

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

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

2012 Recipient-Executed Annual Progress Report

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

December 2012

TABLE OF CONTENTS

1 PROJECT BACKGROUND AND CONTEXT

- 1.1 MDTF Background Brief
- 1.2 Component Descriptions
- 1.3 Relevant Key Developments in the Justice Sector during 2012

2 SUB-COMPONENT 2.1: REFORM FACILITATION UNIT

- 2.1 Introduction
- 2.2 Planned Deliverables for 2013
- 2.3 Institutional Capacity**
 - 2.3.1 Over-Archiving Objective
 - 2.3.2 Description of Delivery of Activities and their Impact in Supporting the Development Objective
 - 2.3.3 Planned Deliverables for 2013
- 2.4 Strengthening Resource Management and Aid Coordination**
 - 2.4.1 Over-Archiving Objective
 - 2.4.2 Description of Delivery of Activities and their Impact in Supporting the Development Objective
 - 2.4.3 Planned Deliverables for 2013
- 2.5 Modernization of Judicial Facilities and Infrastructure**
 - 2.5.1 Over-Archiving Objective
 - 2.5.2 Description of Delivery of Activities and their Impact in Supporting the Development Objective
 - 2.5.3 Planned Deliverables for 2013
- 2.6 Outreach, Monitoring and Evaluation**
 - 2.6.1 Over-Archiving Objective
 - 2.6.2 Description of Delivery of Activities and their Impact in Supporting the Development Objective
 - 2.6.3 Planned Deliverables for 2013

3 SUB-COMPONENT 2.2: ACCESS TO JUSTICE

- 3.1 Over-Archiving Objective
- 3.2 Description of Delivery of Activities and their Impact in Supporting the Development Objective
- 3.3 Planned Deliverables for 2013

4 DISBURSEMENTS

- 4.1 Overall Disbursements
- 4.2 Disbursements Based on Categories
 - 4.2.1 Total Uses of Funds Based on Categories
 - 4.2.2 Total Uses of Funds Based on Components
- 4.3 Projected Disbursement for Remainder of Project by Calendar Year

5 CONTRACTED AMOUNTS

ABBREVIATIONS

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

1 PROJECT BACKGROUND AND CONTEXT

1.1 MDTF-JSS Background Brief

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

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

Representatives of the European Union have expressed intentions to contribute to the Trust Fund. The EU Instrument for Pre-Accession Assistance (IPA) Management Committee will approve the next round of IPA funding for Serbia and intend to join the MDTF-JSS through an IPA funded contribution. The total funds for the EU contribution are anticipated to be approximately USD 2.85 million.

The process of restructuring of the Trust Fund is at the time of preparation of this report in its final phase and all existing donors should formally consent to the Framework Agreement between the WB and the EU. The Amendment to the Grant Agreement between the WB and the MoJPA reflecting several changes is about to be signed. Modifications include operating costs as a new category of Eligible Expenditures and increase of eligible expenses financed by the grant funds from 80% to 100%.

This report covers the activities implemented by the Government-executed part of the Trust Fund in the period between the January 1st, 2012 and December 7th, 2012, namely the activities of the Project Implementation Unit (PIU) and Reform Facilitation Unit (RFU).

The PIU comprising a PIU director appointed and funded by the MoJPA, one procurement specialist and one financial management specialist both funded by the Grant, with resources and terms of reference satisfactory to the Bank, continue to be in operation. The PIU continues to have responsibilities to carry out the day to day Project implementation and management, including financial and procurement management, disbursement, fiduciary compliance, and monitoring and reporting arrangements. All World Bank policies and processes in respect of procurement and financial management apply.

- Procurement Specialist - local consultant contracted since April 1st 2011. This contract was amended on December 31st 2011 to extend the engagement until December 31st 2015.

- Financial Management Specialist - local consultant contracted since March 1st 2011. This contract was amended on December 31st 2011 to extend the engagement until December 31st 2015.

1.2 Components

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

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

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

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

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

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

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

1.3 Relevant Key Developments in the Justice Sector in 2012

The new Criminal Procedure Code is in implementation in organized crime and war crimes cases since January 2012 and is envisaged to be applied in all criminal cases as of January 2013. It introduces a new model of criminal investigation with the general aim to shorten the investigative phase and the proceedings as whole.

The new Civil Procedure Code aimed at increasing efficiency in civil procedure has been in force since February 2012. The Law pays special attention to the principle of trial within a reasonable time by reducing the length of civil proceedings introducing a rule for courts sets up time frame for hearing, taking of evidence, and procedural activities together with the litigants.

During 2012, the Judicial Academy continued organization of initial and continuous education and enrolled the third generation of students. It organized numerous trainings courses, initial and continuous trainings in the area of fight against corruption, money laundering, trafficking in human beings and organized crime. Special attention has been devoted to education of judges and prosecutors on the implementation of new Criminal Procedure Code and Civil Procedure Law. Various seminars have also been dedicated to EU standards, EU jurisprudence, obligations of judiciary in the EU integration process and human rights.

Related to the expansion of housing capacities, a new prison of strictly closed type in Padinska Skela for housing of 450 inmates was opened in February 2012. The construction of 3 new facilities financed out of the IPA funds is underway within the Educational-Correctional Institution in Krusevac. The construction has started in March 2011, with the planned deadline for completion of 14 months.

In March 2012 year, the delivery of ICT equipment has been agreed (115 servers, 700 computers, 100 printers, 100 scanners) in order to strengthen the capacity of all courts of general jurisdiction and commercial courts. The training of personnel for the AVP software has been completed for the remaining units of basic courts (the total of 102 court units). Also, the training was conducted for the work in AVP software in the newly formed court units of commercial courts in Serbia (total of 7 court units). Parallel with the introduction of AVP in 2011, WAN network was established for all units of courts of general jurisdiction and for all commercial courts, but also for all institutions of the Administration for Enforcement of Penal Sanctions of the Ministry of Justice, in order to facilitate a smoother transfer of data between court seats of general jurisdiction, commercial courts and 109 court units and all institutions within the Administration for the execution of criminal sanctions. All this together with other projects and program activities have the aim to create an optimal ICT infrastructure environment for the implementation of system e-Justice, which is necessary to integrate all key stakeholders in the judiciary, starting from the MOJ, HJC, SPC, courts of general and special jurisdiction, public prosecutors' offices, and other relevant institutions and bodies.

The European Council granted the Republic of Serbia the status of candidate country on March 1st 2012, on the basis of the Commission Opinion on Serbia's membership application adopted on October 12th 2011. The Council concluded on December 5th 2011 that the opening of accession negotiations was to be considered by the European Council once the European

Commission assessed that Serbia has achieved the necessary degree of compliance with the membership criteria, particularly concerning a visible and sustainable improvement of relations with Kosovo and Metohija, in line with the conditions of the Stabilization and Association Process.

The priority of the Ministry of Justice is the implementation of the recommendations laid out in the annual report of the European Commission, for it represents the way of obtaining the support for the European Commission necessary for continuation of the reform processes in Serbia, as well as the date of the negotiations for membership in the European Union which, in accordance with the new approach of the European Commission, will begin with the opening of Chapters 23 and 24 in the form of so-called Screening.

The Ministry of Justice continued its responsibility of managing the work of the Subgroup 23, "Judiciary and Fundamental Rights" (under the Chapter 23 of the *Acquis communautaire*) in the following areas: judiciary (independence, impartiality, efficiency, professionalism), anti-corruption policies, including the financing of political parties and "good administration", a corpus of fundamental rights including the protection of minority rights and the protection of personal data and the rights deriving from EU citizenship and the active and passive right of citizens of member states of the European Union. In addition, the Ministry has broad responsibility for coordinating and implementing regulations in 24 subgroups: "Justice, Freedom and Security" (under the Chapter 24 of the *Acquis communautaire*), managed by the Ministry of Interior, namely, the legislation relating to judicial cooperation in civil, commercial and criminal matters, handling and judicial co-operation in the fight against organized crime, drug trafficking, human trafficking, money laundering, economic crime, cyber crime, and terrorism; the European arrest warrant, the extradition process, new regulations in the area of confiscation of proceeds of crime, the importance of establishing joint investigation teams, as well as cooperation with EuroJust.

On March 15th 2012, the Supreme Court of Cassation assumed responsibility for budget formulation and execution for the courts from the MoJ. One of the major issues was determining which organization should be responsible for the liquidation of the significant arrears that the courts accumulated in fiscal year 2011 and years before. The SCC was of the opinion that the responsibility should remain of the MoJ. This caused the delay in the SCC assuming responsibility for the transfer of budget formulation and execution to the SCC. The agreement was reached that the MoJ would be responsible for the prior year debts.

The Ministry of Justice has prepared the Draft of the Law on Special Measures for the Prevention of the Perpetration of Criminal Offences against Sexual Freedom Committed against Juveniles, which regulates special measures applied against the offenders of listed criminal offences against sexual freedom committed against juveniles. The Government adopted the Draft Law on April 20th 2012.

The Working group established by the Minister of Justice has finalized the Draft Law on Property Rights and other Real Rights in line with the European standards in this area. On April 12th 2012 the aforementioned Draft Law was sent to the Council of Europe for the expertise.

Following hard, complex and intense activities on the nomination of court experts in the first half of 2011, activities have been continued for the improvement of the Registry of Court Experts. The Registry of the court experts is available at the Internet site of the Ministry of Justice <http://www.mpravde.gov.rs/cr/registar>. This represents significant contribution to the efficiency of court activities, since judicial bodies now have the access to the experts database in order to reliably and timely order the expertise in the court proceedings.

Serbia held parliamentary and local elections at their normal term in beginning of May 2012, together with provincial elections in Vojvodina. Early presidential elections were held at the same time, after the incumbent resigned. The new parliament was constituted in May, and the new coalition government took office in July. The new Law on Ministries of the Republic of Serbia established the Ministry of Justice and Public Administration with much broader competencies and jurisdictions, by merging the former Ministry of Justice with the public administration, as the former Ministry of Human and Minority Rights, Public Administration and Local Self-Government has been transformed. The new Minister of Justice and Public Administration and two State Secretaries were appointed accordingly.

The first private bailiffs were sworn in and first public notaries selected in May 2012, in accordance with the Laws on Enforcement and Security and Public Notaries which are in effect as of May 2011. Bailiffs are solely responsible for the enforcement against debtors related to authentic documents, concerning utility and other services. This will significantly unburden the courts, which will significantly reduce the overall backlog of old cases in general. However, the entry into force of the Law on Public Notaries was postponed to 2013.

In July the Constitutional Court started issuing decisions revoking all the decisions of the High Judicial Council and the State Prosecutorial Council on the non-re-appointment of judges and prosecutors that had been appealed and instructed the Councils to reinstate all of them within 60 days.

To ensure accountability, the two Councils have taken steps toward setting up disciplinary system. The HJC introduced a disciplinary prosecutor and commission, which handled a small number of cases and delivered a few final decisions. The SPC adopted Rules on Disciplinary Procedure and Liability in July 2012. The SPC plans to set up disciplinary bodies and establish a track record of investigating and imposing penalties in disciplinary cases.

New case management software has been introduced in the Administrative and Appellate Courts in Belgrade and the Supreme Court of Cassation in July 2012.

In the beginning of September 2012, Minister of Justice and Public Administration decided to commence with amendments and supplements of different laws. Currently 27 laws are under reconstruction out of which the first set of 15 laws will be submitted for government's approval very soon.¹ Working Groups and Subgroups have been established with the aims to harmonize

¹ Namely: Law Amending and Supplementing the Criminal Code; Law Amending and Supplementing the Law on Seizure and Confiscation of the Proceeds from Crime; Law Amending and Supplementing the Criminal Procedure Code; Law Amending and Supplementing the Civil Procedure Code; Law Amending and Supplementing the Law on Enforcement and Security; Law Amending and Supplementing the Law on Non-Contentious Proceedings; Law Amending and Supplementing the Law on Mediation; Law Amending and Supplementing the Law on Public

the legislation with the Constitution of the Republic of Serbia; the EC Report on Monitoring of the Accession Process; the obtained CoE expertise for some drafts. In addition, future plans include amending and supplementing the Law on Public Notaries before the implementation of the Law in 2013; amending and supplementing the Laws on High Judicial Council and State Prosecutors Council.

In 2011 the drafting the new National Judicial Reform Strategy for the period 2013–2018 began, followed by the Action Plan. Strategy and related Action Plan should become simple and effective instruments for governance that the Government will be able to rely on in order to successfully implement and measure necessary reforms, but also to successfully communicate with the public about the achieved results. New Strategy should help Serbia's judicial system become responsive to the needs of all its citizens. The four pillars of the Strategy being: independence, impartiality, competency, accountability, and efficiency of the judiciary. Strategy will precisely define the body responsible for its implementation, but the important issue of responsibility and oversight over the implementation of activities will be more clearly determined by the following Action Plan.

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

Two more texts are in the final phase: Draft Strategy on Fighting Corruption and Draft Public Administration Reform Strategy.

Prosecutor's Offices; Law Amending and Supplementing the Law on Courts; Law Amending and Supplementing the Law on Organization of Court; Law Amending and Supplementing the Law on Seats and Territorial Jurisdiction of Courts and Public Prosecutor's Offices (court and public prosecutors offices network); Law on Misdemeanors; Law on Free Legal Aid; International Private Law; Law on General Administrative Procedure.

2 Sub-Component 2.1: Reform Facilitation Unit

2.1 Introduction

This sub-component funds the establishment of a Reform Facility Unit (RFU) for the Ministry of Justice (at the time) and the Judiciary. The RFU, originally set up to comprise eleven core support consultants, is responsible for contributing to achieving reform goals. The RFU currently comprises of 7 long term consultants. The team provides expert advice, recommendations and technical assistance. Tasks include drafting of technical and policy notes and papers, input to strategic planning, facilitation of aid coordination and effectiveness, project design and implementation.

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

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

Activities fall within the following five groups:

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

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

With the aim to complete the judicial reform process, to become a candidate country and to obtain the date for opening of negotiations for accession to the European Union, it was of crucial importance to finish review process of the general election of judges and public prosecutors in 2009. Therefore, it was necessary to translate all the High Judicial Council (HJC)

decisions reached in the review process of decisions of the first composition of HJC. These translation services were procured and financed from the MDTF-JSS funds.

The MDTF-JSS also supported attendance of the MoJPA representative at the plenary meeting of GRECO (Council of Europe's Group of States against Corruption) which was held in Strasbourg in March 2012 to monitor Serbia's fulfillment of GRECO recommendations. At that time Serbia was undergoing the Third Evaluation Round which was dealing with Incriminations (Implementation of Criminal Law Convention against Corruption, its Additional Protocol and Guiding Principle 2) and Financing of political parties. Serbia got 5 recommendations in regards to Incriminations and 10 pertaining to Financing of political parties. Since most of the other member states were also participating in this evaluation round, attending GRECO Plenary meetings was highly useful for preparation of Serbia's Report on Implementation of Recommendations.

European Commission (EC) organized meetings in Brussels, in the period March 25th – 30th 2012, regarding explanatory screening for Montenegro. Meetings were organized with purpose to present the Montenegrin representatives with relevant legal instruments within the Chapter 23: Judiciary and Fundamental Rights, and Chapter 24: Justice, Freedom, and Security. Representatives of the MoJPA were invited to attend as observers these explanatory meetings and their presence was financed out of the MDTF-JSS funds.

The WB launched the Justice Sector Peer-Assisted Learning (JUSTPAL) initiative in Athens in partnership with the European Public Law Organization (EPLO). The JUSTPAL objective is to provide a platform for professionals to exchange knowledge, good practices and peer-driven improvements to their justice sector performance and service delivery through peer-based Communities of Practice (CoPs). The WB and The Hague Institute for Global Justice (THIGJ) organized JUSTPAL CoP meetings for Justice Sector Budget professionals to bring together justice professionals from European and Central Asian countries thereby serving as a forum for participants to share knowledge with each other on the finances of the justice sector. Expenses for the participation at this meeting were covered from the MDTF-JSS funds.

The JUSTPAL Information Systems Professionals CoP Meetings brought together justice professionals from countries where reform and modernization in the justice sector are most intensive, thereby serving as a forum for participants to share knowledge with each other on innovative approaches in the use of information technology in enhancing the efficiency of the justice sector. Attendance of two participants from the MoJPA was financed from the MDTF-JSS funds.

The JUSTPAL Public Prosecutors CoP Meetings which dealt with the role of public prosecutors in the justice process – corruption, fraud and financial crimes, cooperation between the offices of the public prosecution and the courts – good practices and innovations, were attended by the Deputy Public Prosecutor as participant and his expenses were covered from the MDTF-JSS funds.

In September 2012, the Minister of Justice and Public Administration established a working group for drafting the amendments and supplements of the four crucial judicial laws: 1) The Law on Seats and Territorial Jurisdiction of Courts and Public Prosecutors' Offices, 2) The Law

on Organization of Courts, 3) The Law on Judges, and 4) The Law on Public Prosecutors. Four out of planned six working meetings have been organized during the reporting period. Refreshments for these meetings has been procured and financed by the PIU from the MDTF-JSS funds.

Another Plenary Meeting of GRECO was attended by the MoJPA representative and this trip was paid by the PIU from grant funds.

The European Commission organized a one day conference under the title of 'Working Together towards the Eradication of Trafficking in Human Beings: The way Forward', in October 2012 in Brussels, to mark the 6th EU Anti-Trafficking Day. Conference was attended by high-level representatives from the EU member states, accession and candidate countries, as well as the rapporteurs or equivalent mechanisms, NGOs, and it represented a great opportunity to exchange views on shaping future actions to strengthen cooperation, victim protection and assistance, prevention and prosecution in the field of trafficking in human beings. The MoJPA was represented by one participant and her expenses were covered from the grant funds.

Prosecutors Association of Serbia asked MoJPA to finance with the support of MDTF-JSS funds a three-day working meeting of the working group for amending the Law on Public Prosecution. For fast and successful completion of the draft Law on Public Prosecution, it was very important to organize meeting near Belgrade at some quiet place, where the WG members can be fully dedicated to their work. PIU organized this event.

The MoJPA organized the Partners Forum with the purpose to engage in policy dialogue with the Partners on future plans and activities of the Ministry in relation to the justice sector. The Ministry, together with the representatives of selected Partners, wished to present the work of the several Law Amending and Supplementing Working Groups, as well as the Draft National Justice Sector Reform Strategy. In order to open a discussion with the Partners to receive comments, advice and guidance with regards to these important issues, the Ministry, through PIU, organized this event supported by the WB.

The MoJPA organized the Public Debate on working text of the Law on Amendments and Supplements to the Law on Seats and Territorial Jurisdiction of Courts and Public Prosecutors' Offices, in October 2012. Presentations were given about principles and criteria for the changes of the network of courts of general jurisdiction, proposal for the changes of the seats and territorial jurisdiction of courts of general jurisdiction, in the network of public prosecutions, in the network of Commercial Courts, and were followed by public debates. This Debate was funded from the MDTF-JSS.

The Ministry also organized the Public debate on working texts of the Law on Amendments and Supplements to the Law on Organization of Courts and working text of the Law on Amendments and Supplements to the Law on Judges, in November 2012, supported by the MDTF-JSS funds.

2.2 Planned deliverables for 2013

- New National Judicial Reform Strategy will be adopted by the end of March 2013 and the Action Plan for its implementation by the end of the first half of 2013.
- Upon adoption of the new National Judicial Reform Strategy for 2013-2018, together with a list of laws currently being amended and supplemented for adoption in early 2013, activities on institutionalization of strategic communication and outreach will continue.
- Finalization of the ICT Strategy, as a part of the project “Consultancy services to develop and ICT Strategy and Implementation Roadmap for the Justice Sector in the Republic of Serbia”. The identification of possible ICT projects for the justice sector, with defining the chronology of these projects and their specification.
- The implementation of the SAPO and SAPA CMS for the public prosecutor offices and the prison administration, as well as the CMS for misdemeanor courts.
- Adoption of the Law on Free Legal Aid and structuring of the free legal aid provision system in Serbia. Furthering activities focused on the inclusion of the FLA Working Group in drafting bylaws associated with the FLA Law implementation.
- The current Draft Communication Strategy will be adapted to include all important new moments and novelties deriving from adopted legislation, as well as the introduction of the free legal aid system in accordance with the Law on Free Legal Aid.
- The extensive media campaign will be developed accordingly to include communication on all adopted legislation and strategic documents.
- Upon the adoption of the FLA Law, employees of the institutions that will be responsible for the implementation and overseeing of the FLA system will go through specific training regarding law implementation and best practices in monitoring the free legal aid system will be presented. In that respect, the Consultant will design the training module in cooperation with the WB SJS.
- The future providers of free legal aid will also be trained to implement the new law, work effectively and utilize new technology. Upon passage of the FLA Law, preliminary support to legal aid providers regarding standard procedures will be provided.
- The finalization of the data collection aimed at informing the WB executed cost analysis. Data is obtained from the municipalities, the Bar Association and previous pilot FLA projects such as the UNDP-led project. Translated data set will be submitted to the WB for further cost effectiveness study - Fiscal Impact Assessment. In line with MoJPA plan for 2013, the Consultant will perform a comparative study on methods of covering the costs of mandatory defense lawyers and experts in cooperation with the WB SJS.
- Further analyses of a new portion of Acquis upon delivery from the Serbian European Integration Office and updating of list of all relevant Acquis. In addition, the list of all relevant multilateral and bilateral treaties will be updated on regular bases in 2013.

Occasional improvement of database with Tables of Concordance for each law or by-law and will be started upon analyses of all relevant EU documents.

- Upon removal of confidentiality seal off the GRECO Report in 2013 and distribution of the Report to all relevant institutions, the implementation of recommendations will commence. The Fourth Evaluation Round will also be initiated and the Consultant will provide assistance to the Ministry of Justice and Public Administration and other stakeholders in the preparation of responses from this Round.
- The negotiations between the Republic of Serbia and the EUROJUST will be formally opened in 2013 upon which the support in preparing relevant documents and internal coordination of the draft Agreement will be provided.
- The new National Anti-human Trafficking Strategy will be adopted by the end of 2012, and advisory related to Criminal Code amendments and supplements, the development of the Compensation Fund for victims, and provision of profound trainings for judges and prosecutors, will be provided.
- Upon the adoption of the new National Action Plan on Combating Violence against Women, the active provision of inputs for changing legislation, amendment proposals for the Criminal Procedure Code, the Court Rules of Procedure, and better protection of victims during the entire process.
- With regards to the RCCP, further analysis will be performed on the waiver of the right to counsel in the beginning of 2013. Research on ECHR case law on adequate notice of a right to (state paid) counsel will be finalized and discussed with relevant stakeholders at the MoJPA.

2.3 Institutional Capacity

2.3.1 Over-Arching Objective

This activity aims at:

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

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

- Consultant for EU Integration - local consultant contracted since March 16, 2011. The contract was amended on December 31st 2011 to extend the engagement until December 31st 2013.
- Consultant for International Cooperation - local consultant contracted since March 16, 2011. The contract was amended on December 31st 2011 to extend the engagement until December 31st 2013.
- Consultant for Justice Sector Policy - local consultant contracted since July 01, 2011. The contract was amended on December 31st 2011 to extend the engagement until December 31st 2013.

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

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

- Advisory services related to application of different International Conventions and EU Directives and Resolutions;
- Drafting different reports for the European Commission with regards to Serbia's progress in the implemented reforms;

- Facilitating coordination of work of different sub-groups that are subordinate to the coordination body for integration of the Republic of Serbia into the European Union (EU);
- Preparing and updating the National Programme for Integration of Republic of Serbia into European Union (NPI) electronic database including all relevant existing and planned portions of legislation;
- Participating in a process of updating the National Judicial Reform Strategy (NJRS); and
- Other relevant tasks with regards to the EU integration and scope of work stipulated by the Terms of Reference.

Under the Activity: Expediting the adoption of different International Conventions, and EU Directives and Resolutions in Serbia, and their inclusion into the Serbian legislation, the Consultant gave advisory related to *Acquis communautaire* and different International Conventions. Within advisory related to *Acquis communautaire* and different International Conventions Consultant was providing advisory to MoJPA on *Acquis* with coordination of a work within Sub-groups regarding competences with purpose to define priorities of the EU regulations with analyses – necessary for the process of accession of the RS to the EU and harmonization of national legislation with *Acquis*. Also, clear overview of all conventions and bilateral treaties with regards to the justice sector is necessary for the Republic of Serbia and its further steps toward EU accession and harmonization of legislation, but also important for EU and international institutions to have a clear picture.

With regards to the process of harmonization of the RS legislation in line with *Acquis communautaire*, consultant was providing inputs to this process, analyzing relevant EU Directives and Regulations and different International Conventions. Process of harmonization involves preparation and constant update of the List of priorities what also include checking of all obligatory EU legislation within the competences of MoJPA. This whole process is managed by the Serbian European Integration Office.

During 2012 an updated list of all relevant *Acquis* within competences of the MoJPA was prepared and List of all relevant multilateral and bilateral treaties with summary of each treaty was drafted.

Within this specific activity lists of all relevant documents necessary for working groups established for drafting additions and amendments to the Law on Civil Procedure, Criminal Procedure Code, Criminal Code, Law on seizure and confiscation of the proceeds from crime, Law on Enforcement and Security and the new Law on Mediation, including all relevant international documents necessary for amendments of judicial set of laws, was provided.

As officially translated *Acquis* is necessary for the process of harmonization of national legislation with *Acquis*, the Serbian European Integration Office was several times during 2012 delivered portions of translated EU regulations to all relevant institutions, including the MoJPA for proofreading. Last portion was provided in October 2012 and proofreading was finished by the end of November 2012. Consultant was actively involved in this process.

Different reports were drafted with purpose to inform the European Commission on progress achieved in the implementation of the reforms and undertaken steps of the MoJPA in the process of Serbia's accession to the European Union.

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

With regards to the monitoring process of visa liberalization for the Western Balkans countries, activities related to updating report on relevant information and actions taken regarding the measures necessary to implement the guidelines set forth in the Roadmap.

Report on activities in the area of anti-corruption, anti-organised crime and anti- money laundering was drafted. This report highlighted legislative, institutional and practical aspects of progress in area of fight against organized crime and corruption from 2008 until present.

Consultant was drafting Report with regards to the implementation of the Action Plan of the Government to meet the recommendations from the EC Annual report for 2012 on Serbia's progress in the accession to the EU which include all planned measures and deadlines for implementation and fulfillment of the recommendations from the EC Report.

With regards to issuing Eurobond in the international financial market, the MoJPA within its jurisdiction provided its contribution, in accordance with the guidelines of the Ministry of Finance, in preparation of the document which provides social and economic overview and important facts for the Republic of Serbia, in order to provide detailed information on the functioning of the judicial system of the Republic of Serbia, the legal security, the rule of law and the fight against organized crime and corruption. This document is updated annually and submitting to the Ministry of Finance. Consultant was involved drafting MoJPA contribution.

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

After the additions to the National Programme for Integration of Serbia into the European Union (NPI), the Government of the Republic of Serbia adopted the Conclusion in January 2012 with regards to the preparation the National Programme for the Adoption of the Acquis (NPAA) for the period 2013-2016. Serbian European Integration Office is coordinator of the whole process and all relevant institutions have to prepare inputs within their competences. All candidate countries for the membership to the European Union are preparing the same document as a next step to the fulfillment of their obligations related to the candidacy and the process of integration and harmonization of national legislation with the *Acquis*. Consultant was actively involved in the coordination and process of drafting the MoJPA part of the report on the activities of the MoJPA and all relevant judicial institutions within the Chapter 23: Justice and Fundamental Rights - in the part of the reform of the judiciary. Inputs of all relevant institutions will comprise current state, achieved results and planned one with connection to the *Acquis* and future steps for fully harmonization of national legislation. The document has to be drafted by the end of 2012. Document will include the overview of the priorities for 2013

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

Consultant was updating NPI electronic data base of laws and by-laws in accordance with legislative activity of the MoJPA, providing clear overview of legislation and transparent picture of legislation and phase of harmonization. The electronic database consists of separate applications for each national law, or bylaw present or planned, with comments on compatibility with relevant EU documents and is important for the process Serbia's integration into the European Union. Database presents electronic uniform lists of national legislation with its connection with the EU regulations. In December 2012, the base has to be updated in accordance with the NPAA.

Explanatory meetings are of crucial importance for observer countries because of the importance of information they have got during the meetings that they can use to make further progress in the process of EU integration. Each of presented documents during the explanatory meetings is particularly important for the process of further harmonization of Serbian legislation with the EU legislation. European Commission organized meetings in Brussels, in the period March 25 – 30, 2012 regarding explanatory screening for Montenegro. Meetings were organized with purpose to present the Montenegrin representatives relevant legal instruments within the Chapter 23: Judiciary and Fundamental Rights and Chapter 24: Justice, Freedom and Security. Representatives of the Republic of Serbia and Macedonia were invited as observers to attend these explanatory meetings.

Report on presented legal instruments within the chapters and within the different parts of chapters was drafted and delivered to all Sectors within the MoJPA and the High Judicial Council and State Prosecutorial Council with purpose to be adequately prepared for the future activities regarding Serbian candidacy.

Under Activity: Building and Strengthening the Strategic Planning Function at the Ministry of Justice, the Consultant participated in the process of drafting the new National Judicial Reform Strategy (NJRS) - second phase of justice sector reform in Serbia. The New Strategy for the period 2013 - 2018 will present important documents for all judicial institutions and MoJPA in the future activities and in the next reform stage. New National Judicial Reform Strategy and related Action Plan should become simple and effective means of managing the reform; to be relied upon by the Government - with purpose to successfully implement and measure necessary reforms and to successfully communicate with the public about the achieved results.

Consultant is providing support to the process of drafting the new Strategy. All relevant judicial institutions, professional organizations, bar associations are providing their comments to the working version of the Strategy that was drafted with support of the World Bank's Team of Experts formed within the Multi Donor Trust Fund for Justice Sector Support. Draft of the Strategy was delivered to the representatives of the EU and different international organizations. Consultant is analyzing several strategic documents on judicial reform from countries in the region which could be useful for drafting the new Strategy.

Improved organizational structure of the Ministry with improved division of competences and tasks will present a part of the new NJRS. During first half of 2012 draft of the Functional

Analyses was presented to the Ministry and Consultant was involved in the process of gathering comments of all relevant sectors. Findings from the analyses were useful for preparation of the new Rule Book on internal organization and systematization of job posts. Upon the decision of the MoJPA some of recommendations related to organizational solutions may be incorporated in the NJRS or AP.

The Consultant for International Cooperation assists in the development of institutional capacity within the MoJPA in the field of international cooperation, with a special focus on strengthening regional initiatives in the fields of mutual cooperation and assistance in matters related to organized crime and corruption. The consultant is in charge of assisting and advising relevant decision makers in monitoring of the work of international organizations and associations in the areas of competence of the MoJPA, to assist in monitoring of implementation of OSCE and Council of Europe programs and international obligations within the purview of MoJPA. The consultant assists in the preparation of reports in relation to relevant international instruments, and Serbia's future international obligations.

The activities completed in 2012 were focused towards the efficient implementation of various international obligations of the Ministry of Justice and Public Administration. One of the goals of these activities is to enhance the role of the Republic of Serbia in the international scene in order to secure that the legal system of the Republic of Serbia is in compliance with international standards in the sphere of suppression of organized crime and corruption. Also, this should assist the Republic of Serbia in the EU accession process.

The concrete objectives of the most demanding activities which were carried out in the past year were GRECO - the adoption of Serbian Report for the Third Evaluation Round; UNCAC - the review of the implementations of Chapters 3 and 4 of UNCAC in Serbia; and EUROJUST - improving cooperation between Serbia and the EUROJUST.

One of the most important activities in regards obligations deriving from the participation of Serbia in GRECO was the submission of the Report on the implementation of issued recommendations for Serbia. Serbia got the total of 15 recommendations- 5 pertaining to the area of Incriminations and 10 pertaining to the area of Financing of political parties. In regards to the Incriminations, Ministry of Justice formed a Working Group in order to amend some articles of the Criminal Code and to align them with the mentioned recommendations. After the adoption of the draft Law on amendments to the Criminal Code in the Government, the Consultant was tasked to support the preparation of the Report for GRECO and to assist in structuring of the Report. The report was submitted to GRECO in April 2012. In October 2012 the Consultant was attending GRECO Plenary meeting together with the Head of Delegation of Serbia in GRECO. The mentioned Report was discussed at the GRECO Plenary and subsequently adopted. In this moment, the Report is still confidential.

Serbia has signed UNCAC in 2003 and ratified it subsequently in 2005. Under Articles 16 and 194 of Serbia's 2006 Constitution, ratified treaties such as the UNCAC are integral parts of the Serbian legal system and applied directly. The UNCAC is therefore a key part of Serbia's legal order. In the past year, Serbia has provided responses to the UNCAC Self-Assessment checklist using the software developed by UNODC. The Consultant was tasked to coordinate the distribution of answers to the various relevant institutions and subsequently to provide support

in filling out the responses in the Self-Assessment checklist. In June 2012 the teleconference was held in order to clear some responses and provide additional information to the experts in charge for the assessment.

Serbia decided to invite experts and the UNODC Secretariat to Belgrade, as one of the steps in the review process, in order to provide them with the view on how the Convention is implemented in practice. As a coordinator for the implementation of UNCAC in Serbia, the Consultant was tasked to organize and coordinate the study visit held in Belgrade in September 2012. Also, the Consultant was providing support in the preparation of legal opinions on the anti-corruption legislation, procedures and measures. Many relevant institutions from Serbia were participants at this study visit that lasted 3 days.

As a contact point of the Ministry of Justice and Public Administration, the Consultant is providing regular support in the daily cooperation with the EUROJUST. The work is focused on coordination of activities with the MLA department of the Ministry of Justice in order to secure efficient work in regards to various requests coming from the EUROJUST member states.

Among every day activities in the area of international cooperation, the Consultant was also tasked to provide support in the organization of the regional MLA Training held in November 2012 in Serbia. This was organized in cooperation with the UNODC office in Belgrade. The aim of the training was to exchange ideas and good practices in the area of MLA in criminal matters with particular emphasis on the implementation of the UN conventions. This was of importance to the Ministry of Justice having in mind that Serbia is currently participating in the abovementioned review of the implementation of UNCAC.

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

The Consultant was providing inputs for new National Action Plan on Combating Violence against Women. She was actively participating in development of this Action Plan firstly by consultation with normative department of the MoJPA, and upon that assessment by developing goals activities within the competency of the Ministry. This Action Plan should be adopted by the end of the year as well.

As part of regular reporting to Council of Europe Committee and UN Committee related to Anti Human Trafficking and Violence against Women, the Consultant prepared comprehensive

report to GRETA committee of the CoE along with the colleague from the Ministry of Interior. This activity is still in process. I collected statistic data from the judiciary, provided information of the current legislative status for criminal act of human trafficking, described implementation of the law through examples from court practice. The same procedure was undertaken for II and III periodic CEDAW report to UN Committee to eliminate all forms of discrimination against women.

The Consultant had an exceptional opportunity to participate in Volunteer Visitor Program organized by State Department – Combating Violence against Women. The program offered information on different services available for victims with focus on protection during the criminal procedure. This experience enabled the Consultant to incorporate gained knowledge in before mentioned action plans and strategies. Also, the Consultant introduced colleagues from the Department about American experience and modalities to overcome existing gaps. Since they're going to be responsible for implementation of the future recommendations, it was very important to transfer knowledge to public servants. This activity will continue in 2013.

In providing advisory to Assistant Minister regarding CoE Expert Mission on Minorities, the Consultant prepared comprehensive report about activities from the domain of the MoJPA related to improvement of status of minorities in judiciary. This report was presented during the Expert's Mission in July 2012.

Council for Minors is the state body founded by Ministry of Justice and High Judicial Council. The Council has advisory role. Meetings are held 4 times in a year. The Consultant actively participated in development of new diversion orders according to new Law on Minors. Also, as a council member her tasks included providing comments and suggestion to draft laws when it comes to minors and children. One of them was new draft law on protection of persons with mental disabilities.

The Consultant provided advisory in drafting process for IPA 13 project of the Ministry of Justice related to access to justice for minors, prevention of juvenile delinquency, implementation of diversion orders and anti-child trafficking. Besides this, she conducted briefings for public servants who are in charge of the presentation of project proposals.

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

2.3.3 Planned Deliverables for 2013

The Consultant for EU Integration will conduct further analyses when the Serbian European Integration Office delivers a new portion of *Acquis* – also updating the list with all relevant

Acquis. In addition, further proofreading when the Serbian European Integration Office delivers a new portion of translated *Acquis*, will be conducted.

The list of all relevant multilateral and bilateral treaties will be updated on regular bases in 2013. Occasional improvement of database with tables of concordance for each law or by-law and will be started upon analyses of all relevant EU documents.

Further reports will be drafted for the period - the end of 2012 and 2013 - on regular bases and upon the European Commission request.

Presentations of relevant legal instruments, with specific explanations of each instrument in different areas under the Chapters 23 and 24 will be useful for future normative activities and process of harmonization.

New National Judicial Reform Strategy will be adopted by the end of March 2013 and the Action Plan for its implementation by the end of the first half of 2013.

The GRECO Report is to have its confidentiality seal removed in 2013, upon which the Consultant for International Cooperation will be tasked to coordinate distribution of the Report to all relevant institutions and to inform GRECO about the implementation of recommendations. The Fourth Evaluation Round will also be initiated in 2013 and the Consultant will provide assistance to the Ministry of Justice and other stakeholders in the preparation of responses from this Round.

The adoption of the UNCAC Implementation Review Report expected in 2013 will provide inputs and direction for consideration in the MoJPA. The Consultant will provide advisory in regards to the possible improvement of the implementation of UNCAC.

The negotiations between the Republic of Serbia and the EUROJUST will be formally opened in 2013. Support in preparing relevant documents and internal coordination of the draft Agreement will be needed .

The Consultant for Justice Sector Policy's advisory role will continue throughout 2013. She will provide inputs for laws and by-laws and her concrete deliverables will depend on intensity of legislative activities of the Ministry.

The new National Anti-human Trafficking Strategy will be adopted by the end of the current year, and in that regard, the Consultant will provide advisory related to Criminal Code amendments and supplements, the development of the Compensation Fund for victims, and provision of profound trainings for judges and prosecutors.

Upon the adoption of the new National Action Plan on Combating Violence against Women, the Consultant will be active in providing inputs for changing legislation, amendments of the Criminal Procedure Code, the Court Rules of Procedure and better protection of victims during the entire process. The Consultant will be engaged in all implementation phases and will provide advisory to 2 delegated public servants.

When the CoE experts finish their analysis of the Report on activities from the domain of the MoJPA related to improvement of status of minorities in judiciary, they will provide recommendations. As agreed previously and according to planned law amendments, the MoJPA

will start with implementation. The Consultant will provide assistance and advisory on this subject during this ongoing process.

The Consultant will be consulted in implementation phase of the projects funded out of IPA 13 for the MoJPA related to access to justice for minors, prevention of juvenile delinquency, implementation of diversion orders and anti-child trafficking.

2.3 Strengthening Resource Management and Aid Coordination

2.3.1 Over-Arching Objective

This activity aims at:

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

The following long term consultant was envisaged to be engaged:

Consultant for Justice Sector Policy and Data Analysis responsible for providing advisory services and direct support to the senior management of the MoJPA in issues related to strengthening resource management in the justice sector, especially in relation with donor-funded programs in the justice sector. The Consultant was expected to provide advice to senior management in the MoJPA on policies/actions to increase the effectiveness in the justice sector. The Consultant was expected to analyze data, analysis and provide advice on the basis of reports/studies and surveys on issues related to resource management.

The PIU invited individual consultants through advertisement in the newspaper, MoJPA and MDTF-JSS site, to indicate their interest in providing these services in October 2011 and the Evaluation Committee from the MoJPA performed the evaluation in November. The WB did not find that the awarded consultant's qualifications and the ToR correspond and proposed that the position be re-advertised with a revised ToR. The MoJPA decided not to pursue the recruitment of this consultancy assignment.

2.4 Strengthening Legal and Institutional Environment

2.4.1 Over-Arching Objective

This activity aims at:

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

The aims were originally expected to be delivered through outputs provided by consultants operating through the RFU in the MoJPA; and implementation of small-scale projects and capacity-building activities. The position of Legal Expert for the Reform of the Judiciary was publicly announced in 2011 and no qualified candidates submitted their CVs. Throughout 2012 no re-announcement of this position was made.

The Terms of Reference for Consultant for Prosecutorial Reform have been prepared and approved by the WB. This position is expected to be contracted by the end of year or in early 2013.

2.5 Modernization of Judicial Facilities and Infrastructure

2.5.1 Over-Arching Objective

This group of activities aims at:

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

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

Two local ICT Consultants were originally hired (one from March 16th and the other from July 1st), but one contract was terminated by mutual agreement in November 2011. The ToR for this position was slightly modified and the position was announced in December 2011. The contract was signed on January 31st 2012. Currently, two consultants are contracted till the end of December 2013, namely:

- ICT Consultant; and
- ACMS Expert/IT Expert.

Due to an additional contribution from SIDA (Swedish International Development Cooperation Agency) of approximately USD 770,000, made in December 2010, the originally planned ICT modernization strategy will be expanded. The consulting company was selected following Quality- and Cost-Based Selection (QCBS) procurement procedure and the contract was signed by the MoJPA on January 30, 2012. Following the request from company AAM the contract was extended till the end of 2012.

The Procedure for selection of consulting company for Detailed Technical Architectural/Engineering Designs for Renovation of Former Office Buildings for the Civil and Litigation Court in Belgrade was opened with preparation of ToR, evaluation of Expressions of Interest and continued through contract negotiations. The procedure was cancelled by the MoJPA because of unsolved legal and financial issues on government level in the beginning of 2012.

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

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

A significant project of the MoJ (at the time) was the implementation of the standardized court Case Management System called AVP in all courts of general jurisdiction (basic and higher courts). After the implementation of this CMS in higher court and basic court seats in August 2010, the MoJ initiated the implementation of this CMS in all the court units of the basic courts. This process has been finalized in January 2012. By achieving that, the AVP CMS has been implemented in 26 higher courts and 34 basic courts (34 court seats and 102 court units of basic courts) which included the provision of necessary hardware, modernization of the ICT infrastructure, development of the AVP CMS, as well as CMS user training (with over 4000 users being trained).

In parallel with the implementation of the AVP CMS, the MoJ worked on a project initiated under the IPA 2007 with the goal to develop and implement a new CMS called SAPS. After the change of the initial set-up of the project, it has been decided for this CMS to be implemented in the Supreme Court of Cassation, Administrative Court, all four courts of appeal, as well as the Basic Court in Sremska Mitrovica and the Higher Court in Sremska Mitrovica, as pilot courts for courts of those instances. SAPS is a court CMS based on a technologically advanced platform, as compared to AVP. This CMS has been implemented in all the expected courts, and the close-out of the project is expected by mid December 2012. With the realization of this project, a modern CMS solution will be implemented in courts of highest instances, as well as one pilot basic and higher court, which should enable a comparative analysis of the AVP CMS and the SAPS CMS in order for the MoJPA to determine whether a roll out of SAPS to all other courts of general jurisdiction would be the correct strategic direction. Based on the experience in implementation of the AVP CMS, the consultants were able to provide support to the project and the SAPS development/implementation partner.

Besides the activity dealing with the implementation of the court CMS, the consultants provided support to the MoJPA in the activities dealing with further development and maintenance of the implemented CMS solution. This has been done through analysis of change requests submitted by courts, or the conducted needs assessment of the courts and the MoJPA. Under these activities the consultants participated in the work of the *Committee for the standardization of the business applications*, but also conducted individual consultations with court representatives as a part of the needs assessment, followed with development of specifications of the needed CMS changes, written instructions for court representatives in regard to different elements of the AVP CMS, or organization and conduct of additional

trainings/seminars for court representatives. Some of the more significant outputs of these activities were i.e. the specification of the Court enforcer module as well as the Central Register of Enforcement Debtor application in the MoJPA.

The MoJPA is also currently involved in two parallel ICT projects funded under the IPA 2008, dealing with the public prosecutor offices and the prison administration. The first one is the supply of ICT equipment needed for the modernization of these segments of the judiciary and the support of the functioning of the CMS which is to be developed and implemented under the second project. The supply of equipment is expected to be finalized by the end of 2012, while the currently set date of finalization of the CMS implementation is September 2013. The applications being developed for the prosecutor offices (called SAPO) and the prison administration (SAPA) are based on the same platform as the SAPS software mentioned earlier. For this reason, a significant weight has been put on achieving interoperability between these applications. This might have an impact on the assessment whether it is sensible to change the existing AVP court CMS with SAPS.

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

A project which ought to provide a clear view on the current state of the ICT in Serbian judiciary sector as well as direction in which the ICT should go is the “Consultancy services to develop and ICT Strategy and Implementation Roadmap for the Justice Sector in the Republic of Serbia”, which started in February 2012. This project is significant for the MoJPA for several reasons. The main one is that by obtaining an five year ICT Strategy, the MoJPA would be able to have, as said earlier, a clearer view on the state of the current ICT structure in the judiciary, as well as to have an assessment of needs of the ICT in the judiciary and definition of strategic goals and means to raise the ICT capacity of the judiciary. If used properly, this Strategy can be a significant means for the MoJPA to identify possible ICT related projects, and to do that in a structured way in order to avoid project overlapping, which would provide optimized use of donor agency funds. The other reason why this project bears significance for the MoJPA, and not a lesser one, is that the management of this project has been entrusted to the MoJPA in order for the MoJPA to show maturity in handling of this kind of projects. The project was expected to be finalized by the end of 2012, but a project extension request has been initialized. The consultants have been actively involved in the project from its beginning with specific roles, as described in the project’s Inception Report. Currently, the project is exiting the diagnostic phase and entering the strategy development phase, where it will be necessary for the MoJPA to take a standpoint on certain ICT related issues, in order to determine the direction in which the final strategy should go.

The Republic of Serbia provided in the previous period legislative basis for the introduction of new judicial professions – the public notaries and the private enforcers (bailiffs), of which the private enforcers have already started to work in 2012. Having in mind the clear legislative distinction between the jurisdiction of the MoJPA and these institutions in ICT related issues, the MoJPA provided support to these institutions through the consultants, by developing drafts of specifications for development of CMS for notaries and private enforcers.

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

2.5.3. Planned deliverables for 2013

As indicated previously, in the upcoming period the MoJPA will need to make a decision whether to roll-out the SAPS CMS to all courts of general jurisdiction in the Republic of Serbia. In case that such a decision is made, it will be necessary to provide a structured plan for this during 2013. This plan will need to cover not only the necessary training and capacity building in the courts in order to change the existing CMS with a new one, but also the provision of necessary hardware to support this implementation and possibly also the change to the ICT network.

Another significant deliverable expected in 2013 is the finalized version of the ICT Strategy, as part of the project “Consultancy services to develop and ICT Strategy and Implementation Roadmap for the Justice Sector in the Republic of Serbia”. With a quality output – a five year ICT Strategy, it will be up to the MoJPA to plan the ICT activities of the MoJPA in alignment to this document. This would mean the identification of possible ICT projects for the justice sector, with defining the chronology of these projects and their specification.

Other significant deliverables expected for 2013 are the implementation of the SAPO and SAPA CMS for the public prosecutor offices and the prison administration, as well as the CMS for misdemeanor courts.

2.6 Outreach, Monitoring and Evaluation

2.6.1 Over-Arching Objective

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

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

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

These activities are delivered through outputs provided by consultants to the MoJPA operating through the RFU. The following long term consultants have been hired:

- Consultant for Monitoring and Evaluation, Communication and Media - local consultant contracted since July 1st 2011. The contract was amended on December 31st 2011 to extend the engagement until December 31st 2013.
- Advisor for Communications and the Media - local consultant was contracted from July 1st 2011 till March 22nd when it was terminated by mutual understanding.

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

As set out in the Program Framework, the main deliverable of the activity institutionalizing strategic communication was to be Draft Communication Strategy for the Ministry of Justice. The first draft was done in December 2011 by the Advisor for Communications and the Media, with the Consultant for M&E, Media and Communication and sent to the WB for translation. The second version was drafted in January 2012. The comments of the MoJPA are awaited. Incorporation of the Law on Free Legal Aid, upon the request of the WB consultant, is currently on hold in expectation of the adoption of the Law.

Serbian European Integration Office called upon the MoJPA to take part in commenting Draft IPA Communication Strategy for communicating funds and projects funded from Instruments for Pre-Accession to the wider public. Together with the Head of International Projects Department of the MoJPA, the Consultant for M&E, Media and Communication participated at the meetings on the Strategy and provided her comments to the Draft.

Several outreach activities of different scale but with the similar aim of increasing professional public awareness and participation in the activities of the MoJPA, were implemented during 2012. In January, the Ministry gathered stakeholders from all relevant bodies, institutions, organization, and donors to discuss further development of the draft National Judicial Reform Strategy of the Republic of Serbia, 2013-2018. The two day retreat in Arandjelovac provided excellent inputs for WB consultants working on the Draft. The comprehensive media campaign communicating justice sector reform and activities, the other planned output, is to be launched upon finalization and adoption of the NJRS and several laws and other strategic documents.

In September 2012, MoJPA was a host of visit of UNODC experts reviewing the implementation of the UN Convention against Corruption, UNCAC. The three-day event included meeting of the experts with representatives of relevant agencies, bodies, and institutions in order to receive information and data regarding the regulations and mechanisms applied in the fight against corruption in the Republic of Serbia. The expert report is expected at the beginning of the next year.

A series of roundtables across Serbia was organized by the UNODC in October on the subject of treatment during proceedings of victims of trafficking in human beings. Two MoJPA Consultants assisted organization and attended roundtables in Nis, Kragujevac, Belgrade and Novi Sad in order to monitor the implementation of the Special Protocol on Acting of Judicial Bodies in Protection of Victims of Human Trafficking in the Republic of Serbia. The RT gathered legal professionals from courts, prosecutors' offices, as well as police and lawyers, to discuss procedural difficulties and manner to overcome them when dealing with victims of human trafficking.

On November 15th, the MoJPA, Sector for European Integration and International Projects, hosted and chaired the traditional Justice Sector Partners' Forum with the purpose to engage in policy dialogue with partners and donors on future plans and activities of the Ministry in relation to the justice sector. Before more than 50 representatives of donor countries, governmental and non-governmental organizations and institutions, the current activities of the Ministry regarding legislative change were presented. All laws in the process of being amended and supplemented were listed, stating most important changes and novelties. Among the long list of laws, Assistant Minister, Mr. Simic, pointed out at the four important strategic documents in preparation (National Judicial Reform Strategy 2013-2018; ICT Strategy and Implementation Roadmap for the Justice Sector; Government Strategy on Fighting Corruption and Organized Crime; and Public Administration Reform Strategy). Assistant Minister, Mr. Backovic, gave in his presentation the overview of the key points from the Draft National Justice Sector Reform Strategy (2013-2018): Preparing the Judicial System for New Challenges. The second part of the meeting gave an opportunity to the invitees to comment on all said and pose questions to the State Secretary and the two Assistant Ministers present. Deputy Head of Delegation in Serbia, Mr. Adriano Martins, on the behalf of the EU offered extensive material and advisory support to the Ministry in its efforts to get in line with the obligations streaming from the process of EU accession.

The activities on strengthening monitoring and evaluation functions in the MoJPA to facilitate tracking and reporting continued in 2012 with preparation of a number of reports on different

aspects and sectors of the judiciary. Most important include: MDTF JSS RFU Annual Progress Report; Progress Report on Development of Bailiffs and Deputy Bailiffs; Progress Report on Development of Registry of Partnerships, Registry of Public Notaries; Annual Report on Courts in the Republic of Serbia (input for the Serbia Progress Report for the EC); EPD Report inputs (Serbia-EU Enhanced Permanent Dialogue); report on the Work of the Sector for European Integration and International Projects, etc.

The work on the main output of this activity, the Action Plan to implement the recommendations of the justice sector performance survey, was halted, as the recommendation had been included in the Draft NJRS 2013-2018 and the following Action Plan.

The consultant was also engaged in evaluation of work of the MoJPA, Sector for Judiciary, and need assessment. It resulted in drafting several project proposals with budgets for different calls for proposals (CoE, SIDA PROFID, MDTF, etc.), and inputs for training plan.

2.6.3 Planned Deliverables for 2013

The continuation of activities on institutionalization of strategic communication and outreach is envisaged for 2013, upon adoption in first place of the new National Judicial Reform Strategy for 2013-2018, scheduled for the end of March 2013, and a long list of laws currently being amended and supplemented for adoption in early 2013. The current Draft Communication Strategy will then be adapted to include all important new moments and novelties deriving from adopted legislation, as well as the introduction of the free legal aid system.

The extensive media campaign will be developed accordingly to include communication on all adopted legislation and strategic documents.

Organization of events and outreach activities will be conducted in line with the plans and schedule of the MoJPA for 2013.

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

3.1 Introduction:

The Program builds up the capacities of those MoJPA officials who are statutorily obligated to deal with free legal aid and access to justice. Initially, MoJPA capacity building will be delivered by enlisting the support and participation of RFU and other MoJPA staff in the various Bank-executed activities set out in Component 1, by engaging staff in knowledge sharing activities, and through daily interaction with the Bank's Senior Justice Specialist (SJS) as well as other, short-term Bank experts.

The program is being implemented over a two to three year period, from July 2011 to December 2013. Activities in this component are executed by the Serbian Ministry of Justice and Public Administration. These are supplemented by the activities executed by the World Bank.

Considering the central responsibility of the MoJPA in ensuring the compliance of Serbia's justice system with EU accession requirements, the Ministry recognized that institutional changes are instrumental for achieving major goals in relation to access to justice in the long term, and thus desires to begin the process of identifying key enhancement areas within the MoJPA. A comprehensive Strategy for the provision of free legal aid in Serbia was officially adopted by the Serbian Government in October 2010.

Initially, Access to Justice expertise in the RFU were comprised of two consultants sitting within the MoJPA working jointly with MoJPA officials and employees on access to justice and free legal aid issues.

- Consultant for Access to Justice - local consultant contracted since July 1st 2011. The contract was amended on December 31st 2011 to extend the engagement until December 31st 2013.
- Expert for Access to Justice - local consultant contracted on July 1st 2011 and terminated by mutual understanding on April 30th 2012.

The RFU may be expanded subject to need and availability of funds. The RFU is guided by the framework elaborated in the Strategy, thereby fully aligning its work with the Ministry's vision and goals. It acts as a key research and coordination resource for the Strategy Implementation Council (SIC) and its FLA Law Working Group throughout the legislative process and the subsequent rollout of the FLA system. The work of the RFU will be completed with the understanding that as the Program draws to a close, RFU staff will be eligible to compete for the MoJPA posts required to manage the FLA system.

According to the Strategy, the body ultimately responsible for answering these questions is the Strategy Implementation Council (SIC). In June 2010, the government appointed 9 expert stakeholders to the SIC, and also established a 9 member FLA Working Group comprised of 3 SIC members and 10 independent experts and stakeholders. The Working Group is primarily

responsible for amending the MoJPA's draft FLA law so that it conforms with the FLA Strategy. A Draft Law was presented for public consultation in December 2011. More details are given in section 3.3.

In addition, the Trust Fund covered the procurement and financing of events including round tables and conferences. The following paragraphs give more insight into rational of each specific event which was procured/financed by the PIU through MDTF-JSS funds.

World Bank FINSAC conference in Vienna was attended by RFU representative who informed the MoJPA in regards to the issue of whether the draft FLA Law should cover legal aid costs of insolvent enterprises under certain circumstances. In addition, participation at the conference provided her with an opportunity to learn how other European governments have handled this matter. This specific knowledge from the conference regarding the creation and promotion of alternate dispute resolution (ADR) mechanisms (i.e. mediation) by governments in the ECA region as a tool to facilitate out-of-court debt resolution was brought back to the MOJPA employees.

Attendance of Assistant Minister of the MoJPA at the round table on FLA in Zagreb in February, 2012, represented a great opportunity for president of the WG for drafting of Law on FLA to participate at the event covering related topics with Croatian Assistant Minister dealing with FLA and other participants.

3.2 Over-arching objective

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

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

The Consultant for Access to Justice assists in the design and establishment of an efficient Free Legal Aid system in Serbia, with a special focus on enabling access to justice to indigent population in both civil and criminal matters. In performing daily tasks, the Consultant works primarily with the Assistant Minister Mr. Simic and the Assistant Minister Mr. Backovic and closely cooperates with the WB SJS. The consultant assists in the preparation of reports in relation to access to justice, conducts related research and provides support in the organization of variety of events associated with MDTF activities at the MoJPA. Among every day activities in

the area of access to justice, the Consultant is also tasked to advise relevant working groups in the areas of her competence at the MoJPA.

Under the Activity Development of a legislative framework for free legal aid based on the Strategy for Free Legal Aid, the Draft FLA Law was prepared by the Working Group and presented at the public debate in December 2011. The Consultant has actively supported all the WG activities throughout the drafting process, research and comparative analysis. Following the public debate, the consultant was tasked to review all the received comments, analyze them and prepare the relevant ones for the WG consideration. Subsequently, the WG discussed the main comments and included them in the Draft accordingly. This new version of the Draft FLA Law has been sent to the CoE expertise in February 2012. The roundtable on CoE expertise was organized in June, with participation of diverse stakeholders. The suggestions offered by the CoE experts were in line with the working group attempts to determine a broader group of FLA providers and establish an independent body deciding upon FLA requests.

The RFU has sent the new version of the Draft FLA Law including the comments received after the public debate to all the participants of the public debate in order to timely obtain additional comments and suggestions. All the materials utilized in the drafting process, as well as the transcript of the public debate have been published at the MoJPA website and are therefore publicly available and transparent.

In order to address the key disagreements within the WG, the Consultant was tasked to draft a letter for professors of procedural law to provide FLA-related opinion on Art 85 of the Civil Procedure Code 2011. Similar letter was drafted and sent to the professors of constitutional law to provide FLA-related opinion on Art 67 of the Constitution of the Republic of Serbia. Analysis of the received letters on interpretation of Art 67 of the Constitution and Art 85 of the Civil Procedure Code was performed and the key concepts of the WG have been supported. Consultant remains in constant communication with relevant actors who provide important comments to the Draft for the purpose of further improvements. Moreover, the Consultant performs an ongoing analysis of the FLA systems in Europe. As a part of this activity, the latest CEPEJ publication has been translated and distributed.

Due to political changes, the SIC has not initiated its active functioning as the key institution responsible for implementation and monitoring of the FLA system. Moreover, the fact that law has not yet been adopted impacts the work of the SIC. Nevertheless, during 2012, relevant institutions and stakeholders have been informed about the key concept of the future Serbian FLA system as well as the main obstacles the MoJPA faces in determining the final provisions. Conducting the activity of Building of institutions responsible for implementation and overseeing the functioning of the Free Legal Aid System, the Consultant has been providing information to diverse stakeholders throughout the year, particularly focusing on the working groups working on the related laws such as Civil Procedure Code, Criminal Procedure Code, etc.

The Consultant performs ongoing informal consultations with key stakeholders and has established important linkages with key NGOs providing legal aid, legal clinics and Bar representatives. As a part of the FLA WG plan, a series of roundtable discussions with key stakeholders and provider groups has been organized during 2012. These meetings were mainly hosted at the providers' premises and they involved high level participation and successful

discussion. A number of important conclusions aroused following these roundtables. The Consultant was tasked to prepare relevant materials for these roundtables, organize the events, invite relevant stakeholders etc. She also facilitated discussions with key stakeholder groups across Serbia on key results and challenges and received input that was further elaborated within the working group. Moreover, the working group representative from the MoJPA participated at the Conference on legal clinics as legal aid providers in Zagreb Croatia, in order to continue the activity of Building capacity of providers of Free Legal Aid.

The Consultant provides ongoing advisory to public servants at MoJPA regarding drafting of laws that are linked to access to justice for indigent population in Serbia, refugees and asylum seekers, Roma and other vulnerable groups, under the activity Increased efficiency at the Ministry of Justice. That is, the Consultant informs relevant parties of the provisions of the FLA Law and future system functioning. As a contact point at MoJPA, the Consultant is providing regular support and inputs in preparation of different comprehensive reports drafted by the Ministry. The Consultant also provides information to the Department for Normative Affairs in the context of other laws being amended, and offers relevant inputs for these changes. Staff at the MoJPA has also been informed about important changes to be introduced by the FLA Law once passed. In this line, the Consultant also performs communication with external bodies and provides info on the current state of FLA Draft Law. The Consultant took part at the Debt Resolution Conference in Vienna organized by the World Bank Group and subsequently informed the working group and MoJPA staff on key conclusions and important knowledge shared by the participants. This conference was particularly focused on mediation as a method to resolve specific debt-related disputes and it also addressed the concept of legal entities as free legal aid beneficiaries. Compilation of the report on FLA activities has also been prepared by the Consultant and submitted to the MoJPA.

Draft Communication Strategy for the Ministry was prepared during 2012 and the input by the new MoJPA management is expected. Incorporation of relevant information on the Draft Law on Free Legal Aid is in progress, pending on the timing of the Law adoption and publication of the Strategy. Greater focus on FLA in the communication Strategy has been agreed with the WB and the Consultant performs ongoing records keeping in this regard with the aim of Creation of monitoring and evaluation systems and capacities.

The Consultant has been following all the RCCP (Review of Criminal Chain Process) activities, participated at the meetings and overall updated information on this co-occurring project. The data analysis that will result from the RCCP work will be of great value for informing FLA Draft Law on the key entry points of an individual in the criminal justice system in Serbia. These points should ideally be included in the Draft and therefore following up on data and conducted research is one of the ongoing activities of the Consultant. Another important aspect related to the criminal justice system refers to the amendments to the Criminal Procedure Code performed in 2012. The Consultant has actively been following all the changes and has attempted to impact potential amendments to the Art 77 of the Criminal Procedure Code aiming to enable broader access to justice to indigent population. In cooperation with WB SJS, research was performed on similar provisions in the EU and Council of Europe member states.

3.3 Planned Deliverables for 2013

During 2013, the Consultant will continue to serve as a key research and coordination resource for the SIC and its FLA Law Working Group throughout the legislative process and the subsequent rollout of the FLA system. Draft Law is to be adopted in 2013, which will impact other relevant MoJPA activities. The Consultant will maintain the ongoing information sharing with FLA WG on results/objectives and planned activities.

The key information on free legal aid will be incorporated in the Communication Strategy. In case the Law is timely adopted, monitoring capacities in relevant institutions will be strengthened through specialized training (e.g. joint workshops).

The Consultant will engage in further activities focused on the inclusion of the FLA Working Group in drafting the bylaws associated with the FLA Law implementation. Likewise, consultations are in progress to determine the work plan for supporting the SIC.

The consultant will finalize the data collection aimed at informing the WB executed cost analysis. Data is obtained from the municipalities, the Bar Association and previous pilot FLA projects such as the UNDP-led project. Translated data set will be submitted to the WB for further cost effectiveness study - Fiscal Impact Assessment.

In line with MoJPA plan for 2013, the Consultant will perform a comparative study on methods of covering the costs of mandatory defense lawyers and experts in cooperation with the WB SJS.

The institutions that will be responsible for the implementation and overseeing of the FLA system will require specialized training to adequately perform their tasks. Upon the adoption /passage of the law, their staff will go through specific training regarding law implementation and best practices in monitoring the free legal aid system will be presented. In that respect, the Consultant will design the training module in cooperation with the WB SJS. Practical obstacles that will be identified during initial implementation will be of major importance for further adjustments of the system to increase its efficiency.

The future providers of free legal aid will be trained to implement the new law, work effectively and utilize new technology. However, the planned capacity building will initiate following the Draft Law adoption. This activity is of major importance for the effective establishment of the FLA system and will therefore be the focus of the planned actions. Upon passage of the FLA Law, preliminary support to legal aid providers regarding standard procedures will be provided.

The development of MoJPA internal operating procedures for the delivery of competencies established by the FLA Law is still pending, as it is associated with a variety of external factors. The Annual Training Plan being developed for the 2013, shall focus on the MoJPA staff that is most suitable for FLA-related trainings. One of the key areas that will be sought refers to capacity building regarding FLA system maintenance. The Consultant shall identify these individuals, draft their training plan and organize the travel/visit to the specified location. The suggested plan may be subjected to changes in case more effective trainings are available throughout 2013.

The Consultant will provide relevant input regarding Access to Justice component for the new National Judicial Reform Strategy which is to be adopted by the end of March 2013.

The Consultant will also provide info for the projects funded out of IPA 2013 for the MoJPA related to access to justice.

Whit regards to the RCCP, further analysis will be performed on the waiver of the right to counsel in the beginning of 2013. Research on ECHR case law on adequate notice of a right to (state paid) counsel will be finalized and discussed with relevant stakeholders at the MoJPA.

4 DISBURSEMENTS

DISBURSED based on IFR for the period ending September 30th 2012 sent to WB

4.1 Overall Disbursements

WB FUND

Grant Amount	\$2,700,000
Disbursed	\$ 646,740.90
	*\$536,980.69 Designated Account
	*\$109,760.00 Direct Payment
<hr/>	
Undisbursed Amount	\$2,053,259.31

GOS

Contracted Amount	\$369,996.00
Disbursed Amount	\$189,520.68

4.2 Disbursements/Uses of Funds

4.2.1 Total Uses of Funds Based on Categories

(CS, TR, G) \$706,567.55

4.2.2 Total Uses of Funds Based on Components

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

Financed by WB

2.1 - Technical Assistance for Establishing a Reform Facilitation Unit at the MoJPA	\$338,593.94
--	--------------

2012 MDTF-JSS Annual Progress Report

2.2 - Technical Assistance to Improve Access to Justice	\$ 92,019.96
2.3 - Other	\$ 86,432.97
<hr/>	
<i>Sub-total financed by the WB</i>	<i>\$517,046.87</i>
<hr/>	
<u>Financed by GOS</u>	
2.1 - Technical Assistance for Establishing a Reform Facilitation Unit at the MoJPA	\$111,446.74
2.2 - Technical Assistance to Improve Access to Justice	\$ 30,860.94
2.3 - Other	\$ 47,213.00
<hr/>	
<i>Sub-total financed by the GOS</i>	<i>\$189,520.68</i>
<hr/>	
<i>Total uses of funds</i>	<i>\$706,567.55</i>
<hr/>	

4.3 Projected Disbursement for Remainder of Project by Calendar Year

Ending December 31st 2012 all outstanding amounts from GOS related to previous period related to 20% contributions will be paid.

5 CONTRACTED AMOUNTS

Total Contracted Amount \$1,849,978.00

*TF \$1,479,982.00

*GOS \$369,996.00