

TOR for Justice Sector Partners' Forum

Republic of Serbia

Background

1. Serbia's judicial reform efforts have been ongoing for several years now. In May 2006 the Government of Serbia adopted the National Judicial Reform Strategy (NJRS), followed by an action plan for its implementation. NJRS aims at securing the independence, transparency, accountability and efficiency of the Judiciary. Although there has been progress on several fronts, the overall impact has been less than anticipated. There continues to be a lack of public trust and confidence in the judiciary.

2. Following the signing of the Stabilization and Association Agreement (SAA) in 2008 with the European Commission (EC), Serbia desires to further accelerate its justice sector reform process, aimed at strengthening the rule of law and improving the capacity, performance, efficiency, integrity, accountability and professionalism of its justice sector and justice sector officials. In December 2008, the package of judicial reform legislation was adopted by the Serbian Parliament. The Government of Serbia now faces the challenges of implementation of this judicial package which will require strong coordination efforts and intensive dialogue between key justice sector stakeholders.

3. The judicial reform process in Serbia has been supported by resources from the state budget and by Serbia's development partners. Programs and projects providing support to the reforms have been financed by a wide range of multilateral and bilateral donors and Civil Society Organizations (CSOs). Although this assistance has made a significant contribution to the overall judicial reform process, it has not always lived up to expectations and achieved all desired objectives. This is partly a consequence of inadequate strategic vision and guidance for the reform process, which was evident especially during the first years of transition. As a result, the reform process has taken longer than expected and has not progressed in a consistent fashion.

4. Against this background, the Ministry of Justice (MOJ), the Ministry of Finance (MOF), the Judiciary and Serbia's development partners providing support to judicial reform in Serbia have recognized the need to establish a high-level policy dialogue Forum. This Partners' Forum, as it will be called, will serve as a venue where topical policy issues pertaining to status, direction and vision of the judicial reform process are discussed on a periodic basis. The Partners' Forum will be a key building block supporting the entire justice sector modernization process in Serbia and will remain in place at least until Serbia's eventual EU accession.

Objectives of the Partners' Forum

5. The Partners' Forum is an MOJ-led mechanism whose objective is to facilitate Serbia's EU justice sector integration process and strengthen the performance of the justice sector, by providing a forum for program- and results-based policy dialogue between the key

stakeholders on: (a) justice sector reform, institutional strengthening and modernization; (b) justice sector performance management and performance improvements; (c) improving justice sector aid coordination and effectiveness and (d) monitoring and reporting on reform progress and impact.

6. The Partners' Forum is envisaged to contribute to improved communication and effective cooperation between the participating stakeholders. The Partners' Forum provides a venue for open and inclusive exchange of ideas, issues, challenges and possible ways forward on judicial reform planning, coordination, implementation and monitoring in Serbia.

7. Furthermore, the Partners' Forum aims to create a space where all participants enjoy an equal status and where open and candid discussions are encouraged.

Key tasks of the Partners' Forum

8. Key tasks of the Partners' Forum are envisaged to include the following:

- a) Act as a forum for policy dialogue between the key stakeholders on overall judicial reform process in Serbia,
- b) Articulate short-, mid- and long-term priorities for judicial reform and support the sector authorities in developing an operational plan for the sector;
- c) Support the justice sector authorities in developing a performance assessment framework to track, monitor and report on justice performance and its improvement, including the development of appropriate indicators to be used;
- d) Facilitate joint data collection and analysis of core issues pertaining to judicial reform process, and identify future challenges facing the process;
- e) Oversee the implementation status of reforms in different areas of the Serbian justice sector
- f) Identify, present and discuss ways and solutions to strengthen aid effectiveness, streamline coordination of donor assistance to the sector, and map further funding needs in the sector;
- g) Monitor the overall funding envelope for judicial reform, including contributions from the Government, development partners, and identify possible shortfalls;
- h) Serve as a platform to address new and emerging concerns and issues pertaining to the judicial reform process.

9. If jointly decided, there may be a possibility to establish sub-working groups with specific foci comprising bodies/organizations currently implementing activities in the justice sector to ensure better coordination and monitoring of, and reporting from ongoing activities, or with the purpose of implementing specific recommendations or activities of the Partners' Forum.

Chair, Hosts and Composition of the Partners' Forum

10. The Partners' Forum is an independent body which does not function under any organization or institution. The Partners' Forum does not form a part of any donor- or government-funded project or venture.

11. The Partners' Forum is chaired by the Minister of Justice or MOJ's State Secretary, with one representative of the Judiciary and one representative of the development partners acting as Vice-Chairs. The Vice-Chair representing the development partners will act, when necessary, as a spokesperson on behalf of all development partners, as well as promote effective coordination and functioning of dialogue between the development partners.

12. The meetings will be convened by the MOJ in its capacity as the Chair of the Partners' Forum, in close consultation with the Partners.

13. In order to promote inclusiveness and equal participation in the Partners' Forum, the meetings will have revolving hosts. All Partners' are encouraged to take turns hosting meetings. The meeting Host will also act as Rapporteur and prepare the draft minutes of the meeting. The Host will also circulate the draft to the Partners and amend the draft minutes to take account of any amendments proposed by those attending the Partners' Forum meetings.

14. The Partners' Forum will assemble on a triannual basis. Upon request from the Chair or Partners, ad-hoc Forum meetings can also be convened at short notice. To support the Serbian government in its own annual operational and budget planning and review exercises, the Partners' Forum meetings will be sequenced throughout the year so that they can be linked with these cycles.

15. It will be the responsibility of the MOJ, with the support of partners, to provide secretarial and administrative support to the Partners Forum, including: (i) maintaining and updating an e-mail distribution list and a catalogue of documents; (ii) drafting the agenda for each Forum meeting, in close cooperation with the host of the meeting, for consideration by the Partners; (iii) monitoring implementation the recommendations of the Forum; and (iv) disseminating information and updates on the dialogue and recommendations to a wider group of stakeholders.

16. The Forum will be accessible to all stakeholders involved in the justice sector in Serbia. These stakeholders comprise representatives of (i) the Executive Branch (most notably the MOJ and MOF); (ii) the Judiciary (High Judicial Council, High Court Council, High Prosecutorial Council, Courts and Prosecutors); and (iii) development partners with past, ongoing or planned activities in the justice sector in Serbia. In addition, selected representatives of the Legislative Branch, Judicial Training Center, relevant CSOs and Academia will also be invited to meetings of the Partners' Forum.

Discussions at the Partners' Forum

17. All contemporary topics pertaining to different aspects of judicial reform in Serbia can be discussed in Partners' Forum meetings. The discussion topics can cover a wide range of issues from different areas of the justice sector but the topics should all share the following characteristics: (i) they address strategic and operational issues relevant for the status, direction and vision of the overall judicial in Serbia; and (ii) they are relevant to Serbia's EU accession process pertaining to the justice sector.

18. Forum discussions should focus on supporting the authorities in assessing, planning and implementing sector reforms, measuring and tracking results and impact, communicating these results, and thereby creating a critical mass of support and buy-in for the reforms.
19. All Partners' can suggest topics to be discussed well ahead of each Partners' Forum meeting. After a consultative process, the MOJ, as the Chair of the Partners' Forum, will choose discussion topic(s) that are in line with MOJ's present priorities.
20. Individual projects funded by development partners will not be specifically discussed in the Partners' Forum. The focus should be on policy issues and overall progress and direction of judicial reform in Serbia.
21. Although the Partners' Forum is not linked with any specific project or venture, the Forum can also act as a venue where drafts of all significant analytical and diagnostic outputs produced by the justice sector authorities and development partners are placed for comments and discussion.

Media and Public Outreach

22. Subject to consultations between the Partners, a press release will be jointly prepared in connection to each Partner's Forum meeting. The press release will be disseminated to representatives of the Media after the meeting. Upon request from the Partners, press conferences may also be organized. These reports and other information will also be posted on appropriate websites (MOJ, development partners).