needs-assessment-tna-#.V2P44dIUXEV). The team also facilitated a series of policy and planning discussions with the new Council members, who were elected in April 2016 and for a five-year term. The new Council and the MDTF team discussed the Council's goals and priorities, and ways in which the MDTF-JSS could support initiatives that improve the performance of the prosecution service, and ways in which success could be measured. The team shared a draft report of these policy discussions with the Council and stands ready for further dialogue in coming months, as the Council aims to prepare a strategic plan later in 2016.

5. **With MDTF-JSS support, the Judicial Academy organized a human rights training program for 32 SCC advisors and employees of the High Judicial Council.** The trainers were eminent experts from the Faculty of Law at the Belgrade University, judges of the SCC and the Appellate Court in Belgrade, the State Attorney Office, the Republic Public Prosecution Office and the Council of Europe. The five-day program combined both lectures and workshops/seminars on domestic and international legal frameworks, case law of the European Court of Human Rights and contested issues of the domestic case law. A select group SCC judges also participated in a study tour in The Hague – the outcomes of their study visit are available on the MDTF-JSS website

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#.V2MAB9IUXEU](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#.V2MAB9IUXEU).

6. **The team worked with the Ministry of Justice to collect data for the human resource analysis of non-judicial functions in the judiciary.** This analysis will serve as an input to the Judicial Efficiency Project's proposed support to a Human Resources Strategy in 2017. Difficulties were encountered in meeting key stakeholders and acquiring the data needed to complete the assessment. By the conclusion of the mission, the Bank team obtained most of the data needed to conduct the analysis and it continues to follow up with stakeholders regarding the outstanding data requests. The team has sufficient information to start the analysis and hopes to share a draft for comment by October 2016.

7. **The Ministry of Justice advised the mission that the proposed Amendment to the Grant Agreement is currently under government consideration.** The amendment will increase the grant amount for the Government-executed component of the MDTF-JSS from 2.7 million USD to 4.7 million USD to scale up support to the rollout of reforms across the sector. The Ministry and team anticipates that the amendment should be finalized over the summer months.

8. **The MDTF-JSS has begun to work directly with the Commercial Courts to implement several of the key recommendations of the Commercial Courts Needs Assessment conducted early in 2016.** In collaboration with the IFC, the MDTF-JSS supported a workshop on case-law harmonization in Kladovo which reviewed commercial court performance for the first quarter of 2016 against last year's results. The project also supported a conference on the rollout of the new Law on Enforcement and Security in Vršac which discussed the new provisions of the law and the relationship between bankruptcy, liquidation and enforcement. Among the key challenges identified in the needs assessment was the unequal distribution of workloads between commercial courts. Based on the request of the Belgrade Commercial Court, the team began work on an analysis of caseloads and workloads, with a view to optimizing resource allocations across the specialized jurisdiction. The analysis will examine options to transfer cases, increase specialization of judges, enhanced use of mediation, greater use of judicial assistants in case processing, enhancing the court practice departments, backlog reduction strategies, and methods of examining statistics that do not require changes to the case management system. In September 2016, the MDTF-JSS will bring a registry expert to the Belgrade Commercial Court to review current registry practices and identify reform opportunities.

9. **Procurement and financial management arrangements continue to be satisfactory.** There are no overdue audit reports for the project. The last audit for FY2015 was issued with an unmodified (clean) opinion on financial statements. The MDTF-JSS website has also been updated with new information on justice reform in Serbia, strategic documents, and recent project activities. Given the intensity of implementation progress in recent months, there have been delays in the publication of the MDTF-JSS annual reports for 2015 and the updating of the project results framework. These will be available in July 2016.

10. The key actions and next steps are summarized in the table below.

<b>Key Next Steps</b>	<b>Timeline</b>	<b>Responsibility</b>
1. Sign Amendment to Grant Agreement	July 2016	SEIO
2. Publish annual reports for 2015	July 2016	Bank/PIU
3. Update Procurement Plan & results framework	July 2016	PIU
4. Finalize institutional assessment and comparative analysis for victim support services	July 2016	Bank
5. Share draft human resources analysis	October 2016	Bank
6. Share draft analysis of caseloads and workloads in commercial courts	September 2016	Bank
7. Develop technical specifications for court website upgrades	September 2016	Bank
8. Develop rewards program	September, 2016	Bank/SCC
9. Conduct assessment of registry practices in Commercial Courts	October 2016	Bank

**ANNEX 1**  
**List of Stakeholders Met**

<b>Name</b>	<b>Title, Organization</b>
Mr. Dragomir Milojević	Chief Justice, Supreme Court of Cassation
Mr. Čedomir Backović	Assistant Minister, Ministry of Justice
Ms. Nela Kuburović	Assistant Minister, Ministry of Justice
Mr. Janko Lazarević	Justice, Supreme Court of Cassation
Ms. Snežana Andrejević	Justice, Supreme Court of Cassation
Ms. Gordana Ajnšpiler Popović	Justice, Supreme Court of Cassation
Ms. Mirjana Puzović	Head of the Office of the President of the Supreme Court of Cassation
Mr. Miroslav Nikolić	President, Appellate Commercial Court
Mr. Jovan Kordić	President, Belgrade Commercial Court
Ms. Majda Kršikapa	Secretary General, High Judicial Council
Mr. Tomo Zorić	Secretary General, State Prosecutorial Council
Ms. Svetlana Nenadić	Deputy Public Prosecutor, State Prosecutorial Council
Ms. Marijana Santrač	Senior Advisor for International Cooperation, State Prosecutorial Council
Mr. Stanislav Dukić	Council Member, State Prosecutorial Council
Mr. Sandra Kalezić	Council Member, State Prosecutorial Council
Ms. Tatjana Lagundžija	Council Member, State Prosecutorial Council
Ms. Tamara Smrkulj	Head of Accounting Department, State Prosecutorial Council
Ms. Olivera Kijevčanin	Senior Advisor, State Prosecutorial Council
Ms. Vanja Martinović	Advisor, State Prosecutorial Council
Ms. Marija Tomić	Administrative Assistant, State Prosecutorial Council
Mr. Zoran Aleksić, Court Manager	Higher Court in Belgrade
Ms. Tanja Mišević	The Head of the Negotiating Team for the Accession of RS to EU
Mr. Goran Ilić	President, Association of Public Prosecutors and Deputy Public Prosecutors
Ms. Sonja Prostran	MDTF-JSS Consultant Monitoring and Evaluation Specialist at Supreme Court of Cassation
Mr. Enrico Visentin	Project Manager, Delegation of the European Union to the Republic of Serbia
Ms. Mirjana Cvetković	Legal Advisor, Delegation of the European Union to the Republic of Serbia
Mr. Brian Le Duc	Team Leader, Judicial Efficiency Project
Mr. Dragan Obrenović	Consultant, Judicial Efficiency Project
Mr. Marko Uljarević	Director, Ipsos
Ms. Svetlana Logar	Ipsos
Ms. Onny Jalink	Head of the Regional Balkans Rule of Law Unit, Embassy of the Kingdom of the Netherlands in Serbia

Mr. Aleksandar Momirov	Senior Policy Advisor, Rule of Law, Embassy of the Kingdom of the Netherlands in Serbia and Montenegro
Ms. Zyhrada Kongoli	Embassy of the Kingdom of the Netherlands in Albania
Ms. Lara Obrenović	Embassy of the Kingdom of the Netherlands in Bosnia and Herzegovina
Ms. Venera Ramaj	Policy Advisor, Embassy of the Kingdom of the Netherlands in Kosovo
Mr. Gjakush Kabashi	Senior Policy Assistant, Rule of Law, Embassy of the Kingdom of the Netherlands in Macedonia
Ms. Jelena Tomković	Inspector, Police Department
Ms. Vesna Nikolić Ristanović	Director, Victimology Society of Serbia
Ms. Jasmina Nikolić	Head of Department, Victimology Society of Serbia
Ms. Marija Andjelković	Director, Astra
Ms. Milica Kolaković Bojović	RAFU Consultant, Ministry of Justice
Ms. Imola Soros	National Project Officer, OSCE Mission in Serbia
Ms. Darja Koturović	RAFU Consultant, Ministry of Justice
Mr. Vladimir Vukčević	RAFU Consultant, Ministry of Justice