

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

Implementation Support Mission

AIDE MEMOIRE

20-24 April 2015

A. INTRODUCTION

- 1. A World Bank team visited Serbia from 20 to 24 April 2015 for the Multi-Donor Trust Fund for Justice Sector Support in Serbia (MDTF-JSS).¹** The objectives of the mission were to:
- a. Handover TTL responsibilities from Mr. Klaus Decker to Ms. Georgia Harley, and ensure a smooth transition of management arrangements;
 - b. Discuss with donors and other stakeholders the MOJ's request to extend the MDTF-JSS, and the future work plan;
 - c. Host a Management Committee meeting; and
 - d. Monitor the implementation of existing MDTF-JSS activities. The team will prepare an Aide Memoire upon return.

The list of persons met is at **Annex 1**. The Bank thanks stakeholders for their active participation in the mission.

B. KEY FINDINGS AND AGREED NEXT STEPS

2. The Minister of Justice has requested that the MDTF-JSS be extended for three years from 31 December 2015 to 31 December 2018. The task team consulted with Serbian stakeholders and donors to discuss the future of the MDTF-JSS. There is in-principle agreement among stakeholders to extend the project to enable it to support the implementation of the Chapter 23 Accession Action Plan and the recommendations from the Judicial Functional Review. Based on these consultations, the task team will prepare a draft program document outlining the proposed scope, focus and activities of the project and share with stakeholders for comment.

3. In the interim, the 2015 ‘bridging activities’ have been approved and implementation will commence. During the February mission, it had been agreed that whilst the Chapter 23 Accession Action Plan is not yet approved and a new program document is being developed, ‘bridging activities’ would be useful to maintain momentum and see the MDTF through this transition period. These activities should be: selected by consensus among Serbian stakeholders; non-contentious and relatively easy to implement; aligned with the latest draft of the Chapter 23 Action Plan and the recommendations in the Functional Review; aligned with various other strategies (the NJRS, SEIO Sector Planning Document etc.); and consistent with MDTF rules. Following the release of the third draft of the AP on 22 April 2015, the Management Committee clarified some aspects of the plan and approved the bridging activities. The list

¹ The mission was led by Ms. Georgia Harley (Justice Reform Specialist and incoming Task Team Leader, GGODR) and Mr. Klaus Decker (Senior Public Sector Specialist, GGODR and outgoing Task Team Leader, GGODR). The team was joined in Belgrade by Mr. Srdjan Svircev (Public Sector Specialist, GGODR) and Ms. Marina Matic (Consultant, GGODR) and supported from the Country Office by Mr. Kornel Drazilov (Program Assistant, ECCYU).

comprises a mix of Bank-executed and Recipient-executed activities. Implementation will commence in the second half of 2015.

4. **The MDTF-JSS held a Management Committee on Thursday 23 April to discuss in detail the matters summarized in this Aide Memoire.** The meeting was well attended, and participants noted the active engagement of stakeholders at the meeting. The minutes of that meeting are at **Annex 2**.

5. **The following Action Plan has been agreed.**

ITEM	NEXT STEP	RESPONSIBILITY	TIMEFRAME
1.	Develop a draft programming document for 2016-2018 for stakeholder consultation	World Bank	June 2015
2.	Distribute recent RAFU reports	MOJ	May 2015
3.	Distribute first SCC TA reports to share early results	SCC	June 2015
4.	Develop a list of access to justice activities	MOJ	June 2015
5.	Commence 2015 bridging activities	World Bank and MOJ	July 2015

C. UPDATE ON EXISTING ACTIVITIES

6. **On the Bank-executed side of the MDTF, further dissemination events for the Judicial Functional Review continue to be held across Serbia.** Since the last mission, the Functional Review was presented to the Commission for the implementation of the Strategy and a dissemination event was held for the judiciary in Nis in February 2015. A workshop was held on financial management issues with the MOJ and the financial staff from the Administrative Offices of both Councils, and further workshops will bring together targeted groups for tailored dissemination workshops. Seminars have been held at two of the four Law Schools (Belgrade and Nis) in April 2015, with the remaining schools (Novi Sad and Kragujevac) planned in May 2015. A series of blogs, videos and feature stories about the Functional Review are also available here – <http://www.mdtfjss.org.rs/en/news/2015#.VUdlmflVgoI>.

7. **The MDTF-JSS has been awarded the World Bank ECA Knowledge and Innovation Award 2015** for its work in developing an improved methodology for measuring implementation gaps, through Process Maps. The four Process Maps developed under the MDTF-JSS are available here - http://www.mdtfjss.org.rs/en/serbia-judicial-functional-review#.VUdk0_IVgoI. The award provides funding to the task team to share its experience in developing Process Maps with stakeholders in the region. A video explaining the methodology and a workshop with justice sector stakeholders are tentatively scheduled for June 2015 in Brussels.

8. **On the Recipient-executed side of the MDTF, the RAFU has supported the MOJ to finalize and share its third draft of the Chapter 23 Accession Action Plan.** The Action Plan shows the linkages between its activities and the Functional Review recommendations. The Action Plan is now subject to consultations with Brussels.

9. **Technical assistance to the Supreme Court of Cassation (SCC) has commenced.** Three consultants from the RAFU team have commenced work and will report directly to the President of the Supreme Court. Activities include developing a case law database, developing policies on harmonization

of law, and supporting backlog reduction. The team has developed a results monitoring tool, which will be shared periodically with the MDTF Management Committee.

10. **New activities should commence under the Access to Justice Component.** To date, planned activities have focused on support to the development and rollout of the Free Legal Aid Law, which has not yet passed. SIDA (the donor for this component) and the MOJ, supported by the Management Committee Meeting, agreed that additional access to justice activities that do not require legislative change should be added. This would enable the MDTF to meet the objective of the component to improve access to justice, and would enable support to commence while consideration of the draft Law continues. The MOJ plans to develop a list of activities for MC consideration.

11. **Financial management arrangements for the project continue to be acceptable.** Quarterly financial reports are in general delivered within due dates and are assessed to provide reliable financial information. The annual audit of project financial statements for 2013 had a clean opinion issued, meaning that no issues were identified. Implementation capacity remains undisrupted. As the next step, audit of financial statements for 2014 are due to be delivered by June 30, 2015.

12. **Progress toward the Project Development Objectives remains satisfactory.** The launch of the Judicial Functional Review and the draft Chapter 23 Accession Action Plan have increased momentum within the sector and is expected to accelerate progress in implementation in the coming years. The next supervision mission is tentatively scheduled for July 2015.

List of Persons Met

Name	Title, Organization
Mr. Čedomir Backović	Assistant Minister, Ministry of Justice
Mr. Tomo Zorić	Secretary of the Administrative Office at State Prosecutorial Council
Ms. Mirjana Puzović	Head of the Office of the President of the Court
Ms. Majda Kršikapa	Secretary of the Administrative Office at High Judicial Council
Judge Janko Lazarević	Vice President, Supreme Court of Cassation
Ms. Dragana Boljević	President and Judge of the Appellate Court in Belgrade
Mr. Morten Skovgaard Hansen	Counsellor/Deputy Head of Mission, Royal Danish Embassy
Mr. Torgny Svenungsson	Counsellor, Country Manager, Development Cooperation Division, Embassy of Sweden
Ms. Svetlana Nesović	Programme Officer, Embassy of Sweden
Ms. Isabel Perich	Country Director, Swiss Cooperation Office
Mr. Petar Vasilev	National Programme Officer, Swiss Cooperation Office
Mr. Milan Antonijević	Director, Lawyers Committee for Human Rights (YUCOM)
Mr. Holger Schroeder	Head of Cooperation, Delegation of the European Union to the Republic of Serbia
Ms. Bianca Vandeputte,	Project Manager, Delegation of the European Union to the Republic of Serbia
Ms. Yolanda San-Jose	Head of Operations I, Delegation of the European Union to the Republic of Serbia
Ms. Onny Jalink	Team Leader, Regional RoL Unit, Embassy of the Kingdom of the Netherlands
Mr. Aleksandar Momirov	Senior Policy Advisor, Rule of Law, Embassy of the Kingdom of the Netherlands
Ms. Aleksandra Kalinić	Project Officer, Embassy of the Kingdom of the Netherlands
Ms. Gordana Mohorović	Head of Department, Office for Human and Minority Rights
Mr. Rok Janez Steblaj	Secretary, Slovenian Ministry of Justice
Ms. Lorena Bachmaieril	Expert, Council of Europe
Ms. Silvija Panovic-Djurić	Project Manager, Council of Europe Office in Belgrade
Ms. Athanasia Sykiotou	Expert, Council of Europe
Mr. Dragan Obrenović	RAFU Consultant, Senior ICT Advisor - Court Automation and Caseload Statistics Specialist
Ms. Sonja Prostran	RAFU Consultant, Senior Legal Advisor- Court Jurisprudence Specialist
Mr. Milan Nikolić	RAFU Consultant, Monitoring and Evaluation Specialist

Management Committee Meeting – Minutes
Minutes of the MDTF-JSS Management Committee Meeting
April 23, 2015
3:00 p.m. – 5:00 p.m.
World Bank Office, Belgrade

Participants

Serbian authorities:

- Mr. Čedomir Backović - Assistant Minister, MOJ
- Mr. Miloš Golubović - SEIO
- Ms. Ljiljana Krejovic - PIU, MOJ
- Ms. Daliborka Grubić, MOJ
- Judge Janko Lazarević – Vice President, SCC
- Ms. Mirjana Puzović - Chief of Cabinet, SCC
- Ms. Majda Kršikapa – Secretary of the HJC Administrative Office
- Mr. Tomo Zorić – Secretary of the SPC Administrative Office
- Ms. Mirjana Santrač – Senior Advisor RPP and SPC
- Ms. Olivera Kijevčanin - SPC

Donor representatives:

- Mr. Morten Hansen – Councillor/Deputy Head of Mission, Embassy of Denmark
- Mr. Rok Janez Steblaj – Secretary at MoJ, Republic of Slovenia
- Ms. Aleksandra Kalinić – Project Officer, Embassy of Netherlands
- Ms. Svetlana Nešović – Programme Officer ,Embassy of Sweden
- Mr. Torgny Svenugsson – Counsellor/Country Manager DCD, Embassy of Sweden
- Ms. Yolanda San Jose - Head of Operations I, EU Delegation
- Ms. Bianca Vandeputte - Project Manager, Operations I, EU Delegation
- Mr. Petar Vasilev - Program Officer, SDC
- Ms. Olivera Purić – Expert, SDC

World Bank:

- Mr. Klaus Decker - Senior Public Sector Specialist, World Bank
- Ms. Georgia Harley – Judicial Reform Specialist, and MDTF-JSS TTL, World Bank
- Ms. Marina Matić - Consultant, World Bank
- Mr. Srdjan Svircev - Public Sector Specialist and MDTF-JSS Coordinator, World Bank
- Mr. Kornel Dražilov – Program Assistant, World Bank

AGENDA ITEM 1: ADMINISTRATIVE ISSUES:

Mr. Decker reminded the Management Committee Members about the transition of the Task Team Leader role to Ms. Georgia Harley. He expressed gratitude for the excellent cooperation among stakeholders and reflected on his time as TTL for the MDTF-JSS.

AGENDA ITEM 2: UPDATE ON RECENT PROGRESS:

a. Update on Chapter 23 Action Plan

Mr. Backovic informed the Committee that the third draft of Chapter 23 Action Plan is available on the MOJ website. Hopefully this draft will be officially sent to Brussels by the end of April. As he explained, the drafting process is a very complex one and includes many consultations with both national institutions, international organizations and EU member states. Mr. Backovic noted that the content of the draft Action Plan was defined by the consent, and included many suggestions from, the EC. Recommendations from the Functional Review are included in the third version of the Action Plan. Annex 2 of the Action plan provides a table outlining where and how the Functional Review recommendations are included in the Action Plan. There were many other views in Serbia on how various questions should be addressed, what should be included and what topics should be developed into more detail. A final version is expected to be endorsed by the Government in June. Mr. Backovic stressed that main the question about the Chapter 23 is the one on implementation of actions into the Serbian legal system. After formal adoption full implementation and a monitoring mechanism will be established and are expected to last for 4-5 years.

b. Update on the work/results of the RAFU consultants at MOJ

Mr. Backovic complemented the excellent work of RAFU consultants, which increased the quality of the draft Action Plan. Their expertise and comprehensive knowledge of the Acquis was important in defining key EU standards and comparing them against domestic ones. Mr. Backovic pointed out that this was a joint effort and that it is not possible to determine individual contributions of each and every consultant to the Action Plan nor that the nature of consultants other work allows for this distinction.

c. Update on the work/results of the SCC consultants

Judge Janko Lazarevic, Deputy President of the SCC congratulated Ms. Harley on her appointment as TTL for MDTF-JSS and complement her previous efforts and knowledge of Serbian legal issues and the institutional framework. As of April 1, 2015 Mr. Dragan Obrenović, Ms. Sonja Postran and Mr. Milan Nikolić, are supporting the SCC to develop a program on reduction of backlog cases, harmonisation of jurisprudence and development of statics and reporting. Consultants were selected through a competitive process and have demonstrated high levels of expertise in the past weeks. The SCC strongly emphasized the need of continuing collaboration with the MDTF beyond 2015, as this would be very important from the perspective of the planned activities and would greatly benefit development of the Serbian judicial system as a whole. A backlog reduction program, harmonization of jurisprudence and development of statics are long term projects and sustainable assistance and support is needed in this regard.

Ms. Harley informed MC members of an internal action plan and result based matrix that SCC consultants already prepared in order to report monthly on their progress to the president of the SCC. It was agreed that SCC consultants should report to the MC twice per year.

d. Update on dissemination of the Serbia Judicial Functional Review

Mr. Decker elaborated on the Launch event in Belgrade, held on February 3, 2015 which was organized in cooperation with the SCC and was very well attended by Serbian stakeholders and the donor

community. This event was subsequently followed by a number of dissemination events in Appellate courts in Kragujevac, Novi Sad and Niš in order to secure geographical coverage of Serbia's main jurisdictions. The Functional Review provided a valuable factual foundation which steered the discussion in a more productive way and avoided so called pseudo debates. The dissemination event in Brussels was also very useful in encouraging a more evidence-based approach to the Chapter 23 process.

Mr. Svircev reflected on the dissemination events with financial management experts from HJC, SPC and MOJ and pointed out that Functional Review offers court presidents a great tool to improve discussion on budget planning and execution between the counterparts. Ms. Matic shared with the MC members her impressions from the dissemination events at Law schools and noted students' enthusiasm and great interest in the topics covered by the Review. Ms. Harley added that series of blogs, feature stories, blurbs were created and posted on the World Bank external webpage and MDTF-JSS website.

Ms. San-Jose complimented the team's effort to reach different target groups, and suggested including comments, views and conclusions from dissemination events on the webpage in order to strengthen transparency. The Team agreed to address this issue and to get back to the Delegation of the European Union with a proposal, taking into account the Functional Review's consultation strategy.

AGENDA ITEM 3: LOOKING FORWARD

a. Way forward for 2015 'bridging activities'

Ms. Harley sought views on the bridging activities list, which are aligned with the previous second draft of the Action Plan and recommendations from the Serbia Judicial Functional Review and are suitable for quick implementation in the 2015. She noted that the list was drafted and shared with the counterparts prior to the announcement of the third draft of the Action Plan for Chapter 23 the night before.

Mr. Backovic pointed out that there are three points of distinction between the draft Action Plan and the Judicial Functional Review. Firstly, the Action Plan is not as detailed as the Judicial Functional Review and requires a higher level of abstraction. Secondly, the Action Plan priorities are identified through the screening report using the national approach. Thirdly, some of the FR recommendations would be more suitable during the implementation phase. Mr. Backovic welcomed the bridging activities, which are concrete, down to earth, results driven and can clearly help the Ministry of Justice.

Ms. Krsikapa, Secretary General of the HJC endorsed the bridging activities list as it represents a set of concrete actions, which do incur high costs and can be implemented in the short term.

Mr. Vasilev expressed his support for the document and suggested to increase involvement of the Judicial Academy since a significant number of bridging activities are in the area of ICT training.

Mr. Svenungsson supported the list of bridging activities and pointed out that access to justice should not be restricted to only Free Legal Aid. This was seconded by Mr. Backovic, who suggested to gradually move from FLA to Access to Justice as concepts. This reflects recent emails outlining the agreement.

Mr. Zorić requested that activities be added to support the SPC in financial management. It was agreed that the activity should be supported, but would be coordinated carefully with the IPA-funded Twinning Project in consultation with SEIO to avoid any potential overlap.

Mr. Golubovic inquired how the bridging activities are related to the SEIO Sector planning documents (SPD) and suggested making a clear connection in the table with the bridging activities to specific parts of the SPD. Ms. Matic pointed out that the document is in the draft phase, and is to be more developed in the future.

b. MOJ request for 3-year extension of the MDTF

Ms. Harley informed MC members that Mr. Nikola Selakovic, Minister of Justice officially requested the extension of the MDTF-JSS until December 2018. Currently there are 2.5 million dollars left in the Trust Fund with 1 million on hold.

Mr. Backovic added that future actions should lead to redefining the structure and goals of the MDTF in order to better address the requirements of the Action Plan.

Ms. San-Jose explained that the Delegation of the European Union wishes to extend the MDTF but cannot give additional funds to an already approved grant and discussed that future support to the MOJ would be provide through IPA funds.

Mr. Zoric expressed support to the extension of the MDTF, and suggested that JFR recommendations No. 23, 32 and 43 should be added to the bridging activities to reflect some support to the prosecution service and to address the financial and human resource issues of the SPC budget allocation transfer. Mr. Golubovic suggested to align support to the SPC with the IPA 2013 Twining program related to strengthening the capacities of the SPC and HJC. Ms. Harley suggested a joint meeting between the SEIO, WB and SPC representatives to discuss how to cover these topics in the bridging activities list.

Mr. Vasilev suggested that a MDTF-JSS program document should be drafted before any future SDC decision on their involvement in the MDTF. The program document should have a full sectorial approach to justice reform and the involvement of the HJC, MOJ, SCC and SPC. He also suggested a more detailed elaboration on the issue of judicial independence. Mr. Janez Steblaj informed the MC members that the Slovenian Ministry of Justice is positively looking at Mr. Selakovic's letter.

Ms. Harley suggested that the new draft Chapter 23 Action Plan should be taken into account and another round of bilateral consultations should take place before the MDTF-JSS program document is to be drafted. Objectives and the structure of the MDTF-JSS should remain the same in order to provide greater the flexibility and to accommodate the needs of the sector. Increasing emphasis on the Access to Justice should be incorporated. Management Committee members welcomed this motion.

AGENDA ITEM 4: ANY OTHER BUSIENSS

Ms. Harley informed the MC members that judicial process maps received a World Bank Innovation Award. She also urged MC members to provide contact details and updates for the MC distribution list.