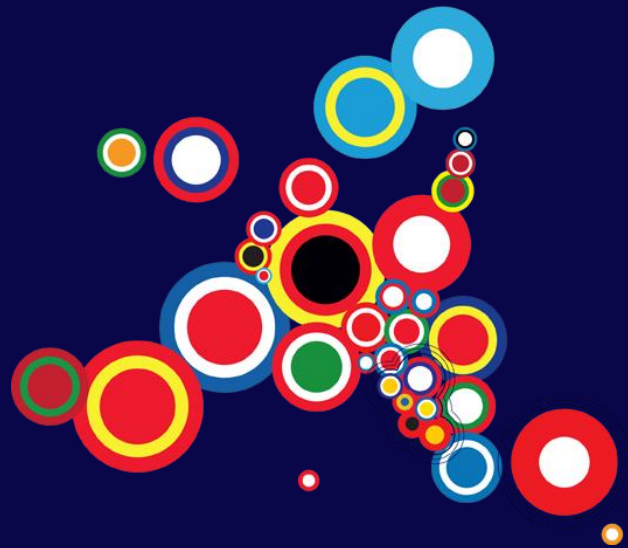




INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

SERBIA

EU Support to the Justice Sector



Action summary

This Action will support the Serbian administration in the process of accession negotiations, with special emphasis on the implementation of the Chapter 23.

The Action will increase the capacities of the Ministry of Justice and of the institutions and organisations in the justice sector (including courts, prosecutors' offices and Civil Society Organisations) to implement and monitor judiciary reform policies. It also intends to improve judicial efficiency and access to justice by securing adequate working conditions and modern Information and Communication technology (ICT) tools for Serbian courts.

Action Identification			
Action Programme Title	Annual Action Programme for Serbia for the year 2017		
Action Title	EU Support to the Justice Sector		
Action ID	IPA 2017/040-497.4 /Serbia/ EU Support to the Justice Sector		
Sector Information			
IPA II Sector	Rule of Law and Fundamental rights		
DAC Sector	15130		
Budget			
Total cost	26,652,470 EUR		
EU contribution	26,652,470 EUR		
Budget line(s)	22 02 01 01		
Management and Implementation			
Management mode	Direct management		
<i>Direct management:</i> EU Delegation	The Delegation of the European Union to the Republic of Serbia		
Implementation responsibilities	<p>For Results 1, 3 and 4 overall coordination of the different institutions and stakeholders shall be ensured by the Ministry of Justice.</p> <p>For the Result 2 overall coordination shall be ensured by the State Prosecutorial Council.</p>		
Location			
Zone benefiting from the action	Republic of Serbia		
Specific implementation area(s)			
Timeline			
Final date for concluding Financing Agreement(s) with IPA II beneficiary	At the latest by 31 December 2018		
Final date for concluding delegation agreements under indirect management	At the latest by 31 December 2018		
Final date for concluding procurement and grant contracts	3 years following the date of conclusion of the Financing Agreement, with the exception of cases listed under Article 189(2) of the Financial Regulation		
Final date for operational implementation	6 years following the conclusion of the Financing Agreement		
Final date for implementing the Financing Agreement (date by which this programme should be de-committed and closed)	12 years following the conclusion of the Financing Agreement		
Policy objectives / Markers (DAC form)			
General policy objective	Not targeted	Significant objective	Main objective

Participation development/good governance	<input type="checkbox"/>	x	<input type="checkbox"/>
Aid to environment	x	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality (including Women In Development)	X		<input type="checkbox"/>
Trade Development	x	<input type="checkbox"/>	<input type="checkbox"/>
Reproductive, Maternal, New born and child health	x	<input type="checkbox"/>	<input type="checkbox"/>
RIO Convention markers	Not targeted	Significant objective	Main objective
Biological diversity	x	<input type="checkbox"/>	<input type="checkbox"/>
Combat desertification	x	<input type="checkbox"/>	<input type="checkbox"/>
Climate change mitigation	x	<input type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	x	<input type="checkbox"/>	<input type="checkbox"/>

1. RATIONALE

PROBLEM AND STAKEHOLDER ANALYSIS

The Serbian government is pursuing judicial reform in accordance with the national strategic framework and the European Union's (EU) accession requirements. The accession negotiations for Chapter 23 ('the Judiciary and Fundamental Rights' chapter, herein referred to as Chapter 23) were formally opened in July 2016. The EU's Common Position for this chapter for Serbia included a number of interim benchmarks which will have to be met as part of the negotiation process. This ongoing accession process and the process of adopting the *acquis* imply the alignment of the national legal framework, but also significant institutional changes.

Serbia has made significant progress in this sector, but more still needs to be done. The 2016 European Commission Country Report for Serbia noted that there is need for further implementation and consolidation of the reforms in this area. In the coming period, Serbia should in particular advance and consolidate the ongoing justice reform process, tackling issues related to the independence, accountability and effectiveness of the judicial system. Having in mind the importance of these reforms not just for the field of the judiciary, but more broadly for the overall development of the country, continuous support is required for the consistent enhancement of the quality, accountability, professionalism and efficiency of the justice sector, in particular by securing institutional and human capacities.

In relation to the **performance assessment and monitoring framework**, the institutional structure related to the negotiations for the Chapter 23 include the Negotiating Group for Chapter 23, and the Council for the Implementation of the Action Plan for Chapter 23 (hereinafter referred to as AP 23). The Council is a special government working body consisting mostly of independent experts, which provides expertise to the Negotiating Group and also acts as a monitoring body. The Council monitors the implementation of the activities envisaged in the AP 23 on a daily basis, and foresees an early warning mechanism in case of delays and other problems in the implementation of AP 23 and coordinates the reporting process. The Council submits monthly reports on the implementation of the Action Plan to the Head of the Negotiating team for negotiations for accession of the Republic of Serbia to European Union, the President of the Negotiating Group on Chapter 23 and the Coordination Body Council.

In order to prepare the effective functioning of the monitoring mechanism and to identify potential problems in the reporting process, the Council organised a pilot reporting cycle at the end of 2015. As a result of the findings and recommendations of the aforementioned pilot cycle, the Council subsequently organised training for focal points from all institutions responsible for the implementation of the AP 23. The Council developed and delivered to all institutions the Guidelines for development of the regular reports, the administrative forms for reporting in Serbian and English, as well as the final version of the AP23. In terms of scope, the Council monitors the implementation of the Chapter 23 concerning the judiciary, anti-corruption efforts and fundamental rights, which collectively are quite complex and broad, and involve the work of more than 50 different institutions. Currently, members of the Council undertake administrative and technical tasks such as data collection, data processing and evaluation. Ideally, the system for monitoring should function in a way that civil servants collect data, compile and prepare reports, followed by an independent and objective evaluation.

In addition to the AP 23, Serbia's strategic framework in the area of justice and fundamental rights includes also a number of different national strategic documents, which comprehensively and in detail regulate specific areas that make part of Chapter 23 (i.e. the judiciary, anti-discrimination measures, the protection of minorities, etc.). For some, but not all strategies, a specific monitoring mechanism has been established. The overall monitoring system in the sector lacks a unified quality and efficiency, and the methodology and reporting dynamics are not harmonised with the monitoring mechanism for Ch. 23. Such a shortcoming results in a lack of quality and timely data. In addition, institutions are overburdened with reporting due to frequent reporting, based on different methodologies.

An additional challenge is that the mechanism of cooperation with Civil Society Organisations (CSOs) through a National Convent has been introduced within the existing monitoring mechanism for Ch. 23. However, this mechanism has not been consistently applied for the drafting, preparing and implementing of

other strategic documents in the sector. Due to this lack of consistency, CSOs are not always included in the process of policy development, legal drafting and legal amendments as well as implementation.

Mechanisms for planning, coordination and monitoring of the implementation of various measures in the area of the judiciary, anti-corruption and fundamental rights require enhanced institutional and human capacities of the Ministry of Justice as a lead institution in this Sector, but also other relevant Ch. 23 institutions in the judiciary. The current action will therefore support the consolidation and streamlining of the coordination, monitoring, evaluation and reporting systems under the Chapter 23 areas.

A second challenge which the Action will tackle relates to the **capacities of the Public prosecution in implementing its mandate**. The Action will tackle this challenge from a number of angles identified within the AP 23.

The governance of the Public Prosecution System is divided between the Republic Public Prosecutor's Office (RPPO) and the State Prosecutorial Council, both of which were established in 2009. The SPC and the RPPO have an important role in the implementation of the activities from the AP23 related to the independence, impartiality and accountability, professionalism, competence and efficiency of the prosecution system. The RPPO is responsible for directing and overseeing the work of the Public Prosecutor's Offices (PPOs), including efficiency and harmonisation of work. The SPC is entrusted by the Constitution of Serbia to secure and guarantee autonomy of public prosecution and has a significant role in the process of elections of prosecutors and deputy prosecutors. It ensures their discipline and ethics, and proposes and monitors the execution of the budget for the PPOs that are indirect budget users (except for budget for state officials and administrative staff in PPOs). The December 2015 elections for the State Prosecutor and general elections for heads of prosecution offices were organised under new rules for selecting candidates adopted in 2015. However, shortcomings were noted in the selection process performed by the SPC. The division of responsibilities as well the cooperation between the Republic Public Prosecutor's Office (RPPO) and the State Prosecutorial Council (SPC) require improvement.

According to the Functional Review undertaken for the justice system, the budget planning and resource allocation for the prosecution is not linked to service delivery needs. Resource allocation is not based on any caseload forecast, performance targets, or objective norms, which does not provide the prosecution service with the incentives or opportunities to improve cost-effectiveness. The EC's country report for Serbia 2016 noted that the SPC shares budget responsibility for the public prosecutor's offices with the Ministry of Justice, and this division hampers the efficiency of financial management and creates scope for additional political influence. Although the AP 23 stipulates the expansion of the SPC competences through the transfer of residual budget competences from the Ministry of Justice, and intensive preparation for the transfer was done in 2016, it was postponed again to 2018. Moreover, appointments and hiring are localised. Once appointed, prosecutors and civil service staff cannot be moved without their consent from low to high demand POs. Such rigidities in resource allocation require changes in the management of resources and in the analysis of the performance of the entire prosecution system.

In 2014 the prosecution service undertook a profound change in the transition to a prosecution-led adversarial system under the new Criminal Procedure Code (CPC). The transfer of more than 38,000 investigation cases from Basic Courts to PPOs reduced the inventory in the courts, but created a new backlog for prosecutors, which they are struggling to process. Assistance is needed to ensure that backlog will be reduced.

This Action will, therefore, attempt to provide support for the achievement of the benchmark identified in the EU Common Position for Chapter 23, which calls for the establishment of "an initial track record of implementing a fair and transparent system based on merit for the management of the careers of judges and prosecutors including recruiting, evaluating and promoting judges and prosecutors based on periodic, professional performance assessment (including at senior level)".

Moreover, the Action will support the improvement of the administrative capacity of the Prosecutorial Council to enable it to have full ownership and competence for drafting and executing its respective budgets.

A third challenge identified in the AP 23 which will be tackled by this Action is the **need for improvement of the ICT system in courts of general jurisdiction**, in order to overcome difficulties to monitor the statistical parameters of judicial efficiency, to improve reporting and to exchange information between courts and all other judicial and government bodies.

The situation in the Serbian judiciary sector regarding ICT has indeed improved in the last decade but still a lot remains to be done. The Serbian judiciary uses various ICT systems for the case processing, case management, document management and provision of the necessary management information. These ICT systems include, among other things, separate registers of cases, software applications for budget planning and execution, as well as software application for management of human resources. Seven courts of general jurisdiction and public prosecutors' offices use modern case management systems for case registration and case management. All other court of general jurisdiction (basic and higher courts) are supported through decentralised MEGA AVP software application for case registration. AVP is suffering from the lack of key features which are present within modern CMS solutions and which will strengthen the efficiency of courts and users and improve case management of individual courts. In addition, AVP software uses obsolete hardware, and also data collection quality needs to be improved. Consequently, the overall performance and sustainability of such a system is questionable

Planned assistance actions programmed under IPA II (IPA 2015) will provide, improvements of the case management systems in prosecution offices and in the prison administration, by rolling out the existing software solutions and ensuring adequate supply of hardware. However, in order to ensure coherency and consistency of the judiciary sector as a whole, and to enable measurable impact of those already programmed actions, the courts of general jurisdiction would have to be supported as well. A previous pilot project implemented through IPA I supported the development of a pilot case management system (known as SAPS) now in use in seven highest courts of general jurisdiction. The action under this current IPA programming will support the extension of a case management system to all courts of general jurisdiction, with the aim of covering the entirety of Serbia's judiciary system. It will build on the experience developed under previous projects, and ensure interoperability with the other systems developed.

In the previous period, several analyses were conducted which have provided a comprehensive overview of ICT in the justice sector, including recommendations for the future (Serbian Judicial Functional Review, prepared by the World Bank; Assessment of Case Management Systems (CMS), supported by USAID Mission in Serbia). The latest feasibility study (Dec 2016 – February 2017) with an evaluation of the total cost of ownership for the centralized case management system for the courts of general jurisdiction and the administrative court was supported by the EU Delegation to Serbia for the purposes of IPA II programming. The main goal of this study was to support the justice system of Serbia in the choice of strategic, technical and financial solutions for the further development and harmonization of the system covering necessary software, network infrastructure, hardware, training, software maintenance and support of legislative changes.

It is foreseen that the new centralised CMS will replace the existing decentralised one that is currently utilised in all basic courts and their units. This will enable courts of general jurisdiction to have better management of security issues in the field of data protection, it will ensure interoperability and interconnectivity between courts, government institutions and agencies.

Apart from harmonising the legal framework during the negotiation process, the AP 23 acknowledges that part of the efforts should be devoted to tackling other inadequacies of the justice system, such as lack of adequate physical infrastructure and equipment, which largely affects the efficiency and performance of the judiciary, including the delivery of justice. The Serbian judicial network was restructured in 2014, raising the number of Basic Courts from 34 to 66, and the number of PPOs from 34 to 58. However, this change has not resulted in an increase in the number of judicial facilities. The MOJ is responsible for the court system's capital investments, while the High Judicial Council is responsible for the maintenance of the buildings hosting judicial institutions.

As a fourth priority, **justice sector infrastructure** will be tackled. According to the Functional Review, the overall conditions are very poor. Most facilities are between 30 to 60 years old and have received only minimal maintenance for the last 20 years or more. Electrical installations in many judicial facilities are so dire that they are unable to support the much needed investments in ICT. It is clear that significant

investments in infrastructure will be required to enable the system to perform in a manner that is consistent with European standards. The insufficient capacity of the existing infrastructure affects service delivery. There is a lack of courtrooms in courts and interview rooms in PPOs. Poor working conditions are identified by many stakeholders as a significant reason for reduced quality of court services. Courts commonly occupy buildings designated as cultural heritage sites, which makes maintenance and renovation difficult and expensive. In addition to maintenance challenges, some buildings were not designed to be courts and do not provide a functional space. In many cases, two or three judges share a single office space and use this 'chambers' as their courtrooms, creating concerns for privacy and security. Despite this, existing courtrooms are not used optimally. Hearings are held only in the mornings and schedules could be tighter to maximize the use of this scarce resource. The lack of space also creates obstacle to reforms that would improve service delivery, such as the establishment of preparatory departments. This situation has the most negative effects upon the most vulnerable stakeholders, namely persons with limited mobility, which have limited access to the facilities, but also witnesses and victims, which do not have separate entrances or space.

Based on the Comprehensive Assessment Report of the current state of each facility in the judiciary, prepared by the IPA 2012 Project on Judicial Infrastructure, a preliminary list of priority buildings was prepared and agreed among the main stakeholders, namely the Ministry of Justice, the High Judicial Council and the State Prosecutorial Council. The list of buildings in need of rehabilitation was prepared by a ponderation of numerous indicators such as: territorial jurisdiction of judicial institutions in judicial building, number of employees within the court buildings, number of judicial institutions hosted, number of cases during the year, building and land ownership status, year of construction/rehabilitation of the facility, level of alignment with the Model Courts guidelines number of backlog cases.

Out of this list of priorities, the first is Kragujevac, however, given the size of the investment required for the first-listed priority, support for this will be secured through national and IFI funds. The building of Novi Sad, which will be supported through this Action, was ranked as the second most in need for rehabilitation. This court is one of the four appeals courts for the entire Serbia.

Considering that within the existing judicial building the lack of space (i.e. courtrooms and rooms to conduct interviews) is the main problem affecting the performance of judicial institutions accommodated in the building, the proposed intervention foresees the construction of a new annex to the building, where the Basic and Higher court (criminal department), and Basic and Higher Public Prosecutors Offices will be hosted. The proposed upgrade of the facilities will significantly impact the efficiency of the court, mainly in terms of aligning the court to the standards defined in the Model court guidelines. Such alignment will result in an improved functionality of the building (number of offices and courtrooms, interrogation rooms, security entry for protected witnesses, safe entry for inmates) and on increased access to justice (proper entry for persons with disabilities).

OUTLINE OF IPA II ASSISTANCE

The 2017 IPA Programme for the Justice Sector will focus on addressing the identified challenges to advance judicial reform in accordance with the values and standards required with the EU integration process. The overall objective of this Action is consistent with and represents a continuation of previous assistance provided in this sector, and will focus on ensuring better efficiency, effectiveness, accountability, professionalism and independence of the justice sector in Serbia as required under Chapter 23 of the Accession negotiations. This will be achieved by focusing on four specific objectives: 1. a permanent, fully inclusive and efficient Justice sector monitoring mechanism will be established and operational; 2. the independence, accountability and efficiency of the Prosecutorial system will be strengthened; 3. The automatization of court data collection will be supported, and more advanced statistics will be developed in order to improve the efficiency of court proceedings and finally, 4. adequate judicial facilities for courts and prosecutor's offices in Novi Sad will be constructed.

More specifically, the proposed intervention under **Result/Output 1** will address requirements for the enhanced monitoring and evaluation of the action plan for Chapter 23. The action will focus on strengthening capacities to report on all reform activities under Ch.23 with unified approach and methodology. It is expected that a structured dialogue and consultative process on the monitoring of the implementation of this Chapter will be more profound and comprehensive and will include CSOs and relevant institutions in

implementation of reform activities. Also, proposed interventions will support the MoJ to revise or draft a new AP for Ch.23, since the existing AP23 expires in 2019. The scope of this intervention is to ensure quality and the efficient work of all institutions relevant for the implementation of the AP 23 as well as other strategic documents under this Chapter.

The activities under **Result/Output 2** will aim at increasing the accountability of the prosecutorial system. It is envisaged to strengthen the capacities of the State Prosecutorial Council as its competencies and obligations are increasing, but also the capacity of the RPPO in its competences related to PPOs efficiency. The support will target the overall administrative and managerial capacities of SPC and RPPO in strategic planning and analytics. It will also strengthen the SPC capacity in area of financial management of PPOs budget, human resources in PPOs, and the RPPO capacity to supervise and harmonize prosecutorial practice and address work backlog. The project will also assist with the SPC and RPPO coordination in improving prosecution system and in joint areas of work, such as training of prosecutors.

Activities under **Result/Output 3** will improve efficiency of court proceedings and enhance quality of reporting system and data collection quality by introducing a centralised case management system in all courts of general jurisdiction. The proposed intervention will implement the new centralised system, it will provide ICT equipment for the case management system at central level as basic equipment for selected courts. It will ensure support for strengthening capacities to use and manage the new system and for migration of digital data from legacy systems to the new implemented centralised case management system.

The proposed intervention under **Result/Output 4** will upgrade the capacity of courts and prosecutors' offices affecting the performance of judicial institutions which will be located in new building in Novi Sad. Activities will lead to the full alignment with standards from the Model Court guidelines. Thanks to this intervention it is expected that the facility which will be reconstructed as part of this result will have improved security, in particular in relation to the transfer of prisoners, protected witnesses, victims of violence and persons under witness protection. The intervention will also increase access to the court for people with disabilities. The intervention will support adequate furnishing of the buildings which will establish the basis for electronic case filing and video conferencing. This will in the future further reduce paperwork, increase the speed in which citizens have access to their cases and case processing time should be shortened.

RELEVANCE WITH THE IPA II STRATEGY PAPER AND OTHER KEY REFERENCES

Part IV of the **Indicative Strategy Paper 2014-2020** lists the results expected in the justice sector, especially related to the judiciary, judicial independence, impartiality and improved efficiency. This includes improved constitutional and legal framework, technical and administrative capacities of the judicial network and substantial reduction of backlog of cases. The ISP also notes the need for strengthening professionalism through merit-based and transparent criteria for appointments of prosecutors as well as through evaluations of performance and merit based promotions. This action shall contribute in achieving the general objectives of the ISP by supporting Serbia's efforts to meet requirements of a modern European judiciary.

EC Country Report 2016 concluded that „some progress was made by partially addressing last year's recommendations, and in particular in standardising court practice..... In the coming year, Serbia should in particular: implement and consolidate the ongoing justice reform process, tackling issues related to the independence, accountability and effectiveness of the judicial system....“

The **National Document on International assistance (NAD)** had addressed the main priorities for action in the justice sector in the period of 2014 to 2017. The overall objective is an independent, impartial, accessible and efficient judiciary guaranteeing rule of law, human rights protection and promotion, as well as quality of justice. In addition, the NAD acknowledges the need for improved human and technical capacities related to the Ministry and institutions responsible for justice and its activities related to drafting legislation aligned with the EU acquis and participation of accession negotiations within chapters 23 and 24 of the EU acquis, as well as implementation of the strategic framework (planning, budgeting, statistical system, analyses, etc.).. The current Action will provide support to strengthening the capacities of the Ministry as a leading institution in this sector in terms of EU negotiations, regional and international cooperation. Furthermore, the

NAD notes that " Support will be provided to further building and upgrading of uniform ICT system already in the justice sector that will enable automation of work processes, statistics, and analytics".

The section 3.23. Judiciary and Fundamental Rights of the **National Plan for Acquis Approximation** (NPAA) includes the priority of the establishment of an independent, reliable and efficient judiciary. It notably requires sufficient human resources and qualified staff, adequate and modern equipment, acceleration of court proceedings, reduction of the number of pending cases so as to avoid unreasonable delays. Numerous measures are envisaged to align Serbian regulations in the judiciary sector with international and European standards and improve the work of judicial bodies in terms of the strengthening the independence, impartiality, professionalism and efficiency of judicial system -towards achieving of the overall goal - establishing democracy and rule of law in the RS.

The results under this action are also linked with the recommendations and activities from the **Action Plan for Chapter 23**, in particular regarding the following recommendations:

- 1.1.1. The system for the recruitment, selection, appointment, transfer and termination of prosecutors should be independent of political influence and remain of the responsibility of the State Prosecutorial Council.
- 1.1.3. A fair and transparent system of promotion of judges and prosecutors needs to be established, together with a periodical professional assessment of judges and prosecutors' performance. A system to monitor and evaluate the application of those standards in practice should be established. The Councils should bear the responsibility for taking decisions on promotion, demotion or dismissal;
- 1.1.4. Sufficient administrative capacities and financial authority over their own budget needs to be ensured to allow the High Judicial and the State Prosecutorial Councils to effectively perform their tasks. Their work should be governed by transparency and institutional accountability;
- 1.1.5. Establish a clear procedure for both Councils to react publicly in cases of political interference in the judiciary and prosecution;
- 1.2.2. Strengthen the accountability of judges and prosecutors through a strict application of all legal and disciplinary means,
- 1.3.4. Establish and implement a medium-term human resource strategy for the judiciary, based on an analysis of needs and workload, and bearing in mind possible further changes in the structure of courts, recruitment and training;
- 1.3.5. Ensure herewith a sustainable solution for workload imbalances;
- 1.3.10. Monitor the implementation of the new Criminal Procedure Code and take corrective measures where needed.
- 1.2.1.10 envisages further improvement of ICT systems through considerable investment in infrastructure, software and improvement of human resources, with the aim of establishing unique ICT system throughout the entire judicial system, and in accordance with the Guidelines that define the directions of development (conceptual model) of ICT system in the justice system of the Republic of Serbia.

Additionally, **Recommendation 1.3.8** aims at "gradual development of an e-Justice system as a means to improve the efficiency, transparency and consistency of the judicial process, building on the existing automated case management system".

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

As the largest donor to the Republic of Serbia the magnitude of EU support requires an understanding of past initiatives, results, successes and otherwise. Whilst noting that EU enlargement are borne evidence that judicial reform is a long term and resource heavy process, the four main areas to be targeted in this Action document build on previous EU interventions and are mindful of complementary and related assistance from EU member states, non-member states and international implementing agencies. Lessons learned from previous financial assistance bear out that without significant and steady national political commitment there will be little impact and ownership of support. Dedicated and available national civil servants are a

prerequisite for success as are competent and experienced donor-financed experts. Coordination and avoidance of project duplication as well as avoidance of contradicting messages from projects are necessary as is frequent and nationally-led donor coordination.

IPA ASSISTANCE:

IPA 2011- Multi-donor trust fund (MDTF) for Justice sector support to the Republic of Serbia, direct agreement with the World Bank (EU contribution of 2,000,000 EUR). The EU agreement with the WB commenced in 2012. Whilst EU financing of the MDTF ceased in 2015 the fund continues and is financed by several EU member states (MS) including the Netherlands, Sweden and the United Kingdom as well as non-MS such as Norway and Switzerland.

The overall objective of the MDTF has been to facilitate the acceleration of Serbia's European Union integration process pertaining to the justice sector. It has specifically targeted the improvement of institutional capacities; the improvement of justice sector performance; and increasing aid effectiveness. A significant number of analyses and reviews during the course of the MDTF the most significant of which has been 'The Functional Review of the Serbian Judiciary', as well as the drafting of the AP23. Through the 'Reform Accession Facilitation Unit' (RAFU) within the project all experts and consultants have been recruited on a long and/or short term basis. The project is expected to end in late 2017.

Several aspects of the MDTF support will be taken forward under the 2 MEUR IPA 2015 technical assistance project referred to here-below, as well as other IPA financed assistance related to Victim/Witness Support.

IPA 2012 Judicial Efficiency (3,781,580.00 EUR). The project started in January 2016. The purpose of this contract is to improve the performance of judicial bodies. Specific expected outputs from this assistance are the improvement of case management in court of general jurisdiction with particular regard to a first analysis of the quality of digital data in legacy system to be migrated under Result3 of this programming, a roadmap for the future interoperability of the ICT systems within Justice ; the reduction of backlog and the harmonisation of the case law; the increased number of cases referred to Alternative Dispute Resolution system. Main Beneficiaries are High Judicial Council, Supreme Court of Cassation, and Ministry of Justice.

IPA 2012 Infrastructure of Judicial Bodies (1,594,352.00 EUR). The beneficiaries of the project are Ministry of Justice, High Judicial Council and State Prosecutorial Council. The purpose of this project is to improve the infrastructure of judicial bodies through creating technical conditions for reconstruction/renovation and/or additional spaces needed and upgrade of ICT infrastructure of buildings in which courts and prosecutors' offices are seated in order to enable them to perform their tasks in a manner that is consistent with European standards. The findings (assessment of judicial infrastructures) and outputs of this project (categorisation and prioritisations of buildings for rehabilitation/reconstruction,) will be used for the implementation of activities related to Result 4 of the present Action. Some of the outputs of this project (i.e. equipment needs' assessment, inventory of ICT equipment in courts and prosecutors' offices – and related provided recommendation) shall be used within the framework of Result 3.

IPA 2012 Reconstruction of the Basic Court in Kraljevo (1,5 MEUR). Realization of the project started in December 2015 and successfully finished in June 2017. The overall objective of the project is reconstruction, adaptation and expansion of accommodation capacities of the Basic court in Kraljevo for the purpose of improving efficiency of work and providing services to citizens. Beneficiary of the project is the Basic court based in Kraljevo.

IPA 2012 Judicial Efficiency - supplies of IT equipment (711.500 EUR). The project provided ICT equipment such as desktop PCs, printers and scanners for all courts and prosecutors' offices in order to increase efficient performance of their work. In addition Supreme court of Cassation was provided with upgrade of existing server in order to ensure business continuity of the courts and data integrity (electronic registry books and case files for tens of thousands of cases), as well as to create additional processing and storage capacity in the data center for the hosting of future "Case Law Database".

IPA 2013 Twinning Project to support HJC and SPC (2,000,000 EUR). The project started in September 2015. This EU funded Twinning Project is designed to help strengthen the overall capacities of the High Judicial Council and State Prosecutorial Council, to plan and implement necessary reforms. In particular, this

project aims at strengthening their capacities for better performance of specific administrative functions/tasks, such as strategic and budget planning, human resource management, project management and internal audit. The project is also focusing on strengthening the two councils' capacities in evaluation and promotion of judges, prosecutors and deputy prosecutors, strengthening their capacity to conduct disciplinary proceedings and the Code of Ethics. Finding and outputs of this project will be used for the implementation of activities under Result 2 of the present AD.

IPA 2015 Project Improvement of the capacities of the Ministry competent for justice in accordance with the requirements of their negotiation process with the EU, (2.000.000 EUR). It is expected that the Project will be implemented in the period late 2017- 2019. The purpose of this project is to support the Ministry of Justice in fulfilling its crucial role in further implementation of judicial reform processes. It will focus on the increase of competence and effectiveness of particular departments within the Ministry, aiming to strengthen its proactive role and correspond to the new challenges arising from the dual role within the negotiation and reform processes. Through provision of advanced on-the-job trainings, the project aims to enable the civil servants' full preparation to resume long-term realisation of the specific duties in the process of implementation, monitoring and revision of strategic documents related to the negotiation process, Chapter 23, as a way to build sustainable and efficient institutional framework. The project shall encompass three components: increased alignment of the normative framework with the EU acquis; further implementation of MoJ tasks and obligations as envisaged by the NJRS and the AP Ch. 23, all combined with a long-term capacity building focus, as well as strengthening capacities of the MoJ as a leading institution in coordination of more than 50 competent authorities, actively involved in the implementation of AP Ch. 23, to fulfil their role in efficient monitoring and reporting on the AP's implementation.

IPA 2015 Framework Contract (FW) has provided technical assistance to Justice Sector with regards to the assessment of the existing justice courts case management system. A Feasibility study was prepared, presenting different feasible solutions for the complete expansion of the court case management system to all courts of general jurisdiction in Serbia. The FW also delivered an overview regarding the expansion of the running case management system for Prosecutors' Offices (SAPO) and Administration for the Enforcement of Criminal Sanctions System (SAPA) in terms of efficiency and effectiveness, sustainability and Total Cost of Ownership.

2. INTERVENTION LOGIC

LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE / IMPACT	OBJECTIVELY VERIFIABLE INDICATORS	SOURCES OF VERIFICATION	
A fully efficient, effective, accountable, professional and independent justice sector in Serbia	- Progress made toward meeting accession criteria (Ch. 23 – Judiciary & Fundamental Rights)	EU Monitoring and EC Country Reports	
SPECIFIC OBJECTIVE / OUTCOMES	OBJECTIVELY VERIFIABLE INDICATORS	SOURCES OF VERIFICATION	ASSUMPTIONS
<p>1. A fully inclusive and efficient Justice sector monitoring mechanism is established and operational.</p> <p>2. Independence, accountability and efficiency of the Prosecutorial system is strengthened</p> <p>3. Automatization of court data collection is enhanced and more advanced statistics are available to improve the effectiveness¹ of court proceedings</p> <p>4. Judicial facilities for courts and prosecutor's offices in Novi Sad are in accordance with the Model Court Guidelines</p>	<p>1. Ratio between the number of proposed corrective measures by the monitoring mechanism and number of implemented measures (disaggregated by institution proposing the corrective measure);</p> <p>2. Degree of fulfilment of recommendations from SPC Strategic Plan related to independence and efficiency of the Prosecutorial system</p> <p>3. 1 Number of backlog reduction cases in courts of general jurisdiction²</p> <p>3.2 Number of centralised statistical court reports produced through the CMS</p> <p>3.3. Ratio of courts in which a functioning Centralised Case Management System has been introduced. 4 Compliance of a new judicial building with standards defined within in Model Court Guidelines</p>	<p>EU Monitoring and EC Country Reports</p> <p>Annual Report of MoJ</p> <p>Annual Report of SPC</p> <p>Annual Report of Judicial Academy</p> <p>Annual Report of RPPO</p> <p>Council's Report on implementation for AP for Chapter 23</p> <p>Backlog Reduction Program of SCC (update 2016)</p> <p>IPA 2012 Judicial Infrastructural Assessment Report</p>	<p>Continuous aspiration among political and judicial stakeholders to pursue with the judicial reform process</p> <p>Adequate national budget allocated to support continuity in the judiciary reform</p>

¹ Effectiveness is a terminology which stems from the EU Justice Scoreboard and includes all the three main elements of an effective justice system: Quality, Independence and Efficiency. In this context this broader terminology should be used because advanced statistics will eventually lead to an improvement in all of those three areas.

² Concerning backlog reduction cases, reference is here made to courts of general jurisdiction, excluding the number of enforcement cases

RESULTS / OUTPUTS	OBJECTIVELY VERIFIABLE INDICATORS	SOURCES OF VERIFICATION	ASSUMPTIONS
<p>Result / Output 1: Enhanced monitoring capacities of the MoJ and relevant Ch. 23 institutions as well as MoJ capacities for implementation of Ch. 23 reform activities.</p> <p>1.1. Enhanced capacities of the Ministry of Justice and other relevant Ch. 23 institutions to monitor Ch. 23 activities.</p> <p>1.2.A structured dialogue and formalised consultative process on Chapter 23 reforms among the Ministry of Justice, independent institutions and Serbian civil society organisations (CSOs) is established</p> <p>1.3. Drafting of the Revised / updated AP for Ch. 23, normative framework and practices for the implementation of AP 23 is supported</p> <p>Result / Output 2: Strengthened capacities of the State Prosecutorial Council (SPC) and Republic Public Prosecutor's Office (RPPO) in performing their competences related to prosecutorial governance and coordination.</p> <p>2.1. Strengthened capacities of the State Prosecutorial Council (SPC) in performing its competences in strategic planning, Human resources and career development and financial management.</p> <p>2.2. Strengthened capacities of Republic Public Prosecutor's Office (RPPO) in the area of strategic planning, supervision of work over Public prosecutors offices and cooperation with SPC related to prosecutorial services</p> <p>Result / Output 3: Strengthened technical capacities for the full roll-out and implementation of a Centralised Case Management System (CCMS) ensuring a random allocation of cases function and covering in all courts of general jurisdiction country-wide</p> <p>3.1.ICT equipment operational in all sites</p> <p>3.2. Strengthened capacities to manage CCMS and change management supported.</p> <p>3.3. Completed migration of digital data from legacy systems to implemented CCMS</p> <p>Result / Output 4: New courts facility constructed furnished and equipped in line with standards from the Model Court Guideline and Model Prosecutors Guideline.</p> <p>4.1.Construction works are completed for the new judicial complex in Novi Sad</p>	<p>1.1.Extent to which Midterm indicators and milestones linked to interim/closing benchmarks of Ch.23 are developed</p> <p>1.2 Percentage of corrective measures proposed by the CSOs that are addressed</p> <p>1.3.Status of revision of AP for CH 23</p> <p>2.1.1 A Human Resource Strategy for SPC and PPOs is drafted and adopted</p> <p>2.1.2 Status of Guidelines and plans/ regulations in areas of strategic planning, human resources planning and career development</p> <p>2.1.3 .Status of guidelines in the area of financial management and internal audit</p> <p>2.2 Status of Guidelines and plans / regulations in areas of supervision of work over PPOs and cooperation with SPC</p> <p>3.1. Number of Contracting authority's Provisional acceptance certificates for the equipment</p> <p>3.2. Percentage of CCMS users trained who passed final test and are capable of using the system correctly</p> <p>3.2. Percentage of CCMS IT support staff trained who passed final test and is capable of supporting users of the system</p> <p>3.3. Number of courts that completed the digital migration</p> <p>3.4. Number of courts using CCMS</p> <p>4.1.Extent to which the Judicial building in Novi Sad is operational and fully equipped</p>	<p>EU Monitoring and EC Country Reports</p> <p>Annual Report of MoJ</p> <p>Annual Report of SPC</p> <p>Annual Report of Judicial Academy</p> <p>Annual Report of RPPO</p> <p>Council's Report on implementation for AP for Chapter 23</p> <p>IPA 2012 Infrastructural Assessment.</p> <p>Project Report</p> <p>Survey at the end of training for the CCMS delivered by the Project</p>	<p>Sound cooperation and coordination between all relevant institutions and active participation of CSOs;</p> <p>Laws and by-laws related to career development of prosecutors will be adopted</p> <p>HR Strategy finalised through support IPA 2012 .(during preparation of HR Strategy gender sensitive aspects will be considered).</p> <p>In relation to the court CMS:</p> <p>Sufficient human resources provided by the Justice system and assigned to the management, updating and maintenance of the CCMS.</p> <p>GoS will adequately plan a multi-annual budget forecast with commitments to support all Telecommunication and data Infrastructure costs and maintenance.</p> <p>GoS will adequately plan a multi-annual budget forecast with commitments to support adequately the new system delivered under this project .</p> <p>While sustainability of the project should be assured by GoS via adequate planning of multi-annual budget to sustain maintenance costs for CCMS system; financial commitments should be inserted in budget programming from the second year of full implementation of the system.</p> <p>The establishment of an operational body for ICT Governance with the mandate to implement ICT Sectoral Council resolutions</p> <p>Action Plan for implementation of ICT Guidelines adopted</p> <p>In relation to result/Output 4:</p> <p>All permits, legal requirements and project and technical documentation for the construction of the annex of the court building in Novi Sad are issued or adopted prior to the launching of the works tender.</p>

DESCRIPTION OF ACTIVITIES

Activities related to Result 1: Enhanced monitoring capacities of the MoJ and relevant Ch. 23 institutions as well as MoJ capacities for implementation of Ch. 23 reform activities.

The EU Common Position for CH 23 includes the following interim benchmark requirements: "an effective, close and permanent monitoring of the implementation of its Action Plan in the field of Judiciary and Fundamental Rights, through a robust and multi-disciplinary mechanism, paying particular attention to the adequacy of human and financial resources, institutional capacity, training requirements, the respect of set deadlines, a real dialogue with civil society and adequate consideration of their proposals and which can trigger corrective measures as required".

In order to further enhance the monitoring and evaluation capacities of the MoJ and relevant Ch. 23 institutions, as well as MoJ capacities for implementation of Ch. 23 reform activities, the activities will support the mapping of all strategic documents in the area of judiciary, anti-corruption and fundamental rights. The activities under this result are expected to strongly follow-up on and secure the sustainable implementation and roll-out of the results and deliverables that will be achieved under IPA 2015 support. The activities will result in the consolidation of monitoring mechanisms of the relevant strategic documents within the scope of Chapter 23 requirements. Support will be provided for the conduction of an Impact Assessment on the implementation of the Chapter 23, for the purpose of support to the implementation of the Interim Benchmarks, including in the fields of anti-corruption and fundamental rights. Currently, the AP for Ch.23 has defined indicators at the level of activities, but there are no defined indicators and milestones related to the Interim benchmarks. The existing track record tables do not have qualitative indicators. The activities under this result will support/enable the Serbian Institutions to fill out properly the already existing track records as well as support the process of refining indicators for the Interim and Closing Benchmarks of Ch23.

The activities under this result will also support better policy reform outreach. Due to the limited capacities and budget, all meetings related Ch.23 have been organised mostly in Belgrade. Activities will focus on the conduction of the necessary consultation process with relevant stakeholders and consultation with various CSOs throughout Serbia.

Activities will support the drafting of a new/revised version of the AP for Ch.23. Capacity building activities including a series of trainings will be conducted in the MoJ and related Ch23 institutions for the improvement of the policy development and analytical skills for assessing relevant information related to the acquis, EU and other international standards in the judiciary reform sector. Support in drafting new/revised AP 23 will be provided based on the methodology developed under the IPA 2015 project. A public survey will be undertaken at the beginning and end of the project to measure public awareness of the integration process related to the justice sector reform.

Activities to Result 2: Strengthened capacities of the State Prosecutorial Council (SPC) and Republic Public Prosecutor's Office (RPPO) in performing their competences related to prosecutorial governance and coordination.

This Action will stem from a previous assistance under IPA 2013, which focuses on strengthening the capacity of SPC Administrative Office in budget and strategic planning, strengthening elections and evaluation of work for prosecutors and deputy prosecutors and strengthening prosecutorial discipline and ethics. However, in expectation of transfer of residual budget competences to SPC, its financial planning and execution monitoring capacity needs to be further strengthened, and strategic planning of adequate human resources and budget for public prosecution offices needs to be improved and effectively implemented. Therefore, activities shall encompass the development and conduction of specific training programme and production of practical Guidelines in the area of strategic planning and analytics (SPC and RPPO), human resources planning, financial planning and management and internal audit (SPC). This Action shall also provide support for drafting career development regulations for prosecutors and deputy prosecutors, including planning and recording of professional training. Activities will enable assistance for the development of the Methodology for RPPO on conducting analysis of prosecution practice and development of prosecutorial practice and mandatory instructions compendium.

A survey will be undertaken at the beginning and end of the project to measure improvements in the development of the prosecutors career planning.

Furthermore, aiming to improve coordination among SPC and RPPO an analysis shall be conducted and recommendations on how to improve coordination in complementary areas of work between SPC and RPPO shall be provided.

Moreover, in order to increase capacities of both institutions, part of the activities will support exchange of experience with relevant institutions in EU member states. Furthermore, SPC and RPPO shall be assisted in developing a multi-annual Strategic Plan, and in developing Human Resource Strategy for SPC and PPOs. Support will be directed toward improving the efficiency of work of internal audit in the State Prosecutorial Council (SPC). Analysis of performance of the current system of supervision over the PPOs shall also be targeted by this action. Finally, activities supporting backlog reduction will be put in place.

Activities related to Result 3 - Strengthened technical capacities for the full roll-out and implementation of a Centralised Case Management System (CCMS) ensuring a random allocation of cases function and covering in all courts of general jurisdiction country-wide – which should be able to process all relevant data for measuring the effectiveness of the judicial system.

This Action will support all required steps with the aim to achieve the implementation of the new system in courts of general jurisdiction.

The Action will support:

- In terms of equipment, provision and installation of basic ICT equipment in selected sites, in accordance with the findings of needs assessments related to ICT infrastructure inventory, performed under current IPA II interventions, and also on the conditions required in relation to ICT equipment at central level for the future CCMS.
- Provision and installation of the ICT equipment at central level for the future CCMS.
- Design, development and implementation of the centralised case court management system as its deployment in all courts of general jurisdiction. Courts management will undergo testing procedure and its deployment will be based on adequate roll out plan.
- Assessment of the state of play and needs of the judiciary system in Serbia in relation to the full roll out of e-justice in accordance with the Chapter 23 Action Plan, and the necessary future investments (including in relation to the CCMS and other related systems).
- Digital Data Migration from legacy systems to the new CCMS.
- Adequate training on the new CCMS will be provided to end users as to administrative users and structured Helpdesk system will be set up
- Warranty of supply equipment will be applied as per contractual conditions as maintenance will be assured compatible with contracts condition.

Adequate capacity building activities will include training for all users of CCMS and for IT support staff as structuring of an adequate Helpdesk. Support change management policy toward the use and acceptance of new CCMS.

The CCMS to be established is assumed to be a turnkey software solutions implemented by System Integrators contracted through open tenders.

The main components of the new solutions include: hardware, comprising of servers used for Applications and Content service, database service and indexing service; active communication and storage equipment; servers for non-critical services, such as interoperability; communication services, which allow accessing of the future centralised CMS from all court locations will be financially sustained by the Government of Serbia.

The number of current users of the system is estimated to be 6.700, of which between 15% and 25% are considered "heavy users" of the system. Hardware and software for scanning/imaging will be needed in 149

locations of courts of general jurisdiction, including backup procedure. Re-organisation of IT internal staff creating an appropriate Help-Desk structure for Helpdesk level 1 and 2 will be required.

The future CCMS should be based on robust, commercial off-the-shelf products bundling full fledge Enterprise Content Management, manufactured by world-wide known vendors. Tools and scanning/digitalisation features should be available for integration. Commercial software is off-the-shelf product under special copyrights (license mode) as under commercial maintenance obligation. The proposal include a bundle where the costs related to the rights of the commercial maintenance obligation are included for an initial mid-term (5y) period to increase sustainability of the complex system to be and mitigating eventual marketing disparities and differences in licenses policies. Communication and data exchange with other ICT systems within judiciary and public administration through implemented interoperability platform should be assured.

Appropriate training must be provided to all future users of the system either as initial training or as continuous training planned for a long-term period. The initial training should preferably be designed to last 1 to 2 days for groups of maximum 15 people. Judges will be proposed to attend a one-day in-class training course, followed by on-the-job training as appropriate, provided by Help-Desk level-1 staff on demand. Non-judicial personnel will be proposed to attend one or two-day in-class training, depending on their initial skills. In addition internal IT staff should be trained to provide assistance at Helpdesk level 1 and 2.

Activities related to Result 4 - New court facility constructed, furnished and equipped in line with Model Court Guideline and Model Prosecutors Guideline.

According to the evaluation criteria for the selection of priority judicial infrastructure developed within the IPA 2012 project "Judicial Infrastructure Assessment Republic of Serbia", out of 100 court buildings included in the assessment, the judicial building in Novi Sad is marked as the second priority for reconstruction/rehabilitation.

The activities will result in the construction of a new annexed building. The annexed building shall provide a fully functional and modern structure to the following institutions: the Basic and Higher court (criminal department), and the Basic and Higher Public Prosecutors Offices. The new facility will host around 250 employees.

For the purpose of the construction of this new annex building, the land was transferred, free of charge, in January 2017 from the Novi Sad municipality to the Republic of Serbia. The gross area covered by the intervention will be 11.500sqm, along with 4500sqm underground area and 7000 sqm above ground.

The construction of the new annex will allow the achievement of functional standards for the work of courts and public prosecutors' offices in Novi Sad. Activities will align the courts of Novi Sad with the standards defined in Model Court Guidelines, thus enabling to bring together all courts and PPOs functions within the building, without unnecessary separations. Rationalization of physical communications within the building and official administrative communication between the courts and/or PPO offices will contribute to greater efficiency of operations. Implementation of standards defined in the Models will improve the security aspects of the building through design of: separate parking space for cars of officials and judges, as well as the separated secured transport corridors for detainees.

The activities will allow for the establishment of basic pre-conditions necessary for the deployment of electronic case filing and video conferencing: once featured this equipment shall reduce the paper work, increase speed in which citizens can have access to their cases, and ensure real time access to online repositories which shall then positively impact on the whole speed of the case cycle. Moreover, provided equipment will include the use of video hearings which will have a positive impact by reducing transportation costs, and increasing case filing operation systems. .

RISKS

- Lack of continuous aspiration among political and judicial stakeholders to pursue the judicial reform agenda as defined in the Chapter 23 Action Plan. ;

- Lack of adequate national budget allocated to support the continuity in the judiciary reform.
- Lack of adequate internal staff trained and available for technical support.
- Lack of adequate government budget for appropriate maintenance of the ICT systems. In relation to the ICT component, sufficient human resources need to be provided by the Justice system and assigned to the management, updating and maintenance of the CCMS. The lack of an operational body for ICT Governance with the mandate to implement ICT Sectoral Council resolutions and the lack of an Action Plan for implementation of ICT Guidelines create a risk to the proper planning, coordination and future sustainability of the CCMS.

The main mitigation factor for these political and financial risks is the policy dialogue established between Serbia and the EU in the context of the accession negotiation. The Chapter 23 is among the crucial chapters which are first to open in the accession process, and among the last to close. This is in view of the increased importance given in the Enlargement strategy of the EU to the reforms in the area of justice and fundamental rights, since they underpin all other reform processes. Without an independent, efficient, accountable and transparent judiciary system, the reforms in other areas, including economic governance, cannot come to fruition. For this reason, the EC has established a strong monitoring mechanism in the context of the accession negotiations process to oversee the degree of compliance with the EU acquis and standards under Chapter 23 and to monitor progress, including an early warning system in case progress stalls, benchmarking system with statistical follow-up of data and regular and high level policy meetings in the context of the sub-committee.

In order to mitigate these global risks, appropriate political and operational follow-up are required to ensure the implementation of the Action Plan for Chapter 23 and relevant national strategies under Chapter 23. The responsibility for monitoring the implementation of the Action Plan has been entrusted to a number of institutions, which include the Council for implementation of the Action Plan for Chapter 23, The Head of the Negotiating team for Negotiations for accession of Serbia to the EU, the Negotiating Group for Chapter 23 and the Coordination body for the process of accession of the Republic of Serbia to the European Union. The Council prepares quarterly reports on the implementation of the Action Plan and submits them to the Coordination Body and the Committee for European Integration of the National Assembly. Six-monthly reports are submitted to the European Commission, who in turn has a number of additional monitoring mechanisms, such as the statistical tables related to the achievement of benchmarks. An annual report is also approved by the National Assembly. The relevance, periodicity and institutional and organizational level of the reporting in relation to the Chapter 23 ensure that the early warning mechanisms built into the Action plan are functional, and provide mitigation to the risks related to the achievement of activities required by the Action plan.

CONDITIONS FOR IMPLEMENTATION

For Result 3 (Introduced Court Case management system (CCMS) in all courts of general jurisdiction country-wide)

Conditions without which the project cannot be timely or effectively implemented are the following:

- Data Recovery centre in Nis fully operational before the Tender process for CCMS is launched. This will ensure safe backup of all the new data inserted in the CCMS.
- In terms of sequencing, the Migration plan of electronic case data, available in the software currently in use, needs to be drafted before the Tender process for CCMS is launched.
- Basic court equipment and infrastructure (computers for users and LAN connections) should be available to cover at least 70% of the expected CCMS users, before its deployment.
- Telecommunication costs for the effective functioning of the CCMS will be financed by the Government of Serbia.

Conditions for the implementation of the other results under this action are in place.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

This Action document under IPA II assistance will be implemented by direct management. Monitoring arrangements, Steering Committee(s) shall be established in accordance with the relevant provisions of the applicable legal acts regulating IPA II.

The following beneficiaries will be responsible for the achievement of the different results:

Result 1: The Ministry of Justice is the final beneficiary. Numerous institutions, stakeholders and CSOs involved in the the Chapter 23 AP implementaiton are the end recipients of this result.

Result 2: The State Prosecutorial Council will be final beficiary, while the end recipients of this result are both State Prosecutorial Council and Republic Public Prosecutors Office.

Result 3: The Ministry of Justice is the final beneficiary of the project while the end recipients are courts of general jurisdiction country wide. The Ministry of Justice will be responsible for overall coordination of the Project and will assure the availability and collaboration of all institutions within and outside the Justice system for correct programming of interoperability. In addition, the Ministry of Justice will guarantee proper access to previous CCMS system developed, contacts of previous developer and assure they provide all needed information. High Judicial Council and Supreme Court of Cassation will be included in the project implementation. ICT Council will participate with the role of overall assessment and coordination of the intervention.

Result 4. The Ministry of justice will be final beneficiary while the end recipients are courts and prosecutorial offices. The Ministry of Justice will be responsible for overall coordination of the Project.

IMPLEMENTATION METHOD(S) AND TYPE(S) OF FINANCING

The activities under Result 1 will be implemented through one service contract.

The activities under Result 2 will be implemented through one service contract

The activities under Result 3 will be indicatively implemented through one service contract and one supply contract.

The activities under Result 4 will be implemented indicatively through one works contract, two supply contracts and one service contract.

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING (AND EVALUATION)

The Commission may carry out a mid-term, a final or an ex-post evaluation for this Action or its results via independent consultants, through a joint mission or via an implementing partner. In case a mid-term or final evaluation is not foreseen, the Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner. The evaluations will be carried out as prescribed by the DG NEAR guidelines for evaluations. In addition, the Action might be subject to external monitoring in line with the EC rules and procedures set in the Financing Agreement. The evaluation shall include gender analysis as well.

Project monitoring will be conducted through direct participation in the project approval committee as well as regular reporting provided by the implementing agency. The action further foresees monitoring from the EU Results Oriented Monitoring (ROM) team.

The implementing authority will provide regular reporting on the implementation of the project, and on ensuring the beneficiary's needs and concerns are met and addressed. The implementing authority will ensure the flexibility of accommodating the needs within the framework of the project's mandate. The assessment will be used to provide suggestions for the future implementation of similar programming and draw out lessons learned from the current phase.

The project may be evaluated at the interim or ex-post stages under the supervision of the Commission's Evaluation Unit. The project may be audited by the Court of Auditors – in line with the standard European Commission procedures.

The monitoring of the action will be based on the four clusters of indicators as set below:

- Resource Indicators (indicators which provide information on the financial and human resources allocated by the experts' team to reach the results as described in the log frame)
- Output Indicators (indicators which represent the product/output of the each implemented activity);
- Impact Indicators (indicators, which represent the consequences of each implemented activity such as backlog reduction or number of court case decisions enforced)

INDICATOR MEASUREMENT

Indicator	Baseline (2016) (2)	Target 2020 (3)	Final Target (2023) (4)	Source of information
CSP indicator				
Progress made toward meeting accession criteria (Ch. 23 – Judiciary & Fundamental Rights)	Chapter 23 opened	Chapter 23 Action Plan implementation ongoing	Chapter 23 closed	EU Monitoring and EC Country Reports
- Ratio between the number of proposed corrective measures by the monitoring mechanism and the number of measures that are implemented (disaggregated by institution proposing the corrective measure);	30%	70%	80%	Council's Report on implementation for AP for Chapter 23 Annual Report of MoJ
Degree of fulfilment of recommendations from SPC Strategic Plan related to independence and efficiency of the Prosecutorial system	No Strategic Plan	Strategic Plan in place and fulfilled at least 30%	Strategic Plan in place and fulfilled at least 60%	Annual Report of SPC
Number of backlog reduction cases in courts of general jurisdiction ³	63,180	25,387	12,405	Backlog Reduction Program of SCC (update 2016)
Number of centralized statistical courts report produced through the CMS	0 (currently all reports are produced	n/a	100% of standardized reports	Annual Report of SCC

	manually		are produced through the CMS ⁴	
Percentage of courts in which a functioning Centralised Case Management System has been introduced.	SAPS has been used in the Supreme Court of Cassation and the Administrative Court in Belgrade, all Appellate Courts (Belgrade, Nis, Novi Sad, Kragujevac) and the High Court in Sremska Mitrovica.	n/a	100% of courts.	
Compliance of a new judicial building with standards defined within Model Court Guidelines	Existing working conditions of judicial bodies in Novi Sad are not in compliance with standards from the Model court guideline	new judicial building compliant with standards from Model court guideline	new judicial building compliant with standards from Model court guideline	IPA 2012 Judicial Infrastructural Assessment Report
1.1. Extent to which midterm indicators and milestones linked to interim/closing benchmarks and related to implementation of Ch.23 are developed	do not exist	midterm indicators and milestones for interim benchmarks drafted	midterm indicators and milestones for closing benchmarks drafted	Annual Report of MoJ Project report
1.2 Percentage of corrective measures proposed by the CSOs addressed	30%	70%	80%	Council`s Report on implementation for AP for Chapter 23

⁴ Depending on the date of commencement of the implementation of the project

				Annual Report of MoJ
1.3. Status of the revision of the AP for Chapter 23	There is an AP for Chapter 23 until 2018	AP for Chapter 23 revisions prepared with project inputs	n/a	Council`s Report on implementation for AP for Chapter 23
2.1.1 A Human Resource Strategy for SPC and PPOs is drafted and adopted	No Human Resource Strategy for SPC and PPOs	70% is the percentage of implemented Human Resource Strategy for SPC and PPOs	80% is the percentage of implemented Human Resource Strategy for SPC and PPOs	Annual Report of SPC Annual Report of RPPO
2.1.2 Status of guidelines and plans/ regulations in areas of strategic planning, human resource planning and career development	Human Resource Plan developed only for SPC, not for PPOs (for deputy prosecutors). No training plan for PPOs.	Procedures, guidelines and regulations and templates drafted. Human Resource plan for PPOs developed, training plan drafted with project input	Procedures, Guidelines, regulations and templates, including Human Resource Plan for PPOs and training plan, improved with project input and implemented	Annual Report of SPC Annual Report of RPPO
2.1.3. Status of guidelines delivered in the area of financial management and internal audit (including budget plan and internal audit system)	No guidelines in place. Regulations and procedures in plans. Basic templates in place. No internal audit system in place	Guidelines developed. Budget Plan developed by SPC. Internal audit system in place.	Procedures, guidelines, regulations and templates improved and implemented. Budget Plan improved developed on basis of project inputs.	Annual Report of SPC Annual Report of RPPO

			Internal audit system improved.	
2.2. Status of Guidelines / plans regulations in areas of supervision of work over PPOs and cooperation with SPC	No guidelines in place. Regulations and procedures in plans.	Guidelines developed.	Procedures, guidelines, regulations and templates improved and implemented.	Annual Report of SPC Annual Report of RPPO
3.1.1. Number of Contracting authority's Provisional acceptance certificates for equipment issued	0	to be defined in the Technical specifications		Project Report and Documentation
3.2.1. Percentage of CCMS users trained who passed final test and are capable of using the system	0	n/a	90%	Project Report
3.2.2. Percentage of CCMS IT support staff trained who passed final test and are capable of supporting users of the system	0	n/a	95%	Project Report
3.3.1. Number of courts that completed the digital migration from legacy systems	0	n/a	all courts of general jurisdiction (99 ⁵)	Project report Annual Report of MoJ

⁵ Number of courts that need to be migrated = BC 67 + 26 HC+ 4 appel+1SC+1AC=99

<p>4.1.Extent to which the judicial building in Novi Sad is operational and fully equipped</p>	<p>There is no adequate judicial building in Novi Sad capable of supporting the full needs of the court and the PO</p>	<p>n/a</p>	<p>New judicial building in Novi Sad is aligned with standards and fully operational. Building is furnished and provided with ICT equipment.</p>	<p>Project Report / Annual Report of MoJ</p>
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5. SECTOR APPROACH ASSESSMENT

Due to the complexity and scope of the sector, there are several national strategies which determine policy orientation towards different areas within sector (judiciary, anticorruption, anti-discrimination, national minorities, etc). The National Judicial Reform Strategy (NJRS) for the period 2013-2018 was enacted by the National Assembly of the Republic of Serbia on the July 1st 2013. The Government adopted an Action plan for its implementation in July 2013. New strategic framework will be developed for the period beyond 2018.

Institutional Leadership and Capacity

The **sector lead institution (SLI)** for the justice sector is **the Ministry of Justice**, which is leading the relevant sector institutions in the process of planning, elaborating, implementing, monitoring /reporting and coordinating of sector policies. Furthermore, in relation to negotiation process the Ministry has leading role in chapter 23.

Strong inter-institutional cooperation and coordination in the sector has been ensured through the Sector Working Group (SWG) that prepared the Sector Planning Document for 2015-2017.

The overall planning and programming of international assistance (including the IPA II) is conducted in line with the Sector Approach. It is nationally led and coordinated by the NIPAC/NIPAC Technical secretariat (NIPAC TS); however within the Justice sector and with the view of introducing fully-fledged sector approach, it is expected that the Ministry of Justice as the SLI would take overall management responsibility and responsibility in coordinating relevant sector institutions and providing the inputs to planning and programming of international assistance.

The Sector Working Group (SWG) for Justice is responsible for the coordination of activities related to management of EU funds and other international assistance. The functioning, management, organisation and composition of SWG is defined by the Rules of Procedure for Sector Working Groups for the Programming and Monitoring of the EU funds and international assistance.

In order to enable more inclusive and transparent dialogue, consultation and communication with all relevant stakeholders in regard to planning and programming of EU and other international assistance, SEIO (the newly formed Ministry of European Integration) established Sectorial Civil Society Organisations (SECOs) mechanism. SECO serves as consultation mechanism with the Civil Society Organisation (CSOs) active in the field of particular sector. Members of SECO are participating at the SWG meetings and takes part in consultation processes for analysing sector priority goals, measures and operations for financing from EU funds and international assistance. SECO and SWG are part of the consultative process that leads to the elaboration of the IPA II Action Documents.

This Action is planned taking in to account programme budget developed in line with medium-term beneficiary's plans and other strategic documents related to their competencies. Each programme is made up of independent yet closely interlinked components, activities and/or projects, set up objectives and developed indicators.

6. CROSS-CUTTING ISSUES

GENDER MAINSTREAMING

Equal opportunities for men and women will be guaranteed as integral part of implementation of this Action. All further research and analyses will be conducted using gender-sensitive methodology.

The Serbian legal framework related to the prohibition of discrimination and anti-discriminatory policy is aligned with the relevant EU conventions and harmonised with the three key Directives of the European Union. When it comes to the relevant documents Serbia has adopted a Law on the Prohibition of Discrimination, the National Anti-Discrimination Strategy, Action Plan for the implementation of this

strategy, supporting measures in a number of sectors of society, and the National strategy for improving gender equality 2016-2020 was adopted by Government of the Republic of Serbia on 1st April 2016.

The RoS established Coordination Body for Gender Equality in 2014 through a Government Decision with a mandate to coordinate Government` actions in the area of gender equality. Law on Gender Equality stipulates that the Coordination Body for Gender Equality is the permanent Government body mandated to ensure the coordination of Government actions in the area of gender equality and stipulates the establishment of the Office for Gender Equality in the executive branch of government and requires ministries to nominate/employ Gender Equality Coordinators with specific duties and responsibilities for gender mainstreaming in their respective sectors.

Due attention will be placed on the involvement of women during the development of strategic approach as well as law-making process. The project will ensure that the gender-sensitive curricula and training programmes are developed in order to ensure that men and women benefited equally, in particular female prosecutors.

EQUAL OPPORTUNITIES

According to Article 15 of the Constitution, the state shall guarantee the equality of women and men and shall develop the policy of equal opportunities. The protection of gender equality is also regulated in the Law on Gender Equality, the Law on the Prohibition of Discrimination, the Law on the Election of Deputies, the Law on Local Elections, the Law on National Councils of National Minorities.

According to the Action Plan for Chapter 23, in the forthcoming period, the RoS plans to pay due attention to the promotion of the principle of gender equality, including mainstreaming gender equality issues in relevant policy areas, both at strategic and legislative level, as well as to strengthen capacity of the institutions and their mutual coordination. In the forthcoming period, the RoS will develop a new strategic framework for the protection and promotion of gender equality, establishing in this way a new foundation to advance the exercise of gender equality in practice. New strategic framework will be aligned with gender dimension of the EU 2020 strategic framework, particularly focusing on economic empowerment of women, combating gender based violence, and participation of women in public life.

Equal opportunity will be taken into account at all stages and aspects during the implementation of the project. The action will ensure mainstreaming of gender and minority issues both within the target institutions and the outputs (services provided by these institutions). Team of experts involved in the project must possess relevant skills to ensure effective mainstreaming of gender equality and minorities inclusion/participation. Equal participation and contribution of women and men in the consultative processes and in decision-making will be ensured. In this regard, equal participation of women and men will be reflected in the composition of project teams, Evaluation Committees and in the teams of experts in service contracts.

In 2013 the **Anti-discrimination Strategy**⁶ was adopted and it has specific overall objective, inter alia, addresses the gender equality. Also, the **National Gender Equality Strategy 2016 – 2020**⁷, adopted in 2016, has three specific strategic goals and with regards to both strategies the focus will be on the implementation of existing strategic and legal framework for the protection of human and minority rights. In order to facilitate implementation of anti-discrimination AP towards removing obstacles and circumstances that hinder the achievement of full equality of deprived, vulnerable and marginalized groups, significant activities on promotion of the importance of anti-discriminatory practice, especially by raising awareness for the general public are being envisaged. Active participation not only by the government bodies, but also by independent institutions will achieve improving protection mechanisms specifically designed in accordance with European and international obligations and standards.

⁶ Anti-discrimination Strategy "Official Gazette of the RS" No 60/13

⁷ *National Gender Equality Strategy 2016 – 2020*, "Official Gazette of RS", no. 04/16.

MINORITIES AND VULNERABLE GROUPS

With regards to socially vulnerable and disabled persons and principle of non-discrimination, the national legal framework is broadly in place and the relevant international conventions have been ratified. An Anti-discrimination Law prohibiting any kind of discrimination is in place since March 2009. A comprehensive anti-discrimination strategy (2014 – 2018) was adopted. Efforts are required to bring the antidiscrimination legislation fully in line with EU acquis.

In regard to fundamental rights, especially in terms of anti-discrimination policies, the Action Plan for Chapter 23 (AP for Ch. 23) envisages numerous activities in regard to prevention and protection from discrimination. Through dedicated work, the Commissioner for Protection of Equality, as a central national body specialized in combating all forms and types of discrimination and prevention of discrimination, has led to a significant increase of awareness on discrimination.

Serbia has an extensive constitutional and legal framework providing for the protection of minorities and is party to relevant international instruments such as the Council of Europe. The government's Office for Human and Minority Rights (OHMR) coordinates, implements and monitors minority related policies. However, its administrative capacity as well as its overall horizontal effective coordination of Governmental policies related to human rights and minority protection needs to be further enhanced. Namely, increased activities in this area and implementing strategic framework and its Action Plans (Action Plan on anti-discrimination and draft Action Plan on minority rights – adopted in March 2016 by the government of the Republic of Serbia) had led to establishing new monitoring mechanisms, which embraced all relevant stakeholders.

In general, throughout the implementation of the Action respect for vulnerable and minority groups rights will be respected. The proposed Action will carefully take the required steps to ensure that standards of ethnic balance, minorities and vulnerable groups will be maintained and improved.

ENGAGEMENT WITH CIVIL SOCIETY (AND IF RELEVANT OTHER NON-STATE STAKEHOLDERS)

Civil Society engagement in this sector is considered very important. One of the focuses of different actions foreseen in this document will be to capitalise on the existing knowledge and experience of civil society organisations. There are number of civil society organisations that are active in monitoring the developments, progress and challenges of rule of law institutions in Serbia. Many are also focused on monitoring justice institutions, and in monitoring the efficiency and effectiveness of institutions in upholding the core human rights.

In order to ensure transparency of the consultation processes related to planning and programming of international assistance, NIPAC TS established a consultation mechanism with the Civil Society Organisation (CSOs). This mechanism is based on the consultative process with Sectorial Civil Society Organisations (SECOs) and serves as a platform which enables exchange of information and contribution of CSOs in relation to programming and monitoring of the international assistance including IPA. Members of SECO participate in SWG meetings based on the needs and requirements and take part in consultation processes. The platform for participation and monitoring the negotiation process with the EU, the National Convention on the EU (NCEU), has also been established as a permanent body for thematically structured debate on Serbian accession into the EU, between representatives of the governmental bodies, political parties, NGOs, experts, syndicates, private sector and representatives of professional organizations.

Civil Society in the area of Rule of law in the programming process led by the Ministry of European Integration is represented by the SECO mechanisms for cooperation with civil society. Through a set of CSOs which were selected to coordinate the work of all of the CSOs that take participation in the diverse areas covered by this sector (coordinating CSOs are Belgrade Centre for Security Policy, Belgrade Centre for Human Rights and Group 484), the relevant Action document was consulted with the larger CSO group, the organisations were invited to provide comments of the proposals, which contributed to quality and consistency of document.

In terms of specific involvement, the CSOs will be invited to participate in training and capacity building activities under the monitoring system to be established for the Result 1, especially those CSOs with specific capacities and knowledge related to the acquis/international standards.

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

Serbia has a set of environmental policies in place, and a policy dialogue with the EU is under way in the context of the negotiations to take place related to Chapter 27 on Environment. Topics covered through the explanatory and bilateral screenings of this chapter include air quality, waste management, water quality, nature protection, industrial pollution control and risk management, chemicals, noise, civil protection and climate change. Important aspects are further covered under the Chapter 11 on Agriculture and Rural Development; Chapter 12 on Food Safety, Phytosanitary and Veterinary Policy; Chapter 13 on Fisheries and Chapter 15, which deals with Energy.

The environmental impact of this Action will not be substantial. The Action anticipates respect of all necessary national environmental issues in particular related to construction and renovation of court buildings. The proposed Action will take in consideration the effects of climate change and optimize energy usage for the buildings. The Contractor in the Works Contracts will be required to prepare an environmental plan to cover all foreseeable negative impacts of construction. The Action anticipates the use of domestic building materials that are acceptable according to current criteria and standards for environmentally safe practices. The proposed action is of a purely technical nature and it will not have a negative impact nor jeopardize the environment.

7. SUSTAINABILITY

All proposed activities under this document should ensure sustainability by creating achievements and sustainable results based on a tailor-made approach for Serbia. The goal is to create know-how models within the respective institutions and staff. This means that results attained during the lifetime of a project should be preserved and further developed after the implementation of the project is ended. This would generate an environment which continues the necessary developments needed to build a sustainable system. All activities shall focus on successful transfer of knowledge and advancement of internal capacities of Serbian institutions. Special focus should be paid to the institutions ownership, inclusive leadership and the quality of communication, network and trust created. It would be of an added value if by the end of the proposed projects, sustainability plans would be developed in order to preserve best practices and experiences.

Sustainability of the maintenance costs for CCMS system should be assured by GoS starting with an adequate multi-annual budget plan and forecast; including; financial commitments dedicated to maintenance of the system (in terms of hardware, system development and request for system changes) and continuous training of the users. This should be inserted in budget programming from the second year of full implementation of the system.

Further reform process in the justice sector represents a complex process that requires substantial financial resources for a number of structural and organizational changes. In order to ensure sustainable and effective implementation of the strategic framework, the Republic of Serbia is committed , within the available resources, to provide the necessary material preconditions and financial means for the goals and activities set out in these relevant documents.

8. COMMUNICATION AND VISIBILITY

Communication and visibility will be given high importance during the implementation of the Action. The implementation of the communication activities shall be funded from the amounts allocated to the Action.

All necessary measures will be taken to publicise the fact that the Action has received funding from the EU in line with the Communication and Visibility Manual for EU External Actions. Additional Visibility Guidelines developed by the European Commission (DG NEAR) will have to be followed.

Visibility and communication actions shall demonstrate how the intervention contributes to the agreed programme objectives and the accession process. Actions shall be aimed at strengthening general public awareness and support of interventions financed and the objectives pursued. The actions shall aim at highlighting to the relevant target audiences the added value and impact of the EU's interventions and will promote transparency and accountability on the use of funds.

In terms of concrete outputs, the programme has two components which can in particular be used for securing visibility and communication about the EU with success. With regard to the Novi Sad court / PO building, as the second largest city in Serbia, the Novi Sad judiciary institutions see a huge bulk of the case load, and cater to a substantial population. The greater ease of access (for persons with disabilities, elderly), the better conditions (for regular users of the courts / POs, but especially for victims and witnesses of crime, for the clerks and judicial personnel) should lead to greater efficiency: more courtrooms mean more court days and sessions, and this means faster trials. Better organised archives and registries mean faster processing of case files. The second result which can generate positive visibility is the electronic case management system: the system delivered to courts of general jurisdiction across Serbia will allow the courts to integrate, work faster and deliver faster justice to the citizens: access to data and case files should be quick and easy for the judicial personnel, data should be available centrally: Serbia will have a modern system for case management of judiciary files, up to date with European standards. This would increase efficiency and transparency. Specific visibility components should be part of each of the contracts.

