

REPUBLIC OF SERBIA
MULTI DONOR TRUST FUND FOR JUSTICE SECTOR SUPPORT
TF071444

AIDE MEMOIRE
20 January to 1 February 2014

A. INTRODUCTION

1. **A World Bank team visited Serbia** from 20 January to 1 February 2014 for the Serbia Multi-Donor Trust Fund for Justice Sector Support (MDTF-JSS). The mission was led by Mr. Klaus Decker (TTL, Serbia MDTF-JSS) and comprised Ms. Georgia Harley (Justice Reform Specialist), Mr. Pim Albers (Justice Performance Framework Consultant), Mr. Alexey Proskuryakov (Financial Management Consultant) and Ms. Kate Harrison (Human Resource Management Consultant). The team was joined in Serbia by Mr. Srdjan Svirčev (Public Sector Specialist), Ms. Jovanka Manić (Fiscal Data Collection Consultant), Ms. Marina Matic (Communications Consultant) and Ms. Olga Šipka (Desk Review Consultant). The team was supported from the Country Office by Ms. Hermina Vuković Tasić (Program Assistant, ECCYU).
2. **The objectives of the mission were to:**
 - a. Collect data and commence preliminary analysis for the Judicial Functional Review;
 - b. Engage in consultations with institutions engaged in the Judicial Functional Review, particularly on the justice performance framework;
 - c. Conduct a Management Committee Meeting, and;
 - d. Supervise the implementation of the recipient executed activities under the MDTF-JSS.
3. **The team met with officials from the judiciary, Ministry of Justice and Public Administration (MOJPA), justice sector stakeholders, MDTF donors and other development partners.** The team expresses its gratitude to all the stakeholders met, particularly to the Judiciary for arranging field visits outside of Belgrade for the Functional Review team and for their engagement with the Functional Review process. A list of people met is attached as **Annex 1**.

B. KEY FINDINGS AND AGREED NEXT STEPS

4. **Key next steps are highlighted in the table below.**

Next steps	Time Frame	Responsibility
Draft Functional Review Report	See Implementation Schedule annexed to the Functional Review Concept Note	World Bank team
Fiscal impact analysis of draft free legal aid law	Draft report submitted to client for comments. Report to be issued in early February 2014.	World Bank team

Multi-Stakeholder Justice Perception Survey	Preliminary data due in March 2013	World Bank team
Proposal for a Reform and Accession Facilitation Unit	Bank to circulate no objection proposals for Donor concurrence by early February 2014	MDTF donors
Review of the Criminal Chain Process Analysis	Proposal for re-design of activity to be shared by February 15 th , 2014	World Bank team and MOJPA
Update of the MDTF-JSS website	Draft website circulated for comments by February 15 th , 2014	World Bank team

C. JUDICIAL FUNCTIONAL REVIEW

5. **The substantive work of the Serbian Judicial Functional Review has now commenced.** World Bank management has approved the Concept Note for the Judicial Functional Review (at **Annex 2**).
6. **The draft Performance Framework (at Annex 3) has been shared with stakeholders for comments.** It will provide the overall analytic structure for the work of the Functional Review by outlining areas of measurement, performance indicators, local data sources and references to Chapter 23 of the *Acquis*. The analytical framework is composed of two main parts: (1) performance management, and; (2) resource management. Under the performance management part, the measurement areas are defined (efficiency of justice services; quality of serviced delivered, and; access to justice services) and indicators have been identified to feed those measurement areas. Sources of data within the Serbian justice system that will feed those indicators and the frequency in which such data is collected. References to chapter 23 of the *Acquis* are their linkages with the performance measures are currently being prepared. For the resource management part, a list of indicators has been defined and potential sources of information with regards: management of financial resources, human resources, ICT and infrastructure. On 30 January 2014, the mission team facilitated a half-day workshop with key justice stakeholders (MOJPA, HJC, SPC, SCC, PPOs, Ministry of Finance) to update them on the draft and receive any comments. Participants provided positive and constructive comments on the draft, mainly highlighting the definitions of terms and data collection challenges in the Serbian system. These will be considered for incorporation into the draft Performance Framework. The workshop also presented an outreach opportunity to discuss the objectives and methodology of the Functional Review with stakeholders and to outline upcoming opportunities for engagement in the process.
7. **The first round of data collection is complete and is currently being processed.** The Desk Review of analytic work continues: most of the listed documents have been sourced and summaries are being prepared. The Functional Review Core Team expresses its gratitude to justice stakeholders for their cooperation and timeliness to date in sharing this data, which will be essential for conducting objective assessments in the Functional Review Report. As the data environment has proven to be relatively rich, further data collection and data

processing will continue through February 2014. The format for the mega data has been developed. Meanwhile, the Multi-Stakeholder Perception Survey fieldwork is underway and on track to deliver preliminary results by March 2014. The additional Access to Justice Survey is also underway and on track to deliver preliminary results and analysis by the end of February 2014.

8. **The Bank team conducted a series of interviews with stakeholders and courts in Belgrade and on field visits to courts and prosecutors' offices in Kragujevac and Novi Sad.** Discussions with the judiciary focused on financial management and human resource management issues relevant to the Functional Review. The team received much of qualitative information needed for understanding the current state of resource management in the Serbian judiciary, based on site visits to courts and prosecutors' offices at all levels and discussions with central judiciary bodies. Meetings with the Ombudsman's Office and the Anti-Corruption Agency focused on data collection and perceptions among court users of quality of justice services and access to justice. Unfortunately due to timing and inclement weather, field visits to Vršac and Negotin were postponed and will be conducted during the next mission, scheduled for late February 2014.
9. **The Functional Review's Justice Competitions are underway:** 41 suggestion entries and 7 photographic entries have been received. The Functional Review Core Team continues to work closely with IPSOS and stakeholders to raise awareness of the competitions. The competitions are scheduled to close at the end of February 2014, and the Bank will consider by mid-February whether to extend the closing date.

D. MDTF-JSS ACTIVITY UPDATE

10. **The Bank team discussed the draft Fiscal Impact Analysis of Free Legal Aid with the MOJPA.** No further comments were made and the report will be translated and presented by early February 2014. Public debate on the draft Free Legal Aid Law continues, and this report can inform the ensuing deliberations. Should further amendments to the draft law be proposed, the Bank stands ready to support MOJPA to assess their fiscal impacts.
11. **On the recipient-executed part of the MDTF-JSS, recruitment is underway for positions at the Reform and Accession Facilitation Unit (RAFU).** MDTF donors observed the interview process. MOJPA has submitted to the Bank requests for no-objection to the appointment of 12 selected candidates. Following World Bank review, Mr. Klaus Decker (MDTF-JSS TTL) will submit these requests for donor concurrence, which is expected by February 15th, 2014.
12. **After several attempts to secure the cooperation of the Ministry of Interior regarding the Review of the Criminal Chain Process,** the Bank team discussed options with MOJPA to redesign this activity. Consultations are underway as to how best to support criminal procedure reforms currently underway in a manner that is both evidence-based and ensures stronger stakeholder engagement. MOJPA and the Bank team will prepare a joint proposal for consideration at the next Management Committee Meeting.

13. **The redesign of the MDTF-JSS website nears completion.** The draft website has been developed, and MDTF donors will be asked to provide comments before the website's launch.
14. **Plans to conduct a Management Committee meeting during this mission were postponed in light of the heavy schedule facing the MOJPA, the Bank team and donors alike.** It was agreed that a Management Committee meeting would be held during the March 2014 mission
15. **The MDTF-JSS annual report for 2013 is currently being prepared.** The draft will be shared at the next Management Committee meeting.
16. **The Program Framework for the MDTF-JSS is currently being revised.** The draft is scheduled to be presented to the donors and the MOJPA by the end of March 2014.

E. PROGRESS TOWARDS PROJECT DEVELOPMENT OBJECTIVE (PDO)

17. **Progress toward the Project Development Objectives is satisfactory.** The objective of the Trust Fund is to provide support for strengthening and advancing the justice sector reform in the Republic of Serbia in order to facilitate its integration to the EU. The implementation of Bank-executed activities is intensifying, with progress across all sub-components (institutional capacity, resource management and aid coordination, legal and institutional environment, judicial facilities and infrastructure, and outreach, monitoring and evaluation) but with particular focus on delivering the Serbian Judicial Functional Review. The implementation of Recipient-executed activities has also accelerated in 2013, and remaining funds under the RFU component will be disbursed via a reformed RAFU. The commencement of the EU screening process will provide additional impetus to reform and likely accelerate progress under MDTF activities.

List of Persons Met

Last Name	First Name	Title/Organization
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Government and Justice Officials

Mr. Cvetičanin	Djordje	Secretary General, Ministry of Justice and Public Administration
Mr. Backović	Čedomir	Assistant Minister, Ministry of Justice and Public Administration
Ms. Blagojević	Ljiljana	Assistant Minister, Ministry of Justice and Public Administration
Mr. Stević	Branislav	Ministry of Justice and Public Administration
Ms. Kovačević	Vesna	Ministry of Justice and Public Administration
Mr. Milojević	Dragomir	President, High Court Council
Ms. Kršikapa	Majda	Administrative Office, High Court Council
Ms. Tomašević	Branka	Assistant Secretary for finances, Administrative Office, High Court Council
Ms. Radošević	Marija	Head of HR department, Administrative Office, High Court Council
Mr. Stamenković	Branko	International Affairs and Legal Assistance Department - Adjoined Deputy, Republic Public Prosecutor's Office
Ms. Radić	Gordana	Secretary, Administrative Office of SPC
Ms. Boljević	Dragana	President, Judges Association of Serbia
Mr. Hadžiomerović	Omer	Vice President, Judges Association of Serbia
Mr. Ilić	Goran	President, Association of Public Prosecutors
Mr. Vujić	Nenad	Director, Judicial Academy
Ms. Sobot	Tanja	Acting President, 1st Basic Court, Belgrade
Mr. Sepi	Robert	Deputy Ombudsman, Ombudsman's office
Mr. Joksimović	Vladan	Deputy director, Anti-Corruption Agency
Ms. Božanić	Milica	Assistant director, Anti-Corruption Agency
Ms. Dončić	Milijana	Acting President, Appellate Court, Kragujevac
Mr. Ristić	Djordje	Acting President, Higher Court, Kragujevac
Ms. Arnaut	Grozdana	Deputy President, Higher Court, Kragujevac
Ms. Simović	Svetlana	Court Secretary, Higher Court, Kragujevac
Ms. Djordjević	Biserka	Head of Registry, Higher Court, Kragujevac
Ms. Ristić	Dragica	Head of Finance, Higher Court, Kragujevac
Mr. Ilić	Zoran	President, Basic Court, Kragujevac
Ms. Damjanović	Jelena	Secretary General, Basic Court, Kragujevac
Mr. Maksić	Nebojša	Head of Registry, Basic Court, Kragujevac
Ms. Milisavljević	Jelena	Head of Finance, Basic Court, Kragujevac
Mr. Petrović	Aleksandar	Public Prosecutor, Higher Prosecutor Office, Kragujevac
Ms. Raković	Slobodanka	Public Prosecutor, Basic Prosecutor Office, Kragujevac
Ms. Vlajović	Nadica	Head of Registry, Basic Prosecutor Office, Kragujevac

Mr. Peković	Novica	Acting President, Appellate Court, Novi Sad
Ms. Knežević	Snežana	Head of Finance, Appellate Court, Novi Sad
Mr. Djordjević	Dejana	Acting President, Misdemeanor Court, Novi Sad
Ms. Stanojević	Andjelka	Acting President, Basic Court, Novi Sad
Ms. Pakledinac	Tatjana	Basic Court, Novi Sad
Mr. Simović	Nenad	Vice President, Higher Court
Mr. Crevar	Goran	Acting President, Commercial Court, Novi Sad
Ms. Okuka	Nada	Head of Finance, Commercial Court, Novi Sad

International Community

Ms. San Jose	Yolanda	Head of Operations I, European Union Delegation
Ms. Cincar Knežević	Tanja	European Union Delegation
Ms. Noor	Mina	Embassy of the Kingdom of the Netherlands
Ms. Schweiger	Romana	Head of the Rule of Law and Human Rights Department, OSCE
Ms. Ramadanović	Ivana	OSCE
Mr. Baltić	Miloš	Project Manager, Legal Reform Project, GIZ
Ms. Pavlović	Ljubica	Project Manager, Legal Reform Project, GIZ
Mr. Vetter	Larry	Chief of party, JRGA – Judicial Reform and Government Accountability (USAID funded project)
Ms. Lukić	Dragana	Deputy chief of party, JRGA – Judicial Reform and Government Accountability (USAID funded project)

Other (Agencies, NGOs, Community Representatives)

Mr. Djordjević	Dragoljub	President, Bar Association
Ms. Vekić	Svetlana	Bar Association
Ms. Logar	Svetlana	Ipsos Strategic Marketing

World Bank Team

Mr. Verheijen	Tony	Country Manager
Mr. Decker	Klaus	Senior Public Sector Specialist (TTL)
Mr. Svirčev	Srdjan	Public Sector Specialist, Program Coordinator
Ms. Harley	Georgia	Public Sector Specialist
Ms. Vuković Tasić	Hermína	Program Assistant
Mr. Dražilov	Kornel	Program Assistant
Ms. Harison	Kate	Consultant
Mr. Albers	Pim	Consultant
Ms. Manić	Jovanka	Consultant
Ms. Matić	Marina	Consultant
Mr. Obrenović	Dragan	Consultant
Mr. Proskuryakov	Alexey	Financial Management Consultant

Serbia Judicial Functional Review
Multi-Donor Trust Fund for Justice Sector Support (MDTF-JSS)
Concept Note

PURPOSE OF THIS CONCEPT NOTE

1. **The World Bank has been requested to undertake a Functional Review of the courts and its closely related institutions in Serbia under the umbrella of the Multi-Donor Trust Fund for Justice Sector Support (MDTF-JSS).** The purpose of this concept note is to outline the Functional Review's proposed scope, activities and financing envelope, to identify related resource requirements for delivery within the timeframe and to highlight the strategic opportunities and risks associated with the Bank undertaking this assignment.

BACKGROUND

2. **Serbia intends to further accelerate its justice sector reform process.** The parliament adopted a new National Judicial Reform Strategy (NJRS 2013-2018) in July 2013. The strategy takes stock of problems encountered in the implementation of the previous strategy adopted in 2006 and is built around the key principles of independence, impartiality and quality of justice, competence, accountability and efficiency of the judiciary. It aims to further strengthen capacities of the High Judicial Council (HJC) and the State Prosecutorial Council (SPC) as the bodies mandated by the Constitution to guarantee the independence of the judiciary. It also acknowledges the need for changes in the Serbian Constitution to address the lack of real judicial independence in many features of the current system. The strategy also aims to strengthen the framework for recruitment, evaluation, discipline and ethics within the judiciary. It provides for an increase in resources for the Judicial Academy and makes the compulsory point of entry to the judicial profession.¹ The Commission for the Implementation of the National Judicial Reform Strategy has been established and is responsible for monitoring and measuring progress in the implementation of the strategy. Based on the Action Plan for the implementation of the strategy, adopted in August 2013, the immediate priorities are harmonization of the jurisprudence, reduction of the backlog of court cases and equal distribution of the workload.

3. **Serbia has made a breakthrough in the EU accession process by signing the Brussels Agreement on April 19, 2013.** In June 2013, the European Council endorsed the Commission's recommendation to open accession negotiations with Serbia. The screening (or "analytical examination of the EU Acquis") started in September 2013. The first intergovernmental conference should be convened in January 2014. Based on the experiences from countries that recently joined the EU, such as Romania, Bulgaria and Croatia, Chapter 23 is the first to be opened and the last one to be closed. The European Commission's Enlargement Strategy and Main Challenges 2013-2014 notes that the rule of law is now at the heart of the enlargement process. Under the framework of Chapter 23, Serbia will need to improve and adjust its judiciary and fundamental rights policies in line with EU standards. An independent judiciary with capacities to efficiently perform its tasks of maintaining and safeguarding the rule of law is a

¹ Commission Staff Working Document, Serbia 2013 Progress Report.

cornerstone of these policies. Under the new approach to enlargement endorsed by the Council in December 2011, countries will be expected to tackle issues such as judicial reform and the fight against organized crime and corruption early in the accession process. The Commission further noted that the accession process is now more rigorous and comprehensive than in the past, reflecting the evolution of EU policies as well as lessons learned from previous enlargements. Based on this new approach, accession negotiations are beginning with Chapter 23 (Judiciary and fundamental rights) and Chapter 24 (Justice, Freedom and Security). As outlined in the Commission's Progress Report and country conclusions in October 2013, rule of law issues are among the key challenges ahead for Serbia.

4. **Whilst much analytic work has been undertaken in the justice sector in recent years, there is a lack of an objective measure of where the Serbian justice sector stands in relation to EU standards and what further reforms will be required to meet those standards.** The Functional Review will assist in two ways. First, by providing a data-rich assessment of current performance, the Functional Review will provide a natural baseline to enable Serbia to assess the impact of future justice reform initiatives. Second, by outlining options and recommendations, the Functional Review can inform the accession negotiations under Chapter 23, starting with the design of the Serbian authorities' draft action plan on the judiciary, which the Serbian authorities will present as the opening benchmark for the negotiations under Chapter 23.

5. **Following the European Commission's recommendation to conduct a Functional Review of the Judiciary, the Serbian authorities have requested the Bank's support for the Functional Review process through the MDTF-JSS.** The MDTF-JSS, financed by contributions from key international development partners, is partly executed by the World Bank and partly executed by the Ministry of Justice and Public Administration (MOJPA) of the Republic of Serbia. The MDTF-JSS aims to facilitate the acceleration of Serbia's EU integration process in the justice sector by providing targeted support for justice sector reform and modernization, including in the areas of strengthening institutional capacity and the resource management functions in justice sector institutions. The Functional Review will be implemented under the Bank-executed part of the MDTF-JSS, under Component 1 which covers Bank-executed technical assistance and advisory services to support the Serbian justice sector reform.

STRATEGIC RELEVANCE AND RATIONALE FOR BANK ENGAGEMENT

6. **The Functional Review is consistent with the objectives of the MDTF-JSS.** It directly supports Serbia's EU integration and provides an objective technical basis for feeding Serbia's progress towards aligning its judiciary under the EU standards under Chapter 23 of the Acquis. The Bank was requested by both negotiating parties to support the Review process and is well placed as 'honest broker' that is both independent from the negotiations and able to provide technical advice.

7. **The Functional Review builds on work previously undertaken by the MDTF-JSS,** including the Judicial Public Expenditure and Institutional Review (JPEIR 2010) which analyzed the financial and human resource management issues facing the judiciary at that time. The Functional Review also aligns closely with work being currently undertaken by the MDTF-JSS, including the development of a Justice Performance Framework and the Multi-Stakeholder Perception Survey which builds on a baseline survey conducted in 2010.

8. **The Bank has experience in supporting client countries in functional reviews in the ECA region.** This Functional Review will draw on the experience of similar reviews conducted by the Bank, including most recently in Romania, with innovations to incorporate lessons learned and tailoring to suit the Serbian context. This includes: a deliberate data generation effort to capture user perceptions and access to justice aspects; systematic outreach to the broader public, including a photo and suggestion competition to generate ideas; and appointment of designated full-time team member based in Belgrade for proactive communication with all stakeholders.

9. **The Functional Review aligns with the Bank's Country Partnership Strategy for Serbia,** which focuses on efforts to improve efficiency and outcomes in public spending. Further, it aligns with the Bank's increasing emphasis on supporting client countries to take an evidence-based approach to improving service delivery.

10. **There is strong stakeholder support for the conduct of a Functional Review,** including from the MOJPA, SPC, HJC and the professional associations (Association of Judges, Association of Prosecutors, Bar Associations etc.). During a mission in May 2013, stakeholders expressly supported the activity, noting that the Functional Review would add value to the reform process by providing objective baseline data and a technical gauge for measuring future reform efforts associated with EU accession.

11. **The Functional Review enjoys strong donor support, particularly from the European Commission which initially proposed the Bank support this review.** On 14 June 2013, the MDTF-JSS Management Committee agreed that a Functional Review should be undertaken, subject to the identification of funding for the activity. Funding has been sourced via a reallocation from within the MDTF-JSS budget with the agreement of the MOJPA. This reallocation has required an amendment to the Administration Agreement between the World Bank and the European Commission. Upon the confirmation of funding, on 3 October 2013 the Management Committee agreed that the Functional Review commence as a matter of priority.

OBJECTIVES OF THE FUNCTIONAL REVIEW

12. **The Functional Review will provide a baseline and analytical input for the accession negotiations between Serbia and the EU.** The Functional Review will support this process by assessing the current functioning of the institutions of the broader judicial system in Serbia and outline options, recommendations and risks to inform Serbia's ongoing and planned justice reform initiatives in view of EU accession. In doing so, the Review will also provide a sound and solid empirical basis to enable Serbia to assess the impact of future justice reform initiatives compared to current justice system performance. The Functional Review will not, however, advice on EU accession compliance.

13. **The Functional Review will thus provide analytical and advisory input to enable the Serbian authorities to adjust their strategy framework to improve the performance of the judicial system.** The Functional Review will be used as a base for updating of the Action Plan for the implementation of the NJRS 2013-2018. Also, the Functional review will provide input to

the design of future accession action plans which will be developed as benchmarks under the accession negotiation process.

THE SCOPE AND FOCUS OF THE FUNCTIONAL REVIEW

14. **The Review will focus on the courts as the main vehicle for justice service delivery and the primary institutions of justice in Serbia.** The scope will include all types of services provided primarily by the courts and cover litigious and non-litigious aspects of civil, commercial, administrative and criminal justice. The focus will be on actual implementation and day to day functioning of the institutions, rather than just on the law on the books. The scope will also include those aspects of the functioning of the other institutions to the extent to which they enable or impede service delivery by the courts. These will include: the MOJPA, HJC, SPC, the courts, prosecutor's offices, the Judicial Academy, the Ombudsman's Office, the police, prisons and justice sector professional organizations (the Bar, notaries, bailiffs, mediation etc.). Thus, the analysis will not provide entire functional reviews of the institutions *per se* but rather focus on the extent to which each of these institutions supports the delivery of justice services by the courts. Where a question arises as to whether a certain issue within an institution falls within the scope of the Functional Review, the test to be applied will be '*whether and how the issue contributes, either directly or indirectly, to the delivery of justice services by the courts in Serbia*'. This scope is both wide and deep, and noting the timeframe for the assessment, the Functional Review Core Team will prioritize tasks and aspects within this scope based on data availability and relevance to the achievement of the Acquis and national policy objectives.

15. **In doing so, the Functional Review will focus on three areas of performance in terms of justice service delivery: efficiency of service delivery; quality of services delivered, and; access to these services.** The precise measures and indicators of these criteria will be outlined in the justice performance framework, which will be the first substantive activity conducted under the Functional Review. Typical examples of performance indicators for efficiency would include disposition times and clearance rates, which measure outputs per resources and timeliness of delivery. Examples of performance indicators for quality of services would include reversal rates on appeal and court user perceptions of fairness, impartiality, consistency and integrity and perceptions of corruption in the judicial system. Typical examples of performance indicators for access to justice would include costs of justice services, number of case filings (including inflow of minor cases), availability (and adequacy) of subsidized legal assistance (legal aid); and court user and non-user perceptions, which go to physical, geographic and financial access to justice. Aspects of accountability and competence will be dealt with under these three measurement areas, in line with the scope of the national judicial reform strategy. Where appropriate, the Council of Europe's Commission for the Evaluation of the Efficiency of Justice (CEPEJ) methodology will be used to enhance comparability of statistical data across European justice systems.

16. **The Functional Review will include an analysis of the current performance situation (baseline), challenges and possible options moving forward to improve performance to align with EU standards.** The analysis will cover the management of a range of resources, such as financial, human resource and technology resources, including the allocation, distribution and execution of those resources to meet justice service delivery needs. It will also look at the management of these resources, their geographic distribution, performance management tools,

training and the use of alternative forms of dispute resolution (ADR) and newly introduced judicial services (such as notaries and bailiffs) to improve justice service delivery. The depth of all such analysis will, however, depend on the data available and the cooperation of relevant stakeholders, and it is acknowledged that some systems will generate more data than others. The Functional Review will place a strong emphasis on data, particularly on collecting, generating, and organizing data to measure and manage justice system performance according to the justice performance framework. As the standards required to comply with Chapter 23 are not always precise or readily quantifiable, providing such data-rich and objective baseline information is intended to inform the accession negotiations.

17. The Functional Review will explore and explain variations in performance in the delivery of justice services. It will seek to identify challenges, gaps, needs or dysfunctions and explain why they occur it will also seek to identify performance successes within the justice system, analyzing why these have occurred and how they may be replicated across the system. From this analysis, the Functional Review will outline a series of actionable and pragmatic recommendations to improve justice service delivery. A risk framework will also identify factors affecting performance, possible risk mitigation measures and criteria for future evaluation of performance and risks. The review will apply an institutional and political economy lens, seeking to identify recommendations that are feasible to implement in the Serbian context and actionable by stakeholders.

18. Within the scope, a distinct characteristic of this Functional Review will be a strong emphasis on the measurement and management of the justice system performance. In this respect the focus will be on the data, particularly on collecting, generating, and organizing data to measure and manage justice system performance. To assess the performance challenges and to identify needed data, the Functional Review will provide a justice performance framework. In the process of design of the justice system performance framework, the Functional Review will build among others on previous publications and assessments of justice system performance such as the EU funded Evaluation of the Rule of Law Sector, the JPEIR 2010 etc.

19. The Serbian authorities, the EC and the World Bank have agreed on the scope outlined above and the institutions to be covered to ensure the relevance and effectiveness of the Functional Review.

TIMEFRAME

20. The Functional Review is expected be completed by around July 15th, 2014 so that the results can inform the action plan on the judiciary that Serbian authorities will be required to submit as an opening benchmark for the accession negotiations under Chapter 23. The timeframe is ambitious for a significant technical assistance activity. Preparatory work has commenced, and the Functional Review team has been identified and recruited. A launch event was held in Belgrade on 16 December 2013 and was widely attended. Data generation, which will be the most time-consuming part of the review process, has commenced with the Multi-Stakeholder Perception Survey. The desk review and some data collection have commenced and both will proceed through the winter. The greatest risk to this timeframe would be delays in the collection of data or a lack of cooperation of stakeholders in sharing data. With this in mind, two data collection consultants have been selected to work simultaneously, both of

whom have previously worked with these stakeholders to collect similar data. A proposed Implementation Schedule is at **Annex 3**.

21. Within each of the Components outlined below, work will be prioritized based on data availability and relevance to enable the assessment to be available by July 15th, 2014. Issues which do not receive fulsome focus in the Functional Review within this timeframe could then be flagged for more detailed analysis at a future time, for example, via follow-up technical assistance under the MDTF-JSS.

COMPONENTS AND ACTIVITIES FOR THE FUNCTIONAL REVIEW

22. **The components and activities comprising the Functional Review are outlined below.** Some activities will run in parallel to some extent. For example, data collection and generation efforts have commenced and will not wait for the justice performance framework to be finalized.

COMPONENT 1: PERFORMANCE FRAMEWORK

23. **The first component will focus on establishing a justice system performance framework and generating baseline data.** The performance framework for the judicial system will form the basis of assessments to be made under the rest of the Functional Review. This includes designing the framework, mainly based on European practices but will be tailored to the specific needs of the Serbian context. Reference frameworks will include the CEPEJ and Venice Commission standards, the EU Justice Scoreboard and national EU Member States experiences, such as the Dutch and Finnish quality management frameworks and the International Framework for Court Excellence, and the US Trial Court Performance Standards and CourTools.

24. **The framework will identify key performance measurement areas, performance indicators and data types to feed the relevant indicators vis-à-vis EU standards where possible.** Data collected or generated from the Functional Review will then be organized and stored according to the framework. An extract from the draft Performance Framework is provided below. Following the Functional Review, the framework can inform future sector work by institutions and judicial professionals, such as judges, prosecutors and court managers, to measure performance in terms of justice service delivery and provide a mechanism for the collection, analysis and publishing of data to improve the analytic work of the MOJPA, HJC and SPC.

Performance measurement area	Indicator	Primary data collection method within the Serbian system	Frequency of data collection within the Serbian system	Source of data/information
Efficiency in the delivery of justice services	1.1.1 Total number of incoming cases per case type (including enforcement)	Statistics	Quarterly	MOJPA, courts, HJC, SPC, Prosecutor offices/RPPO

COMPONENT 2: PERFORMANCE AND JUSTICE SERVICE DELIVERY: BASELINE AND CHALLENGES IN THE SERBIAN JUDICIAL SYSTEM

25. **Under Component 2, the Functional Review will conduct performance assessments across the justice system** with a view to identifying contributions and obstacles to the delivery of justice services in Serbia.

i. Desk Review

26. **A desk review will be undertaken of existing and relevant analytical work** that has recently been undertaken in relation to justice sector performance and related challenges, with a focus on the delivery of justice services. The desk review will identify as many works as possible, catalogue and store them and take stock of existing challenges, success stories and lessons learned from each. The desk review will be annexed to the Functional Review, and thus be available for stakeholders to use as a reference for their future work, be they Serbian authorities or incoming experts. A tentative list of relevant analytic works is at **Annex 1**.

ii. Data Collection

27. **Relevant electronically and manually collected judicial statistics will be obtained** from the all relevant institutions that fall within the scope of the Functional Review, including the HJC and Supreme Court of Cassation. The Bank team will also identify quantitative data previously generated by justice sector analyses in Serbia. Data collected by the JPEIR 2010 will also be utilized. The Bank team will screen the case management system and other potential electronic sources of relevant case-processing and performance-related data. The financial and human resource management systems will be able to provide basic data relating to the allocation and utilization of financial and human resources. The Ministry of Finance and the Ministry of the Interior will also be approached to provide relevant data. The data collection process will identify where relevant data is missing and propose recommendations for the Serbian authorities to strengthen future data efforts to enhance service delivery, including possible enhancements to the case management system.

iii. Data Generation

28. **Additional data will need to be generated** for those performance aspects and indicators not sufficiently covered by currently existing data. This aspect of the Functional Review is likely to be significant and one of the more time-consuming activities. Where gaps are already known, data generation will commence expeditiously at the beginning of the Functional Review, in order that it be available in time to be useful for the analysis. To some extent though, data collection and data generation will occur concurrently, namely where gaps are identified along the way, the Functional Review team will consider the feasibility of generating data to fill those gaps. A significant data generation activity will be the follow-up survey to the 2010 Multi-Stakeholder Justice Perception Survey, which is currently underway. Additional data generation efforts may comprise: mapping of specific judicial procedures, case-file analysis, and a justice needs assessment.

iv. Stakeholder and Institutional Analysis

29. **A blended stakeholder, institutional and political economy analysis of the current justice system will be undertaken** to assess how the institutional arrangements and stakeholder behavior impact service delivery. Semi-structured interviews will be conducted with relevant stakeholders to provide the qualitative data needed for this analysis. This analysis will inform the assessment and recommendations to be outlined in the Functional Review to ensure that recommendations are feasible, pragmatic and fit well to the Serbian context. The analysis will identify key stakeholders and their incentives/interests and power/influence in the justice system and its reform, the distribution of power and influence between stakeholders and the processes that create, sustain and transform their relationships, as well as drivers for change and opportunities to align stakeholder incentives to improve service delivery. The analysis will also inform the risks to be outlined in the Functional Review to ensure that stakeholder and institutional barriers and risks to improving justice service delivery may be mitigated.

v. Access to Justice Analysis

30. **The Functional Review will conduct an analysis of the justice system's performance in terms of access to court services** in Serbia. Although access to justice is only one of three areas of performance measurement under the performance framework, reliable data on access to justice is often weak, in part because it seeks to measure what does not make it into the system. This thus requires deliberate data efforts, particularly in order to include groups whose experience of justice service delivery may not be well captured within existing data collection. As a result, a stand-alone activity for access to justice is required under the Functional Review and should improve the overall quality of the analysis.

31. **The access to justice analysis will focus in particular on the existing limitations or barriers to access to justice services, including the reasons and drivers for those barriers.** The analysis will comprise three aspects: 1) a review of existing analytic work and collection of existing data; 2) an assessment of unmet justice needs, including the generation of data on unmet needs via additional representative sample surveys and focus group discussions, culminating in; 3) an analysis of access to justice including identification of opportunities to strengthen access to justice. In doing so, the analysis will also address the current and projected demand for justice services, noting the inflow of cases, including minor cases to the courts under the current legal framework. The analysis will identify actionable and feasible opportunities to improve access to justice in order to strengthen justice service delivery in Serbia, both generally and in particularly for marginalized groups.

vi. Cross-Country Data Collection

32. **Justice performance data will be collected from EU Member States and countries with systems comparable to the Serbian judicial system.** Cross-country analysis will put the Serbian experience in the context of the performance of comparator countries in terms of justice service delivery. This context is relevant, given that Chapter 23 standards are not always readily identifiable or quantifiable in the abstract. Focus will be as much as possible on hard data, based on the performance framework and the cross-country data collected. The analysis will seek to identify common or different causes for success or challenges. Where possible, this analysis will seek to identify solutions and best-fit practices from across Europe and internationally.

vii. Performance Hypotheses

33. **Based on the above, this aspect of the Functional Review will outline preliminary conclusions** about specific challenges facing justice service delivery and successes that may be replicated. Hypotheses will be tested and results from quantitative and qualitative data collection will be calibrated in an iterative process. Hypotheses will also be confirmed, refined, changed, or rejected in an iterative and consultative process that will be led by the Functional Review Core Team with input from relevant stakeholders throughout the analysis. Wherever possible, performance will be assessed against EU standards, including those of the Venice Commission / CEPEJ of the Council of Europe.

COMPONENT 3: ASSESSING RESOURCES AS THEY AFFECT PERFORMANCE AND SERVICE DELIVERY IN THE SERBIAN JUDICIAL SYSTEM

34. **The Functional Review will conduct four analyses of how different types of resources are used and coordinated for service delivery**, along with a specific analysis looking at resource allocation to ensure service delivery across the territory and different levels of jurisdiction. The aim here is to analyze how resources ultimately contribute to, or be obstacles to, the challenges and hypotheses identified in Component 2.

viii. Financial Resource Analysis

35. **The financial resource analysis will link financial resource management to justice service delivery.** This analysis will cover aspects such as (1) institutional arrangements for expenditure planning and budget execution including procurement, (2) revenues, resource allocation and expenditure outturns, and (3) the overall performance of the financial resource management system in terms of predictability, effectiveness and compliance. The analysis will include an assessment of the funding levels and their appropriateness compared to the overall public sector budget, sector policy and service demand. It will identify options to achieve efficiency gains by realigning financial resources and improving budget execution. The analysis will undertake an inter-regional comparison of resources flows and resources adequacy in Serbia, the linkages between resources and organizational performance and appropriateness of existing regulatory mechanisms. This will be done by comparing resource allocation (in terms of both financial resources and HR resources) with caseload distribution and caseload clearance rates across the country and different levels of jurisdiction in order to identify performance and resource discrepancies between urban and rural areas, lower courts and higher courts etc.

ix. Human Resource Analysis

36. **The human resource analysis will look at the linkages between human resources and performance in the Serbian justice system** in terms of service delivery, in particular focusing on how human resource management contributes to or impedes the delivery of justice services by the courts. Building on the JPEIR 2010, the human resource analysis will assess recruitment,

initial training, on-the-job training, job descriptions and performance management, career paths and promotion, staff retention, gender balance, disciplinary actions and termination, geographic mobility (and any legal limitations on it) HR planning and their contributions to justice service delivery in Serbia. The analysis will assess the distribution of judicial and non-judicial staff among and within judicial system institutions and across the court network throughout the country in relation to the existing and anticipated workload. The review will analyze different options to ensure appropriate flexibility of staff allocation throughout the territory required to adjust to the development of the workload.

x. ICT Analysis

37. **The ICT analysis will look at the linkages between ICT resources and performance in the Serbian justice system** in terms of service delivery, in particular focusing on how distribution of ICT resources contributes to or impedes the delivery of justice services and provides performance data on which to base planning. Building on the recently finalized ICT Strategy for the Justice Sector 2013, the analysis will assess the planning and distribution of ICT equipment, software and ICT personnel among and within judicial system institutions and across the court network throughout the country in relation to the existing and anticipated workload. In addition, the analysis will look into specifics of the budget planning for investments in the ICT and existing modalities for execution. This analysis will also propose, if necessary, opportunities to strengthen the case management system in the areas of case administration, reporting, performance monitoring, and access to information. An IPA-funded efficiency project will also address ICT issues in 2014, so the Functional Review will limit its analysis to the aspects outlined above and be careful to avoid potential for overlap or duplication between related projects.

xi. Infrastructure Analysis

38. The infrastructure analysis will look at MOJPA's capacity to plan and execute infrastructure investment to meet justice needs, including the adequacy of asset and facility management arrangements and budget planning and execution. It will also assess the geographic allocation of court locations against population data, case numbers and types, as well as the results of the Multi-Stakeholder Perception Survey. The analysis will identify in general terms the extent to which infrastructure support or impedes justice service delivery.

COMPONENT 4: OPTIONS AND RECOMMENDATIONS

39. **Based on the above analysis, the Functional Review will outline opportunities to improve justice service delivery by the courts in Serbia.** This component will outline short, mid and long term options to address the performance challenges identified in the analysis, focusing on identifying resource gaps and ways to improve resource allocation and utilization. The analysis will be carried out in cooperation with representatives of each institution to be assessed. This will require working with those in charge of management of funds and other resources in courts and prosecutors' offices, including at the local level. Actionable and feasible opportunities will be identified to improve both resource mobilization and resource utilization (including, for example, staffing redistribution and business process engineering) in order to improve justice service delivery in Serbia. Wherever and to the extent possible, the findings and

recommendations of the review will be linked clearly and specifically to Chapter 23 of the *Acquis*, the National Judicial Reform Strategy 2013-2018 and the Country Partnership Strategy for the Period 2012-2015. The recommendations could thus provide the Serbian authorities with a roadmap of possible future initiatives and nourish the Serbian action plans for opening benchmarks for negotiations under Chapter 23 of the *Acquis*.

COMPONENT 5: RISK MANAGEMENT FRAMEWORK

40. Once the analytical input is available, the Functional Review will identify risks affecting the performance of the system and develop risk mitigation options.

COMMUNICATION AS A CROSS-CUTTING ISSUE

ENGAGEMENT WITH KEY STAKEHOLDERS

41. As key players in calling for the Functional Review, the Government of Serbia and the EC will play important roles in the process. They have agreed on the design and scope of the analysis and have conveyed documents for inclusion in the desk review. They will provide information, participate in workshops and meetings and receive monthly progress updates. They will receive drafts of the analysis for contribution and comment, although neither may approve or veto the analysis, noting that technical oversight remains with the Bank as a Bank-executed activity.

42. **The Functional Review team will create a Stakeholder Consultation Group**, which will comprise representatives of the Serbian institutions that fall within the scope of the Functional Review, namely the MOJPA, HJC, SPC, the courts, prosecutor's offices, the Judicial Academy, the Ombudsman's Office, the police, prisons and justice sector professional organizations (the Bar, notaries, bailiffs, mediation etc.). Each institution will appoint a contact person to address requests relating to the Functional Review, and this contact person will be responsible for channeling requests within the institution. The contact person should be sufficiently familiar with the technical aspects of the institution's operations and sufficiently high-level to have leverage to ensure feedback and cooperation within the organization. The contact person will need strong support from the institution's leadership for this assignment in case parts of the institution do not actively participate in the Functional Review.

43. **The Functional Review Core Team will be proactive in stakeholder engagement and communication.** A dedicated Bank team point person will be appointed in Belgrade to channel communication between the team and the authorities and *vice versa*. The Bank will engage with each Serbian justice institution on equal footing and in an open and transparent manner. Workshops and retreats will be held at pivotal stages throughout the process, facilitated by the Functional Review team. Data will be made available to view at any time by institutions on a shared website. Draft analyses will also be shared for comment and institutions will be provided an advance copy of the final report. This engagement will take place with both the technical and the leadership level in the various institutions covered. Final bound copies of the Functional Review Report will be furnished to stakeholder institutions in both Serbian and English, and institutions will be invited to participate in dissemination activities.

ENGAGEMENT WITH BROADER STAKEHOLDERS

44. **The process and content of the Functional Review will be made public.** This will commence with a media launch, which is intended to raise awareness in the broader community of the justice reform agenda and the efforts underway to align justice service delivery with EU standards via the accession negotiations. The final Functional Review Report will be published and available to the public on the MDTF-JSS website and via EC dissemination mechanisms, with an advance copy provided to stakeholder institutions in accordance with the World Bank's disclosure policy.

45. **The Functional Review team will also host an NGO stakeholder group.** Between five to ten NGO groups with competence in the justice sector will be invited to participate. It is anticipated that the following NGOs will be invited to the NGO stakeholder group: the Serbian Bar Association, Judges' Association, Prosecutors' Association, Misdemeanor Judges' Association, the National Association for Local and Economic Development (NALED), the Lawyers' Committee on Human Rights (YUCOM), the Belgrade Center for Human Rights, the Institute of Comparative Law and representatives of Law Faculties in Serbia. Meetings will take place each quarter between December 2013 and July 2014 as the Functional Review progresses. NGOs will also be invited to certain events, including the public media launch, the photo exhibition (described below). Relevant NGOs will be provided a copy of the final report and be invited to dissemination activities. Interested donors will also be provided with periodic updates on progress, given their interest in the Functional Review and its implications.

46. **The Functional Review will also conduct a Justice Competition** in order to generate fresh and original suggestions on how to improve accessibility, quality or efficiency of justice services. The aims of the Justice Competition are: to raise awareness of justice reform in Serbia and the Functional Review; to promote citizen engagement in justice reform; to generate ideas/suggestions on justice reform initiatives from broader stakeholder groups; and to inform the justice reform process with those broader stakeholder views. The focus of the competition is intended to be forward-looking, with an eye on EU accession rather than a critique of past or existing practices. The Justice Competition will comprise two smaller competitions. The first competition will be a Suggestion Competition: 'in 500 words or less, tell us your suggestion for improving the justice system in Serbia'. The second competition will be a Photo Competition. Applicants will submit photos about their visions for the future of justice in Serbia post-accession. In each case, the winner would be awarded a \$1,000 prize. Photographs will also be displayed at an exhibition, to which justice stakeholders will be invited. The Competition has commenced in November 2013 and will close in February 2014.

FUNCTIONAL REVIEW RISKS AND MITIGATION OPTIONS

47. **The Functional Review is subject to a number of risks related to program delivery and impact, which will require mitigation.** The key risks and proposed mitigation measures to manage them throughout the process are outlined in the table below. Overall given that the scope and timeframe for the task are ambitious, the task is considered high risk. Some adjustment in the scope and timeline of the task may be expected in the course of implementation.

Risk	Likelihood	Impact	Proposed Mitigation Measures
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Moving target: The system keeps changing with new network of courts and prosecution offices being implemented. This will make it challenging to provide a stable picture and analysis.	High	High	Data-based projections. Be explicit throughout the analysis of what is moving and what is not. Ensure that workshop discussions address moving targets and encourage institutions to demarcate. Recognize that whilst structures move, people and behaviors often remain.
Ambitious timeframe and significant scope.	High	High	Mid-term review by World Bank management. Commence preparatory work, prioritizing data generation. Appoint two data collection consultants to work in tandem. Appoint contact points to ensure smooth information flow within institutions. Within each Component, prioritize issues and narrow the focus of tasks to enable completion. Encourage stakeholders to prioritize the Functional Review.
Functional Review scope not covering what is needed to meet its aims	Low	High	Early agreement on the scope of the Functional Review.
Overlap with other activities in the justice sector	Medium	Low	Desk review will be conducted early in the process. Parallel analytical work needs to be considered and coordinated as much as possible. Ongoing communication and encouragement to donors and agencies to be proactive in sharing views, reports, lessons etc. Serbian authorities and the EU/EC to also highlight where duplication is possible, so the Bank can work to complement and deepen previous assessment and data collection activities. Any data and analytical findings under the Functional Review that may be relevant for the IPA-funded activities will be made available to inform these activities where useful.
Limited commitment or reluctance to share data.	Medium	High	Stakeholder Group to address delays or unblock reluctance where appropriate. The risk of non-cooperation is higher with related institutions, such as police and prisons than with primary institutions. Leveraging existing relationships between primary institutions, such as SPC and EC, may be able to encourage their participation.
Although the EC establishes timeframes for screening, Serbian national elections	High	High	Work closely with those stakeholders that are less affected by the elections, including HJC, SPC etc.

may be called which could impact availability and focus of stakeholders			Continued engagement with all relevant sector institutions independently of political affiliation.
Changes in leadership and staff.	Medium	Medium	Continued engagement with all relevant sector institutions independently of political affiliation.
Reluctance to disseminate findings, if they may be perceived poorly.	High	Medium	Encourage stakeholders to see the Functional Review as a strategic opportunity in the accession negotiations. Launch event with media, donors and civil society to encourage broader stakeholder awareness and expectation that the Functional Review will be published and that findings will be disseminated. Justice suggestion and photo competition to encourage broader stakeholder awareness and input.
Rejection of findings due to lack of ownership by institutions.	Medium	High	Early consensus on scope and methodology. Pro-active communication and expectation alignment throughout. Clear messages. Short documents. Face-to-face communication where possible.

RESOURCING THE FUNCTIONAL REVIEW

48. **The budget for the Functional Review is \$700,000.** The budget allocation is financed under the MDTF-JSS and is thus drawn from MDTF donor contributions. The budget allocation was effected via a reallocation of funds from within the MDTF budget to supplement Component 1 of the MDTF-JSS, which is dedicated to Bank-executed technical assistance and advisory services. The budget allocation has been agreed with MOJPA and the MDTF-JSS donors.

49. **The Bank will have exclusive oversight of the implementation of the activity. The nature of the task necessitates a significant commitment of staff resources over a short period.** The overall body of work will be led by the Functional Review Core Team, comprising MDTF TLL Klaus Decker, MDTF Coordinator Srdjan Svirčev and Justice Reform Specialist Georgia Harley. The work will be implemented leveraging expertise from various Bank units, for example, colleagues within the PREM network. The Functional Review seeks to draw on local and regional expertise to the extent possible, and has engaged in competitive recruitment of a team of local and international consultants with relevant expertise and experience in Serbia. The proposed task team is outlined in the table below. Requirements for management oversight and quality control, including peer reviewers, will also be significant. Finally, ACS support will be needed to manage the consultant transactions.

Name	Responsibility
Functional Review Core Team	
Klaus Decker	MDTF Task Team Leader, ECSP4
Georgia Harley	Functional Review Co-Leader, ECSP4
Srdjan Svirčev	Functional Review Co-Leader, ECSP4

Local Experts	
Jovanka Manić	Fiscal Data Collection Consultant
Dragon Obrenović	Caseload Data Collection Consultant
Marina Matić	Communication and Coordination Consultant
Olga Šipka	Desk Review Consultant
IPSOS	Multi-Stakeholder Justice Perception Survey
IPSOS	Running the Justice Competition
IPSOS	Access to Justice Analysis
[advertised]	Workshop Organizer
t.b.d.	Infrastructure Analyst
Regional / International Experts	
Pim Albers	Performance Framework Consultant
Alexey Proskuryakov	Financial Management Analyst
Kate Harrison	Human Resource Analyst
Ellen Kelly	Stakeholder and Institutional Analysis Adviser
Linn Hammergren	Functional Review Strategic Adviser
Kate Harrison	ICT Analyst
ACS	
Hermina Vuković Tasić	Program Assistant, ECCYU
Susan Padilla	Program Assistant, ECSP4

QUALITY MANAGEMENT AND SUPERVISION

50. Given the size and visibility of the Functional Review, robust quality management and control are critical to ensure high quality and timely delivery. The Functional Review will rely on the established Bank procedures for quality control. The final deliverable report will be made subject to formal peer reviewing and decision meetings and approval by Bank management. Project costs include dedicated resources for a strategic advisor and for peer reviews. Results and monitoring will occur within the framework of the MDTF-JSS.

51. Following the experience under earlier functional reviews, the program will have an inception phase through October and November 2013 for detailed activity planning. Detailed terms of reference and task plans will be developed for each of the activities with timelines for delivering the agreed outputs. Monthly progress review meetings will be held by the Functional Review Core Team, with the participation of relevant team members, advisors and peer reviews as relevant.

**Tentative List
Relevant Analytic Works for the Desk Review**

1. National Judicial Reform Strategy 2013-2018 and implementing action plans;
2. Supreme Court of Cassation Annual Reports;
3. SPC Annual Reports;
4. Fiscal Impact Analysis of the Free Legal Aid Law;
5. FR supported by SIDA for the MoJPA;
6. WB Justice Perception Survey 2010;
7. MDTF supported ICT strategy for the justice sector;
8. MDTF JPEIR 2010;
9. Indicators for the justice sector (developed within the framework of MDTF - now focused/being integrated into the NJRS);
10. USAID project report/analysis on the court efficiency, backlog reduction, facility management in misdemeanor courts;
11. EU progress reports;
12. 2013 EU Justice scoreboard;
13. EU Enlargement Strategy and Challenges 2013-2014;
14. OSCE reports, including OSCE Report on Business Corruption in the Western Balkans 2013 and raw data;
15. GIZ analysis of the legislation drafting process;
16. IMG progress reports and reports on equal opportunity in justice, justice efficiency etc.;
17. Sector assessment for rule of law which is ongoing (IPA financed);
18. Justice experts under the PPF 5 support for the future programming of IPA 2014-2020 (including the development of the NAD and indicators);
19. IPA 2012 judicial efficiency project (which will, amongst other deliverables, produce a 'Process improvement review' and a 'Data integrity review' for all courts of general jurisdiction) and any other possibly related activity of different donors;
20. Related IPA 2012 and 2013 projects;
21. ECtHR judgments on article 6 ECHR and related recommendations;
22. CEPEJ cross-country reports and raw data (including 2012);
23. ABA-CEELI reports;
24. Support for Improvement in Governance and Management (SIGMA) assessments and reports for 2011, 2012 and 2013;
25. Answers to the European Commission's questionnaire on Chapter 23: judiciary and fundamental rights – January 2011;
26. Council of Europe gap analysis on corruption in the judiciary (due in December 2013);
27. Venice Commission's reports on Serbia judicial system (including the last ones on judicial Laws of spring 2013);
28. Upcoming EC Screening report on Chapter 23 for Serbia (March/April 2014);
29. Political Economy of Reform in Western Balkans, World Bank, 2013.

Reference List for Chapter 23 Issues Coverage

While the Judicial Functional Review aims at informing the accession negotiations between the European Commission and the Republic of Serbia, its scope will not cover each and every aspect of chapter 23.

“EU policies in the area of judiciary and fundamental rights aim to maintain and further develop the Union as an area of freedom, security and justice. The establishment of an independent and efficient judiciary is of paramount importance. Impartiality, integrity and a high standard of adjudication by the courts are essential for safeguarding the rule of law. This requires a firm commitment to eliminating external influences over the judiciary and to devoting adequate financial resources and training. Legal guarantees for fair trial procedures must be in place. Equally, Member States must fight corruption effectively, as it represents a threat to the stability of democratic institutions and the rule of law. A solid legal framework and reliable institutions are required to underpin a coherent policy of prevention and deterrence of corruption. Member States must ensure respect for fundamental rights and EU citizens’ rights, as guaranteed by the *Acquis* and by the Fundamental Rights Charter.”²

Based on the scope of the Judicial Functional Review as set out in the Concept Note, the table below provides an overview of those aspects that will be addressed by the Functional Review and those that will not.

Addressed	Not addressed
JUDICIARY	
<u>Independent Judiciary:</u> Perceptions of independence, human resource management aspects of independence, financial management aspects of independence, effectiveness of legal framework in guaranteeing judicial independence	<u>Independent Judiciary:</u> Assessment of the 2009 reappointment process
<u>Efficient Judiciary:</u> Case disposition, backlog, timeliness, procedural efficiency, cost, internal management, strategic and operational management, human resource management	
<u>Impartiality:</u> Perceived impartiality and fairness	
<u>Integrity:</u> Perceived integrity, effectiveness of disciplinary system	
<u>High standard of adjudication:</u> Perceived quality of judicial services, appeal and reversal rates.	<u>High standard of adjudication:</u> There will be no case-file analysis to assess consistency of case-law and quality of judicial decisions
<u>Elimination of external influences:</u>	

² Summary of chapter 23 scope, available online at http://ec.europa.eu/enlargement/policy/conditions-membership/chapters-of-the-acquis/index_en.htm.

Perceptions of independence and integrity, level of trust and confidence, transparency, effectiveness of legal framework to guarantee independence	
<u>Provision of adequate financial resources:</u> Financial resources and their management, budget planning, budget allocation, budget execution.	
<u>Provision of adequate training:</u> Effectiveness of Judicial Academy in providing training.	<u>Provision of adequate training:</u> There will be no in-depth analysis of the functioning of the Judicial Academy per se
<u>Legal guarantees for fair trial procedures:</u> The evaluation of fairness is part of the performance analysis (under quality of judicial services)	<u>Legal guarantees for fair trial procedures:</u> Such guarantees will in general not be evaluated.
<u>Fight against corruption:</u> The overall effectiveness of the judicial system will be assessed, including its ability to process corruption cases.	<u>Fight against corruption:</u> There will be no specific analysis about the effectiveness of the prosecution service and the police in fighting against corruption. Prisons will not be covered.
<u>Solid legal framework:</u> Perception of quality of legislation will be included as well as the laws regulating the functioning of the judiciary.	<u>Solid legal framework:</u> There will be no general assessment of the civil, criminal, civil procedure and criminal procedure code or an assessment of overall quality of legislation in Serbia.
	<u>Reliable institutions:</u> While the capacity of the Judiciary will be assessed and vulnerabilities identified, there will be no prediction on their reliability.
FUNDAMENTAL RIGHTS	
<u>Respect for fundamental rights:</u> The Functional Review will assess the quality of services provided by the judiciary and to the extent to which timeliness, access and other aspects of judicial service delivery are guaranteed as fundamental rights, e.g. by article 6 of the European Convention on Human Rights, they will be part of the performance analysis.	<u>Respect for fundamental rights:</u> There will be no comprehensive and explicit human rights analysis or an analysis of the overall compliance with fundamental rights.

Implementation Schedule

Date	Activity
January	Data collection. Data processing/organization
	Draft performance framework table. Performance Framework Workshop
February	Data analysis
	Draft Performance Framework narrative
	Draft Performance Assessment
	Draft Resource Analysis (overall management, HR, Finance)
March	Draft Resource Analysis (ICT, Infrastructure)
	Draft Access to Justice Analysis
	Draft Cross-Country Analysis
	Draft Desk Review
	Draft Survey Analysis. Survey Workshop.
	Preliminary Results / Hypotheses Testing Workshop
	Bank management mid-way review meeting
April	Preliminary Results / Hypotheses Testing Workshop (cont'd)
	Draft Recommendations & Risks
	Competition award selection process
	Preliminary Results / Hypotheses Testing Workshop
May	Final drafting & Exec summary
	Recommendation and Risks Workshops
	Competition awards
June	Formatting & annexes
	Bank peer review & management approval
July	Printing & translation
	Publication & presentation
	1 st dissemination workshop. Competition award announcements.
September	Further dissemination workshops

Analytical framework for judicial system performance Serbia (standards, measures, data collection methods and sources of information)

I. Judicial system performance measures

WORKSHOP DRAFT

This part of the framework identifies three main areas to measure judicial system performance: Efficiency of judicial service delivery, quality of the services delivered, and access to these services. These measurement areas are divided into different aspects (“standards”). The framework then identifies relevant indicators, the primary data collection method, the frequency of data collection and the source of the relevant information and data.

	Indicator	Primary data collection method	Frequency of data collection	Source of data/information
1. EFFICIENCY OF JUDICIAL SERVICE DELIVERY				
Standard 1.1 Judicial system productivity				
Case disposition	1.1.1 Total number of incoming cases per case type (including enforcement)	Statistics	e.g. per month, per quarter, annual	MOJPA, courts, HJC, SPC, prosecutor offices/RPPO
	1.1.2 Total number of cases disposed (aggregated and disaggregated per case type, court, and level of court)	Statistics	e.g. per month, per quarter, annual	MOJPA, courts, HJC, SPC
	1.1.3 Ratio of number of cases disposed of per judge (aggregated and disaggregated per case type, court, and level of court)	Statistics	e.g. per month, per quarter, annual	MOJPA, courts, HJC, SPC
	1.1.4 Clearance rates (aggregated and disaggregated per case type, court, and level of court)	Statistics	e.g. per month, per quarter, annual	MOJPA, courts, HJC, SPC
Backlog	1.1.5 Volume of stock (pending cases aggregated and disaggregated per case type, court, and level of court)	Statistics	e.g. per month, per quarter, annual	MOJPA, courts, HJC, SPC
	1.1.6 Age structure of stock (aggregated and disaggregated per case type, court, and level of court)	Statistics	e.g. per month, per quarter, annual	MOJPA, courts, HJC, SPC

Standard 1.2 Efficiency of case processing				
Timeliness	1.2.1 Time to disposition (aggregated and disaggregated per case type, court, and level of court)	Statistics	e.g. per month, per quarter, annual	MOJPA, courts, HJC, SPC
	1.2.2 Percentage of cases resolved within certain time-frames (aggregated and disaggregated per case type, court, and level of court)	Statistics	e.g. per month, per quarter, annual	MOJPA, courts, HJC, SPC
	1.2.3 Percentage of cases likely to violate European time standards for reasonable duration (for selected case types)	Statistics	e.g. per month, per quarter, annual	MOJPA, courts, HJC, SPC, Calvez report (CEPEJ)
Procedural efficiency	1.2.4 Average number of adjournments (aggregated and disaggregated per case type, court, and level of court)	Statistics	e.g. per month, per quarter, annual	MOJPA, courts, HJC, SPC
	1.2.5 Perceived court efficiency	Court User Survey	For Functional Review	IPSOS Survey (Lawyers: A8, A17, F, G6; citizens: MG8, MA2, PA6-PA9)
Standard 1.3 Cost efficiency				
Cost	1.3.1 Cost per disposed case	Statistics	e.g. per month, per quarter, annual	MOJPA, courts, HJC, SPC
Standard 1.4 Effective enforcement				
Enforcement	1.4.1 Time for enforcing a civil judgment (aggregated and disaggregated per case type, court, and level of court, comparing cases enforced by private and court bailiffs)	Statistics	e.g. per month, per quarter, annual	MOJPA, courts, HJC, SPC
	1.4.2 Percentage of successful enforcement of civil judgments (aggregated and disaggregated per case type, court, and level of court)	Statistics	e.g. per month, per quarter, annual	MOJPA, courts, HJC, SPC
	1.4.3 Perceptions of the effectiveness of enforcement of civil judgments	Survey	For Functional Review	IPSOS Survey (lawyers: A14, A15; citizens: PA14-PA16)

2. QUALITY OF JUDICIAL SERVICES DELIVERED				
Standard 2.1 Legal quality of court decisions				
Appeals	2.1.1 Percentage of cases appealed (aggregated and disaggregated per case type, court, and level of court)	Court statistics	e.g. per month, per quarter, annual	MOJPA, HJC, Supreme Court
	2.1.2 Percentage of successful appeals (aggregated and disaggregated per case type, court, and level of court)	Court statistics	e.g. per month, per quarter, annual	MOJPA, HJC, Appeal courts, Supreme Court
	2.1.3 Perceptions about appeals	Surveys	For Functional Review	IPSOS Survey (lawyers: A12, A13; citizens PA10 – PA12)
Standard 2.2 General quality of court services				
Court services	2.2.1 Perceptions about the general quality of the court services	Survey	For Functional Review	IPSOS Survey (lawyers: B1-B5, citizens: PG1-PG6)
	2.2.2 Perceptions about the quality of the administrative services of the court	Survey	For Functional Review	IPSOS Survey (citizens: PG1-PG6)
Standard 2.3 Fairness, impartiality and integrity				
Fairness, impartiality and integrity	2.3.1 Fairness and integrity as perceived by lawyers and citizens	Surveys	For Functional Review	IPSOS Survey (citizens: PD1 – PE3, AE1-AE6; lawyers: D1-E20)
	2.3.2 Number of officially logged complaints against judges and court staff	Court statistics	e.g. per month, per quarter, annual	MOJPA, Supreme Court, HJC)
	2.3.3 Number of disciplinary measures and sanctions against judges and court staff	Court statistics	e.g. per month, per quarter, annual	HJC)
	2.3.4 Perceptions of citizens about courtesy of the judge	Survey	For Functional Review	IPSOS Survey (citizens: PB4)
Standard 2.4 Independence, transparency and accountability				
Independence, transparency and accountability	2.4.1 Perceptions of citizens and lawyers about the independence of judges	Survey	For Functional Review	IPSOS Survey (citizens: ME4; lawyers: E1)
	2.4.2 Adequacy of publicly available statistical reporting about court performance and resource allocation	Assessment	For Functional Review	MOJPA, courts, HJC, SPC
	2.4.3 Perceptions of citizens and lawyers about the judiciary and the media	Survey	For Functional Review	IPSOS Survey (lawyers: E14, citizens: ME8)
Standard 2.5 Relevant laws and their application				

Quality of laws and implementation	2.5.1 Perceptions about the quality of legislation	Survey	For Functional Review	IPSOS Survey (lawyers: D4, D5, D6)
	2.5.2 Perception of the application of the laws by the courts	Survey	For Functional Review	IPSOS Survey (judges and court staff)
Standard 2.6 Public trust and confidence				
Trust and confidence	2.6.1 User trust and confidence in the judiciary	Survey	For Functional Review	IPSOS Survey (citizens: MA1-ME14; lawyers: e.g. E20)
	2.6.2 General public's trust and confidence in the judiciary	Survey	For Functional Review	IPSOS Survey
3. ACCESS TO JUDICIAL SERVICES				
Standard 3.1 Affordability of judicial services				
Cost for users	3.1.1 Level of court fees (aggregated and disaggregated between different types of cases, litigious and non-litigious, levels of jurisdiction)	Law, court statistics	e.g. per month, per quarter, annual	MOJPA, Ministry of Finance
	3.1.2 Existence and effectiveness of court fee waiver provisions for indigent	Court statistics, assessment	Annual/For Functional Review	Courts, HJC
	3.1.3 Perceptions of affordability of courts	Survey	For Functional Review	IPSOS Survey (e.g. lawyers: C1; citizens: PF1 - PF4)
	3.1.4 Affordability of court related legal services (e.g. appropriateness of lawyers)	Assessment, interviews	For Functional Review	Legal professions
Standard 3.2 Effective legal representation				
Representation	3.2.1 % of the accused persons not legally represented before the court	Court statistics	e.g. per month, per quarter, annual	MOJPA, courts, HJC
	3.2.2 Perceptions about the legal representation before the courts	Survey	For Functional Review	IPSOS (citizens: P6, P7, P8)
	3.2.3 Number of cases granted with legal aid compared to number of refused cases and as percentage of overall number of cases	Court statistics	e.g. per month, per quarter, annual	MOJPA, Supreme Court, Courts
Standard 3.3 Ease of access and use				

Ease of access and use	3.3.1 Perceptions of users about the geographical access to courts and level of comfort of the court buildings)	Survey	For Functional Review	IPSOS Survey (citizens survey: PC1; lawyers: C1-C3)
	3.3.2 Perceptions of the judges and staff about the court facilities and level of comfort (to be compared with surveys of users).	Survey	For Functional Review	IPSOS Survey (judges and staff survey)
	3.3.3 Perceptions of the users about the access to relevant information	Survey	For Functional Review	IPSOS Survey (citizens: PC2-PC4; lawyers: C6, C7)
	3.3.4 Perceptions among minority groups about accessibility of judicial services	Survey	For Functional Review	IPSOS Access to Justice Consultancy
Standard 3.4 Accessibility of alternative dispute resolution mechanisms				
Use of mediation	3.4.1 Number of mediators	Court Statistics, statistics mediation authority	Annual	MOJPA, Mediation Authority
	3.4.2 Number of court referrals to a mediator	Statistics	Annual	Courts, MOJPA, Mediation Authority
	3.4.3 Number of incoming cases for a mediator (per type of dispute)	Court statistics, statistics mediation authority	Annual	MOJPA, Mediation Authority
	3.4.4 Number of cases resolved in mediation	Statistics	Annual	Mediation Authority
Cost	3.4.5 Cost of mediation to users	Statistics, assessment	Annual/For Functional Review	Courts, MOJPA, Mediation Authority
Effectiveness of mediation	3.4.6 Average number of mediation sessions from start until mediation agreement	Statistics	Annual	Courts, MOJPA, Mediation Authority
	3.4.7 Average duration (days/months) of mediation procedures	Statistics	Annual	Courts, MOJPA, Mediation Authority
	3.4.8 Success rates of the mediations (no. of mediation agreements compared with unsuccessful mediations)	Statistics	Annual	Courts, MOJPA, Mediation Authority
	3.4.9 Effectiveness of enforcement of mediated decisions	Assessment	For Functional Review	Courts, Mediation Authority
	3.4.10 Perceptions about mediation	Survey	For Functional Review	IPSOS Survey (citizens: PF5, PF6; lawyers: F4, F5)

Analytical framework for judicial system performance Serbia (standards, measures, data collection methods and sources of information)

II. Inputs, strategic planning and resource management

WORKSHOP DRAFT

This part of the framework organizes the aspects to be covered by the analysis of how the different types of resources that are available to the judicial system (financial resources, human resources, infrastructure, ICT) are utilized and managed for service delivery. The framework identifies relevant aspects to be assessed, the primary data collection method, the frequency of data collection and the source of the relevant information and data.

	Aspects	Primary data collection method	Frequency of data collection	Source of data/information
	Standard 1.1 General management			
Internal management	1.1.1 Perceptions about quality of leadership and management of the courts	Survey	For Functional Review	IPSOS (judges and court staff)
	1.1.2 Effectiveness of system for evaluating the internal organization of the courts and of technical work processes.	Assessment, interviews	For Functional Review	MOJPA, courts, HJC, RPPO, SPC
	1.1.3 Effectiveness of management structure to ensure overall resource management for service delivery	Assessment, interviews	For Functional Review	MOJPA, courts, HJC, RPPO, SPC
	1.1.4 Effectiveness of management processes to ensure overall resource management for service delivery	Assessment, interviews	For Functional Review	MOJPA, courts, HJC, RPPO, SPC
	1.1.5 System ability to program resources jointly and to consider alternative resource mixes	Assessment, interviews	For Functional Review	MOJPA, courts, HJC, RPPO, SPC
Strategic and operational planning	1.1.6 Effectiveness of development, dissemination and analysis of progress against a strategic plan for the judicial system as a whole	Assessment, interviews	For Functional Review	MOJPA, courts, HJC, RPPO, SPC
	1.1.7 Effectiveness of development and implementation of court strategic and	Assessment, interviews	For Functional Review	MOJPA, courts, HJC

	operational plans			
	1.1.8 Implementation of backlog reduction plans and strategies	Assessment, interviews	For Functional Review	MOJPA, courts, HJC
Transparency	1.1.9 Analysis of court activity and publication of plans and reports	Assessment, interviews	For Functional Review	MOJPA, courts, HJC
Standard 1.2 Human resources (aggregated and disaggregated)				
Capacity, age and gender structure	1.2.1 Number of judges and permanent, temporary and contract staff (court level/national)	Systematizations/Personnel Budget (annual allocation) Payroll records (actual head count)	e.g. annual budget, actual per given quarter in three comparison fiscal years	MOJPA, Supreme Court, HJC
	1.2.2 Number of judges assistants (court level/national)	Systematizations/Personnel Budget (annual allocation) Payroll records (actual head count)	e.g. annual budget, actual per given quarter in three comparison fiscal years	MOJPA, HJC
	1.2.3 Number of prosecutors and staff (PPO level/national)	Systematizations/Personnel Budget (annual allocation) Payroll records (actual head count)	e.g. annual budget, actual per given quarter in three comparison fiscal years	MOJPA, RPPO, SPC
	1.2.4 Number of enforcement agents (court level/national)	Systematizations/Personnel Budget (annual allocation) Payroll records (actual head count) Expenditures for private enforcement agents (through court records) Records re use of private enforcement agents	e.g. annual budget, actual per given quarter in three comparison fiscal years	MOJPA, Supreme Court, HJC
	1.2.5 Effectiveness of system to allocate cases to judges and prosecutors (e.g. workload model)	Assessment, interviews	For Functional Review	Courts, MOJPA, RPPO
	1.2.6 Gender distribution among judges, prosecutors, judges assistants, and staff at	Statistics, HR records	Continuous	MOJPA, courts, HJC, RPPO, SPC

	different levels			
	1.2.7 Age distribution among judges, prosecutors, judges assistants, and staff	Statistics, HR records	Continuous	MOJPA, courts, HJC, RPPO, SPC
Training	1.2.8 Capacity of the Judicial Academy to meet training needs)	Assessment, interviews	For Functional Review	Judicial Academy, courts, HJC, RPPO, SPC
	1.2.9 Effectiveness of the Judicial Academy in providing well trained judges and prosecutor candidates	Assessment, interviews	For Functional Review	Judicial Academy, courts, HJC, RPPO, SPC
	1.2.10 Existence of a professional development program for judges, prosecutors, judges assistants, and staff	Assessment, interviews	For Functional Review	Judicial Academy, courts, HJC, RPPO, SPC
	1.2.11 Effectiveness of continuous professional training and education, incl. management training to judges, prosecutors, judges assistants, and staff.	Assessment, interviews	For Functional Review	Judicial Academy, courts, HJC, RPPO, SPC
	1.2.12 Effectiveness of linkage between pursuit of continuous training as a criterion in promotion of judges, prosecutors, judges' assistants, and staff.	Assessment, interviews	For Functional Review	Judicial Academy, courts, HJC, RPPO, SPC
	1.2.13 Effectiveness of assessment of training needs for judges, prosecutors, judges assistants, and staff to meet needs (including e-learning possibilities)	Assessment, interviews	For Functional Review	Judicial Academy, courts, HJC, RPPO, SPC
	1.2.14 Availability of specific training programs for European law and European Human Rights standards (e.g. ECHR, EU Charter for fundamental rights)	Assessment, interviews	For Functional Review	Judicial Academy, courts, HJC, RPPO, SPC
	1.2.15 Availability of training on ethics	Assessment, interviews	For Functional Review	Judicial Academy, courts, HJC, RPPO, SPC
	Motivation	1.2.16 Existence of strategies to involve judges, prosecutors, judges assistants, and staff in innovations	Assessment of Budget/Strategic Planning Process, interviews	For Functional Review
1.2.17 Level of commitment among judges, prosecutors, judges assistants, and staff to quality of work and their satisfaction concerning their work, working conditions,		Multi-Stakeholder Survey	For Functional Review	IPSOS survey

	management culture/leadership, salaries, etc.			
	1.2.18 Level of satisfaction among judges, prosecutors, judges assistants, and staff with their work, working conditions, management culture, leadership, salaries etc.	Multi-Stakeholder Survey	For Functional Review	IPSOS survey
Independence	1.2.19 Effectiveness of legal framework in protecting the independence of the Judiciary	Legal analysis, assessment, interviews	For Functional Review	MOJPA, courts, HJC
	1.2.20 Effectiveness of the legal framework in protecting the independence of the prosecution	Legal analysis, assessment, interviews	For Functional Review	MOJPA, courts, RPPO, SPC
	1.2.21 Transparent recruitment and nomination of judges and prosecutors based on objective criteria	Legal analysis, assessment, including existence and proper staffing of function in the HJC and SPC	For Functional Review	MOJPA, courts, HJC, RPPO, SPC
	1.2.22 Use of objective criteria for the promotion of judges and prosecutors, including for the promotion of judges to the position of a court president and deputy prosecutors to the position of a public prosecutor	Legal analysis, assessment, including existence and proper staffing of function in the HJC and SPC	For Functional Review	MOJPA, courts, HJC, RPPO, SPC
	1.2.23 Appropriate salary structure for judges, prosecutors, judges assistants and staff (grades, court levels)	Assessment, comparison with private sector salaries and comparator countries	For Functional Review	MOJPA, courts, HJC, RPPO, SPC
	1.2.24 Appropriate benefit structure for judges, prosecutors, judges assistants, and staff (e.g. health care, housing, special pension, etc.)	Assessment, comparison with private sector and comparator countries	For Functional Review	MOJPA, courts, HJC, RPPO, SPC
	1.2.25 Job security for judges and prosecutors (lifetime and/or term appointment, probation period)	Legal analysis, assessment	For Functional Review	MOJPA, courts, HJC, RPPO, SPC
	1.2.26 Effectiveness of prohibitions against combining the function of judge or prosecutor with other professional occupations that may be at conflict	Legal analysis, assessment, interviews	For Functional Review	MOJPA, courts, HJC, RPPO, SPC

Judicial and prosecutorial evaluation and discipline	1.2.27 Effectiveness and transparency of the system to evaluate performance of judges and prosecutors	Legal analysis, assessment, interviews	For Functional Review	MOJPA, courts, HJC, RPPO, SPC
	1.2.28 Effectiveness and transparency of the system for disciplinary measures and sanctions against judges and prosecutors	Legal analysis, assessment of the number of initiated proceedings, filed disciplinary charges, pronounced disciplinary sanctions and enforced disciplinary sanctions, interviews	For Functional Review	MOJPA, courts, HJC, RPPO, SPC
	1.2.29 Collection and transparent availability of statistics about disciplinary measures and sanctions applied	Statistics	Annual	HJC, SPC
	1.2.30 Existence of National Integrity Plan and up-to-date action plan for improving the integrity and ethical conduct of judges and prosecutors	Assessment	For Functional Review	HJC, SPC, Anticorruption agency
	1.2.31 Effectiveness of rules specific to the judiciary and the prosecution aimed at controlling conflicts of interest and controlling assets.	Legal analysis, assessment, interviews, survey	For Functional Review	MOJPA, courts, HJC, RPPO, SPC, Anticorruption agency, IPSOS survey
Judges assistants, court staff and court managers	1.2.32 Effectiveness of recruitment system for judges assistants, staff and court managers based on objective criteria, including for temporary staff	Assessment, interviews	For Functional Review	MOJPA, courts, HJC, RPPO, SPC
	1.2.33 Existence of function profiles of a court manager and number of court managers appointed	Assessment	For Functional Review	MOJPA, courts, HJC
	1.2.34 Effectiveness of division of labor between judges/prosecutors, judges/prosecutors assistants, and court staff	Assessment, interviews	For Functional Review	MOJPA, courts, HJC, RPPO, SPC
	1.2.35 Ratio of judges assistant and staff per judge/prosecutor	Statistics	Annual	HJC, SPC
	1.2.36 Effectiveness of the system to evaluate performance of judges/prosecutors	Assessment, interviews	For Functional Review	Courts, MOJPA, High Court Council

	assistants and staff and use of performance evaluations in HR management			
	1.2.37 Effectiveness of HJC and SPC in formulating HR policies and conducting inspections for judges/prosecutors assistants and staff	Assessment, interviews	For Functional Review	MOJPA, courts, HJC, RPPO, SPC
	1.2.38 Effectiveness of staffing needs assessment mechanisms	Assessment, interviews	For Functional Review	MOJPA, courts, HJC, RPPO, SPC
Standard 1.3 Financial resources (aggregated and disaggregated)				
Budget in figures	1.3.1 Annual public budget allocated to courts, legal aid and public prosecution (including trends and comparison to CEPEJ figures)	Statistics	Annual	MOJPA, HJC, SPC, CEPEJ
	1.3.2 Total approved budget for the whole justice sector (incl. trends and comparison to CEPEJ figures)	Statistics	Annual	MOJPA, HJC, SPC, CEPEJ
	1.3.3 Budget of the justice sector compared with other budgets of the public sector (% of the total state budget allocated to justice and comparison to CEPEJ figures)	Statistics	Annual	MOJPA, HJC, SPC, CEPEJ
	1.3.4 Public budget allocated to all courts as a percentage of GDP per capita (including trend reports and comparison to CEPEJ figures)	Statistics	Annual	MOJPA, HJC, SPC, CEPEJ
	1.3.5 Annual executed public budget for courts, legal aid and public prosecution (including trends)	Statistics	Annual	MOJPA, HJC, SPC, CEPEJ
	1.3.6 Effectiveness of the system to assess budgetary needs of the justice sector, courts and prosecution	Assessment	For Functional Review	MOJPA, Courts, prosecution
	1.3.7 Breakdown of budgetary figures for the courts concerning: salaries, court buildings (maintenance, capital investments, operation costs, rent), ICT, training and education, other expenses	Statistics	Annual	MOJPA, HJC, SPC, CEPEJ
	1.3.8 Existence of dedicated budgets for	Assessment	For Functional Review	MOJPA, HJC, SPC,

	improvements and innovations in the courts and prosecution offices			CEPEJ
Criteria for budget allocation	1.3.9 Effectiveness of objective criteria for allocation of the budget at the level of the justice sector, the courts and the offices of the public prosecution	Assessment	For Functional Review	MOJPA, HJC, SPC
	1.3.10 Distribution of the total budget for the courts between the different levels of courts and types of courts	Statistics	Annual	MOJPA, HJC
	1.3.11 Distribution of the total budget for the prosecution between the different levels of the prosecution offices	Statistics	Annual	MOJPA, RPPO, SPC
Performance based budgeting	1.3.12 Effectiveness of a performance based budgeting system (court plans, court reports, prosecution office plans)	Assessment	For Functional Review	MOJPA, HJC, courts, RPPO, SPC
	1.3.13 Analysis of the use of caseload data and empirical figures (e.g. court performance statistics) in the method for budgeting of courts and prosecution	Assessment	For Functional Review	MOJPA, HJC, courts, RPPO, SPC
Predictability	1.3.14 Consistency between budget authorization and allocation (judicial system, courts and prosecution)	Assessment	For Functional Review	MOJPA, HJC, courts, RPPO, SPC
	1.3.15 Consistency between the disbursement of funds and the allocated amounts (judicial system, courts and prosecution)	Assessment	For Functional Review	MOJPA, HJC, courts, RPPO, SPC
	1.3.16 Transparency of disbursement schedule (judicial system, courts and prosecution)	Assessment	For Functional Review	MOJPA, HJC, courts, RPPO, SPC
	1.3.17 Effectiveness of the financial resource system in supporting the financing of multi-year initiatives (judicial system, courts and prosecution)	Assessment	For Functional Review	MOJPA, HJC, courts, RPPO, SPC

Capacity	1.3.18 Level of management capacity and financial expertise at the courts, prosecution, HJC and SPC	Assessment	For Functional Review	MOJPA, HJC, courts, RPPO, SPC
Flexibility	1.3.19 Flexibility of the financial resource system in allowing the judicial branch to adjust from one budget cycle to another and to adapt the mix of employed resources (judicial system, courts, prosecution)	Assessment	For Functional Review	MOJPA, HJC, SPC
	1.3.20 Flexibility of the financial resource system in allowing the judicial branch to adjust, out-of-cycle and/or the mix of employed resources in response to unanticipated changes in circumstances (judicial system, courts, prosecution)	Assessment	For Functional Review	MOJPA, HJC, SPC
Technical efficiency	1.3.21 Effectiveness of the public procurement procedures for the courts	Assessment	For Functional Review	MOJPA, courts, HJC, SPC
	1.3.22 Effectiveness of the audit system (where the financial records are complete and regularly audited by external auditors)	Assessment	For Functional Review	MOJPA, HJC, SPC
	1.3.23 Effectiveness of incentives in the financial system for the efficient use of funds at all levels (judicial system, courts and prosecution)	Assessment	For Functional Review	MOJPA, courts, HJC, SPC
Income of the justice sector	1.3.24 Income generated by the courts (court fees, fines, court taxes). (incl. trends)	Statistics	Annual	MOJPA, HJC, courts
	1.3.25 Effectiveness of policies for the collection of fees and fines	Assessment	For Functional Review	MOJPA, courts, HJC
	1.3.26 Allocation of income generated by the courts	Assessment	For Functional Review	MOJPA, courts, HJC
Standard 1.4 Court infrastructure (court buildings, judicial map)				
Judicial map	1.4.1 Geographic distribution of judicial infrastructure across Serbia	Legal analysis, assessment	For Functional Review	MOJPA, HJC, SPC
	1.4.2 Geographic distribution of the workload (incoming cases) between the	Court statistics	Annual	MOJPA, HJC, SPC

	courts			
	1.4.3 Effectiveness of mechanisms to adjust caseload distribution to evolving demand	Assessment	For Functional Review	MOJPA, HJC, SPC
	1.4.4 Effectiveness of mechanisms within the constitutional limits to adjust deployment of human resources to match evolving demand	Assessment	For Functional Review	MOJPA, HJC, SPC
Investment	1.4.5 Effectiveness of court infrastructure investment plan	Assessment	For Functional Review	MOJPA
Quality of court infrastructure	1.4.6 Physical conditions of the court infrastructure	Desk review, interviews	For Functional Review	MOJPA, courts
	1.4.7 Court house security and effectiveness of security policies	Desk review, interviews	For Functional Review	MOJPA, courts
	1.4.8 Effectiveness of design standards for refurbishment of court buildings and new court houses	Desk review, interviews	For Functional Review	MOJPA, courts
Standard 1.5 Information technology in the courts and PPOs				
ICT policies	1.5.1 Implementation of the national ICT strategy (incl. planning and distribution of equipment, software and HR to the individual courts and PPOs)	Assessment	For Functional Review	MOJPA, courts, PPOs
	1.5.2 Effectiveness of ICT policies (strategic and operational) at the level of court/PPOs	Assessment	For Functional Review	MOJPA, courts, PPOs
Information systems (hard- and software)	1.5.3 Effectiveness of case management information systems in the courts and across the civil and criminal chain	Assessment	For Functional Review	MOJPA, courts, prosecution
	1.5.4 Effectiveness of court performance dashboards	Assessment	For Functional Review	MOJPA, courts
	1.5.5 Availability of databases (with judgments and jurisprudence) and other office software for supporting the judge and legal staff of the courts	Assessment	For Functional Review	MOJPA, courts
	1.5.6 Effectiveness of electronic court	Assessment	For Functional Review	MOJPA, courts,

	networks (including intranets) and networks for the prosecution			prosecution
	1.5.7 Effectiveness of HR information systems (judicial system, courts and prosecution)	Assessment	For Functional Review	MOJPA, courts, HJC, SPC
	1.5.8 Effectiveness of video conferencing in the courts	Assessment	For Functional Review	MOJPA, courts
Security	1.5.9 Vulnerability of the court and prosecution networks and systems to security breaches	Assessment	For Functional Review	MOJPA, courts, prosecution
Electronic exchange and information	1.5.10 Effectiveness of electronic exchange of documents between courts and legal professionals (prosecutors, lawyers, bailiffs, notaries, etc.)	Assessment	For Functional Review	MOJPA, courts, prosecution
	1.5.11 Quality of court websites (in terms of availability of information, possibilities for electronic exchange, online monitoring of court cases, electronic payment, publication of judgments, court plans, etc.).	Assessment, user survey	For Functional Review	MOJPA, courts, HJC, IPSOS Survey
	1.5.12 Effectiveness of standards for electronic exchange of information between the courts and other relevant justice authorities (e.g. prosecution, MOJPA, prisons)	Assessment	For Functional Review	MOJPA, Courts and other justice institutions
	1.5.13 User satisfaction with the case management information system (user friendliness, possibilities to generate court performance info)	Assessment, survey	For Functional Review	MOJPA, courts, IPSOS Survey