

**Ministry of Justice
of the Republic of Serbia**

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

**Annual Progress Report on
Recipient Executed Activities
for 2014**

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

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ABBREVIATIONS

AP	Accession Plan
AtJ	Access to Justice
CEPEJ	CoE's European Commission for the Efficiency of Justice
CoE	Council of Europe
EC	European Commission
EU	European Union
FLA	Free Legal Aid
FR	Functional Review
GRECO	Group of States against Corruption
HJC	High Judicial Council
IPA	Instruments for Pre-Accession Assistance
JA	Judicial Academy
LFLA	Law on Free Legal Aid
MDTF-JSS	Multi Donor Trust Fund - Justice Sector Support
MoF	Ministry of Finance
Mol	Ministry of Interior
MoJ	Ministry of Justice
MPALS	Ministry of Public Administration and Local Self-government
NJRS	National Judicial Reform Strategy
NPAA	National Programme for the Adoption of the Acquis
OHMR	Office for human and minority rights
OECD	The Organization for Economic Co-operation and Development
PIU	Project Implementation Unit
PP	Procurement Plan
RAFU	Reform/ Accession Facilitation Unit
RCC	Regional Cooperation Council
SCC	Supreme Court of Cassation
SEIO	Serbian European Integration Office
SPC	State Prosecutorial Council
SPN	Specific Procurement Notice
ToR	Terms of Reference
UNDP	United Nations Development Programme
WB	World Bank
WG	Working Group

EXECUTIVE SUMMARY

The objective of the Multi Donor Trust Fund for Justice Sector Support is to provide support for strengthening and advancing the justice sector reform in the Republic of Serbia in order to facilitate its integration to the European Union. The Project consists of the following parts:

Part A: Justice Sector Reform / Accession Facilitation Unit

Provision of support for the establishment and operation of a Justice sector Reform Facilitation/ Accession Unit (RAFU) in the Ministry of Justice (MoJ), that will facilitate and coordinate the justice sector reform program. This shall include: (i) provision of consultants' services, goods and training to the MoJ and the RAFU for preparation of technical and policy papers, strategic planning, effective aid coordination, and project design and management in the justice sector; and (ii) provision of consultants' services and goods for organizing learning events, including conferences and public campaigns to promote the justice sector reform.

Part B: Access to Justice

Provision of support for improving access to justice through provision of consultants' services, training and goods for (i) developing a legislative framework for free legal aid; (ii) facilitating the establishment of national and local institutions responsible for overseeing the free legal aid system; (iii) building the capacity of free legal aid providers; (iv) increasing the efficiency in the MoJ; (v) facilitating knowledge-sharing; (vi) carrying out a public awareness campaign; and (vii) creating monitoring and evaluation systems and capacities in the MoJ.

Strategic documents prepared by RAFU

Key achievements of the RAFU consultants in this period were drafting and the revision of the Action Plan for Chapter 23¹:

Also, RAFU consultants prepared parts of inputs for Progress Report 2014² in the areas of Judiciary, Fight Against Corruption and Fundamental Rights, as well as parts of the National Programme for the Adoption of the Acquis (NPAA)³ related to Judiciary, Fight Against Corruption and Fundamental Rights.

Last but not least, the RAFU consultants drafted and updated further documents: Action Plan for the National Strategy for the Reform of Judiciary⁴, Report on CSO involvement in

¹[http://www.mpravde.gov.rs/files/AP%20PG%2023%20konacna%20verzija%20\(1\).pdf](http://www.mpravde.gov.rs/files/AP%20PG%2023%20konacna%20verzija%20(1).pdf)

²http://www.seio.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/serbia-progress-report14.pdf

³ http://www.seio.gov.rs/upload/documents/nacionalna_dokumenta/npaa/npaa_eng__2014_2018.pdf

⁴ Update of Action Plan for the National Strategy for the Reform of Judiciary

negotiation process for Chapter 23⁵ and Standardized Methodology for Budgeting Action Plans for Chapters 23 & 24.

Results

In 2014, the following results were achieved with MDTF-JSS funding:

- more than 100 people were trained
- 1 study tour was undertaken
- 4 meetings (explanatory, plenary, etc.) were held.

In addition, MDTF-JSS consultants provided technical assistance to the Government of Republic of Serbia and other stakeholders in the form of guidelines, policy notes, comparative analyses, etc.

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 (MoJ), to serve as a mechanism to pool donor contributions for financing a coordinated work program in support of the MoJ 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 MoJ, 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).

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

⁵ <http://www.mpravde.gov.rs/tekst/7715/drugi-nacrt-akcionog-plana-za-poglavlje-23.php>

This report covers the activities implemented by the Government-executed part of the Trust Fund in 2014, namely the activities of the Project Implementation Unit (PIU) and Reform / Accession Facilitation Unit (RAFU).

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

- Procurement Specialist - local consultant contracted to perform the services during the period commencing April 1, 2011 and continuing through December 31, 2015.
- Financial Management Specialist - local consultant contracted to perform the services during the period commencing March 1, 2011 and continuing through December 31, 2015.

1.2 Component Descriptions

- *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 of 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 MoJ staff and other relevant staff, policy dialogue and surveys.

Component 2 is Government-executed and provides technical assistance to the MoJ through the support given to Reform/ Accession Facilitation Unit in the Ministry of Justice and Supreme Court of Cassation.

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

The establishment of the RAFU is also envisioned to contribute to longer-term capacity building at the MOJ and the Judiciary, and lay sustainable foundations for in-house capacity within the

Serbian justice sector institutions to plan, sequence, implement and monitor justice sector reform activities in Serbia.

1.3 Relevant Key Developments in the Justice Sector in 2014

i) Institutional Capacity

- During 2014 RAFU consultants had various meetings with relevant institution representatives regarding methodology of the Action Plan for the Chapter 23 (drafting methodology, indicators, budget, etc.)

RAFU consultants were involved in drafting Action plans for other negotiation chapters such as: Chapter 3, 4, 7, 24, 27.

ii) Resource Management and Aid Coordination

- One of the most prominent contributions was drafting the estimation of costs of activities in the Action Plan for Chapter 23 (Second Draft). This allowed the MoJ to predict how much financial resources Serbia needs for the realization of the AP for Chapter 23. Special attention was paid to reduce the additional budgetary costs to the minimum and in the same time maximize the utilization, reorganization and coordination of the resources (presented in each activity through: the structure of the costs, their dynamic, and sources of funding). This activity was performed in the MoJ as well as in other institutions which are involved in this process.

iii) Legal and Institutional Environment

There had been various activities regarding drafting changes of the following laws:

- Law on enforcement and security claims
- Law on Public notaries
- FLA
- Criminal Code
- Criminal Code Procedure
- Mutual legal assistance law in civil matters
- Drafting the Law on the HJC and Law on the SPC

iv) Judicial Facilities and Infrastructure

- During this period there were no ICT activities supported by the MDTF.

v) Outreach, Monitoring and Evaluation

- The MoJ supported the delivery of the Brochure “Public Notaries: Who Are They and What Do They Do“. The Brochure provides information about role and competencies of the public notaries.
- The preparation of Newsletters about MoJ activities related to Serbia's EU integration, Judicial Reform, and the fight against organized crime and corruption was very active. The Newsletters were sent to all Serbian Embassies and Consulates in the EU and China, Canada, USA and Australia. The Newsletters were also sent to all foreign Embassies and Consulates in the Republic of Serbia.
- In 2014, number of promotional activities were realized: Promo video spot (Directorate for the Administration of Seized Assets), Promo campaign of the new Law on misdemeanors “Respect the Law, Support the Order“, Promo video spot related to introducing of public notary system into Serbian judicial system and several infographics for the promotion of MoJ activities defined by NJRS 2013-2018 and National Anti-Corruption Strategy.
- In addition, media training for the Ministry's officials related to communication skills improvement and public appearance manner (in compliance with the objectives and measures defined by the Action Plan for the NJRS 2013–2018) was conducted.

2 Sub-Component 2.1: Reform/ Accession Facilitation Unit

2.1 Introduction

This sub-component funds the maintenance of a RAFU team that provides expert advice, recommendations and technical assistance at the Ministry of Justice. Tasks include drafting of technical and policy notes and papers, input to strategic planning, facilitation of aid coordination and effectiveness, project design and implementation.

The RAFU has a double purpose: (1) to provide technical assistance to justice sector to prepare and implement the AP Ch. 23 and to implement the NJRS and AP, and (2) to build capacity within MOJ so that they can operate sustainably. RAFU staff focuses on reform and alignment related activities that are aligned to the priorities identified under the MDTF-JSS, as well as ongoing accession process activities, which represent the key priority of the MoJ, while building staff capacity of the MoJ to develop and implement policy in these areas.

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

2.2 Procurement and Training Activities

a) Meetings

- With the support of the MDTF-JSS, the PIU organized the attendance of the MDTF Consultant for International Cooperation, to participate in an explanatory screening meeting in Brussels. On January 30–31, 2014, the European Commission (EC) organized an explanatory screening meeting in Brussels on Chapter 3 – Right of Establishment and Freedom to Provide Services. During the meeting, four major aspects of the acquis were analysed – mutual recognition of professional qualifications, including sector specific mutual recognition, postal services, and the right of establishment and freedom to provide services. The first day of the meeting began with an in-depth presentation by the EC experts of the overall system of mutual recognition of professional qualifications under the Directive 2005/36/EC which applies to the recognition of professional qualifications when a profession is regulated in a host Member State. During the second day of the screening, two of the “fundamental freedoms” – the right of establishment and freedom to provide cross border services were presented, through a detailed explanation of the central piece of acquis in this area – the Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market⁶. In the closing remarks, the EC stressed that given the complexity and longer term horizon of Chapter 3, much has to be done on both sides until the Screening Report in order to ascertain a realistic position from the side of Republic of Serbia and assessment from the side of EC. The EC urged the Serbian representatives to apply as soon as possible for TAIEX workshops and Twinning projects in order to assess the necessary steps in the implementation of the Service Directive and Directive on the recognition of professional qualifications. The Serbian representatives were requested to send the available relevant legislation in English as well as existing tables of concordance. The EC is expected to submit answers to questions posed at the explanatory meeting which were left open.



- The Delegation of the Republic of Serbia⁷ with the support of the MDTF-JSS and the PIU visited Montenegro on March 3, 2014. Host to the Serbian delegation was Montenegro’s Ministry of

⁶ “General Services Directive”

⁷ Tanja Mišćević , Head of the negotiating team of the Republic of Serbia; Čedomir Backović, Assistant Minister of Justice, Chairman of the Negotiation Group 23; Radomir Ilić , Special Adviser to the Minister of Justice; Mirjana

foreign affairs and European integrations - Office of Chief Negotiator. Main topic of plenary meeting was the methodology and supervision of the implementation of the Action Plan for the negotiations with the EU. Representatives of the negotiating groups for chapters 23 and 24 shared their experiences of the process of preparation and the negotiations within the framework of these two chapters and answered many questions from members of the delegation of the Republic of Serbia.

At the end of the meeting it was agreed that this form of bilateral cooperation should be continued through alternating meetings and exchange of experiences in Belgrade and Podgorica.

- With the support of the MDTF-JSS, the PIU organized the attendance of the MDTF Consultant for the criminal justice reform, to participate in the meeting of the First Sub/Committee on justice, freedom and security in Brussels, June 5-6, 2014. The Consultant took part in the meeting of the First Sub/Committee on justice, freedom and security by preparing reports and answering on questions relevant for point 2.1. of the agenda *Review of the implementation of the 2013-2018 National Judicial Reform Strategy and Action Plan* as well in the part relevant for point 10 Revising the Criminal Code /Chapter XX/ financial crimes. In relation with prosecutorial reform there were four relevant topics- constitutional amendments relevant for strengthening independence and accountability and Law amending Law on the State Prosecutorial Council, appointment of an additional deputy public prosecutors and drafting/adoption of Rulebook on criteria for appointment of public prosecutors and deputy public prosecutors. MoJ reported that the Ministry established working group for drafting Law amending the Criminal Code with aim of revising provisions of the Criminal Code related to economic crime, abuse of office and abuse of position⁸. The working group held joint meeting with TAIEX expert prof. Vid Jakulin and decided to resolve problem of offences from Art. 359 and 234 as a priority and, after that, to revise all financial offences in the Criminal Code.



Mihajlovic, Special Adviser to the Minister of Justice; Milica Kolaković-Bojovic, Consultant for criminal justice reform; Vanja Vukic, State Secretary in the Ministry of Interior and Chairman of the Negotiating Group 24; Natasha Milidragović, Secretary of the Negotiating Group; Zoran Lazarov, Deputy Secretary of the Negotiating Group; Srdjan Majstorovic, Deputy director of the Office for European Integration; Sanja Mešanović, the Office for European Integration; Milica Saracevic, the Office for European Integration

⁸ Article 359 and 234 of the Criminal Code

- Representatives of the Ministry of Justice⁹, met with representatives of European Union Agency for Fundamental Rights and representatives of DJ Justice dealing with IPA fund in Brussels, September 17-18, 2014. On the first day of visit Serbian delegation held two meetings. Theme of the first meeting was: Serbia's participation as observer in the Fundamental Rights Agency – the next steps. Representatives of FRA presented which are the next steps that need to be done for obtaining observer status at the European Union Agency for Fundamental Rights. Financial participation plan was presented and procedure restoring part of the funds through IPA funds was explained. Theme of the second meeting was information and discussion on Serbia's possible participation in the two new EU programmes under the responsibility of DG Justice, i.e. the EU "Justice" programme and the EU "Rights, equality and citizenship" programme, for the period 2014-2020. At this meeting, the procedures for the application was presented. On the second day Serbian delegation held Meeting with representatives of DJ enlargement regarding comments on the Action Plan for Chapter 23.



b) Study Visits

- Delegation of the MoJ¹⁰ visited Ministry of Justice UK, London, from March 9 to March 13, 2014. Study visit was aimed at presentation of UK legal justice system especially in relation with improvement of court proceedings efficiency. The main topics were: Recording of hearings in criminal proceedings, court statistics, establishing free legal aid system, case management and negotiation process- Chapter 23.

⁹ Delegation of the Ministry of Justice was composed of Čedomir Backović, Assistant Minister for European Integration and International Projects and Head of the Negotiating Group for Chapter 23, Vladimir Vukićević, MDTF consultant for human rights, Milica Ostojić, legal adviser in MoJ, sector for European Integration and International Projects

¹⁰ Members of the delegation were Čedomir Backović, Assistant Minister for European Integration and International Projects, Biljana Pavlović, Director of the Directorate for the Administration of Seized Assets and Milica Kolaković-Bojović, MDTF Consultant for Criminal Justice Reform

Visit started with introduction meeting with Barry Snelgrove, Riaz Patel and Kimberley Davis from International Project team, Ministry of Justice UK. The meeting was aimed at twinning project methodology, including examples of successful cooperation with third countries.

Topic of second meeting was court statistics and data bases and Serbian delegation was represented the central information system of UK justice.

The first day of visit was finished by meeting with representatives EU enlargement and FCO Western Balkans Team¹¹. They supported idea of Serbia EU integration process and suggested various types of cooperation and support in the future negotiation activities.

The second day of visit started with meeting of Serbian representatives with Amrita Ohbi, international relations and Chapter 23 specialist. The central topic of meeting was Serbian status in the EU negotiating process and future challenges in that process. Mrs. Ohbi offered help in various activities related to EU integrations including the best practice on examples of recently joined countries.

Establishing an effective free legal aid system was topic of the next meeting. Representative of Free Legal Aid Agency Simon Stanley, presented to Serbian delegation with free legal aid system in UK functioning and reform with focus on costs and number of users reduction, and possibilities for abuse of right on free legal aid.

Case management and internal proceedings was topic of the second day closing meeting with Enzo Riglia, Head of Crown Court Improvement Branch, HMCTS.

On the agenda of the last day of visit, was meeting with Mr. Henry Brooke director of the Slynn Foundation and Alison Fenney, executive director of the Foundation. The meeting was aimed at consideration of areas that are potentially adequate for cooperation between MoJ and Foundation, through the activities of experts.

Recording of hearings in criminal proceedings, data bases and transcripts were topics discussed with Harry Panagopoulos, Head of Contracted Services and Performance, HMCTS. Mr. Panagopoulos stated that there are several potential problems in the process of establishing efficient system of recording and data storage, related to access to bases, costs of transcripts, etc.

Study visit is closed by meeting with judges of the Southwark Crown Court and observing of the jury criminal proceeding aimed at regarding earlier discussed solutions and mechanisms on the practical examples.

¹¹ Claire Lawrence, (Deputy Head of WBE), Peter Wilkinson (Serbia FCO Desk) & Nick Ryder (FCO Twinning and programmes team)



c) RAFU Composition and mandate

The RAFU based in the MoJ comprised of 12 consulting positions in 2014 (whereby the Consultant for the Reform of Civil Law System terminated contract by mutual agreement with the MoJ and new consultant was contracted):

- Consultant for the Reform of Criminal Justice System¹²,
- Consultant for the Reform of Civil Law System¹³
- Consultant for Access to Justice¹⁴,
- Consultant for the Reform of the Judicial Network¹⁵
- Consultant for Judicial Academy Competency/Education¹⁶
- Consultant for Constitutional Framework¹⁷,
- Consultant for Outreach and Communication¹⁸,
- Consultant for the Reform of Legal Professions¹⁹,
- Consultant for Human Rights²⁰,
- Consultant for Anticorruption²¹,

¹² Part- time local consultant contracted to perform the services on lump-sum basis during the period commencing March 1, 2014 and continuing through December 31, 2014

¹³ Full-time local consultant contracted to perform the services during the period commencing February 24, 2014 and continuing through September 16, 2014 when it was terminated by mutual agreement

¹⁴ Full- time local consultant contracted to perform the services during the period commencing February 24, 2014 and continuing through December 31, 2014

¹⁵ Full- time local consultant contracted to perform the services during the period commencing March 31, 2014 and continuing through December 31, 2014

¹⁶ Full-time local consultant contracted to perform the services during the period commencing March 1, 2014 and continuing through December 31, 2014

¹⁷ Full- time local consultant contracted to perform the services during the period commencing March 1, 2014 and continuing through December 31, 2014

¹⁸ Full-time local consultant contracted to perform the services during the period commencing February 24, 2014 and continuing through December 31, 2014

¹⁹ Full-time local consultant contracted to perform the services during the period commencing February 24, 2014 and continuing through December 31, 2014

²⁰ Full-time local consultant contracted to perform the services during the period commencing February 24, 2014 and continuing through December 31, 2014

- Consultant for Justice Sector Data Analysis/ Budgeting²²,
- Consultant for Administrative Courts System²³, and
- Consultant for the Reform of Civil Law System²⁴.

- As part of procurement activities, in December 2013, the PIU announced specific procurement notice (SPN) for 12 RAFU consultants²⁵ with deadline for submission of expressions of interest January 13, 2014. The SPN was announced on the MDTF-JSS and MoJ site, in the daily newspaper Politika (edition for the whole country) and widely circulated through MDTF-JSS donors. The consultants were selected in accordance with the Guidelines Selection and Employment of Consultants under IBRD Loans and IDA Credits & Grants by World Bank Borrowers dated January 2011. Interviews with short listed candidates were held on January 15 and 16, 2014 and evaluation reports were submitted to the World Bank for review on January 23 and 31, 2014. As agreed at the Management Committee meeting, the WB disseminated evaluation reports to the donors for their clearance. After their No Objection to the contract awards, contracts with 12 RAFU consultants were signed.

- After termination of contract with the Consultant for the Reform of Civil Law System in September 2014, the MoJ and PIU prepared slightly modified Terms of Reference and SPN to be announced for new consultant. The SPN was announced on the MDTF-JSS and MoJ site, in the daily newspaper Politika (edition for the whole country) and widely circulated through MDTF-JSS donors. The consultants were selected in accordance with the Guidelines Selection and Employment of Consultants under IBRD Loans and IDA Credits & Grants by World Bank Borrowers dated January 2011. Interviews with short listed candidates were held on 17 October, 2014 and evaluation report was submitted to the World Bank for review on 21 October. The WB provided No Objection to the contract award on November 5 and consultant commenced his services on November 17, 2014.

- As part of procurement activities, in December 2014, the PIU started with the activities to extend RAFU contracts. A proposal for continuation of the RAFU support to the MoJ as well as three new additional consultants in areas which fall within the jurisdiction of the SCC²⁶– was prepared together with a detailed financial proposal and organogram. The new RAFU was

²¹ Full-time local consultant contracted to perform the services during the period commencing March 1, 2014 and continuing through December 31, 2014

²² Full-time local consultant contracted to perform the services during the period commencing March 1, 2014 and continuing through December 31, 2014

²³ Part-time local consultant contracted to perform the services during the period commencing March 1, 2014 and continuing through December 31, 2014

²⁴ Full-time local consultant contracted to perform the services during the period commencing November 17 2014 and continuing through December 31, 2014

²⁵ Consultant for the Reform of Criminal Justice System, Consultant for the Reform of Civil Law System, Consultant for Access to Justice, Consultant for the Reform of the Judicial Network, Consultant for Judicial Academy Competency/Education, Consultant for Constitutional Framework, Consultant for Outreach and Communication, Consultant for the Reform of Legal Professions, Consultant for Human Rights, Consultant for Anticorruption, Consultant for Justice Sector Data Analysis/ Budgeting, and Consultant for Administrative Courts System

²⁶ Backlog reduction and acceleration of court proceedings, uniform statistic reporting and data management as well as harmonization of jurisprudence

planned to have a double purpose: (1) to provide technical assistance to the justice sector to prepare and implement AP Ch. 23 and to implement the NJRS and AP, and (2) to build capacity within the MoJ/SCC so that in the future they can operate sustainably without external gap-filling after 2015.

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

1. Consultant for the Reform of Criminal Justice System.

Considering the need for updating the Action plan for implementation of the NJRS 2013-2018 as well as drafting of the Action plan Ch. 23, the Consultant submitted two-phase assessment on the implementation status of the prosecution reform and the efficiency of the existing mechanisms of implementation of prosecution reform activities (the first one-by the end of March and the second one-by the end of July).

As a member of the working group for drafting amendments to the Law on the State Prosecutorial Council that are aimed at increasing accountability in prosecutorial structures, as well as strengthening independency and transparency of SPC work, the Consultant has submitted analyses of EU standards, comparative law provisions and the best practices. The Consultant has submitted several drafts of amendment to the Law as well as Report on the working group activities for Venice Commission experts.

As the strengthening skills and capacities of MoJ, SPC and RPPO staff is one of the Consultant's work priorities, she coordinated organization of several important trainings, workshops and round tables create to improve skills and knowledge in the area of EU integrations, strategic planning, assessment and evaluation, etc.

- In cooperation with Ministry of Interior, supported by GiZ, the Consultant has organized and coordinated 4 days long training for members of Negotiation group for Chapter 23, related to methodology of drafting strategic documents, defining impact indicators and monitoring of implementation of strategic documents. (Belgrade, May 19-22).
- In cooperation and with support of GiZ, the Consultant organized workshop for MoJ staff related to IPA 2 knowledge and skills. (Belgrade, May 26).
- In cooperation with PLAC Project, the Consultant coordinated organization of 3x5 days long visits (May/November) of Slovenian expert Polona Cufer Klep. Mrs. Cufer is expert in the area of budgeting of action plans. The expert presented methodology of budgeting to members of Negotiation Group for Chapter 23.
- In cooperation and with support of GiZ, the Consultant coordinated organization of the workshop (Montenegro, June 12-13) for the members of Negotiation group for Chapter 23. The main goal was exchange of experiences between Serbian representatives with their colleagues from Montenegro.

- In cooperation with Office of Government of Republic of Serbia for cooperation with civil society and with support of GiZ, workshop lead by Mr Kristian Turkalj on inclusion of civil society in negotiation process. (Belgrade, October 28th)

Bearing in mind new, expanded responsibilities of public prosecutors in accordance with CPC 2011, the Consultant took part in work of the Steering Committee for Implementation of the New Serbian Code of Criminal Procedure EU Project trying to use own experience related to teaching Criminal law and procedure to make trainings for public prosecutors under the 1st project's component more efficient.

The National Assembly of Republic of Serbia enacted Law on the Enforcement of Criminal Sanctions as well as Law on the Enforcement of Non-Custodial Sanctions and Measures on May, 23, 2014. In cooperation with RAFU Consultant for fundamental rights, the Consultant for the Reform of Criminal Justice System assessed new law provisions regarding recommendations from Screening Report.

2. Consultant for the Reform of Civil Law System.

The Consultant for the Reform of Civil Law System was engaged on the preparation of the deliverables concerned the analysis, consultations and inputs regarding relevant domestic, regional and the EU legislation in the field of civil law, as well as the relevant case-law of the European Court of Human Rights and the European Court of Justice. The tasks and activities in which the Consultant had to and took part, were numerous and included, among others, the following: update and the implementation of the national Action Plan for the Implementation of NJRS; various activities related to the action plans for the Chapters 23 and 24 and negotiation activities for the Chapters 2, 4 and 8; update of the NPAA; following of the property law related legislation activities; following of the work of various working groups of the MoJ which worked on draft laws in the field of civil law; following of the implementation of the CPC and the Law on Enforcement and Security; following of the jurisprudence of the Supreme Court of Cassation and lower courts; providing commentaries on the draft laws and adopted laws, etc.

3. Consultant for Access to Justice.

Details about Consultant's work and ATJ activities are given in a separate part of this report under "Subcomponent Access to Justice".

4. Consultant for the Reform of the Judicial Network.

The Consultant supported the MoJ by providing appropriate analytical and advisory services related to preparation/analyses of some specific documents:

- National Plan for the adoption of the *Acquis* (NPAA) - the Consultant was in communication with the High Judicial Council (HJC) and the State Prosecutorial Council (SPC) and their Administrative offices, strengthening their capacities by providing them necessary support and advisory in the process of collecting and compiling data relevant to strategic decision making in order to analyze current state and define planned activities and necessary resources in the process of accession.
- Screening report – the Consultant provided advisory to the MoJ Department for EU Integration and Department for normative affairs, and to the secretaries of the HJC and SPC

administrative offices related to specific EC recommendations and input related accomplishment full harmonization with relevant EU standards and specific solutions within the UN and CoE documents, on importance of the Action plan for the Chapter 23, the content and purpose of the mentioned Action plan.

- The European Commission's 2014 Progress Report for Serbia – the Consultant was providing necessary support to the MoJ staff related to explanation of relevant comments on necessary further improvements in the process of judicial reform, including explanation of relevant international standards and examples of good practice.

- The Consultant was providing necessary input related to monitoring and reporting related to the implementation of the NJRS and the AP in specific strategic guidelines, measures and activities and in accordance with determined time frame within the Action Plan for the NJRS implementation.

With regards to the envisaged update of the AP for the implementation of the NJRS, the Consultant was gathering all relevant information including all inputs and reports from judicial institutions related to fulfillment of measures and activities from the AP, including analyses of relevant activities and status of fulfillment and necessary recommendations. On May 23, 2014 the Government of the Republic of Serbia adopted updated AP.

In providing support to the implementation of specific measures and activities related to the establishment of an efficient system of allocation of judges, the Consultant was involved in drafting the report on fulfillment of these measures in the process of the AP update (mentioned measures and activities were marked as fulfilled) and providing support to the HJC administrative office. Closely connected with allocation of judges and determination of budget resources necessary for judiciary is establishment of system for weighing of cases and the Consultant has started with gathering relevant data and conducting comparative analyses necessary for future activities of the MOJ and judicial institutions.

With regards to support to implementation of the strategic guidelines related to the judges' and prosecutors' assistants and trainees, their position, accountability and introduction of the overall access to their, the Consultant is secretary of the Working group for the analysis of the position of judicial and prosecutors' assistants established on June 27, 2014 by the Commission for the implementation of the NJRS. Working group also has task to draft the report with recommendations for the improvement of the position of judges' and prosecutors' assistants. After finalization of their work, further steps will be taken toward establishment of a comprehensive approach to the training and strengthening mechanism of accountability. The Consultant was gathering relevant documents, collecting and analyzing relevant data, conducting different researches and drafting recommendations. During this process, the Consultant was actively cooperated with and consulted all WG members.

Connected with the support to implementation of the strategic guidelines related to the trainees and volunteers, the Consultant was providing advisory to the Director of the Judicial Academy related to the Working group established within the JA with task to draft rulebook on the admission of trainees in the courts (including entry exam) and training program for trainees and volunteers.

Related to the establishment of an effective and efficient network of courts and prosecutors' offices, the Consultant is secretary of the Working group for preparation of the evaluation and analyses for solving of the property related-legal and infrastructural issues related to the courts and public prosecutors' offices, established by the Commission for implementation of NJRS on June 27, 2014. Direction of the WG work is toward defining recommendations for amendments of legislative framework, analyses of the current state and registered property over the real estates with proposed recommendations for possible solutions and analyses of the current state of infrastructure of buildings where the courts and public prosecutors' offices are. The Consultant was providing advisory to all WG members and cooperating with them in the process of gathering documents and conducting researches.

5. **Consultant for Judicial Academy Competency/Education.**

The Consultant prepared input for update of National Program for the Adoption of the Acquis-NPAA based upon preparation of implementation reports from various government institutions such as Judicial Academy, High Judicial Council, State Prosecutorial Council, and Institution for enforcement of criminal sanctions. These reports from aforementioned institutions represent fulfilled activities in accordance with previous NPAA 2013-2016 which set the grounds for future activities in adoption of the Acquis.

The Consultant prepared input for the update of the AP for the implementation of the NJRS. In this regard, he participated in the meetings with Assistant Minister Cedomir Backovic and representatives of several institutions (Judicial Academy, High Judicial Council, State Prosecutorial Council) on which main topics were- accomplished activities according to Action Plan, reasons for postponement of realization of some activities, and new deadlines for their fulfillment. The Consultant coordinated and actively took participation in cooperation between Judicial Academy's representatives and MoJ in order to prepare input for the update of Action Plan concerning activities in relation to JA. During the sessions of the Working group for the development of guidelines for the reform and development of the JA the Consultant provided: advisory services related to application of International Conventions and the EU Acquis Communautaire related to the Chapter 23 (judiciary, anticorruption and fundamental rights); data concerning constitutional position and role of judicial academy in EU countries proposals concerning amendments to the Judicial Academy Law in relation to entry test for initial training, continual training of in-service judges and public prosecutors; information on future position of the Academy in coming legislature reform.

Furthermore, the Consultant prepared analysis of judicial academies in 10 countries (Romania, Bulgaria, Macedonia, Greece, Montenegro, Bosnia and Herzegovina, Croatia, Slovenia, Hungary and Austria) which have become part of the expert group's analysis that provides recommendations concerning the reform of Judicial Academy in Serbia.

For the purpose of preparation for bilateral screening for Negotiating chapter 4: free movement of capital, he prepared and presented power point presentation with accompanying material (narrative part and platform for the Negotiating chapter 4) on the subject "Liberalization of real estate market" on the seminar "Preparation for bilateral screening for Negotiating chapter 4: free movement of capital" in Club "Members of Parliament". Presentation delivered current Serbian legislation on the subject and provided overview of future direction that amendments

to Serbian laws should take into account in order to liberalize real estate market in the Republic of Serbia in accordance with the Acquis Communautaire.

6. Consultant for Constitutional Framework.

The Consultant for the Constitutional Framework worked on the preparatory actions for the constitutional changes. The Consultant coordinated the WG during the process of analyzing the changes applicable for the constitutional framework. The most important tasks of this WG were: working on the amendments to the Constitution which relates to the exclusion of the National Assembly from the process of election of court presidents judges, deputy public prosecutors and members of the HJC and SPC; changes in the composition of the HJC and SPC in order to restrict the influences of representatives from the legislative and executive branch within these bodies.

Special emphasis was put on the preparation of the Analysis of European constitutions, which will be helpful to provide a proper comparison of different solutions in the constitutions of European countries in order to reach the best solution that will be used for the changes of the Serbian Constitution. The analysis is written on 415 pages and includes four parts:

1. The relevant European legal standards in the field of judiciary concerning the independence, impartiality, quality and efficiency,
2. The table of the countries that have or not have judicial councils within constitutional frameworks,
3. The analysis of the position of judiciary within Constitutional frameworks and
4. Judicial and prosecutorial councils within constitutional frameworks.

The analysis is presented to the representatives of MoJ and to the members of the Venice commission delegation during their official visit to the Ministry of Justice in the September.

In this period, the Consultant organized public debate regarding implementation of strategic guidelines concerning the Drafts of Laws. These Laws are almost fully aligned with EU standards within the current Constitutional framework. However, in accordance with the newly issued opinion of the Venice commission²⁷, where they recommended postponement of the procedure of amending the Laws until the Constitutional change, in order to avoid double changes of the Laws, the whole procedure is suspended. The members of the Working group for Drafting of the amendments on the Laws concluded that they need to have the official position of all institutions which are the members of this two working groups on this preliminary question.

Based on the assessment of the European standards and the existing judicial legislation it has been concluded that some omissions concerning the clear and precise reasons for the dismissal of judges, state prosecutors and deputy state prosecutors as well the jurisdiction for conducting disciplinary proceedings were made. These omissions will be unbend/corrected through the measures of the new Action plan in a line with the opinion of the Venice commission. The

²⁷ Venice commission, Opinion on the Draft Amendments to the Law on the High Judicial Council of Serbia, Strasbourg, 13 October 2014, Opinion no. 776/2014; Venice commission, Opinion on the Draft Amendments to the Law on the State Prosecutorial Council of Serbia, Strasbourg, 13 October 2014, Opinion no. 777/2014

Venice Commission recommended that the motion for dismissal and the vote of confidence—both involving the professions represented in the HJC and the SPC in the dismissal process of elected HJC and SPC members – should be removed. This kind of involvement is not suitable for institutions such as the HJC and the SPC, where members are elected for the fixed term. Furthermore, dismissal should be used only as a last resort in a disciplinary procedure.

The Consultant also provided inputs for the updating of the NPAA from the perspective of the Judiciary; Input on implementation of Stabilization and Association Agreement in relation to: 1) Update on fulfillment of actions foreseen under the Action Plan and specific measures taken to address delays in the implementation of the Action Plan 2) Constitutional framework 3) Review of the implementation of the 2013-2018 National Judicial Reform Strategy and the Action Plan.

7. Consultant for Outreach and Communication.

During April and May, the Consultant supported the delivery of the **Brochure „Public Notaries: Who Are They and What Do They Do“**, that was prepared in cooperation with GIZ Project in Serbia. Brochure’s intention is to inform the citizens about role and competencies of the public notaries, who will begin to work on September 1, 2014. The Consultant was one of the coordinators of the Project, who worked on the authorization of the Brochure text, gave proposals for visual identity as well as instructions how to make the Brochures available to citizens. The Brochure was printed in 60,000 copies and is available to citizens in all courts and court units in Serbia.

From July, the Consultant was involved in preparation of the **Brochure “Guide for Screening Report Of Chapter 23”** in cooperation with GIZ Project in Serbia. Brochure’s intention is to inform the citizens and professional public related to negotiations process in the framework of the Chapter 23, what are the main problems in Serbian judicial system and what are the solutions for improving judiciary.

The Consultant was responsible for preparation of Newsletter about MoJ activities related to Serbia's EU integration, Judicial Reform, fight against organized crime and corruption. Newsletters were sent to all Serbian Embassies and Consulates in EU and China, Canada, USA and Australia. Also, Newsletters were sent to all foreign Embassies and Consulates in Republic of Serbia. Newsletters were prepared on weekly or biweekly basis depending of the frequency of the MoJ activities.

To ensure the transparency of judicial system, the Consultant was taking care about communication activities of **Strategy Implementation Commission**. Opened meetings have contributed to better informing of citizens and other stakeholders about judicial reform. The Consultant was responsible for preparation of media materials, coordination of media activities during the Commission meetings and for organization of individual statements and media appearances by the members of the Commission, at request of the journalists. From February 2014 to November 2014, the Consultant has helped in organization of seven meetings of the Commission.

In cooperation with GIZ Project in Serbia, the Consultant has had negotiations with the Public Service Broadcaster – RTS to implementation of the project related to the production of TV Shows on the EU negotiations process on Chapter 23. Also, the Consultant has participated in

creation and distribution of the TV spot related to public notaries. The TV Spot was broadcasted during September on the Public Service Broadcaster, as at many other regional and local television stations. TV Spot shows who are the public notaries and what is the main frame of their work.

The Consultant provided technical and advisory support to the MoJ for preparation of promo video spot (Directorate for the Administration of Seized Assets) and several infographics for the promotion of MoJ activities defined by NJRS 2013-2018 and National Anti-Corruption Strategy. The Consultant gave suggestions for the visual solution, accompanying text and the ways of communication of the promo spot and infographics. Also, the Consultant supported the two promo campaigns. The first is in relation to promotion of the new Law on Misdemeanours (*Respect the Law, Support Order*) and the second was in relation to promotion of enforcement system in Serbia. The Consultant was giving suggestions for the visual identity of the campaigns, proposing the ways of communication of the foreseen activities, concept of the accompanying text, etc.

In the period between February and August 2014, the Ministry of Justice organized twelve public debates related to new draft laws. The Consultant attended the public debates, which were open to media monitoring, and coordinated the activities of the media representatives and working group members.

Using available information from the existing MoJ documents/reports and collected information by the representatives of various judicial institutions, the Consultant has finished a Draft platform of strategic communication of the Ministry of Justice in relation to target publics. In June 2014, the Consultant held 1-day training related to improvement of communication skills as well as the manner of public appearance of the Ministry's officials. The training was focused on raising awareness on the need for continuing communication in compliance with the objectives and measures defined by the Action Plan of the NJRS 2013–2018.

Since April to the end of the year, the Consultant has supported organization of three trainings for media representatives. The first one was a workshop for journalists related to reporting on the new Judicial Profession in Serbia – Public Notaries; the second was a special panel that was organized in Montenegro with aim of extending journalists' knowledge about the negotiation process for Chapter 23; and the third was the professional training for media representatives in regard to crisis communications. The Consultant worked on organization of the events, coordination of media representatives and participated in the creation of the Training Agendas.

8. Consultant for the Reform of Legal Professions.

The Consultant actively participated in planning, sequencing, implementing and monitoring of justice sector reform activities divided into three main sections – ones specific to the new legal professions which required increased involvement by the Consultant and general activities.

NOTARIES. As the only operational member of the Working Group for the Establishment of an Efficient and Sustainable Notary System (Notary Task Force) on the part of the MoJ, the Consultant undertook all necessary activities for the drafting of the action plan of the Notary Task Force, organization, preparation of documents, and fast and efficient communication with relevant partners. The Consultant analyzed the measures contained in the Action Plan for the

implementation of the National Judicial Reform Strategy and the Law on Notaries, determined activities which have not been undertaken and updated the table of priority tasks for the notary system, as work progressed.

The Consultant analyzed the establishment of regional chambers of notaries and their founding assemblies as well as establishing of other chambers in Serbia. In July and August, the Consultant researched bylaws of regional chambers of notaries and worked closely with GIZ experts to prepare drafts of Serbian Chamber of Notaries bylaws which were given to the first elected notaries during their swearing in, as preparation for the founding assembly. The Consultant drafted several proposals for chamber bylaws, particularly related to the insurance from professional liability and membership and admission fees. Moreover, she advised the Project Coordinator and other relevant representatives of the MoJ on contentious issues and possible consequences related to the establishment of the notary system.

Upon the establishment of the Chamber, the Consultant prepared the first meeting of Chamber Executive Board as well as a table of activities which they must fulfill, according to the law and the AP NSRP, and continued to provide advice and input in order for all the activities to be fulfilled in the set short timeframe. She provides capacity building of the Chamber on an on-going daily basis, with her twinning partner being the Chamber Secretary.

Further, the Consultant provided initial input on legal documents and relevant information for the website of the Notary Chamber²⁸. Moreover, she analyzed contentious questions on application of the law posed by appointed public notaries and participated in answering citizens' concerns and questions in the first month of the introduction of the system.

PRIVATE ENFORCEMENT OFFICERS (PEO'S/ BAILIFFS). The Consultant continued to participate in the implementation of the Rule of Law and Enforcement Project - Enforcement of Civil Claims Component (RoLE). She has analyzed the Comprehensive Assessment Report on Civil Claims Enforcement System and the key findings and recommendations for the purpose of informing and discussing with MoJ officials its content. She has participated in the creation of a program for training of employees of the Ministry of Justice on enforcement procedure, international standards and monitoring and control best practices and has been appointed as a representative of the MoJ in the working groups for the preparation of the initial and ongoing training program for PEO's and PEO candidates.

OTHER. The Consultant provided input reports for the update of the NPAA related to the status of reform and plans for harmonization of legal professions in both Chapters 3 and 23 and for the Regional Cooperation Council Working Group on Justice Mediation Justice Quantitative Indicators. Further, the Consultant provided input on the implementation of relevant AP strategic guidelines for the Report of the NJRS Implementation Commission.

The Consultant has been appointed as the Ministry of Justice's correspondent for CEPEJ: The European Commission for the Efficiency of Justice, and has since assisted CEPEJ member, the Assistant Minister for Judiciary, on various matters thereto related and is envisioned to provide advice and inputs on CEPEJ/CoE recommendations and guidelines in the upcoming months.

²⁸ www.beleznik.org

Moreover, the Consultant continued to be engaged as the sole representative of the MoJ in Chapter 3 - Right of Establishment and Freedom to Provide Services, providing policy documents thereto related and participating in the ongoing preparations for drafting of a report proscribed under Article 39 of the Directive 2006/123/EC (responses to the "Services Directive Questionnaire"). Pursuant to this Directive, the legislation and administrative practice related to mediators, expert witnesses, court interpreters/translators and lawyers must be screened, which is why it is crucial that reform process related to Chapter 3 is harmonized and complimentary to the reforms which Chapter 23 calls upon.

9. **Consultant for Human Rights.**

The Consultant assisted Office for human and minority rights (OHMR) on improvement of Action plan for implementation of National strategy for prevention and protection from discrimination, and help bring it in concordance with National judicial reform strategy 2013-2018 and Action plan for negotiation chapter 23.

The Consultant undertook a comprehensive data collection and best practice analysis in field of forced evictions of especially vulnerable groups such as Roma or IDP with special focus on UN guidelines on forced evictions and UN Covenant on cultural social and economic rights.

The Consultant coordinated and helped in preparation of Report for the meeting of the Subcommittee on the implementation of the SAA - Research and Innovation, and Society and Social Policy, within the MoJ jurisdiction. During course of preparation of said report he held several meetings with his twinning partners from the Ministry and the Office for Human and Minority rights.

In course of EU accession process the Consultant analyzed part of Screening report for Chapter 23 – Judiciary and fundamental rights in field of fundamental rights and prepared responses to additional queries of European Commission, also analyzed Peers review mission report in the field of antidiscrimination, in coordination with his twinning partners.

As a coordinator for Subchapter Fundamental rights the Consultant analyzed Screening report for Chapter 23 – Judiciary and fundamental rights and prepared list of all recommendations with jurisdiction division. The Consultant had numerous meetings with representatives of relevant institutions in order to discuss report recommendations and drafting measures for achievement of needed level of reform.

After receiving input on first draft of Action plan from European Commission he analyzed received comments in detail and organized second round of consultative meetings with all relevant authorities in order to prepare second draft of Action plan for negotiating chapter 23.

The Consultant supported MoJ in cooperation with various international and domestic civil society organizations (CSO), such as Amnesty international, Human rights watch, etc., through preparation of meetings, answering their queries, taking part in round tables related to human rights and especially drafting of Action plan for Ch 23.

10. **Consultant for Anticorruption.**

The Consultant provided advisory inputs for several activities, including: drafting Action plan on mutual legal cooperation, drafting Action plan on drugs combating, Regional Anticorruption

Initiative (former Stability Pact Anti-corruption Initiative) assistance in fulfilling data for quantitative indicators for their 2020 Strategy in different areas (Integrity plans, mechanisms for corruption proofing of the legislation, Public procurement, Public procurement tenders, E-procurement, Independent audits in public institutions, Audits in public institutions, Investigations launched due to the audits findings, Anti-corruption campaigns budget, Anti-corruption agencies budget etc), writing contribution regarding abovementioned indicators on behalf of Ministry of Justice, and further assistance in review of the Serbian Government self-assessment on anti-corruption through Qualitative Indicators grid.

Furthermore, the Consultant conducted regular monitoring of both national and regional projects related to anticorruption in general, as well as projects related to Action Plans of National Judiciary Reform Strategy and National Strategy for Combating Corruption (PACS , Policy and Legal Advice Centre-PLAC, RAI/RCC etc.). The consultant was involved in preparatory activities for the upcoming GRECO visit (IV Evaluation round).

Supporting the implementation of OSCE programs in Serbia was conducted primarily through assistance in data collection for joint OSCE/RAI 2020 Strategy, writing MoJ contribution, facilitating data and oral and written communication with OSCE experts (teleconference etc.)

Providing support to the MoJ in meeting its international obligations in the area of international law, including the preparation of reports in relation to relevant international instruments and Serbia's future international obligations, and providing support to the MoJ with drafting various technical and policy notes and papers, as well as input to strategic planning, encompasses (among other activities):

- Drafting of the Action plan for Chapter 23 - Subchapter Anticorruption;
- Active participation in drafting of the Action plan for Chapter 24 (Subchapter Cooperation in the field of drugs combating);
- Drafting of the Report on civil society organizations involvement in drafting the AP for Chapter 23. This document is overall report for the period September 2013/November 2014, a separate document and annex to the AP for Chapter 23;
- Writing contribution to the NPAA contribution related to Anti-corruption policy;
- Drafting of the Report on Illicit enrichment that consists of comparative review of most of countries in the world that have such institute in their legal system, legal definitions of illicit enrichment and specific regulation that places illicit enrichment in a legal system of each state;
- Drafting of the Report on compliance in fulfilling Group of States against corruption (GRECO) recommendations – Third round of evaluation (Incriminations);
- Drafting of the Report on international and European standards regarding conflict of interest. Report consists of conflict of interest general overview, analysis of the regulation of a conflict of interest in UN convention against corruption, OECD guidelines and regulation of conflict of interests at the EU level, as well as indicative country models;
- Drafting of the Analysis on potential changes on Law on Anticorruption agency;
- Drafting of the Report on Law on Whistleblowers;

- Drafting of the Report on Public debate institute, etc.

11. Consultant for Justice Sector Data Analysis/ Budgeting.

One of the most prominent contributions of the Consultant was the development of a draft institutional classification of functions and tasks in the fields of the public administration and the judiciary to help in strategic planning of the budgets of the public administration and the judiciary, and secure independent and considerable commitment of funds in accordance with the judicial budget, which should increase efficiency in projecting the network of judicial bodies and help make an optimum allocation of human resources in the Serbian judiciary, in cooperation with senior officials of the competent public administration and judicial bodies (MoJ, MoF, HJC, SPC, SCC).

The following activities were undertaken by the consultant:

- Data collection and preparations for trial application of the forms, analysis and assessment of relationships in the procedural and substantive terms between the MoJ, MoF, HJC, SPC when it comes to budget-related issues, in conformity with the institutional classification of functions and tasks in the judiciary (work on trial classifications);
- Direct support and preparation of elements for estimating costs of each activity defined in the Action Plan for the implementation of the NJRS (participation in: IPA II workshops, the Workshop - Training and preparation for the drafting of the budget for the Action Plan for negotiations – Chapter 23 and 24);
- Continuation of the work on the preparation of prerequisites and elements for making a qualitative analysis of the judicial functions budgeting system, with recommendations for amendments and supplements to certain laws (Law on Judges, Law on Public Prosecution, Budget System Law) for the purpose of promoting and ensuring a legal framework for the execution of a totally independent judicial budget and strategic planning of the judicial budget (meetings with representatives of the MoJ, HJC, SPC, SCC and MoF).

12. Consultant for Administrative Courts System.

The Consultant for Administrative Courts System provided following deliverables:

- 1) Comparative Analysis of Administrative Judiciary (the Croatian, French, German and Macedonian Administrative Judiciaries);
- 2) Analysis of the EU and Council of Europe standards with respect to the judicial control of administrative acts;
- 3) Initial and final versions of the document that will serve as a basis for the work of the group that will be charged with the task to produce the Draft Law on Amendments of the Law on the Organization of Courts;
- 4) Initial and final versions of the document that will serve as a basis for the work of the group that will be charged with the task to produce the Draft Law on Administrative Disputes;
- 5) Analysis of the additional normative and other measures that should be undertaken in the process of establishment of the two-tier administrative judiciary.

The Consultant reported through monthly reports on advisory activities with respect to the establishment of the two-tier administrative judiciary and monthly reports assessing implementation process of the introduction of the two-tier administrative judiciary.

Finally, the Consultant helped the Ministry of Justice by presenting the progress of the process of introduction of the two-tier administrative judiciary at the meeting of the EU-Serbia Special Group on Public Administration Reform held in Belgrade on October 23-24.

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

3.1 Introduction

- A comprehensive Strategy for the provision of free legal aid in Serbia was officially adopted by the Serbian Government in October 2010. Several working groups (WG) have been established since then, with WG members representing diverse stakeholders. A number of drafts were developed, however, due to a variety of factors, the draft was never adopted (subsequent elections, lack of consensus among stakeholders, etc.). The new Working Group tasked to draft the Law on Free Legal Aid was established by the MoJ in 2013 (amended in 2014) and has developed the final Draft Law. Upon the adoption of the Law, the MoJ will develop the necessary bylaws for the implementation and supervise the functioning of the free legal aid system.

3.2 Procurement and Training Activities

- Consultant for Access to Justice – a local consultant was contracted to perform the services during the period commencing July 1st, 2011 and continuing through January 31, 2014. After significant change of ToR in accordance with the MoJ request for continuation of RAFU support to the Ministry, this position was re-announced and new contract with the same consultant was signed on February 24, 2014 with the duration until December 31, 2014.

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

The Consultant for Access to Justice assisted in the design and establishment of an efficient Free Legal Aid system, and provided support to the MoJ related to the interpretation, implementation and application of the relevant *acquis*.

The Consultant also actively *cooperated with the Republic Public Prosecutors' Office*, particularly through work on the drafting of the Chapter 23 AP in regards to the implementation of the right to a fair trial in practice and procedural safeguards. Therefore the Consultant performed active exchange of information, given that procedural safeguards are addressed both through the Draft FLA Law, as well as through the forthcoming changes of the Criminal Procedure Code. The Consultant had been providing concise information to the representatives of the Prosecutors' Office with regard to the latest Directives stipulating additional procedural safeguards. The draft of the future activities in the Action Plan developed by the Consultant has been fully approved by the representatives of the Prosecutors' Office and is included in the AP. Also, the

Consultant performed information exchange with the coordinator for the social policy from the Team for the Social Inclusion and Poverty Reduction relating to the poverty levels and vulnerable groups in Serbia, which resulted in the inclusion of additional categories of potential beneficiaries in the Draft LFLA. Work on the AP on Fundamental rights also involved active cooperation with the relevant bodies (Office for Human and Minority Rights, Ministry of Labor, Ministry of Interior, etc.). Given that this is a participatory process, the representatives of these different institutions have been regularly consulted in the drafting process and their standpoints have been included in the Draft AP. In this line, the Consultant also worked together with the representatives of the Administration for Enforcement of Criminal Sanctions, particularly focusing on access to justice in the enforcement system and protection of the rights of detained/convicted individuals.

Cooperation with the Ministry of Public Administration and Local Self-government has been intense in the reporting period, as the employees of municipalities working on matters of social protection will be responsible for determining the eligibility of the applicant and triage, pursuant to Draft LFLA. In this context, the Consultant had a series of meetings with the representatives of the stated Ministry, both with Assistant Minister and staff who will cooperate in the implementation of the law, providing basic information on the future FLA system. As a result, the majority of municipalities have delivered the requested data on employees, which will be further used for budgeting FLA and subsequent training of the staff for FLA implementation. This was also an effective method to inform the municipalities about their new responsibilities and obtain an overall consent for these future tasks envisaged in the LFLA. The relevant employees were consulted in the process of drafting specific provisions, particularly with regard to supervisory options of the MoJ in the system of local self-government.

Regarding analysis and support in creation of FLA legal framework, the Consultant continued working closely with the FLA Working Group, including ongoing data provision used for final drafting activities. Analysis of comparative reviews, the latest Progress Report, the EC recommendations and data received from all the relevant stakeholders have been provided to the WG for consideration. Frequent analyses performed by the Consultant have been incorporated to a significant extent in the new draft LFLA. The Consultant also actively cooperated with the Consultant for Justice Sector Data Analysis through relevant data collection for the purpose of LFLA budgeting. Also, the Consultant drafted responses to the EC opinion on Draft LFLA regarding the received comments and rationale for the amendments to the Draft, including analysis of particular provisions.

In terms of drafting of by-laws, the Consultant performed ongoing research on relevant bylaws in the region and EU MS. This activity strongly relies upon the drafting process and the adopted solutions e.g. during 2014, these solutions have changed (the initial Draft involved implementation through cooperation with the Centers for Social Work, whereas the new Draft Law stipulates cooperation with the local self-government units). The Consultant performed research on determination of the applicant's eligibility/financial status, the registry of the providers, etc. Concurrently, the Consultant performed continuous data exchange with relevant CSOs focused on access to justice, as well as the Bar Association and legal clinics. Any potential changes to the Draft are discussed with the relevant groups and their opinions are provided to

the MoJ regularly. The Consultant organized 6 round-tables in the beginning of the year as a part of the public debate on Draft LFLA, and has subsequently prepared a document entailing all the received comments and the analysis of the accepted/rejected changes (available on MoJ website).

With regard to implementation arrangements, the Consultant performed data collection on the staff capacity in municipalities, relating to future implementation of the LFLA. Awareness raising strategic framework and the training module for FLA providers shall be developed and submitted upon the passage of the law. Nevertheless, the Consultant has already identified a set of topics that need to be included in the training module, depending on the group of beneficiaries (e.g. municipal FLA services, staff in municipalities determining eligibility, the Bar, future MoJ staff, etc.).

Consultant performs monitoring and supporting the implementation of the strategic guideline related to establishment of the standardized legal aid system as an ongoing activity, whereas annual input for the NPAA update including budgeting data collection has already been provided. Finally, the Consultant supports the MoJ in active cooperation with international organizations in relation to the access to justice. Several reports have been previously prepared. The Consultant has analyzed the report of the Ombudsman, the DPAT Assessment and other relevant reports in order to prepare for the future reporting phase.

4 DISBURSEMENTS

4.1 Overall Disbursements

WB FUND

Grant Amount	\$ 2,700,000.00	
Disbursed	\$ 1,908,012.50	
	*\$ Designated Account	1,249,452.50
	*\$ Direct Payment	658,560.00
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Undisbursed Amount \$ 791,987.50

GOS

Disbursed Amount \$ 376,587.33 (includes related exchange rates and period when GOS paid taxes and contributions for individual consultants in full amount from Government funds)

4.2 Disbursements/Uses of Funds

4.2.1 Total Uses of Funds

\$2,284,599.83

\$1,908,012.50 financed by the WB

\$376,587.33 financed by the GOS

5 CONTRACTED AMOUNTS

Total Contracted Amount \$ 2,377,273

*TF \$ 2,055,730

*GOS \$ 321,544

(includes related exchange rates)