

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

## Implementation Support Mission November 25 to 29, 2019

### *AIDE MEMOIRE*

#### I. INTRODUCTION

A World Bank implementation support mission for the Serbia Multi-Donor Trust Fund for Justice Sector Support (MDTF-JSS) visited Serbia from November 25 to 29, 2019.<sup>1</sup> The objectives of the mission were to:

- a. Continue implementation of ongoing activities under the bank-executed technical assistance grant and provide implementation support to the recipient-executed grant. These include activities on access to justice, various training activities, and the judicial functional review;
- b. Host a Management Committee meeting with MDTF-JSS donors and beneficiaries; and
- c. Consult key stakeholders on new activities to focus on and gather inputs for the design of the second phase of the MDTF-JSS.

The mission team held a series of meetings with key stakeholders to discuss ongoing activities, as well as their needs and priority areas in order to map future activities under the MDTF-JSS following the four-year extension. Further details can be found under section II.

The team is grateful to the stakeholders met during the mission for their contributions and the active leadership of the Ministry of Justice. A list of persons met is available in **Annex 1**.

#### II. KEY FINDINGS AND AGREED ACTIONS

A Management Committee meeting was held on November 26, 2019. The key message from the meeting was that the MDTF-JSS is still a relevant and strategic mechanism to support the justice sector to strengthen its performance in line with EU benchmarks. Stakeholders suggested focusing on strengthening the independence of the judiciary, improving accountability, integrity, and professionalism in key justice institutions and enhancing transparency and access to justice in implementing the second phase of the MDTF-JSS.<sup>2</sup> Minutes of the meeting are in **Annex 2** and presentations in **Annex 3**.

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<sup>1</sup> The Bank team comprised Mr. Srdjan Svirčev (Task Team Leader and Senior Public Sector Specialist), Ms. Runyararo Gladys Senderayi (co-Task Team Leader and Public Sector Specialist), Mr. Aleksandar Crnomarković (Senior Financial Management Specialist), Mr. Zoran Skopljak (Justice Reform Expert), Ms. Marina Matic (Justice Reform Expert) and Ms. Bisera Nurković (Program Assistant).

<sup>2</sup> The MDTF-JSS was extended for another four years will now close on June 30, 2023. The closing date of the Grant Agreement between the Bank and the Serbian European Integration Office is now December 31, 2022.

## **Updates on Bank-executed activities**

**The Bank team is working on finalizing the Judicial Functional Review.** Over the past year, the team has collected statistical data covering the period 2014-2018 and held consultative meetings with key stakeholders. The data collection process took longer than anticipated due to challenges with data fragmentation. Additionally, because of poor data quality, the Bank team spent a significant amount of time reviewing datasets. The team has prepared draft Chapters on Efficiency, ICT Management, Human Resources Management, and Financial Management. These drafts will be used for consultations with key stakeholders in the justice sector during the mission scheduled in February 2020. Data from the Regional Perceptions and Experiences of Justice Survey (supported under another trust fund from the European Commission), currently underway, will be available by April 2020. The data collected from respondents in Serbia will be used to inform the Chapters on Access to Justice and Quality of Justice of the Judicial Functional Review. Before finalizing the consolidated draft Judicial Functional Review, the team will conduct an intensive round of consultations with key stakeholders.

**In June 2019, stakeholders provided feedback on the draft report titled report “*Small Claims: Where Does Serbia Stand? A Comparative Analysis*” at an event held in Belgrade.** The Bank team is in the process of incorporating the comments received from stakeholders and will conduct an internal quality enhancement review. Following the review, the report will be finalized and disseminated with a view to encourage the uptake and implementation of specific recommendations contained in the report.

**In the last few months, the MDTF-JSS has been working closely with IFC to support commercial courts.** In September 2019, the Bank and IFC teams jointly supported the 27th Commercial Courts’ Judges Conference held in Zlatibor. The teams also jointly supported the 9<sup>th</sup> Annual Conference for the Bankruptcy Supervision Agency which was held from November 25-28, 2019. Both conferences gathered relevant stakeholders from the judiciary, state agencies, and the private sector and provided a platform to discuss relevant issues, such as the legal effects of a transfer of mortgaged real-estate in a bankruptcy procedure and international commercial arbitration. It is expected that a Department for Mediation will be opened in the Commercial Court in Nis by the end of the calendar year.

**Serbia’s Republic Public Prosecutors Office (RPPO) requested support to reformat the structure and content of its annual report to make it more user-friendly.** This will enable key data to be extracted and used much more easily. It is hoped that providing information in a more user-friendly format that is more accessible and understandable to the public and other stakeholders will contribute to enhancing the RPPO’s visibility and transparency. In addition, it is expected to create a platform for the RPPO and key stakeholders, especially the public, to engage on more substantive areas that will help to boost citizen and businesses confidence in the prosecutorial system. The Bank team indicated its willingness to support the RPPO to improve its reporting and communication with the public and suggested that in addition to revising and improving the format of the report, the Bank team and the RPPO could also explore activities to help put out more information about the RPPO’s work in the public, including developing and implementing a new communication strategy. This new activity would be undertaken under the bank-executed component of the project.

**While the backlog reduction program operating under the auspices of the Supreme Court of Cassation (SCC) has helped to decongest the courts and speed up the resolution of disputes, going forward the SCC would like to modify the program.** The modification is planned to ensure that courts are using measures that are targeted and specific to their particular needs. It is anticipated that the modification will further improve the speed with which cases are resolved. The SCC is also interested in receiving support to develop an application to monitor the performance of court bailiffs as many delays in the system occur during the enforcement process. The SCC is keen to broaden the scope of training participants who attend the case law harmonization workshops to include the higher courts. By enlarging the reach of the training, there will be an increased understanding of the harmonization process system-

wide. The SCC is also interested in exploring extensive immersion programs in the European Court of Human Rights and the Court of Justice of the European Union in Luxembourg. These programs would allow Serbian judges to have direct contact, for long periods of time, with judges and peers working on European case law.

### **Recipient-executed activities**

**Efforts to improve access to justice continue and have been fortified by the implementation of the Law on Free Legal Aid which came into force on October 1, 2019.** Before the law came into force, the Ministry of Justice organized a series of training activities for key personnel in local self-governments across the country who will be reviewing free legal aid applications. Also, the accompanying by-laws were prepared to ensure the smooth implementation of the law.

**The proposed amendments to the Constitution on the judiciary are currently in Parliament and their approval is expected to be delayed.** Taking into account, the upcoming elections, expected to be held in April 2020, it is likely that parliamentary processes regarding the amendments will be delayed. The Ministry of Justice has remained engaged in the process and has already established working groups to start drafting amendments to legislation that will require revisions following the constitutional amendments. These laws include the draft Law on Judges, the draft Law on Public Prosecution, the draft Law on the High Prosecutorial Council, the draft Law on the High Judicial Council, and the draft Law on the Organization of the Courts).

**The SCC continued activities designed to increase the efficiency of the courts.** These include developing guidelines for drafting individual backlog case management programs and preparing a training plan for court staff supporting the backlog reduction Working Group. The semi-annual report for 2019 was presented at the Annual Conference for judges in Vrnjačka Banja held from October 10 to 12, 2019. The Courts Rewards Program has continued to be a success and the rewards for this year were presented at the Annual Judges Conference. In 2019, the awards for innovations were won by the Basic Court in Kruševac for the development of an application to monitor the enforcement of court decisions, and the First Basic Court in Belgrade for the improvement of internal organization and business process. Going forward, the SCC intends to replicate the innovations put forward by the winning courts in other courts to expand the reach of practices that improve efficiency and productivity in case processing.

**Progress towards the project's development objective is satisfactory although the pace of reform has slowed.** The slow progress is primarily with respect to reforms on the independence of the judiciary. Furthermore, there have been setbacks in dialogue among stakeholders in the justice sector. In this regard, the MDTF-JSS is serving as a critical platform to bridge differences.

### **AGREED ACTIONS AND NEXT STEPS**

As Serbia moves resolutely towards EU integration, strengthening the rule of law remains a high priority. Therefore, the next phase of the MDTF-JSS will need to increase its level of ambition and be more strategic and selective in its target beneficiaries and areas of focus. Moving forward, the MDTF-JSS will prioritize activities that focus on strengthening the independence of the judiciary, improving accountability, integrity, and professionalism in key justice institutions and enhancing transparency and access to justice.

The Bank team, as well as stakeholders, will continue to engage the Minister of Justice in discussions on the pace and direction of reforms. The first meeting was held in December 2019, and it provided the Minister and development partners with a platform to engage in high-level policy dialogue.

The mission agreed with counterparts on the following key actions over the coming months.

<b>ITEM</b>	<b>NEXT STEP</b>	<b>RESPONSIBLE</b>	<b>TIMEFRAME</b>
1.	Finalize the recruitment of a communication expert to increase the program's visibility as recommended in the second mid-term review	World Bank	Completed end of December 2019
2.	Procurement by Recipient: Post review of key documents, review of progress and compliance with the procurement plan.	World Bank Procurement Specialist and PIU	Completed December 2020
3.	Finalization of the Recipient's procurement plan for 2020	PIU, TTLs, and WB Procurement Specialist	Completed end of December 2019
4.	Finalize and disseminate the Comparative Analysis of Small Claims Procedures	World Bank	March 2020
5.	Finalize and disseminate the Judicial Functional Review	World Bank	June 2020
6.	Next technical mission on the Judicial Functional Review	World Bank	February 2020

**Annex 1.****LIST OF STAKEHOLDERS MET**

<b>Name</b>	<b>Title, Organization</b>
Mr. Dragomir Milojević	President of the Supreme Court of Cassation
Ms. Mirjana Puzović	Chief of the Cabinet, Supreme Court of Cassation
Mr. Čedomir Backović	Assistant Minister, Ministry of Justice (MoJ)
Ms. Darja Koturović	RAFU Consultant, MoJ
Mr. Vladimir Vukičević	RAFU Consultant, MoJ
Ms. Maja Prelić	RAFU Consultant, MoJ
Ms. Marijana Santrač	Advisor to the Republic Public Prosecutor
Mr. Branko Stamenković	Deputy Public Prosecutor and Prosecutor for High-tech Crime
Mr. Milan Bajić	RAFU Consultant, Supreme Court of Cassation
Mr. Andreja Petrović	RAFU Consultant, Supreme Court of Cassation
Ms. Dragana Lukić	Deputy Chief of Party, USAID Funded Rule of Law Project
Ms. Olivera Purić	Lead Expert, EU funded project in support of Chapter 23
Mr. Enrico Visentin	Program Manager, EU Delegation in Serbia
Ms. Ivana Ramadanović	Legal Advisor, OSCE Mission in Serbia
Ms. Dina Dobrković	National Legal Officer, OSCE Mission in Serbia
Mr. Danko Runić	Senior Project Officer, Council of Europe

## Annex 2.



Kingdom of the Netherlands



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

**Tuesday, 26 November 2019, World Bank Office, Belgrade**

#### **Minutes**

##### **1. Welcome and Introduction**

Ms. Gladys Senderayi was introduced as the co-TLL of the MDTF-JSS, responsible for the management and administration of the trust fund alongside Mr. Srdjan Svirčev. Mr. Zoran Skopljak was introduced as the coordinator of the MDTF-JSS. As coordinator, Mr. Skopljak would be responsible for the day to day operations of the MDTF-JSS and is the first point of contact for stakeholders.

##### **2. Update & discussion of recent progress**

###### **a. Bank-executed advisory services:**

Updates were provided by the Bank team on recent advisory support, in particular, the status of the small claims report, and progress and timelines for the Judicial Functional Review. (Please see the attached presentation for details). The meeting had a brief discussion on potential areas for engagement with the RPPO to improve communication with the public and the launch of legal empowerment and legal literacy activities in cooperation with the High Judicial Council, the State Prosecutorial Council, Law Faculties and the Judicial Academy.

###### **b. Recipient-executed implementation:**

Updates were provided by RAFU consultants working in the Ministry of Justice and Judge Ljubica Milutinović and Vanja Rodić from the Supreme Court of Cassation. Updates primarily focused on activities designed to facilitate the implementation of the recently adopted Law on Free Legal Aid, as well as the Supreme Court of Cassation's Backlog Reduction Program. Please see the attached presentation for details.

##### **3. Looking forward**

The meeting confirmed that the MDTF-JSS continues to be an effective mechanism to support key reforms in the justice sector in line with the EU accession process. Following the Management Committee meeting and consultations with stakeholders, the team has a clearer understanding of the priorities in the sector and how best to support these through the MDTF-JSS. Strengthening the independence of the judiciary, enhancing transparency and improving accountability are critical aspects of the reform agenda and going forward, the MDTF-JSS will engage more actively in these areas.

The Bank team has now finalized the recruitment of a communications specialist to support the team to increase the visibility of the MDTF-JSS' activities and achievements and offer greater visibility to the donors. The Bank team will continue to engage with all the key stakeholders to identify and sustain constituencies of reform to support the next phase of the MDTF-JSS. It was also noted that the MDTF-JSS website, <http://mdtfjss.org.rs/en>, is regularly updated with information about project activities, reporting and results.

The next management committee meeting will be held in Spring 2020.

#### 4. List of Participants

<b>Name</b>	<b>Title, Organization</b>
Ms. Darja Koturović	RAFU Consultants, Ministry of Justice
Mr. Vladimir Vukičević	RAFU Consultants, Ministry of Justice
Ms. Vanja Rodić	Advisor, Supreme Court of Cassation
Ms. Ljubica Milutinović	Supreme Court of Cassation
Ms. Ana Čalovska	High Judicial Council
Mr. Aleksandar Momirov	Senior Policy Advisor, Embassy of the Kingdom of the Netherlands
Ms. Svetlana Nešović	Program Officer, Embassy of Sweden
Ms. Marijana Santrač	Senior Advisor for International Cooperation, Republic Public Prosecutors Office
Mr. Enrico Visentin	Program Manager, EU Delegation
Ms. Una Kelly	Program Manager, EU Delegation
Ms. Mirjana Cvetković	Legal Officer, EU Delegation
Ms. Tijana Radnov	Advisor, Ministry of European Integration
Ms. Daliborka Grubić	FM Specialist, Ministry of Justice