

**Ministry of Justice and Public Administration
of the Republic of Serbia**

**Multi Donor Trust Fund
for Justice Sector Support**

**Annual Progress Report
January-December 2013**

**prepared by
Reform Facilitation Unit
and Project Implementation Unit**

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ABBREVIATIONS

ACMS	Automatic Case Management System (AVP or SAPS)
ADR	Alternative Dispute Resolution
AtJ	Access to Justice
CC	Criminal Code
CEDAW	Committee on the Elimination of Discrimination against Women
CEPEJ	CoE's European Commission for the Efficiency of Justice
CMS	Case Management System
CoE	Council of Europe
CoP	Community of Practice
EC	European Commission
EPLO	European Public Law Organization
EU	European Union
FLA	Free Legal Aid
GRECO	Group of States against Corruption
HJC	High Judicial Council
ICT	Information Communication Technology
IPA	Instruments for Pre-Accession Assistance
JA	Judicial Academy
JRGA	Judicial Reform and Government Accountability
JUSTPAL	Justice Sector Peer-Assisted Learning
MDTF-JSS	Multi Donor Trust Fund - Justice Sector Support
MLA	Mutual Legal Assistance
MoI	Ministry of Interior
MoJ	Ministry of Justice (until July 2012)
MoJPA	Ministry of Justice and Public Administration (since July 2012)
NJRS	National Judicial Reform Strategy
NPAA	National Programme for the Adoption of the Acquis
NPI	National Implementation Programme
PIU	Project Implementation Unit
PP	Procurement Plan
QCBS	Quality- and Cost-Based Selection
RCCP	Review of Criminal Chain Process
RfP	Request for Proposal
RFU	Reform Facilitation Unit
SCC	Supreme Court of Cassation
SIC	Strategy Implementation Council
SPC	State Prosecutorial Council
THIGJ	The Hague Institute for Global Justice
ToR	Terms of Reference
UNCAC	United Nations Convention against Corruption
UNDP	United Nations Development Program
UNODC	United Nations Office on Drugs and Crime
WB	World Bank
WG	Working Group

1 PROJECT BACKGROUND AND CONTEXT

1.1 MDTF-JSS Background Brief

The World Bank-executed Multi Donor Trust Fund for Justice Sector Support (MDTF-JSS) was established in January 2009 at the request of donors and the Serbian Ministry of Justice (now Ministry of Justice of Justice and Public Administration, MoJPA), to serve as a mechanism to pool donor contributions for financing a coordinated work program in support of the MoJPA and other justice sector institutions in achieving the objectives of the National Judicial Reform Strategy (NJRS) adopted in April 2006.

However, after the launching of the MDTF-JSS it became clear that some of the MDTF-JSS objectives could be better met through the adjustment of the set-up of the Trust Fund to a jointly executed hybrid Trust Fund. The MoJPA, donor representatives in Belgrade and the World Bank task team therefore agreed to amend the arrangement of the Trust Fund allowing for Recipient-execution of part of the Trust Fund. Consequently, there are now two parts of the Fund, one Bank-executed, and the other Recipient-executed (Government-executed).

Representatives of the European Union have expressed intentions to contribute to the Trust Fund. The total funds for the EU contribution are EUR 2.00 million.

The process of restructuring of the Trust Fund was completed with signing of the Second Amendment to the Grant Agreement between the WB and the MoJPA in April 2013. Modifications included operating costs as a new category of Eligible Expenditures and increase of eligible expenses financed by the grant funds from 80% to 100%. Income taxes are to be paid from the budget funds.

This report covers the activities implemented by the Government-executed part of the Trust Fund in the period between the January 1st, 2013 and December 31st, 2013, namely the activities of the Project Implementation Unit (PIU) and Reform Facilitation Unit (RFU).

The PIU comprising a PIU director i.e. Assistant Minister for European Integration and International Projects appointed and funded by the MoJPA, one procurement specialist and one financial management specialist both funded by the Grant, with resources and terms of reference satisfactory to the 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.

- Procurement Specialist - local consultant contracted to perform the services during the period commencing April 1, 2011 and continuing through December 31, 2015. This contract was amended on June 11th, 2013 to increase contributions for pension in accordance with changed regulation.

- Financial Management Specialist - local consultant contracted to perform the services during the period commencing March 1, 2011 and continuing through December 31, 2015. This contract was amended on June 11th, 2013 to increase contributions for pension in accordance with changed regulation.

1.2 Components

- *Component 1* provides advisory services to strengthen justice sector reform in Serbia in the areas of: i) Institutional Capacity; ii) Resource Management and Aid Coordination; iii) Legal and Institutional Environment; iv) Judicial Facilities and Infrastructure; and v) Outreach, Monitoring and Evaluation.
- *Component 2* provides technical assistance in the five areas from the Component 1 and in the additional area of access to justice.
- *Component 3* funds Supervision.
- *Component 4* funds Trust Fund Administration.
- *Component 5* funds Program Management.

Component 1 is Bank-executed and provides advisory services primarily through analytical reports, training of relevant MoJPA staff and other relevant staff, policy dialogue and surveys.

Component 2 is Government-executed and provides technical assistance to the MoJPA through the support given to Reform Facilitation Unit in the Ministry of Justice.

Component 2 seeks to strengthen justice sector reform in Serbia in the six areas of: i) Institutional Capacity; ii) Resource Management and Aid Coordination; iii) Legal and Institutional Environment; iv) Judicial Facilities and Infrastructure; v) Outreach, Monitoring and Evaluation; and vi) Access to Justice.

Component 2 has two sub-components: (2.1) supports the Reform Facilitation Unit in the Ministry of Justice; and, (2.2) strengthens access to justice.

While some overlap in deliverables is natural, Sub-Component 2.1 generally focuses on the above described first five areas, whereas the Sub-Component 2.2 is focused exclusively on the access to justice (AtJ).

The sub-component activities are in line with the MDTF-JSS overall objectives of providing support to the Serbian justice sector authorities in implementation of the justice sector reform agenda, preparation of long-term reform strategy and acceleration of Serbia's EU integration pertaining to the justice sector. The activities are aligned with the original components of the Trust Fund seeking to deliver on the objectives related to (i) Institutional Capacity; (ii) Resource Management and Aid Coordination; (iii) Legal and Institutional Environment; (iv) Judicial Facilities and Infrastructure; and (v) Outreach, Monitoring and Evaluation.

1.3 Relevant Key Developments in the Justice Sector in 2013

From October 1st 2013 the new Criminal Procedure Code is in implementation in all criminal cases.

During 2013, besides regular initial and continuous training organized by Judicial Academy, the focus was on the new Criminal Procedure Code.

The Article 85 of the Civil Procedure Code has been amended, enabling broader access to justice for the indigent individuals.

In order to provide conditions for better access to justice and more efficient functioning of judiciary, new legislative and institutional frame was created. In November 2013 the National Assembly adopted the set of judicial laws: Law on Amendments and additions to the Law on Judges, Law on Amendments and additions to the Law on organization of courts, Law on Amendments and additions to the Law on public prosecution and Law on Seats and Territorial Organization of Courts and Public Prosecutor's Offices.

The amended Law on Organization of Courts defines in more clear and more complete manner the principle of impartiality of courts. Also, this law has introduced new solutions that regulate in more detail manner the protection of the right to trial in reasonable time, in such way that the law provides new institute – the request for protection of the right to trial in reasonable time that is submitted to directly superior court. The Law on Judges was amended in such way that it has established the right of the Republic of Serbia to request compensation from a judge for the damage made if the same was caused willfully, i.e. if by decision of the Constitutional Court or the European Court of Human Rights it was established that within the procedure in a domestic court human rights and fundamental freedoms have been violated, or that the judgment was omitted because of the violation of the right to a trial within a reasonable period of time. By the amended provisions of the mentioned law, in accordance with legislation and acquis of the European Union, the solution was also provided that the High Judiciary Council proposes to the National Assembly one candidate for election to one post of the judge. The Law on Public Prosecution was also amended in that direction, and the mentioned law provides that the State Prosecutorial Council proposes to the National Assembly one candidate for the post of the Deputy Public Prosecutor. By amendments of this law, principles to perform the function of public prosecutor in professional, honourable, impartial and just manner without unnecessary delay especially taking care on protection of victims and prevention of discrimination on any ground were defined more completely. The Law on the Seats and Territorial Jurisdiction of Courts and Public Prosecutor's Office, that came to force on 1st of January 2014, new network of courts and public prosecutor's offices was created, that has abolished large number of court units, i.e. the same have gained the status of basic courts. Accordingly, new public prosecutor's offices were also formed, and at this point of time there is total of 66 basic courts, 58 basic public prosecutor's offices, 44 misdemeanor courts, 16 commercial courts, 25 higher courts, and 25 higher public prosecutor's offices, 4 courts of appeal and 4 appellate public prosecutor's offices in Serbia. This amended network of courts and public prosecutor's offices should have

impact on efficiency and quality of work of judicial authorities and to enable to the MoJPA more adequate surveillance over the work of these authorities in accordance with provisions of the Court Rules of Procedure and the Rules on administration in public prosecutor's offices.

On 28 June 2013 European leaders at the meeting in Brussels decided to start accession negotiations with Serbia in January. On September 1, the European Union completed the Stabilization and Association Agreement ratification process. In September 2013 the Government of the Republic of Serbia adopted the Decision on establishment the Coordination body for the process of the accession of the RS to the EU and the Negotiating groups. MoJPA is responsible for coordination of the Negotiating group 23: Judiciary and fundamental rights. Under the Chapter 23 of the Acquis communautaire following areas are covered: Judiciary - Effective justice system – essential parameters: independence (and impartiality), quality and efficiency and Reforms of the justice systems, Anti-Corruption and Fundamental Rights. Also, the MoJPA has its representatives in several other negotiating and most broader competences has within the Negotiating group 24: Justice, Freedom and Security managed by the Ministry of Interior, namely, the legislation relating to judicial cooperation, fight against organized crime, drug trafficking, human trafficking, money laundering, economic crime, cyber crime, and terrorism, etc. In September 25 – 26, 2013 in Brussels the explanatory screening meeting for Republic of Serbia on Chapter 23 took place. During the meeting European Commission explained the Acquis to the candidate country within the relevant chapter. All relevant EU and international legal instruments were presented in detail and explained, including explanation on obligations of the Member States regarding their implementation. Meetings were held on the basis of a detailed agenda and presentations and power points were made available to the RS and no formal report was produced after the Meeting. After the explanatory screening, in December 9 – 10, 2013 in Brussels the bilateral screening meeting for Republic of Serbia on Chapter 23 took place. During the meeting the RS explained the degree of preparedness and its plans for alignment with the Acquis in this Chapter. The same agenda was followed as during the explanatory session. The aim of the meeting was to provide EC a comprehensive, precise and realistic picture of the situation in the country regarding Chapter 23. After the bilateral screening, the EC will prepare the Screening report with recommendations for opening benchmarks which need to be included within the Action plan on Chapter 23 that should be prepared by the RS.

The Working Group which the Ministry of Justice and Public Administration established for the purposes of developing a new National Strategy for Judicial Reform for the period 2013-2018, and the supporting Action Plan, as well as all five sub-groups established in accordance with the division of the Strategy into five key principles, continued working on the preparation of these two important documents in April and May 2013. The second public hearing was organized in Belgrade, in the National Assembly, on 22 May 2013, where the latest draft version of the Strategy was presented as a result of work of the Working group and sub-groups. The public hearing was followed by a review of all the comments presented, and preparation of the wording of the document entered the final stage. Meeting of the Working Group was held on 27 May 2013, where all members agreed on the wording of the Strategy, and unanimously adopted it. Meetings of sub-groups for the development of the Action Plan were held on 29 and

30 May 2013, where all five parts of the Action Plan were unanimously adopted, in accordance with the division of the Strategy into five key principles. The Draft National Strategy for Judicial Reform was adopted by the Government of the Republic of Serbia at the session held on 18 June 2013, by determining a proposal of the Strategy that was submitted to the National Assembly for urgent. The National Assembly adopted the National Strategy for Judicial Reform at the session of the Seventh Extraordinary Session in 2013, held on 1 July 2013, and it was published in the "Official Gazette of the Republic of Serbia" No. 57/13. After the Strategy was adopted, the Government of the Republic of Serbia adopted the supporting Action Plan at the session held on 31 July 2013.

Strategy is based on five key principles necessary for the improvement of the judicial system of the Republic of Serbia, namely: independence, impartiality and quality of justice, professionalism, accountability and efficiency. Transparency has not been particularly singled out as the key principle, but it spreads horizontally throughout the whole strategy and the strategic objectives represented in all key principles. The strategy responds to the challenges of improving the justice system and demonstrates the willingness of the state to respond to citizens' demands for respect for the rule of law and an independent, impartial, accountable and efficient justice system.

The main role of the National Judicial Reform Strategy is to determine an appropriate direction and priorities, but also the schedule of organized and aimed reform activities. The responsibility for the achievement of objectives and execution of activities envisaged by the Strategy and the Action Plan is assigned to the Commission for the Implementation of the Strategy, which is Government occasional working body for the monitoring of progress and directing and planning of future activities. The Commission was established by the Decision of the Government of the RS from August 25, 2013. The Commission consists of fifteen members (and fifteen deputies), representatives of all the institutions relevant for the implementation of the judicial reform. Commission held seven sessions from establishment to present, in accordance to decision to hold meetings at least once a month. Commission functioning is more detailed by Rules of procedure adopted on the first commissions session.

In 2012, the Ministry of Justice and Public Administration began drafting a new National Strategy for the Fight against Corruption for the period from 2013 to 2018, which is to be a basis for the development of the Action Plan as a key document in the fight against corruption, providing for specific measures for its implementation. In addition to the representatives of the MOJPA, the development of the new strategy involved representatives of national and international renowned institutions, whereby cooperation was established not only at the domestic but also at the international level. In mid-March 2013 the final draft Strategy was presented to the experts' community and public and a public hearing on the Draft National Strategy for the Fight against Corruption was held. Having in mind the necessity of drafting a supporting Action Plan as soon as possible, which will be effective and applicable in practice, the expert team of the MOJPA formed focus groups in March for each of the ten areas covered by the Strategy, which were recognised as having a high risk of corruption. On 1st July 2013, National Assembly adopted National Anti-Corruption Strategy for the period from 2013 the

2018 (hereinafter referred to as the Strategy), while the accompanying Action Plan was adopted by the Government on 25th August 2013.

MOJPA has to date taken several activities to improve coordination of the implementation of the Strategy. The Ministry formed a Group, which is a focal point for cooperation with authorities and holders of public authorities and international organizations and organizes regular quarterly meetings at which the contact person from the relevant state authorities will exchange experiences in the implementation of the Strategy and Action Plan, in cooperation with the Anti-Corruption Council. Monitoring of implementation of the Strategy and Action Plan is under the competence of the Anti-Corruption Agency established by the Law on Anti-Corruption Agency as an independent and autonomous state authority, which is responsible to report to the National Assembly. The purpose of monitoring is to assess the degree of compliance with the Strategy and Action Plan, and to identify who and why did not perform in accordance with the Action Plan. In this way, it will be possible to determine the responsibility for the non-implementation of strategic documents. MOJPA has prepared a Guide to the implementation of the National Anti-Corruption Strategy, considering that it will help and facilitate the responsible entities to implement the obligations of the Action Plan, and definitely make the implementation of the Strategy transparent and more visible to citizens in the public and private sectors. As a general note, the transparency of MOJPA's work has significantly improved, with public hearings before enacting new legislation organized more frequently, civil society organizations increasingly participating in legislation drafting and taking an active part in the working groups.

It is particularly important to state that the MOJPA has prepared a working version of the Draft of Law on the Protection of Whistleblowers, and that the public hearing, as a mandatory segment in the process of proposing laws began end of December 2013, to last until March 31st, 2014. In the described way, the MOJPA is realizing one of the defined objectives that need to be achieved, which involves the establishment of an efficient and effective protection of whistleblowers and persons who report suspicions of corruption. On the other hand, a new Law on Seizure and Confiscation of the Proceeds from Crime ("Official Gazette" no.32/13) was adopted in April 2013, aligned with the relevant *acquis*. There is an ongoing process of making amendments to the Law on in order to achieve the objectives stated in the Strategy.

In the field of mutual legal cooperation, important activities in terms of legislation are the entering into force of the Law on Ratification of the Agreement between the Republic of Serbia and the Republic of Macedonia on Mutual Legal Assistance in Civil and Criminal Matters (Official Gazette of the Republic of Serbia – International Treaties, No. 5/2012) on 5.02.2013, the Law on Ratification of the Agreement between the Republic of Serbia and the Republic of Macedonia on the mutual enforcement of court decisions in criminal matters (Official Gazette of the Republic of Serbia – International Treaties, No. 5/2012), the Law on Ratification of the Agreement between the Republic of Serbia and the Republic of Slovenia on mutual enforcement of court decisions in criminal matters (Official Gazette of the Republic of Serbia – International Treaties, No. 05/2012) on 27.02.2013, the Fourth Protocol to the European

Convention on Extradition on 01.02.2013, the Law on Ratification of the Agreement between the Republic of Serbia and Republic of Belarus on Legal Assistance in Civil and Criminal Matters on 19.12.2013, to name a few. Moreover, the Agreement between the Republic of Serbia and Bosnia and Herzegovina on extradition has been signed and the ratification process is underway.

With respect to new legal professions, the first bailiffs in Serbia passed an oath on 31 May 2012, thereby taking their office. After the appointment and oath taking in April 2013, the number of bailiffs in the Republic was increased to 82. The beginning of the work of public notaries has been delayed due to an insufficient number of candidates who meet the requirements in order to be engaged in this activity, i.e., those who have passed the public notaries examination. The examination for notaries should be passed by more than one hundred candidates in order to meet the envisaged conditions for the establishment of the Chamber of Notaries. Therefore, the National Assembly of the Republic of Serbia adopted on 27 February 2013 the Law Amending the Law on Public Notaries (Official Gazette of the Republic of Serbia, No. 19/13 of 27 February 2013). The adopted amendments related to the passing of the public notaries examination, the extension of jurisdictions of the future public notaries, and the postponement of application of the Law until September 2014. The examinations for public notaries continue to be held. By the end of the year more than one hundred candidates have passed the public notary exam, although most of them residing in Belgrade. On the other hand, extensive activities related to the collection of data for the development of a uniform record of certified translators have continued.

NJRS envisages transfer of all budgetary responsibilities from MoJPA to the councils during the 2016.

In July 2012 the Constitutional Court started issuing decisions revoking all the decisions of the High Judicial Council and the State Prosecutorial Council on the non-re-appointment of judges and prosecutors that had been appealed and instructed the Councils to reinstate all of them within 60 days. During 2013 in accordance with above mentioned decision, judges, public prosecutors and deputy public prosecutors have been reintegrated in the judicial network.

To ensure accountability, the two Councils have taken steps toward setting up disciplinary system. The HJC introduced a disciplinary prosecutor and commission, which handled a small number of cases and delivered a few final decisions. The SPC adopted Rules on Disciplinary Procedure and Liability in July 2012. The SPC plans to set up disciplinary bodies and establish a track record of investigating and imposing penalties in disciplinary cases. During 2013 disciplinary prosecutors and commission in HJC and SPC initiated and completed numerous disciplinary proceedings. Several judges and prosecutors had been dismissed and numerous of them had been sanctioned.

In the beginning of September 2012, Minister of Justice and Public Administration decided to commence with amendments and supplements of different laws. During 2013 working groups drafted laws amending Law on High Judicial Council and Law on State Prosecutorial Council.

In 2013, MoJPA finalized work on drafting new strategy for justice sector in area of information communication technologies (ICT Strategy) which is supported through the activities of the Multi Donor Trust Fund for Justice Sector Support. The objective of the ICT strategy is to guide the development and implementation of ICT policies, ICT Infrastructure, Information Systems, and ICT human capital development in all segments of the Justice Sector in the Republic of Serbia.

Ministry of Justice and Public Administration supported the delivery of the Guidebook for Journalists (Negotiating Chapters 23 and 24 - What Do We Negotiate About?) that was prepared in cooperation with GIZ Project in Serbia and European Integration Office (Government of the Republic of Serbia).

Preparation of Newsletters about MOJPA activities related to Serbia's EU integration, Judicial Reform, fight against organized crime and corruption. Newsletters were sent to all Serbian Embassies and Consulates in EU and China, Canada, USA and Australia. Also, Newsletters were sent to all foreign Embassies and Consulates in Republic of Serbia.

In September 2013, in cooperation with Office for Cooperation with civil society, it was organized the broadcast of Explanatory Meeting for Chapter 23 (Brussels) for representatives of Non-governmental organizations at National Assembly of Republic of Serbia.

MOJPA provided technical and advisory support to UNHCR regarding to preparation of pilot show about human rights of the legally invisible people in Serbia.

During 2013, in cooperation with international organizations OECD, USAID and GIZ, MOJPA organized more than 30 public debates related to new draft laws, two European Legal and Policy Forum and Regional Conference "Combating Organized Crime and Corruption and Enhancing Judicial Cooperation in the SEE Region".

2 Sub-Component 2.1: Reform Facilitation Unit

2.1 Introduction

This sub-component funds the establishment of a Reform Facility Unit (RFU) for the Ministry of Justice (at the time) and the Judiciary. The RFU, originally set up to comprise eleven core support consultants, is responsible for contributing to achieving reform goals. The RFU comprised of 8 consulting positions in 2013 (consultant for EU integration, consultant for international cooperation, consultant for justice sector policy, IT consultant, automated case management and justice reform expert/sector IT expert, consultant for prosecutorial reform, consultant for outreach and communication strategy, consultant for justice sector policy and data analysis). 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, project design and implementation.

This Sub-Component contributes to the over-arching objective of the MDTF-JSS, which is to support Serbia's justice sector in the EU integration process and strengthen aid coordination in judiciary.

This is achieved through the strengthening of the capacity in the MoJPA and in the judiciary to design and implement reforms in the above mentioned five areas.

Activities fall within the following five groups:

- 2.1.1 **Institutional Capacity** – to assist Serbia's justice sector institutions towards meeting the EU standards and criteria pertaining to justice sector;
- 2.1.2 **Resource Management and Aid Coordination** - to facilitate the justice sector leadership to strengthen justice sector resource management and aid coordination;
- 2.1.3 **Legal and Institutional Environment** – to facilitate the strengthening of the legal and institutional environment for the Judiciary;
- 2.1.4 **Judicial Facilities and Infrastructure** – to accelerate the systematic modernization of the court and prosecutorial network; strengthen the resourcing, operations and management of the physical and IT facilities of courts and prosecutor offices; and facilitate the assessment of impact on users' access and satisfaction; and
- 2.1.5 **Outreach, Monitoring and Evaluation** - to track and report progress on justice sector reform progress and impact.

In addition, the Trust Fund covered the procurement and financing of small scale projects and events including learning events, conferences, printing of important documents, translation services, etc. The following paragraphs give more insight into rationale of each specific event which was procured and financed by the PIU through MDTF-JSS funds.

Study visit to the European Court of Human Rights and the Council of Europe in Strasbourg (3-8 March 2013). Aims of the study tour organized for five representatives of Department for representation before the European Court of Human Rights in Strasbourg were:

- Introduction of functioning of the European Court of Human Rights (ECHR), and the proceedings before this court
- Attendance oral hearings before ECHR
- Attendance hearings before Committee of Ministers
- Visit and introduction of the work of the other relevant institutions
- Communication with experts in the Court who are working on cases pending against the Republic of Serbia, as well as communication with the executive department of the Committee of Ministers.

The Minister of Justice and Public Administration established a working group for drafting National Judicial Reform Strategy on January 3, 2013 tasked to make Draft of the National Judicial Reform Strategy by the end of March. This Draft particularly contributed to strengthening the independence of judges and autonomy of prosecutors and their deputies and to equal and full access to justice and right to a fair trial. Therefore it was necessary to provide support to the Working group formed within the Ministry and to make this whole process completely transparent and available to international community. The representatives of international organizations also participated in meetings of the Working groups. They included the representatives of the Delegation of the EU in Serbia, World Bank, USAID and OSCE. Nine working meetings have been organized during the reporting period. Refreshments for these meetings has been procured and financed by the PIU from the MDTF-JSS funds.

A workshop in Sarajevo for financial management, disbursement and procurement staff from WB/IDA-financed projects (April 15-18, 2013) was funded from the MDTF-JSS. A workshop was organized with purpose to present the PIU staff and PIU directors from countries in the region relevant WB procurement and financial management and disbursement procedures. During joint Plenary Session, WB staff covered following topics: ECCU 4 portfolio analysis, FM perspective, procurement cycle, planning and reviews, general disbursement matters – overview, environmental safeguards policies overview, the WB policy on access to information, and fraud and corruption. In the following days procurement sessions were separated from financial management and disbursement sessions. Participants from different countries shared the best practices and exchange country experiences on aspects concerning procurement, finance management and improved efficiency on the World Bank Projects, and ways to improve performance in procurement&finance management and administration.

After the adoption by the National Assembly of the Republic of Serbia of the National Judicial Reform Strategy, the MDTF-JSS also supported financing of 1000 pcs. of National Judicial Reform Strategy for the period 2013-2018 publications.

The MDTF-JSS also supported (and PIU organized) attendance of RFU Consultant for Prosecutorial Reform and RFU Consultant for International Cooperation at the meetings in the European Commission in Brussels, Belgium, related to the Chapter 23 – Judiciary and fundamental rights Explanatory Screening for Serbia, on September 25th to 26th, 2013. The explanatory meeting is an analytical examination of the acquis, organized for the purpose of the Commission's explaining of the EU acquis in the field of Judiciary and Fundamental Rights and answering questions on the content of this acquis, which Serbia's negotiating team might have. The explanatory screening has been an essential step in Serbia's EU accession negotiations and a precondition for preparing of the country for the bilateral screening, i.e. for explaining of the degree of preparedness and plans for alignment with the acquis in Chapter 23. Chapter 23 (Judiciary and Fundamental Rights), along with Chapter 24 (Justice, Freedom and Security) presents the most important chapter related to MoJPA activities. Moreover, MoJPA coordinates Chapter 23 exclusively. The Chapter addresses issues and standards related to effective justice system – essential parameters (independence and impartiality, quality, efficiency, reforms of the justice systems in the EU), anti-corruption policy, fundamental rights, procedural safeguards (liberty and security, right to a fair trial in civil and criminal justice, mutual recognition instruments, etc.

The MoJPA organized the Partners Forum on December 17, 2013 with the purpose to launch of a new network of courts and prosecutors' offices, to present methods of financing the maintenance of existing and construction of new buildings, etc. In order to open a discussion with the Partners to receive comments, advice and guidance with regards to these important topics, the PIU procured translation services for this event.

The PIU also procured translation services for: 550 pages of various legal text which the MoJPA prepared for the process of European Integration, presentation for the bilateral screening within Chapter 24: Justice, Freedom and Security (presentation referred to the international bankruptcy and was prepared by the president of the Commercial Appellate Court).

Representatives of the Republic of Serbia, including the MoJPA staff and RFU consultants (Consultant for Prosecutorial Reform, Consultant for International Cooperation, Consultant for Justice Sector Policy, Consultant for Access to Justice and Consultant for EU Integration) participated at the meetings in the European Commission in Brussels, Belgium, related to the Chapter 23 – Judiciary and fundamental rights Bilateral Screening for Serbia, on December 9-10, 2013. The bilateral meeting is a continuation of the process of analytical examination of legislation in the field of Judiciary and Fundamental Rights which began with the explanatory screening organized on September 25th to 26th. Therefore, the agenda of the bilateral screening covered the same topics as for the explanatory session. However, on the bilateral screening representatives of the Republic of Serbia, as a candidate country, provided the European Commission with a comprehensive, precise and realistic picture of the situation in the country regarding existing legislation, its implementation, degree of preparedness and plans for alignment with the *acquis* in Chapter 23, with the end purpose to detect problems and difficulties that may occur during the negotiations. Through the bilateral screening, an assessment was made of the level of alignment of Serbia's legal system with the EU *acquis*, in order to determine what yet must be done to achieve alignment with the EU *acquis* pending full membership.

RFU Consultant for International Cooperation participated at the explanatory screening meeting for Serbia in the European Commission in Brussels, Belgium, on Chapter 3 - Right of establishment and freedom to provide services. The meeting took place on 30-31 January 2014, in Brussels, Belgium, Centre Albert Borschette – rue Froissart, 36. The purpose of this meeting was for the Commission to explain the EU *acquis* in the field of the right of establishment and freedom to provide services and to answer any questions from experts of the Republic of Serbia on the content of this *acquis*. Therefore, representatives of the Republic of Serbia, including the MoJPA, which have competences in Chapter 3 were invited for the subject meeting, to attend the presentations of EC experts and pose relevant questions in areas of concern. Chapter 3 screening covers the right of establishment and freedom to provide services, i.e. establishing a framework for a single market for services in the EU. Member States must ensure that the right of establishment of EU nationals and legal persons in any Member State and the freedom to provide cross-border services as laid down in the EC Treaty is not hampered by national legislation subject to the exceptions set out in the Treaty. The *acquis* under this chapter is of a horizontal nature covering a large variety of fields and professions and involving many public and/or semi-public institutions and bodies. Therefore, the agenda of the meeting covers mutual

recognition of professional qualifications, sector specific mutual recognition, and the right of establishment and freedom to provide services.

Also, as part of procurement activities, in August 2013, the MoJPA and PIU started with the activities to establish a Reform/ Accession Facilitation Unit (R/AFU) to assist the MOJPA and judiciary institutions in planning, implementing and evaluation of justice sector reform activities. Proposal for continuation of the RFU/RAFU support to the MoJPA was prepared together with detailed financial proposal and organogram. The new RAFU was planned to have a double purpose: (1) to provide technical assistance to the justice sector to implement the NJRS and AP, and (2) to build capacity within MOJPA so that in future the MOJPA can operate sustainably without external gap-filling after 2015. The enhanced Terms of Reference were prepared to ensure that RFU/RAFU staff focuses on reform related activities that are aligned to the priorities identified under the MDTF-JSS, as well as ongoing accession process activities, which represent the key priority of the MOJPA, while building staff capacity of the MOJPA to develop and implement policy in these areas. Enhanced Terms of Reference with precisely defined tasks followed by the specific deliverables enable effective and necessary support to the MOJPA and other judicial institutions toward further strengthening of the independence, autonomy, competence and capacity of judicial institutions, effective and efficient judicial network, comprehensive approach to the training of the MOJPA staff, accountability of judicial office holders, professional ethics and integrity, efficient and sustainable system for enforcement of court decisions, establishment of a free legal aid system, uniformity of the case law, improvement of human rights, improvement of the civil and criminal justice system, fight against organized crime and corruption. A narrow focus on capacity building of MOJPA staff is a deliverable which will be part of each consultant's TOR. This support will be of crucial importance for MOJPA in the upcoming period bearing in mind future challenges on the path toward the European Union and its dedication to take all necessary steps to successfully accomplish its goals. Terms of Reference for following positions were prepared:

1. Consultant for the Reform of Criminal Justice System (part time)
2. Consultant for the Reform of Civil Law System
3. Consultant for Access to Justice
4. Consultant for the Reform of the Judicial Network
5. Consultant for Judicial Academy Competency/Education
6. Consultant for Constitutional Framework
7. Consultant for Outreach and Communication
8. Consultant for the Reform of Legal Professions
9. Consultant for Human Rights
10. Consultant for Anticorruption
11. Consultant for Justice Sector Data Analysis/ Budgeting

12. Consultant for Administrative Courts System (part time).

All the above consultancy assignments were planned to be realized under Component 3: Strengthening Legal and Institutional Environment. The WB supported by all MDTF-JSS donors gave its No Objection to the ToRs on December 26, 2013. Specific Procurement Notices were announced on the MDTF-JSS and MoJPA site, in daily newspapers Politika (edition for whole country) on December 30, 2013 and widely circulated through MDTF-JSS donors. At the time of preparation of this report all 12 consultants have been contracted and performing their assignments.

Procurement i.e. contracting of the auditor of the components of the MDTF-JSS was further updated in the 2013. Contract with audit company KPMG was extended for one more year-fiscal year 2013 based on their previous satisfactory performance.

2.3 Institutional Capacity

2.3.1 Over-Arching Objective

This activity aims at:

- (i) Supporting the Ministry of Justice and Public Administration and the Judiciary to design, coordinate and implement judicial reform and modernization strategies, programs and projects;
- (ii) Strengthen regional cooperation in the fields of mutual legal cooperation and assistance, especially in issues pertaining to organized crime and anti-corruption;
- (iii) Expedite the adoption of different International Conventions, and EU Directives and Resolutions in Serbia, and their inclusion into the Serbian legislation; and
- (iv) Build and strengthen the strategic planning function at the Ministry of Justice and Public Administration.

This is delivered through outputs provided by consultants to the MoJPA and the Judiciary, operating through the RFU; and implementation of small-scale projects and capacity-building activities. The following consultants were contracted:

- Consultant for EU Integration - local consultant contracted to perform the services during the period commencing March 16th, 2011 and continuing through December 31st, 2013. This contract was amended on June 11th, 2013 to increase contributions for pension in accordance with changed regulation.
- Consultant for International Cooperation - local consultant contracted since March 16th, 2011. The contract was terminated by mutual agreement on March 3rd, 2013.
- Consultant for International Cooperation - local consultant contracted to perform the services during the period commencing June 1st, 2013 and continuing through December 31st, 2013. This contract was amended on June 11th, 2013 to increase contributions for

contributions for pension in accordance with changed regulation.

- Consultant for Justice Sector Policy - local consultant contracted since July 01, 2011. The contract was terminated by mutual agreement on January 31st, 2013.
- Consultant for Justice Sector Policy - local consultant contracted to perform the services during the period commencing February 25th, 2013 and continuing through December 31st, 2013. This contract was amended on June 11th, 2013 to increase contributions for pension in accordance with changed regulation.

2.3.2 Description of Delivery of Activities and their Impact in Supporting the Development Objective

- Consultant for EU integration is engaged on selected issues pertaining to Serbia's EU accession process in the justice sector, in close cooperation with the senior management of the Ministry of Justice and Public Administration:

- Advisory services related to application of different International Conventions and EU Directives and Resolutions;
- Drafting different reports for the European Commission with regards to Serbia's progress in the implemented reforms;
- Facilitating coordination of work of different sub-groups that are subordinate to the coordination body for integration of the Republic of Serbia into the European Union (EU);
- Preparing and updating the National Programme for Integration of Republic of Serbia into European Union (NPI) electronic database including all relevant existing and planned portions of legislation;
- Participating in a process of updating the National Judicial Reform Strategy (NJRS); and
- Other relevant tasks with regards to the EU integration and scope of work stipulated by the Terms of Reference.

Under the Activity: Expediting the adoption of different International Conventions, and EU Directives and Resolutions in Serbia, and their inclusion into the Serbian legislation, the Consultant continue to provide advisory related to *Acquis communautaire* and different International Conventions. Within advisory related to *Acquis communautaire* and different International Conventions, consultant was providing advisory to MoJPA on *Acquis* with coordination of a work within Sub-groups regarding competences with purpose to define priorities of the EU regulations with analyses – necessary for the process of accession of the RS to the EU and harmonization of national legislation with *Acquis*. Also, consultant was providing advisory related to *Acquis* within different Negotiating groups within the competence of the MoJPA regarding determination the competent organ/institution.

With regards to the process of harmonization of the RS legislation in line with *Acquis communautaire*, consultant was providing inputs to this process, analyzing relevant EU Directives and Regulations and different International Conventions. Related to the explanatory and bilateral screening meetings on Chapter 23 and other relevant chapters, consultant was analyzing different EU and international documents relevant for the harmonization of national legislation within the MoJPA competence.

During 2013, consultant was providing advisory related to nomination of relevant *Acquis* priorities within competences of the MoJPA for translation into Serbian language and was involved in the process of expert proofreading of translated documents. As officially translated *Acquis* is necessary for the process of harmonization of national legislation with *Acquis*, the Serbian European Integration Office was several times during 2013 delivered portions of translated EU regulations to all relevant institutions, including the MoJPA for proofreading.

Different reports were drafted with purpose to inform the European Commission on progress achieved in the implementation of the reforms and undertaken steps of the MoJPA in the process of Serbia's accession to the European Union, especially with regards to the process of drafting the new National Judicial Reform Strategy.

Activities related to drafting reports on Serbia's Progress in the Process of Accession to the EU throughout 2013 with specific explanation of legislative activities, regional cooperation and bilateral agreements, fight against corruption, judiciary and basic rights - Independence and impartiality of courts and prosecution, infrastructure and equipment, information technology and prison conditions. Reports were drafted for the period September 2012 – April 2013 and April 2013 – August 2013.

Consultant was drafting Report with regards to the implementation of the Action Plan of the Government to meet the recommendations from the EC Annual report on Serbia's progress in the accession to the EU which include all planned measures and deadlines for implementation and fulfillment of the recommendations from the EC Report. The mentioned AP was revised three times in 2013.

Consultant was drafting other different reports necessary for the European Commission for their introduction with the stage of reform occasionally or upon request.

After the additions to the National Programme for Integration of Serbia into the European Union (NPI), the Government of the Republic of Serbia adopted the Conclusion in January 2012 with regards to the preparation the National Programme for the Adoption of the Acquis (NPAA) for the period 2013-2016. Serbian European Integration Office was coordinator of the whole process and all relevant institutions prepared inputs within their competences. All candidate countries for the membership to the European Union are preparing the same document as a next step to the fulfilment of their obligations related to the candidacy and the process of integration and harmonization of national legislation with the *Acquis*. Consultant was actively involved in the coordination and process of drafting the MoJPA part of the report on the activities of the MoJPA and all relevant judicial institutions within the Chapter 23: Justice and Fundamental Rights. Document was adopted in February 2013. Document included the

overview of the priorities for 2013 regarding harmonization and planned legislative activities, administrative capacities, projection for the next three years.

Together with preparation of the NPAA, consultant was updating the NPI electronic data base of laws and by-laws in accordance with legislative activity of the MoJPA and with the NPAA, providing clear overview of legislation and transparent picture of legislation and phase of harmonization.

Consultant was actively involved in explanatory and bilateral screening which took place in Brussels in September and December 2013. Advisory was related to analyses of the relevant *Acquis* within the Chapter 23 and preparation of presentations of the RS on national legislation and institutional framework and degree of preparedness and its plans for alignment with the *Acquis* in this Chapter. Also, Consultant was involved in the preparation of answers to the EC Questionnaire within the Chapter 23 in the period between explanatory and bilateral screening.

Consultant participated in the process of drafting the new National Judicial Reform Strategy (NJRS) - second phase of justice sector reform in Serbia. In January 2013 MoJPA had formed an official working group which included representatives of all relevant institutions and professional associations with an aim of improving the first working version of the Strategy in April 2012, and soon after the new working version was outlined. The National Assembly adopted the National Strategy for Judicial Reform on 1 July 2013. After the Strategy was adopted, the Government of the Republic of Serbia adopted the supporting Action Plan at the session held on 31 July 2013. The Strategy is based on five key principles necessary for the improvement of the judicial system of the Republic of Serbia, namely: independence, impartiality and quality of justice, professionalism, accountability and efficiency. Transparency has not been particularly singled out as the key principle, but it spreads horizontally throughout the whole strategy and the strategic objectives represented in all key principles. The strategy responds to the challenges of improving the justice system and demonstrates the willingness of the state to respond to citizens' demands for respect for the rule of law and an independent, impartial, accountable and efficient justice system. Consultant provided advisory service and was actively involved in the process of drafting the Strategy and the AP and supporting the Working group and the MoJPA throughout the whole process.

Consultant was involved in the work of the Working group for harmonization of the case law formed in September 2013. The Working group is established in accordance with the AP for the implementation of the NJRS related to achieving uniformity of case law by establishing a certification body (Commission) within the Supreme Court of Cassation, defining the competencies and method of work.

- The Consultant for International Cooperation assists in the development of institutional capacity within the MoJPA in the field of international cooperation, with a special focus on strengthening regional initiatives in the fields of mutual cooperation and assistance in matters related to organized crime and corruption. The consultant is in charge of assisting and advising relevant decision makers in monitoring of the work of international organizations and associations in the areas of competence of the MoJPA, to assist in monitoring of

implementation of OSCE and Council of Europe programs and assisting the MOJPA in meeting its international obligations in within the sphere of international law. The consultant assists in the preparation of reports in relation to relevant international instruments, and Serbia's future international obligations.

The activities completed in 2013 were focused towards the efficient implementation of various international obligations of the Ministry of Justice and Public Administration, especially having in mind two key strategic developments. On one hand, due to the heightened need of adequate support in the MOJPA for the finalisation of the draft text of the Action Plan for the Implementation of the National Judicial Reform Strategy for the Period 2013-2018, the Consultant engaged from June 1st, 2013 assisted the MOJPA in fine-tuning of the relevant parts of the Action Plan. On the other hand, having in mind the beginning of the phase of analytical screening of legislation and assessment of the extent of alignment with the EU *acquis* in European integration, which began with the screening for Chapter 23, an increased need arose for MOJPA competent staff in meeting its international obligations pertaining to the process. Therefore, the Consultant participated in various seminars on EU accession negotiations, subsequently disseminating information to relevant civil servant staff. The Consultant actively participated in the explanatory screening meeting in Brussels on Chapter 23 – Judiciary and Fundamental Rights, which included previously analysing the relevant *acquis*, establishing contentious issues and drafting relevant questions for discussion at the meeting, as well as reports and dissemination of findings. *Acquis* addressed by the Consultant related to mutual recognition instruments (Council Framework Decision 2002/584/JHA on the European Arrest Warrant, Council Framework Decision 2008/978/JHA on the European Evidence Warrant, freezing, confiscation, financial penalties and detention related instruments, etc.), anti-corruption policy (EU Instruments, international instruments), etc.

Subsequently, the Consultant delivered a presentation at the Chapter 23 bilateral screening meeting in areas of competence of the MOJPA. Moreover, the Consultant provided input to civil servant staff in the Sector for International Assistance in preparing screening documents and presentations for mutual recognition instruments for Chapter 24 – Justice, freedom and security, for which screening meetings were held in 2-4 October 2013 (Explanatory meeting) and in 11-13 December 2013 (Bilateral meeting), including on mutual legal assistance in criminal matters, judicial cooperation in criminal matters, European Arrest Warrant and Extradition Procedures, and recognition and enforcement of court decisions in criminal matters. Further, the Consultant supported MOJPA Anti-Corruption team in preparing for bilateral screening meeting on Chapter 23, contributing to screening documents, analysis of compliance with GRECO recommendations, and drafting of presentations thereto related. With respect to the Council of Europe Group of States against Corruption (GRECO), since 2003, when Serbia joined the Group, three evaluation rounds were completed and evaluation and compliance reports were adopted and published. The most recent GRECO report - Compliance Report for the Third Evaluation Round was adopted in October 2012, on GRECO's 57th plenary session, and has officially been released and posted on the web sites of the Ministry of Justice and Public Administration of Serbia and GRECO in March 2013, following the authorization by the Serbian Government. In the report, GRECO addressed 15 recommendations to Serbia. At the moment of drafting of the report, the Draft Law on Amendments to the Criminal Code was in

the Parliamentary procedure, resulting in GRECO's conclusion that 5 recommendations for incrimination were not implemented and that they should be implemented. However, the Law on Amendments to the Criminal Code was adopted on 24 December 2012 and a report has been submitted to GRECO on steps taken to implement unfulfilled recommendations, with an additional report expected to be submitted on 30 April 2014. Related to the 10 recommendations pertaining to the financing of political parties, Serbia has evaluated that they are now implemented. Related to Recommendation xxi. – "Ensure that civil servants who report suspicions of corruption in public administration in good faith (whistleblowers) are adequately protected from retaliation when they report their suspicions", it is important to note that the MOJPA has prepared a working version of Draft of Law on the Protection of Whistleblowers.

The Consultant was the sole representative of MOJPA at the Explanatory Screening meeting for Serbia in the European Commission in Brussels, Belgium, on Chapter 3 - Right of establishment and freedom to provide services, which took place on 30-31 January 2014, as some of the key tasks of the Consultant include assisting the MOJPA in meeting its international obligations in within the sphere of international law, including assisting in the preparation of reports in relation to relevant international instruments as well as input to strategic planning. Of particular importance for the competences of the MOJPA and its obligations under the Stabilization and Association Agreement was the session on free movement of professionals related to lawyers and other legal professions under the purview of the Ministry. Two of the "fundamental freedoms" – the right of establishment and freedom to provide cross border services were presented, through a detailed explanation of the central piece of *acquis* in this area – the Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (the "General Services Directive"). MOJPA was called upon to consider its competence with respect to the General Services Directive in December 2013, upon which intensive research had to be performed by the Consultant in order for the Ministry to successfully answer its obligations with respect to the screening process which was underway. The explanations by the EC experts were highly useful in clarifying problems arising from the wide applicability of this horizontal, cross-cutting directive and the major harmonisation obligations which lie ahead for the MOJPA. The Consultant actively prepared for the screening meeting, determining and analyzing the *acquis* which falls into the purview of the MOJPA, establishing contentious issues, asking for clarifications at the screening meeting and drafting of technical and policy notes and papers as well as input to strategic planning.

Further activities completed in 2013 with the objective to enhance the role of the Republic of Serbia in the international scene in order to secure that the legal system of the Republic of Serbia is in compliance with international standards and assist the Republic of Serbia in the EU accession process relate to the review of the implementation of UNCAC. With respect to the United Nations Convention against Corruption (UNCAC), as a continuation of activities from 2012, Serbia is participating in the Implementation Review Process. Thereto related, the self-assessment check list was completed and submitted for review. The review of the implementation of Chapters 3 and 4 of UNCAC in Serbia has been conducted by Ukraine and Romania. The draft evaluation report was sent end of the year to MOJPA, which gave its

suggestions and recommendations, to which the Consultant provided inputs. It is expected that UNODC is to send its final report.

On the other hand, during 2013 the experts of the Ministry of Justice and Public Administration of the Republic of Serbia conducted a review of the level of concordance of legislation by the Republic of Poland of the Chapter III (Criminalization and Law Enforcement) of the Convention. The desk review report was based on the self-assessment check list of the Republic of Poland and relevant laws. Based on answers received to posted questions, a blueprint of the final report has been issued, aided by inputs from the Consultant, and a country visit to Poland was set for April 2014. It is expected that a list of conclusions and issues shall be delivered in June.

Further, the Consultant prepared reports and summaries on Council of Europe expert opinions and proposals thereto related. The Consultant supported the MOJPA Department for Implementation of Projects in the Judicial and Public Administration Areas and MOJPA Anti-Corruption team, including giving initial inputs and suggestions on formulating the needs to engage senior level experts in order to perform a comprehensive horizontal screening of the relevant anti-corruption laws in Serbia, with the aim to identify gaps or overlapping that exist regarding the legal, institutional, stakeholder, and financial capacity to harmonise the legislation to the requirements of the *acquis*, through the Policy and Legal Advice Centre (PLAC).

- Under activity of strengthening regional cooperation in the fields of mutual legal cooperation and assistance, especially in issues pertaining to organized crime and anti-corruption in human and children's rights aspect, the Consultant for Justice Sector Policy provided inputs for new National Anti-Trafficking Strategy and National Action Plan. Development of the new National Anti-human Trafficking Strategy and Action plan were multisectoral activity of the Government of Serbia. The Consultant represented the MoJPA in the Working Group. He was tasked to provide advisory and to organize consultations about the human trafficking issue within departments in the Ministry. The second phase focused on determination of the goals and objectives. Together with the Assistant Minister he agreed specific activities of the MoJPA under its competencies. Further on, the Consultant proposed very specific activities for the Department of European Integration and International Projects to be implemented. In this process, the Consultant provided advisory to colleague public servant who will be the contact person for the implementation.

As part of regular reporting to Council of Europe Committee and UN Committee related to Anti Human Trafficking and Violence against Women, the Consultant prepared two comprehensive reports to GRETA committee of the CoE along with the representatives of the Ministry of Justice, Ministry of Interior and representatives of the Judiciary-collected statistic data from the judiciary, provided information of the current legislative status for criminal act of human trafficking, described implementation of the law through examples from court practice.

Also, in September 2013, the Consultant participated and represented Republic of Serbia, along with representatives of Ministry of Interior and Coordinator against trafficking in human beings of Serbia in regional cooperation Conference in Sarajevo organized by OSCE.

The Consultant participated in the event organized by UNICEF and IMG held in June 2013 in Nis “Days of Juvenile justice”, where he actively discussed the problems and solutions of problems about juvenile offenders, as well as criminal law protection of juveniles, and provided advisory to Assistant Minister about the event.

The Consultant participated and represented Republic of Serbia in Brussels in June 2013 on East Europe and Central Asia Conference organized by UNICEF regarding Juvenile justice and Rights of the child.

The Consultant was a member of the Working group on Piloting corrective action orders in four towns in the Republic of Serbia (Belgrade, Nis, Kragujevac and Novi Sad) in the period from December 2013 to September 2014.

In October 2013, the Consultant presented a hate crime as a new aggravating circumstance under the Criminal law of the Republic of Serbia in Sarajevo organized by TAIEX Expert’s Mission.

Council for Minors is the state body founded by MoJPA and High Judicial Council. The Council has advisory role. Meetings are held 4 times in a year. The Consultant actively participated in development of new diversion orders according to new Law on Minors.

The Consultant provided advisory in drafting process for IPA 13 project of the MoJPA related to access to justice for minors, prevention of juvenile delinquency, implementation of diversion orders and anti-child trafficking.

In the consultation process of advising the Department for Normative Affairs about changing laws related to LGBT legal status, the Consultant sought the best solution for these persons especially when it comes to gender change and changing of the personal documents. In this regard, certain solutions will be provided by the Law on Free Legal Aid, while in some other cases amendments of Law on Non-Contentious Proceedings will enable these persons to exercise their rights.

In December 2013, the Consultant represented Republic of Serbia as part of the Negotiating Team to conduct negotiations on the accession of the Republic of Serbia to the European Union, Negotiating Group for Chapter 23-*Judiciary and Fundamental Rights*, Rights of the Child, where he presented international reference instruments, national normative framework, level of alignment, statistics on Republic of Serbia Juvenile justice, and presented the Law on Special Measures for the Prevention of Crimes against Sexual Freedom Involving Minors (Official Gazette of RS, No. 32/2013) This law prescribes special measures against offenders of sexual abuse committed involving minors defined by this law and governs keeping special records of persons convicted for such offences.

2.4 Strengthening Resource Management and Aid Coordination

2.4.1 Over-Arching Objective

This activity aims at:

- (i) Strengthening justice sector administration pertaining to expenditure and resource management; and
- (ii) Enhancing tracking, coordination and management of donor-funded aid in the justice sector.

The following consultant was contracted:

Consultant for Justice Sector Policy and Data Analysis- local consultant contracted to perform the services during the period commencing June 1st, 2013 and continuing through December 31st, 2013. This contract was amended on June 11th, 2013 to increase contributions for pension in accordance with changed regulation.

2.4.2 Description of Delivery of Activities and their Impact in Supporting the Development Objective

- Consultant for Justice Sector Policy and Data Analysis is responsible for providing advisory services and direct support to the senior management of the MOJPA on issues related to strengthening resource mobilization and management in the justice sector. The Consultant advised senior management in the MOJPA on policies/actions to increase the effectiveness and resource utilization in the reform of justice sector. The Consultant analyzed fiscal, caseload and HR data and provided advice on the basis of relevant strategic documents, reports/studies and surveys on issues related to the reform of justice sector.

Under the justice reform project, one of the strategic objectives was improving the expenditure budgeting process in the justice sector (strengthening the autonomy of budgeting court expenditures, and raising the quality of the overall process of resource management in the entire justice sector in Serbia).

In addition to the provision of advisory services, the consultant paid special attention to analyzing and establishing correlations between international budget classifications of budget revenue and expenditure and the classifications of government functions, which include the functions of the justice sector and the overall public administration of Serbia.

According to the identified government functions, which include the functions of the justice sector, the Standard Administrative Classification Framework of Tasks in the public administration and the justice sector, and the relevant scheme of qualitative tasks by category,

group and class, with corresponding codes and numerical identifications for each category, group and class of tasks, based on the method for the performance of these tasks, which will be then further classified according to the levels of complexity and responsibility, starting with the posts of public office holders, managerial posts and going down to the posts of executive staff, that is, general service employees.

The purpose of such single task classifications is to serve as a basis for improving the budgeting system for justice sector functions, by obliging each budget beneficiary to qualitatively and uniformly present the number of employees, who will participate in the performance of the planned workload, and their qualitative engagement on their jobs, their titles and coefficients, under a business plan for each year, through a human resource plan and in the same manner.

In order to ensure the necessary elements for the accomplishment of these undertakings in 2013 the following activities were undertaken:

- the documents were collected about budget drafting processes and procedures and expenditure planning and control, through all the stages of the budget cycle, from a draft budget to the execution;
- the existing regulatory framework and operational procedures which need modification or supplementing have been analyzed;
- single forms were prepared in the form of questionnaires, used to collect data, on statutorily defined and other kinds of tasks performed by the bodies within the scope of their respective purviews, that is, data on types of jobs and their structure and job descriptions including tasks and assignments for individual posts;
- the Draft Decree on the Single Administrative Classification of Tasks was drawn up for the overall public administration, including the tasks in the judicial sector, with relevant schedules:
 - a) the standard classification framework and the relevant scheme (classification) of qualitative tasks by type,
 - b) standardized forms for the presentation of the structure of classified tasks of bodies, as the basis for the drafting of a catalogue of tasks of the overall public administration and the justice sector (in keeping with two new Strategies for the reform of both the public administration and the justice sector).

According to the above mentioned documents and ensuing legislative amendments, the idea is to base the overall planning of budget resources in 2015 for salaries/wages of all public funds beneficiaries, including the justice sector, precisely on the single and standard classifications of tasks (unlike the present situation, with this being done on the basis of the sum of coefficients, wage bills, etc.), and in relation to the exercise of the uniformly classified functions for which these beneficiaries of public funds have been established in the first place.

The establishment of such single classification of tasks and its implementation in the system for budgeting judicial functions will make it possible to set the same coefficient for the salary calculation for classified tasks of the same level of complexity and responsibility, for each post and each employee. The implementation of the thus established budgeting system for justice

sector functions will enable the establishment of the cost of the judicial function in a completely new manner, through a special analysis, for all types of standardized classified tasks, as well as the overall costs of this function in Serbia, and thus decision-making regarding the financial amount of the resources required for the justice sector budget.

Within the whole process, it is necessary to also determine efficiency of the deployed budget resources, that is, their effectiveness by function and by employee, as a basis for the system of staff rewards and sanctions.

2.5 Legal and Institutional Environment

2.5.1 Over-Arching Objective

This activity aims at:

- (i) Supporting and expediting the ongoing prosecutorial reform process;
- (ii) Supporting the State Prosecutorial Council in coordination of donor-funded projects;
- (iii) Strengthening the legal and institutional environment for the MoJPA and the Judiciary, especially with the State Prosecutorial Council (SPC) and High Judicial Council (HJC).

The following consultants were contracted:

- Consultant for Prosecutorial Reform (part-time)- local consultant contracted to perform the services on lump-sum basis during the period commencing January 1st, 2013 and continuing through December 31st, 2013. This contract was amended on June 7th, 2013 to increase contributions for pension in accordance with changed regulation.

2.5.2 Description of Delivery of Activities and their Impact in Supporting the Development Objective

- Consultant for Prosecutorial Reform coordinated and developed a comprehensive assessment on the implementation status of the prosecution reform, including assessing the efficiency of the existing mechanisms of implementation of prosecution reform activities; supported to Public Prosecutor's Office in development of action plan and recommendations for expediting and strengthening the process of prosecution reform; assessed the efficiency of the existing mechanisms of implementation of prosecution reform activities and provided recommendation for improvement, including a series of actions needed to be implemented to ensure nationwide dissemination of the major reform activities; provided technical expertise and best practice for ways to increase accountability in prosecutorial structures; supported the efforts of the MoJPA in strengthening national statistical system through the cooperation with Ministry-statistics

department and Public Prosecutor's Office in establishing a new mechanisms of collecting data with the aim of providing relevant, reliable and timely data on specific efficiency indicators; identified opportunities for synergies between the MDTF-JSS and ongoing and planned programs with regard to prosecution; in synergy with Public Prosecutor's Office, developed capacity-building plan for prosecutors to assist them in adapting to their new, expanded responsibilities; cooperated with Ministry and Public Prosecutor's Office in composing of strategy note on how to strengthen the cooperation between law enforcement authorities, criminal intelligence authorities and prosecutors to facilitate bilateral and/or multilateral criminal investigation processes; provided advice for the Assistant Minister for EU Integration and international projects at the MoJPA and the State Prosecutorial Council in respect to reform needs in the prosecution service, in accordance with EU standards and requirements; provided advice to the Assistant Minister for EU Integration and international projects at the MoJPA and the State Prosecutorial Council in relation to needs for international support.

2.6 Modernization of Judicial Facilities and Infrastructure

2.6.1 Over-Arching Objective

This group of activities aims at:

- (i) Expediting the systematic modernization of the ICT infrastructure in the justice sector;
- (ii) Strengthening of the resourcing, operations and management of the physical and IT facilities of courts and prosecutor offices;
- (iii) Facilitating impact assessments regarding user access and satisfaction;
- (iv) Developing of architectural and engineering designs for the renovation of the unified Civil and Litigation Court in Belgrade.

The Trust Fund finances two Judicial Facilities and Infrastructure IT Consultants, to provide key support to the MoJPA in managing and monitoring the ongoing project to roll out an Automated Case Management System to the courts of general jurisdiction, as well as to assist the MoJPA in preparing an ICT modernization strategy and provide support for implementing key ICT-related initiatives in the justice sector.

Two local ICT Consultants were originally hired:

- ICT Consultant- local consultant contracted to perform the services during the period commencing July 1st, 2011 and continuing through December 31, 2013. This contract was amended on June 11th, 2013 to increase contributions for pension in accordance with changed regulation; and
- Automated Case Management and Justice Reform Expert/Sector IT Expert (ACM Expert).

After termination of contract by mutual agreement with ACM Expert, ToR was slightly modified and this position was announced in December 2011. This contract was signed on January 31st 2012 and terminated by mutual agreement on April 7th, 2013.

Due to an additional contribution from SIDA (Swedish International Development Cooperation Agency) of approximately USD 770,000, made in December 2010, the originally planned ICT modernization strategy has been expanded. The consulting company was selected following Quality- and Cost-Based Selection (QCBS) procurement procedure and the contract was signed by the MoJPA on January 30, 2012. This contract was successfully completed in 2013 and Final Report with Annexes including a) The Justice Sector ICT Strategy Implementation Plan; b) Training and Change Management Plan; and c) Cost Estimates for the implementation of the Justice Sector ICT Strategy was delivered and approved by the MoJPA.

2.6.2. Description of delivery of activities and their impact in supporting the development objective

The process of modernization of the ICT environment in the judiciary as support to the justice sector reform process, continued in the recent period through several large scale ICT projects, both finalizing some of the earlier started activities, as well as introducing new activities and projects in this field. These activities, as described further on, included the active contribution of the MDTF-JSS ICT Consultant and ACM Expert/IT Expert, as support to this process. The role of the consultants varied from technical and advisory support to these activities, to direct development of outputs related to them.

- Automated Case Management and Justice Reform Expert/Sector IT Expert:

a) Monitor the user data entry into automated software case management system and it's outputs (e.g. docket sheets, reports), recognizing deficient entries and making recommendations for improvement.

° Assisted the Ministry in the work of the AVP Committee (organization of meetings, review of requests etc.)

° Analysis of data published on the Portal of Serbian Courts, with recommendations for corrections of data.

Portal includes the functionality "Tok Predmeta" (docket), through which the general public can view the docket sheets (case file data) for cases of commercial courts and courts of general jurisdiction. Due to the fact that the Portal of Serbian Courts is a web presentation with certain integrated web services (docket sheets, search of court jurisdiction by zip code and location, possibility of centralized search of the IKD case registers etc.), the ICT Department is in daily communication for ICT partners responsible for the functioning of the Portal and its services. This includes enabling of in hindered functioning of the Portal and its services, identification and solving of possible problems in its functioning, as well as further development in the sense of changes in the information on the Portal and new functionalities.

That way, the ACM expert communicated with a couple of companies (Mega Computer Engineering, Orion Telekom, BG Dream) in regard to data available on the “Tok predmeta” (Docket) functionality since that data is generated from AVP, in regard to communication with the Portal, and in regard to visual changes of the Portal.

b) Monitor implementation of automated case management system in Serbian court network and provide recommendations for integration into one compatible system;

° The main focus of activities related to this issue was the participation in the Development and implementation of software for Public prosecutor offices and Prison administration project as representative of the Beneficiary, which should provide a CMS solution for public prosecutor offices and penal sanctions.

This project is being realized within the IPA 2008 and includes the development and implementation of a centralized business application for the public prosecutor offices (called SAPO) and penitentiary institutions within the AEPS (called SAPA). The inception phase of the project has been finalized, which should enable the contracted company to start the development of the SAPO and SAPA applications. Until the end of March 2013 (since that was the date of termination of contract with the ACM Expert), application for the PA was developed and for PO was in progress with some issues (Several of the PO’s under this project currently use a business application called Libra. The implementation of the SAPO SW in the pilot PO’s should include the migration of case file data from the existing Libra SW to the new SAPO SW). Also, a plan for training for 500 users for PO is prepared. Apart from monitoring the implementation of this project, reviewing and giving comments to the project documentation, a significant aspect was, and is, the communication with the SAPS SW project team in regard to interoperability of different software provided by these two projects.

Regarding the stage of implementation AVP system, ACM Expert’s role was to monitor the progress of implementation and the collection and analysis of information from the field. The aim of this was a performance monitoring of court personnel in court units and court sittings. The task was to analyze and monitor the flow of cases in a particular court or court unit and its comparison with the defined during the case and relevant legal documents. In case of any discrepancy, the task was to formulate questions related to the procedure and to submit them to the relevant judicial bodies to treatment.

c) Provide technical assistance during case management software implementation on identifying and eliminating excessive administrative procedures;

° As part of business analysis and BI experience, provided suggestions of SW simplification, i.e. automatic data exchange between courts of different jurisdictions.

° Related to this was also the project regarding personal data exchange between the First Basic Court and the Ministry of Interior.

The project is financed by the state budget and includes the First Basic Court in Belgrade as a pilot project.

d) Gathering and analysis of user feedback and suggestions regarding further development of automated case management system;

- ° This work is related to the work of the AVP Committee and review of change requests
- ° Communication with court representatives regarding needs for further development of CMS
- ° Frequent visits to courts and public prosecutor offices
- ° Assisted the Ministry in review of change requests as part of the AVP maintenance contract management.

The project has being realized from the state budget and has aimed to the maintenance of the AVP software in use in Commercial court of Appeal, commercial courts, higher and basic courts. This application was installed on the court servers in the court seats (77 courts) with the court units being connected to them through WAN. These servers were through WAN connected to the central server on which case file data was generated for the Portal of Serbian Courts. Part of the existing contract was annexed in the part regarding further development of the application (sustainable development).

e) Assistance in compiling of additional user manuals for updates of automated case management system

- ° Review (quality control) of user manuals provided to the MoJPA by ICT partners as part of their contract obligation.

As an integral part of the development and the implementation of any business software solutions, there are instructions for use to the end user, which is technically part provided by the partners of the Ministry and the contractor. The ACM Expert's role was to read the user instructions before it was submitted by the courts, and court staff who would work with business applications, and providing comments and expert opinion if necessary any modifications, additions or finishing the same, with the aim of better understanding by the employees in the courts. Wherever the need indicate changes or clarification of any part of the manual, he worked on that and wrote additional parts of the instructions.

- ° Communication with MoJPA ICT partners in regard to the provided user manuals

f) Assistance to MoJPA in creating, analyzing and evaluating reports generated from automated case management systems in Serbian courts;

- ° Assistance in gathering data needed for ad hoc reports requested by the MoJPA Cabinet and review of those reports in regard to inconsistent data

- ° Assisting the MoJPA in data collection in regard to preparation of reports needed for the analysis of the existing judicial network and suggestions of changes of that network. The role of the consultant was to assist in the formulation of the report lay out and content, as well as to assist in the entry of the gathered data and final quality control.

g) Analysis of monthly reports and providing suggestion on reducing backlogs

- ° Consultant activities in regard to this task were closely in relation to those noted under (f) and as such were covered under that topic.

h) Assisting the Ministry in all other ICT projects

- ° Consultancy services to develop an ICT Strategy: ACM's role as internal coordinator was to review reports and other documents submitted by the Partner (Monthly Progress reports no 1-7, Inception report, Diagnostic report...), participation in project management meetings and other project management activities as defined by the role on the Project.

- ° Supply of equipment for public prosecutor offices and prison administration (IPA 2008); monitoring of project implementation and assistance in resolving project issues, review of project documentation (progress reports from the field in accordance with the professional rules, feasibility assessment of specific project tasks etc.)

- ° Implementation and maintenance of WAN network of courts: analysis of work processes or tasks necessary for implementation; resolving infrastructural and organizational problems in the field, preparation of technical specifications for the procurement, preparation of tender documents for procurement; expert assessment report of the supervisory authority in the field in accordance with the rules of the profession; resolving problem situations and provide expert independent opinion.

- ICT Consultant:

- ° In parallel with the further development implementation of the AVP CMS used in all basic, higher and commercial courts in Serbia, the consultant worked also on further development of the SAPS SW (CMS used in Supreme Court of Cassation, Administrative Court, all four courts of appeal, as well as Basic and Higher court in Sremska Mitrovica as pilot courts for these instances), once the maintenance of this software was contractually established by the MoJPA. The consultant had active advisory role in preparation of the technical documentation for the public procurement of the maintenance of these two SW.

- ° The above mentioned activity has been achieved through analysis of change requests submitted by courts, or the conducted needs assessment of the courts and the MoJPA. Under these activities the consultant participated in the work of the Committee for the standardization of the business applications, even presiding and operationally leading these meetings, but also conducted individual consultations with court representatives as a part of the needs assessment, followed with development of specifications of the needed CMS changes, written instructions for court representatives in regard to different elements of the AVP/SAPS CMS, or organization and conduct of additional trainings/seminars for court representatives.

- ° The consultant was also actively involved in the IPA 2008 financed project Improvement of Transparency and Efficiency (prosecution and penal system) done in Serbia, which had the goal to implement a CMS for public prosecutor offices (called SAPO – Standardized Application for Prosecutor Offices) in certain pilog POs, as well as implement a CMS for the prison administration (called SAPA). The consultant's activities ranged from review of project documentation and deliverables, to participation in project steering committee meetings, at one point even functioning as project manager on the MoJPA side. Due to changes in the Criminal Procedure Code, the project end was somewhat postponed, finalizing in beginning of 2014.

° Also dealing with court CMS development, the USAID funded project JRGA (Judicial Reform and Government Accountability) is planned to provide a CMS solution for the misdemeanor courts, called SIPRES (System of Misdemeanor Courts), as well as the hardware needed to raise the capacity of these courts and to support the implementation of the CMS. With this activity, the state of the ICT in the Serbian judiciary will be at a point where courts of all instances, as well as some of the prosecutor offices and the prison administration, will have an implemented CMS. That kind of ICT level raises the issue of its sustainability and further development, as well as the capacity of the MoJPA to handle this challenge, both financially and HR wise. By the time of submission of this report, the SIPRES implementation has already started, the finalization being expected by mid 2014.

° Also, the MoJPA relied on the technical support of the consultant in regard to the preparation of public procurement notices dealing with maintenance services for the existing ICT structure.

2.7 Outreach, Monitoring and Evaluation

2.7.1 Over-Arching Objective

This group of activities aims at institutionalizing strategic communication and outreach activities as integral part of the Serbian judicial system; and strengthening monitoring and evaluation arrangements to facilitate tracking and reporting on the progress of justice sector reform agenda in Serbia.

Small-scale projects and capacity-building events under this activity are expected to include the following:

- Improving the MoJPA capacity to track and report on the progress in justice sector reform processes, as well as in implementation of legislation and strategic documents;
- Anchor policy dialogue with government stakeholders, non-governmental organizations and the media by organizing different kinds of events intended to ensure increased visibility of MoJPA activities.

These activities are delivered through outputs provided by consultants to the MoJPA operating through the RFU. The following consultants were hired:

- Consultant for Monitoring and Evaluation, Communication and Media - local consultant contracted since July 1st 2011. The contract was terminated by mutual agreement on January 31st, 2013.
- Consultant for Outreach and Communication Strategy - local consultant contracted to perform the services during the period commencing April 4th, 2013 and continuing through December 31st, 2013. This contract was amended on June 11th, 2013 to increase contributions for pension in accordance with changed regulation.

2.7.2 Description of Delivery of Activities and their Impact in Supporting the Development Objective

Several outreach activities of different scale but with the similar aim of increasing professional public awareness and participation in the activities of the MoJPA, were implemented during 2013.

- In June, 2013 Consultant for Outreach and Communication Strategy supported the delivery of the Guidebook for Journalists (Negotiating Chapters 23 and 24 - What Do We Negotiate About?) that was prepared in cooperation with GIZ Project in Serbia and European Integration Office (Government of the Republic of Serbia). This Guidebook has a big role in informing Serbian media about main issues related to EU negotiations (Chapters 23 and 24) so they could be able to inform the target public (civil society, NGOs etc) about EU negotiations process.

In aim of promoting its work, from March 2013 Consultant had started to prepare Newsletters about MOJPA activities related to Serbia's EU integration, Judicial Reform, fight against organized crime and corruption. Newsletters were sent to all Serbian Embassies and Consulates in EU and China, Canada, USA and Australia. Also, Newsletters were sent to all foreign Embassies and Consulates in Republic of Serbia.

To ensure the transparency of judicial system, since constitution of Strategy Implementation Commission (for NSRP 2013-2018) in September 2013, the Consultant has been responsible for communication activities of Commission. Opened meetings have contributed to better informing of citizens and other stakeholders about judicial reform. During third quarter of 2013, Commission held 4 meetings.

As the civil society has the important roll in EU Negotiation process, during first day of Explanatory Meeting for Chapter 23 (September 2013, Brussels), in cooperation with Office for Cooperation with civil society, it was organized the broadcast of the meeting for representatives of Non-governmental organizations at National Assembly of Republic of Serbia. Consultant was also engaged in preparation of media materials for communication activities with target publics (media, civil society, NGOs etc) during Explanatory Meeting and Bilateral Screening for Chapter 23 (September 2013, December 2013, Brussels).

In aim to make a greater effort in resolving problem of legally invisible people in Serbia, such as Roma population, and improving human rights in Republic of Serbia, Consultant provided technical and advisory support to UNHCR regarding to preparation of pilot show about human rights of the legally invisible people in Serbia.

Transparency is one of the most important parts of NSRP 2013-2018 that spreads horizontally throughout the Strategy. In accordance with that, during 2013 Ministry of Justice and Public Administration organized a great number of public debates related to new draft laws and its'

performances. In cooperation with international organizations such as OECD, USAID and GIZ, MoJPA organized more than 30 public debates and two European Legal and Policy Forum. In April 2013, in cooperation with Ministry of Interior, MoJPA organized Regional Conference "Combating Organized Crime and Corruption and Enhancing Judicial Cooperation in the SEE Region" in Belgrade. Consultant assisted organization and attended public debates in Belgrade, Novi Sad and Nis, and Forums and Conference as well.

After one year of working, MoJPA prepared a promo video clip related to its achieved results and future plans as well. Video clip was an efficient and convenient form for broadcast at TV stations, especially for internet media presentations. Consultant assisted making and promotion of video spot.

One of the priorities of Ministry of Justice and Public Administration is adoption of communication strategies that will improve users knowledge of rights and services related to justice sector, improve communication with between justice sector and its stakeholders and improve delivery of services of justice sector as well. Using available information from existing MoJPA documents/reports (Courts' Work Reports for previous 3 years etc), Consultant has continued to prepare necessary information and material for drafting the strategies.

3 SUB-COMPONENT 2.2: TECHNICAL ASSISTANCE TO STRENGTHEN THE ACCESS TO JUSTICE

3.1 Introduction

A comprehensive Strategy for the provision of free legal aid in Serbia was officially adopted by the Serbian Government in October 2010. The new Working Group tasked to draft the Law on Free Legal Aid was established by the MoJPA in April. Upon the adoption of the Law, the MoJPA will develop the necessary bylaws for the implementation and supervise the functioning of the free legal aid system.

- Consultant for Access to Justice - local consultant contracted to perform the services during the period commencing July 1st, 2011 and continuing through December 31st, 2013. This contract was amended on June 11th, 2013 to increase contributions for pension in accordance with changed regulation.

In addition, the Trust Fund covered the organization i.e. procurement and financing of a three-day retreat in Ečka, September 27th to 29th, 2013 to finalize the most controversial provisions related Free Legal Aid Draft Law of new working group. The new FLA working group continued the drafting process of the FLA Law. In line with the MoJPA plans, the FLA Draft Law was planned to be adopted by the end of 2013. Following the WG meetings in June, July and August, and significant progress which has been made in terms of an overall consensus of the working group members regarding some particular issues, a need to organize a 3-day retreat to finalize the most controversial provisions appeared. That retreat also enabled enough time to

thoroughly discuss the remaining issues such as quality control and methods of financing the system including round tables and conferences.

3.2 Over-arching objective

This program contributes to the over-arching objective of the MDTF-JSS, i.e. to facilitate Serbia's justice sector EU integration process, establish justice sector performance framework and strengthen aid coordination in Serbia's justice sector. It does so by seeking to improve access to justice in Serbia through more concentrated, transparent and effective legal aid programs available to all citizens, including women, minorities and other vulnerable groups throughout Republic of Serbia.

3.3 Description of delivery of activities and their impact in supporting the development objective

- The Consultant for Access to Justice assists in the design and establishment of an efficient Free Legal Aid system in Serbia, with a special focus on enabling access to justice to indigent and marginalized population in both civil and criminal matters. In performing daily tasks, the Consultant works primarily with the Assistant Minister for European Integration and International Projects. The consultant assists in the preparation of reports in relation to access to justice, conducts related research and provides support in the organization of variety of events associated with MDTF activities at the MoJPA. Among every day activities in the area of access to justice, the Consultant is also tasked to advise relevant working groups in the areas of her competence at the MoJPA.

The Consultant's key tasks comprise:

- Providing an analysis and needs assessment of current situation relating to free legal aid reform in Serbia;
- Providing research activities relating to the drafting of the new Law on free legal aid;
- Providing advice and support in creation of legal framework for free legal aid system in Serbia;
- Liaising with NGOs and other relevant groups dealing with access to justice issues in Serbia, coordinate joint activities and organize consultations and round-tables to obtain inputs and comments for the strategy and the legal framework;
- Supporting in preparing the implementation arrangements for the legal framework upon its adoption; and
- Support in designing and implementing outreach and public awareness activities and campaigns pertaining to free legal aid system in Serbia;

Under the Activity: Providing an analysis and needs assessment of current situation relating to free legal aid reform in Serbia, different aspects of the free legal aid system have been addressed throughout the year. The results of the needs assessment of current situation relating to free legal aid system have been utilized to inform the National Judicial Reform Strategy and its Action Plan. The legal aid matters have therefore been addressed in a more specified manner, in order to cover all the aspects related to access to justice (i.e. right to a fair trial, right to counsel).

The Consultant actively participated in the World Bank performed cost analysis of the future free legal aid system in Serbia. The Consultant was tasked to organize data collection meetings, including the MOJPA staff and relevant institutions' representatives i.e. HJC, SPC, SCC, etc. Moreover, the Consultant actively participated at a number of data collection meetings, providing support in data gathering relevant for the current Draft solutions. In this line, current FLA options framework has been drafted to inform the cost analysis as to which options are most likely to be adopted. As part of the cost analysis, the Consultant collected data from the final court decisions relating to the attorney expenses; likewise, relevant free legal aid costs related data was collected from the Serbian Bar. Moreover, a questionnaire for municipalities on FLA related costs was prepared and circulated across the country. In addition, a questionnaire for Serbian Bar Associations on FLA related costs was designed and administered to each Bar Association in Serbia. The Consultant performed the analysis of the received answers from the municipalities and provided info to the working group and the World Bank assessment team. Data collection meeting have been organized also with the civil society representatives, aimed at providing deeper insight into the NGO costs in providing free legal aid to vulnerable groups. The cost analysis report delivered to the MOJPA at the end of the year was analyzed to inform the Draft FLA Law.

With regards to the activity: providing research activities relating to the drafting of the new Law on free legal aid, a number of research reports has been provided to the MOJPA and the working group. The Consultant performed analysis of the recent FLA system changes in Croatia and prepared a power point presentation for the working group. Also, comparative research on the provisions of Criminal Procedure Codes in several states was performed regarding the right to counsel, particularly the right of indigent individuals to counsel. Likewise, a review of the current Serbian CPC provisions enabling access to justice was performed, including identification of the deficiencies that must be addressed. The identified problems were subsequently reflected in the National Judicial Reform Strategy that includes the future amendments to the CPC aimed at ensuring better access to justice. A brief review on the UN Principles on Access to Justice was also prepared and circulated, whereas the report on the German FLA system was translated and provided to the WG members. The Consultant also drafted several brief reports on the current situation in the Serbian FLA system focusing on key obstacles, stakeholders' standpoints and available potentials. Moreover, the report on the acquis on free legal aid and access to justice was prepared, focusing on the international standards that need to be met in the future FLA system in Serbia.

Under the Activity: Providing advice and support in creation of legal framework for free legal aid system in Serbia, the Consultant has been working closely with the FLA Working Group members throughout the year. The new working group was established in April 2013 and has

been actively working on the Draft Law on FLA since then. Considering the ongoing controversial issues that persist in the working group, the Consultant developed a questionnaire for the WG members in order to identify the potential consensus on diverse solutions in the future law. The questionnaire facilitated the working group members to understand that there is sufficient substantial agreement on the key issues. Subsequently, based on questionnaire responses, the drafting of the future provisions was possible, as consensus was reached. Moreover, the Consultant performs ongoing material collection and data provision to the working group members, aimed at raising awareness of different aspects of access to justice in the drafting process. Throughout the drafting process, the Consultant has been closely cooperating with the Assistant minister for European Integration and international projects, Assistant Minister for Normative Affairs and the State Secretary in charge of the specific matter. In this line, an in-depth review of all the material has been provided to the key stakeholders at the MOJPA in order to get acquainted with all the phases of the FLA drafting process. Also, the Consultant actively collaborated with the WB SJS and kept ongoing information exchange relating to the drafting process and the existing obstacles to the finalization of the Draft Law. The Consultant also provides responses to the Requests for access to Information of public importance regarding the Draft Law on FLA.

As a part of the drafting process, a retreat of the working group was organized by the PIU in Ecka (27th to 29th September). The retreat resulted in a final version of the Draft Law and several conclusions have been reached, leading afterwards to significant changes of the draft. At the retreat, the WB team also joined the working group and presented the informal results of the performed cost analysis, informing the WG members on the potential benefits or negative aspects of certain solutions in the draft law.

An important segment of the support in creation of legal framework for free legal aid system in Serbia has also been the set of activities related to the explanatory and bilateral screening. The Consultant performed the analysis of the *Acquis communautaire* on right to a fair trial, designed the presentation and presented the Serbian normative framework at the bilateral screening in Brussels (8th to 10th December). In doing so, the Consultant actively cooperated with the representatives of the Republic Prosecutors' Office and the Supreme Court of Cassation, particularly in regards to the implementation of the right to a fair trial in practice. In addition, the Consultant prepared the responses to the EC questions regarding the right to a fair trial, access to justice and legal remedies.

With regards to the activity: Liaising with NGOs and other relevant groups dealing with access to justice issues in Serbia, coordinate joint activities and organize consultations and round-tables to obtain inputs and comments for the strategy and the legal framework, the Consultant performs ongoing information exchange with key stakeholders and has established important linkages with relevant NGOs providing legal aid, legal clinics and Bar representatives, particularly in terms of feedback to some of the solutions in the future free legal aid system. The free legal aid conference organized by YUKOM was attended by the Consultant and the report including the key conclusions and recommendations has been circulated to all the WG members. Similarly, the Bar Association of Serbia also organized a regional conference dedicated to free legal aid. The Consultant drafted a report representing different free legal aid systems in the region, the key obstacles other countries face in providing access to justice.

Furthermore, the Consultant organized several media appearances of the WG members in order to present the work on the Draft Law.

A series of roundtables has been organized as a part of the public debate on the Draft Law. The Consultant prepared the official documents necessary for the organization of the public debate in line with the new Government protocol. Public debate was launched on 18th December 2012 with a Belgrade roundtable, and followed by 5 roundtables in Nis, Novi Sad, Kragujevac, Bujanovac and Belgrade. These roundtables were mainly hosted by the Bar Association and involved high level participation and successful discussion. The Consultant was tasked to prepare relevant materials for these roundtables, organize the events, invite relevant stakeholders etc. She also facilitated discussions with key stakeholder groups across Serbia and received input that was further elaborated within the working group.

The activities associated with the *support in preparing the implementation arrangements for the legal framework upon its adoption and designing and implementing outreach and public awareness campaigns pertaining to free legal aid system in Serbia* are in the design phase, pending on the adoption of the Law on Free Legal Aid. A number of consultations are being performed, both within the MOJPA as well as with other relevant stakeholders in terms of the most appropriate methods to launch the FLA system.

The Consultant provides ongoing advisory to public servants at MoJPA regarding drafting of laws that are linked to access to justice for indigent population in Serbia, refugees and asylum seekers, Roma and other vulnerable groups. That is, the Consultant informs MoJPA staff about the FLA Law and future system functioning. Staff at the MoJPA has also been informed about important changes to be introduced by the FLA Law once passed. In this line, the Consultant also performs communication with external bodies and provides info on the current state of FLA Draft Law. Compilation of various reports on FLA activities is regularly performed by the Consultant.

4 DISBURSEMENTS

4.1 Overall Disbursements

WB FUND

Grant Amount	\$ 2,700,000.00
Disbursed	\$ 1,539,618.06
	*\$ 881,058.06 Designated Account
	*\$ 658,560.00 Direct Payment
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Undisbursed Amount	\$ 1,160,381.94

GOS

Disbursed Amount \$ 290,530.82 (includes related exchange rates and period when GOS paid taxes and contributions for individual consultants in full amount from Government funds)

4.2 Disbursements/Uses of Funds**4.2.1 Total Uses of Funds**

\$1,794,997.15

4.2.2 Total Uses of Funds Based on Components

**COMPONENT 2 - TECHNICAL ASSISTANCE TO STRENGTHEN JUSTICE
SECTOR REFORM IN SERBIA (CLIENT-EXECUTED)**

<u>Financed by WB</u>	
2.1 - Technical Assistance for Establishing a Reform Facilitation Unit at the MoJPA	\$1,151,335.38
2.2 - Technical Assistance to Improve Access to Justice	\$ 139,175.34
2.3 - Other	\$ 213,955.61
<i>Sub-total financed by the WB</i>	<i>\$1,504,466.33</i>
<u>Financed by GOS</u>	
2.1 - Technical Assistance for Establishing a Reform Facilitation Unit at the MoJPA	\$ 186,506.04
2.2 - Technical Assistance to Improve Access to Justice	\$ 36,434.57
2.3 - Other	\$ 67,590.21
<i>Sub-total financed by the GOS</i>	<i>\$ 290,530.82</i>
<i>Total uses of funds</i>	<i>\$1,794,997.15</i>

5 CONTRACTED AMOUNTS

Total Contracted Amount \$1,979,594.00

*TF \$1,718,398.00

*GOS \$261,196.00