

## REPUBLIC OF SERBIA

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

#### AIDE MEMOIRE

#### Implementation Support Mission: March 7 to 14, 2016

1. **A World Bank implementation support mission for the Multi-donor Trust Fund for Justice Sector Support (MDTF-JSS) visited Serbia from March 7 to 14, 2016.**<sup>1</sup> The list of stakeholders met is at **Annex 1**. The objectives of the mission were to:
  - a. Monitor the implementation of activities under the MDTF-JSS Work Plan (2016-2018);
  - b. Conduct consultations and data collection for analysis relating to victim support services;
  - c. Host a Management Committee meeting; and
  - d. Prepare additional financing for the government-executed grant, including work with the PIU to update the results framework.
  
2. **The MDTF-JSS continues to make good progress in implementing project activities.** Implementation progress on Bank-executed activities is as follows:
  - a. The *needs assessment for commercial courts* was finalized in January 2016 and is available on the MDTF-JSS website at <http://www.mdtfjss.org.rs/en/news/2016/commercial-court-needs-assessment#.VvMDG9IUWZM>. During the mission, the task team met with the Belgrade Commercial Court and the Appellate Commercial Court to prioritize needs and next steps. Activities will be included in the updated MDTF-JSS Work Plan.
  - b. The project supports the SPC's efforts to improve *transparency and communications* with external audiences. The team provided advice on the design of their website and associated information protocols to embed online transparency into SPC operations. The new website will be launched in April 2016. Following this, the project will work with courts and prosecutor offices to improve transparency and outreach.
  - c. The team began working on the analyses that will support the Serbian authorities to *establish a victim support service* in line with EU Directive 2012/29/EU. The MDTF-JSS is partnering with regional non-governmental organization, Victim Support Europe (VSE) to deliver an institutional assessment of the patchwork of victim support currently available, as well as a comparative analysis of EU11 experiences in delivering victim support services. This will inform an options paper with recommendations and a fiscal impact analysis. During the mission the task team met with stakeholders and received data that will inform the institutional assessment. This will be shared with stakeholders for comment in April 2016.
  - d. The project will fund the SCC's regional knowledge-sharing workshop on the *implementation of the backlog reduction strategy*, to be held in April 2016.
  - e. The *training needs assessment for the SPC* is underway and should be completed by May 2016.

---

<sup>1</sup> The mission was led by Ms. Georgia Harley (Task Team Leader and Public Sector Specialist) and comprised Ms. Marina Matic (Justice Reform), Mr. Nenad Milić (Information Management), Ms. Svetlana Djuković (Public Administration), Ms. Kate Harrison (Human Resources) and Mr. Lev Altan (Victim Support). The team was supported in the Belgrade office by Mr. Kornel Dražilov (Program Assistant).

- f. The *comparative analysis of the role of lawyers in legal aid* is underway and a draft will be shared with stakeholders for comment by May 2016.
- g. The *comparative analysis of small claims procedures* is underway and a draft will be shared with stakeholders for comment by July 2016. In the meantime, the team has shared a blog on EU experiences in small claims processing, available here – <http://www.mdtfjss.org.rs/en/news/2016/resolving-minor-disputes-matters-big-time-for-the-poor#.VvMLOtIUWZM>.

3. **The Bank hosted a MDTF-JSS Management Committee meeting (see Annex 2 for meeting minutes).** The meeting welcomed the Embassy of the Netherlands as a new donor to the MDTF-JSS and the meeting thanked the Dutch for their contribution of 300,000 EUR, which will support primarily Bank-executed activities. The meeting received a detailed update from the Ministry of Justice (MOJ), Supreme Court of Cassation (SCC) and State Prosecutorial Council (SPC) regarding activities undertaken and ongoing under the government-executed grant during 2015 (see presentations attached). The 2015 Annual Reports for the Bank-executed and Government-executed components will be published on 31 March 2016.

4. **The MDTF-JSS held meetings with the EU Delegation, the new Judicial Efficiency Project (JEP) and Serbian stakeholders to ensure effective coordination of planned activities in the sector.** The IPA-financed JEP is currently in its inception phase and is of a similar size and duration to the MDTF-JSS. The broad parameters of the two projects allow some potential for overlap, so the mission provided a timely opportunity to define more precisely how these two projects will synchronize their work plans to achieve maximum impact across the sector. The EU Delegation, the JEP team and the MDTF-JSS team agreed as follows:

- a. *Backlog reduction*: the JEP will support individual courts; the MDTF-JSS will support the SCC, including technical assistance for the SCC and national workshops for knowledge-sharing.
- b. *Case law harmonization*: the JEP to support case law databases and case law departments. The MDTF-JSS to support the SCC, including technical assistance for the SCC, counselling and periodic case law workshops among court presidents.
- c. *Human resources management*: the MDTF-JSS analysis of administrative functions in 2016 will input to the JEP's support to a Human Resources Strategy in 2017.
- d. *Transparency & access to justice*: the MDTF-JSS will support online transparency initiatives in SPC, courts, and prosecutor offices, sector-wide surveys, strengthening the annual reporting process, court outreach etc. The JEP will add questions to the MDTF-JSS survey. JEP will support the High Judicial Council to implement its communication strategy.
- e. *General vs commercial jurisdiction*: the JEP to work in courts of general jurisdiction; the MDTF-JSS will lead work with commercial courts.
- f. *Training*: to be confirmed once IPA-financed Judicial Academy Project is at inception phase.

5. **The MDTF-JSS will update its Work Plan 2016-2018 and the JEP will update its draft Work Plan and Inception Report to reflect the agreed division of tasks.** The EU Delegation, JEP team and MDTF-JSS team agreed to meet once per quarter to coordinate planned activities and confer on future stakeholder requests for support.

6. **The Bank and PIU discussed the Government’s request to increase the grant amount for the government-executed component from 2.7 million USD to 4.7 million USD.** The PIU has submitted an early draft of the proposed Results Framework for the grant, and the Bank agreed to provide input by the end of March 2016. Once the Results Framework is prepared, the Bank can prepare the Project Paper for internal review and approval. The grant has a fund balance of approximately 265,000 USD. To ensure smooth implementation progress, the Bank and PIU agreed to aim to replenish the child trust fund by July 2016.

7. **Procurement and financial management arrangements continue to be satisfactory.** There are no overdue audit reports for the project. The last audit for FY2015 was issued with an unmodified (clean) opinion on financial statements.

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

<b>Key Next Steps</b>	<b>Timeline</b>	<b>Responsibility</b>
1. Publish annual reports for 2015	March 2016	Bank/PIU
2. Update MDTF-JSS website, including update of MDTF-JSS Work Plan	March 2016	Bank
3. Prepare Results Framework & Project Paper for additional financing to government grant	March 2016	Bank/PIU
4. Draft institutional assessment for victim support services shared with stakeholders for comment/input	April 2016	Bank
5. Update Procurement Plan	April 2016	PIU
6. Training needs assessment for SPC	April 2016	Bank
7. Comparative analysis of role of lawyers in legal aid	May 2016	Bank
8. Comparative analysis of small claims procedures	July 2016	Bank

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

<b>Name</b>	<b>Title, Organization</b>
Mr. Čedomir Backović	Assistant Minister, Ministry of Justice
Ms. Slavica Jelača	Assistant Minister, Ministry of Justice
Mr. Janko Lazarević	Judge, Supreme Court of Cassation
Ms. Snežana Andrejević	Judge, Supreme Court of Cassation
Ms. Mirjana Puzović	Head of the Office of the President of the Supreme Court of Cassation
Ms. Majda Kršikapa	Secretary General, High Judicial Council
Mr. Miroslav Nikolić	President, Appellate Commercial Court
Mr. Jovan Kordić	President, Commercial Court in Belgrade
Mr. Tomo Zorić	Secretary General, State Prosecutorial Council
Ms. Marijana Santrač	Senior Advisor for International Cooperation, State Prosecutorial Council
Ms. Tamara Smrkulj	Budget Section, State Prosecutorial Council
Ms. Olivera Kijevčanin	Senior Advisor, State Prosecutorial Council
Ms. Katarina Antić	Section for Status Issues of Prosecutors, State Prosecutorial Council
Mr. Aleksandar Bošković	Normative Affairs, State Prosecutorial Council
Mr. Nenad Vujić	Director, Judicial Academy
Mr. Torgny Svenungsson	Counsellor, Country Manager, Development Cooperation Division, Embassy of Sweden
Ms. Svetlana Nesović	Program Officer, Development Cooperation Division, Embassy of Sweden
Ms. Onny Jalink	Head of the Regional Rule of Law Unit, Embassy of the Kingdom of the Netherlands
Ms. Aleksandra Kalinić	Development Cooperation Officer, Embassy of the Kingdom of the Netherlands
Ms. Ljiljana Krejović	MDTF-JSS Procurement Specialist, PIU
Ms. Daliborka Grubić	MDTF-JSS Financial Management Specialist, PIU
Ms. Sonja Prostran	MDTF-JSS Consultant Monitoring and Evaluation Specialist at Supreme Court of Cassation
Ms. Mari Nordomo	Second Secretary, Norwegian Embassy
Mr. Enrico Visentin	Project Manager, Delegation of the European Union to the Republic of Serbia
Mr. Nicholas Bizel	First Secretary, Delegation of the European Union to the Republic of Serbia
Ms. Bianca Vandeputte	Project Manager, Delegation of the European Union to the Republic of Serbia
Ms. Lucy Maizels	Head of Political Department, British Embassy
Ms. Sanja Torov	Policy Officer, British Embassy
Ms. Nataša Radović	Good Governance Fund Program Manager, British Embassy

Mr. Brian Le Duc	Team Leader, Judicial Efficiency Project
Ms. Jannicke Bain	Counsellor - Deputy Head of Mission, Royal Norwegian Embassy
Mr. Petar Vasilev	National Program Officer, Swiss Agency for Development and Cooperation
Ms. Olivera Purić	Consultant, Swiss Agency for Development and Cooperation
Mr. Milan Delić	Advisor, Office for European Integration
Mr. Dušan Glišić	MDTF-JSS ICT Consultant at the Ministry of Justice
Mr. Vladimir Vukićević	MDTF-JSS Human Rights Consultant at the Ministry of Justice
Ms. Sonja Petorvić	MDTF-JSS Constitutional Framework Consultant at the Ministry of Justice
Ms. Darja Koturović	MDTF-JSS Consultant at the Ministry of Justice
Ms. Milica Kolaković Bojović	MDTF-JSS Consultant at the Ministry of Justice
Mr. Boško Šukilović	Finance and Administrative Officer, Danish Embassy

**ANNEX 2**  
**MDTF-JSS Management Committee Minutes**  
**March 10, 2016**  
**2pm – 4pm**  
**World Bank Office, Belgrade**

**Participants:**

1. Mr. Janko Lazarević – Deputy President, SCC
2. Mr. Čedomir Backović – Assistant Minister, MOJPA
3. Ms. Mirjana Puzović – Chief of Cabinet, SCC
4. Ms. Sonja Prostran – Monitoring and Evaluation Specialist, SCC
5. Mr. Milan Delić – Sector for Planning, SEIO
6. Ms. Majda Kršikapa – Head of Administrative Office, HJC
7. Mr. Tomo Zorić – Head of Administrative Office, SPC
8. Ms. Marijana Santrač – Chief of Cabinet, RPPO
9. Mr. Enrico Visentin – EU Delegation
10. Mr. Nicolas Bizel - EU Delegation
11. Ms. Ljiljana Krejović – PIU, MOJ
12. Ms. Daliborka Grubić – PIU, MOJ
13. Ms. Aleksandara Kalinić – Policy Officer, Embassy of the Netherlands
14. Ms. Mari Nordmo, First Secretary/Counsellor – Norwegian Embassy
15. Mr. Boško Šukilović – Finance and Administrative Officer, Danish Embassy
16. Ms. Svetlana Nesović – Program Offices, SIDA – Embassy of Sweden
17. Mr. Petar Vasilev – Program Officer, Swiss Development Cooperation
18. Ms. Olivera Purić – Swiss Development Cooperation
19. Ms. Sanja Torov – UK Embassy
20. Ms. Nataša Radović – UK Embassy
21. Ms. Milica Kolaković – Criminal justice consultant, MOJ
22. Ms. Darja Koturović – Access to Justice consultant, MOJ
23. Ms. Sonja Petrović – Constitutional Framework Consultant, MOJ
24. Mr. Vladimir Vukićević – Consultant for Human Rights, MOJ
25. Mr. Dušan Glisić – ICT consultant, MOJ
26. Ms. Georgia Harley – MDTF-JSS Task Team Leader, World Bank
27. Ms. Marina Matić – Consultant, World Bank

**Apologies:**

28. Ms. Katja Rejec-Longar, Ministry of Justice, Slovenia

**AGENDA ITEM 1: MDTF-JSS Umbrella issues**

Ms. Harley provided an update on the MDTF-JSS extension. The project has been extended until December 2018. Administration Agreements were signed with the six active MDTF-JSS donors – Denmark, Netherlands, Sweden, Slovenia, Spain and the Swiss Development Cooperation. The Government has been notified of the extension of the MDTF-JSS

grant. Ms. Harley thanked donors and Serbian stakeholders for cooperation during the period. The administrative burden of the extension did not reduce the pace of implementation progress.

The Work Plan for 2016-2018 outlines the development objective, components, results areas, intermediate outcomes, activities, alignment with strategies and timeframes. The Work Plan was subject to extensive consultation through 2015 and will continue to be reviewed and updated periodically.

The grant for the Government-executed component has 260,000 USD available and needs to be replenished. The Bank and PIU are working through the process of securing additional financing for the grant.

The Work Plan will take into account priorities of the Serbian judiciary, in particular the Chapter 23 Accession Action Plan. It will also align and to ensure maximum synergy with other projects, especially upcoming IPA projects. Ms. Harley and Mr. Bizel outlined the agreement that has been reached between JEP, the EU Delegation and the Bank to calibrate support between the MDTF-JSS and the Judicial Efficiency Project and avoid any overlap.

The meeting welcomed its new member, the Netherlands Embassy. The Netherlands re-joined the MDTF-JSS with a contribution of 300.000 EUR over a three-year period. The funds will be dedicated to the Bank executed component. The TTL informed members of the Management Committee that the Annual report for 2015 will be prepared by March 31, for both the Bank-executed and government-executed components.

## **AGENDA ITEM 2: Government-executed grant component**

The PIU is preparing the Annual Report for the government-executed component and used the opportunity to provide a detailed update on progress made under the grant during 2015. See presentation attached for more details.

**MOJ:** Assistant Minister Backović jointly with the members of the RAFU team provided an update on results achieved in 2015: preparation and approval of the Action plan for Chapter 23; preparation of the Action plan for the Exercise of the Rights of National Minorities and National Strategy for War Crimes; support in legislative process (i.e. Law on supplements to the Law on judges, Law on supplements to the Law on Public Prosecution, Law on amendments and supplements to the Law on HJC); organization of workshops for stakeholders on reporting and implementation for the Action plan for Chapter 23; implementation of communication activities (public debates, media trainings, promo campaign, etc.). RAFU consultant Darja Koturović informed members of the MC on the progress related to the draft Law on free legal aid. For the first time there is consensus of all stakeholders on model of free legal aid. Draft law was prepared but adoption is postponed because of the ongoing elections in the Bar Association and parliamentary elections. The Law on free legal aid is priority and will be among first legislative acts that will be adopted after parliamentary elections. Draft law envisages *vacatio legis* by 2017 and mandatory training for providers. The Ministry of Justice has focus on access to justice issues including access to justice in criminal proceedings, analysis of court waiver system, etc.

**SCC:** Ms. Mirjana Puzović, Chief of Cabinet of the president of the SCC informed members of the Management Committee that the MDTF-JSS provided significant support to the SCC through three long term consultants working on case law harmonization, backlog reduction and ICT/statistics. Capacities of the SCC staff are improved by transfer of knowledge from consultants to the staff members and prepared analysis (i.e. analysis of current case law harmonization process and results, detailed IT assessment of the SCC with strategic recommendations).

**HJC:** Ms. Kršikapa emphasized that achieved results in the justice sector present joint efforts of the stakeholders' staff members and consultants work. It is important to ensure that the MDTF-JSS support the capacities strengthening of the employees in the state institutions, HJC and SCC.

**SPC:** Mr. Zorić provided progress update on current activities and support of the MDTF-JSS to the SPC. The MDTF-JSS properly identified urgent needs of the SPC including new website, training needs assessment of the SPC Administrative office staff and support in assuming budget responsibilities. The new website will ensure full implementation of the new responsibilities of the SPC to publish all decisions and improve work transparency. Mr. Zorić emphasized that the SPC will need continuous support from the MDTF-JSS including support in development of electronic personal files of the prosecutors, deputies and prosecutorial staff, as well as support in procurement of the BPMIS software for budget execution.

### **AGENDA ITEM 3: Bank-executed component**

Ms. Matić Bošković provided progress update on victim support analysis that will inform national stakeholders in development of comprehensive system of victim support and commercial courts needs assessment. The MDTF-JSS in partnership with the Victim Support Europe is conducting assessment of the current situation in victim support in relation to the type and quality of the available assistance. The draft assessment will be available by early April. Assessment of the current situation will be followed by the comparative analysis of the five European countries, legislative analysis on compliance of Serbian legislation with EU acquis relevant for the victims' support. Based on these assessments the two or three options will be identified as possibilities for development of the comprehensive system of victim support for Serbia. The fiscal impact assessment will be prepared in June to identify costs of the identified options. Based on the prepared assessments Serbian authorities will make decision.

The Commercial Courts needs assessment is finalized in January 2016 and possible areas of support are identified. Support activities will influence on improvement of efficiency, quality and access to commercial justice system in Serbia. The area of intervention is above MDTF-JSS available resources but other donors might find interest in support having in mind importance of commercial justice for economic development.

Ms. Harley informed the meeting on progress in other ongoing activities like preparation of lawyers and legal analysis, SPC training needs assessment and SPC communications.



#### **AGENDA ITEM 4: Any other business**

Sweden and Switzerland stressed the importance of developing a quality results framework for 2016-2018. Ms. Harley noted that the MOJ has prepared an early draft, which must be developed before the Bank can process the additional financing. So it's likely to be finalized shortly.

The meeting suggested that the MOJ organize Partners Forum in the Spring Sweden requested that its logo be updated.

Ms. Harley welcomed feedback for continuous improvement of meeting structure and format.