

Standard Summary Project Fiche – IPA centralised programmes
(Regional / Horizontal programmes ; centralised National programmes)

1. Basic information

1.1 CRIS Number: 2007/19322

1.2 Title: Standardized System for Judiciary Education and Training

1.3 ELARG Statistical code: 01.23

1.4 Location: Serbia

Implementing arrangements:

1.5 Contracting Authority – European Commission

1.6 Implementing Agency: N/A

1.7 Beneficiary (including details of project manager): Ministry of Justice

Financing:

1.8 Overall cost: €2M

1.9 EU contribution: €2M

1.10 Final date for contracting: 3 years after the signature of the Financing Agreement

1.11 Final date for execution of contracts: 5 years after the signature of the Financing Agreement

1.12 Final date for disbursements: 6 years after the signature of the Financing Agreement

2. Overall Objective and Project Purpose

2.1 Overall Objective:

To strengthen the efficiency and transparency of courts and prosecutorial offices, by establishing a new system of appropriate training before and during appointment of personnel to judicial functions

2.2 Project purpose:

1) Appropriate training (practical and theoretical) provided by the Judicial Academy for lawyers that are entering judicial professions based on EU standards and criteria;

2) Continuous training of judges and prosecutors provided by the Judicial Academy in order to increase their professional capacities and strengthen the overall efficiency of the judicial system.

2.3 Link with AP/NPAA / EP/ SAA

The European Partnership requires that Serbia ensures full legal and practical safeguards for independence and efficiency of the courts, including the reform of the current system of appointment procedure; implement legislation on mandatory training and ensure budgetary sustainability of the Judicial Training Centre. (pp 14)

The **SAA (Article 80 Reinforcement of institutions and rule of law)** underlines the importance of consolidating the rule of law and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular.

Institutionalizing a well-functioning and efficient judiciary as well as law enforcement agencies are key elements to be supported through the SAP. To achieve this, the SAP, among other measures, promotes reforms to enhance transparency, efficiency, effectiveness and accountability in the JHA sector. These steps are critical in order to build citizens' trust in judicial and police institutions.

2.4 Link with MIPD

The main priorities and objectives in the area of the rule of law under the MIPD 2007-2009 include strengthening of the wider judicial system through Standardised System for Education and Training, supporting the new Juvenile Justice Law and independence of the Serbian Court System.

2.5 Link with National Development Plan (where applicable)

N/A

2.6 Link with national/ sectoral investment plans(where applicable)

In the National Investment Plan of the Republic of Serbia for 2007 2.1 MEUR is allocated for the reconstruction of National Judicial Training Institute (Judicial Academy) building.

The Serbian European Integration Strategy identifies the following priorities to meet the European Partnership standards in judicial reform

- Improve recruitment and promotion of judges and public prosecutors in order to open these professions to all who meet the required conditions;
- Achieve transparency in the procedure of recommending and electing judges and public prosecutors;
- Establish continuous education as an obligation for judges and public prosecutors; developing assistant judicial professions and their education (court executives, public notaries, bankruptcy managers, court summonses, etc.).

3. Description of project

3.1 Background and justification:

To date steady progress has been made in the reform of the Serbian Judicial System. Significant challenges still remain, particularly in meeting demands of the new legislation, improving the transparency of judicial procedure, reducing the scale of backed up caseloads and increasing the efficiency of court proceedings. The Ministry of Justice has been actively seeking to address several of these issues through legal reforms, new procedural codes and computerisation. An important step has been made in the implementation of the National Judicial Reform Strategy

The National Judicial Reform Strategy is based on four key principles: independence, transparency, accountability and efficiency. Through the implementation of these principles, the Strategy is designed to facilitate the EU association process by ensuring respect for the standards and norms set out for the performance of judicial functions. Judicial training plays an important role in the successful implementation of the strategy. Support under this fiche is directed to the successful operation of the Judicial Training Academy.

Over the last several years, responsibility for judicial education and professional training has largely been assumed by the Judicial Training Centre (JTC). Currently there are no developed and comprehensive curricula for judicial and staff training. In general, current training efforts are inadequate, both for new as well as experienced judicial staff. The curricula at law faculties, having improved over the last few years, still require more instructions on practical skills which will provide better training for the judiciary's future leaders and legal practitioners.

Judicial education is the foundation of judicial reform. As part of the reform strategy the National Judicial Training Institute (Judicial Academy) will be an independent judicial institution operating under the supervision of the High Court Council. A comprehensive model of judicial education with well developed initial and continuous educational modules based on EU best practices and Council of Europe recommendations will be introduced. The premises presently occupied by the Judicial Training Centre and its resources will be transferred to the National Judicial Training Institute (Judicial Academy).

Both the President of the Supreme Court and the Minister of Justice will be members of the Academy's Management Board. The Judicial Academy will administer a standardized multi-level initial and continuous education and training programme for judicial officers. The training will emphasize case management techniques to address significant case backlogs in Serbian courts.

Successfully passing the examination prepared by this Academy will be an important criterion for the first appointment of judicial nominees. In this manner transparent election of judges will be ensured and the quality of elected judicial staff raised. Continuous education in the judiciary will be mandatory.

The European Charter on the Statute for Judges (paragraph 2.3) states that any judicial training authority responsible for provision of training programmes should be independent of the Executive and the Legislature. Furthermore it goes on to state that training of judges should not be limited to technical legal training, but should also take into account that the nature of the judicial office often requires intervention in complex and difficult social situations. The Consultative Council of European Judges encourages, in the context of continuous training, collaboration with other legal professional bodies responsible for continuous training in relation to matters of common social interest (e.g. new legislation).

To that end the partnerships between the Universities of Law and judiciary system can play an important role in developing skills, know-how and networks necessary within and across different groups involved in the process of judiciary development. Such partnerships have proved important in EU countries in linking education/research to efficiency in the operation of the judicial system. Building these partnerships takes time and will require sensitive and experienced facilitation and support to each of the stakeholder. In particular law faculties will strengthen the departments for the judiciary, and expand clinical and practical training for future legal professionals and leaders of the judiciary sector.

Support under this project will be carried out under two activities (1) Organisation Review of the Academy and Training Provision (2) Support to the Efficient Operation of the Judicial Academy

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)

The project will strengthen the independence and efficiency of the judiciary as well as its capacity to operate according to EU standards. This will allow superior legislative implementation, greater citizen confidence and improved judicial operation.

3.3 Results and measurable indicators:

Organisational Review and Training Provision to Academy Staff and Judicial Personnel

- New organisation design of Academy prepared according to EU standards;
- Mandatory initial training of lawyers introduced, as a precondition for taking the state exam and coming into judicial profession in a transparent and independent manner;
- Continuous training of judges and prosecutors assured, in line with CoE recommendations; - Cooperation between Law Faculties and the Judicial Academy established.

3.4 Activity 1

- 1.1 Full organisational review and operational needs analysis of the Judicial Academy
- 1.2 Organisational design to carry out activities addressing regulatory, human resource and capacity needs
- 1.3 Training/Instruction of Judicial Academy staff (training of trainers) in line with EU standards
- 1.4 Training needs analysis for initial training of lawyers
- 1.5 Development of curricula for initial training of judges and prosecutors
- 1.6 Testing and improving of initial training and curricula for lawyers
- 1.7 Development and official approval of initial training of lawyers based on the curricula
- 1.8 Training needs analysis for continuous training of judges and prosecutors
- 1.9 Development of curricula for continuous training of judges and prosecutors
- 1.10 Improvement and testing of continuous training of judges and prosecutors and curricula
- 1.11 Development and official approval of continuous training of judges and prosecutors based on the curriculum
- 1.12 Identification of possible models of Law University and legal system cooperation
- 1.14 Developing continuous training models for students of Law Faculties in the Judicial Academy

Activity 2

Support to the Efficient Operation of the Judicial Academy

- 2.1 Supply of necessary teaching and administrative equipment
- 2.2 Supply of legal literature for the Judicial Academy library, containing domestic expert legal literature, collection of laws and legislations and court practices, as well as EU and CoE documents, regulations, legislation, guidelines, ratified international conventions and other related documents.

The activities will be carried out through services and supplies contracts.

3.5 Conditionality and sequencing:

The main conditionalities for successful implementation of this project are as follows:

- The beneficiaries must agree to commit the necessary resources to realise project objectives prior to launch of activities;
- The beneficiaries' commitment to ensuring implementation of JHA reforms and national budget allocations necessary for their implementation;
- The beneficiaries' commitment to ensuring financial sustainability of the training institutions;
- Organisation, selection and (gender balanced) appointment of members of working groups, training sessions, seminars and study visits by the beneficiaries as per project work plan;
- Appointment of counterpart staff, working space and facilities by the beneficiary before the launch of the tender process.

3.6 Linked activities

The Judicial Training Centre, in cooperation with international organisations and diplomatic missions of EU countries to the Republic of Serbia, is engaged in the implementation of a number of projects:

- UNDP, supported by CIDA and SIDA, is engaged on judicial capacity building and provides support to the JTC in delivering training for staff in judicial bodies of the Republic of Serbia;
- European Agency for Reconstruction is implementing the Programme of Capacity Building of the Judicial Training Centre; CARDS 2004; 3 million Euros;
- OSCE provides financial support to the JTC capacity building, but also to the delivery of a number of seminars with the purpose of training for judges and prosecutors;
- Council of Europe, in cooperation with the JTC, is implementing the training for judges, prosecutors and prison staff in regard to applying of the European Convention for the Protection of Human Rights and Fundamental Freedom in practice;
- French Embassy is significantly contributing to the implementation of the training programme carried out by the JTC.

3.7 Lessons learned

In order to ensure that the training programmes will satisfy the needs of both practitioners (judges, prosecutors as well as support staff) and the MOJ, it is critically important to have broad consultations and build a consensus. It is equally important to strike a balance between training in civil, commercial and criminal law as well as international law, including EU law.

4. Indicative Budget (amounts in million €)

Activities	TOTAL COST	SOURCES OF FUNDING										
		EU CONTRIBUTION				NATIONAL PUBLIC CONTRIBUTION					PRIVATE	
		Total	% *	IB	INV	Total	% *	Central	Regional	IFIs	Total	% *
Activity 1												
contract 1.1	1	1	100	1								
Activity 2												
Contract 2.1	1	1	100		1							
TOTAL	2											

* expressed in % of the Total Cost

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1	T+Q1	T+Q2	T+Q8
Contract 2	T+Q1	T+Q3	T+Q8

All projects should in principle be ready for tendering in the 1ST Quarter following the signature of the FA

6. Cross cutting issues (where applicable)

Development Policy Joint Statement by the Council and the European Commission of 10 November 2000 establishes that a number of Cross-cutting Issues shall be mainstreamed into EC development co-operation and assistance.

Cross-cutting issues will be addressed in the project so as to comply with the best EU standards and practice in that area and in a way which demonstrates how they will be dealt with within the project's framework, its activities and outputs.

Cross-cutting issues will be addressed in a proactive manner, and will present a specific component of projects (at all levels of projects' development, starting from the project identification stage). Synergies between the projects and the objectives of will be identified and developed. Also, the projects' objectives and activities need to be screened in order to ensure they won't impact negatively on gender equality, minorities' inclusion and environment.

Finally, the beneficiary will make sure its objectives, policies and interventions have a positive impact on and are in line with the main principles of gender equality, minorities' inclusion and environment.

6.1 Equal Opportunity

Programmes are designed to be consistent with human rights and JHA standards applied in democratic countries. Reform in the judiciary will enhance the legal process, democracy and good governance, providing greater opportunities for social inclusion, women's rights and civil rights matters to be addressed.

Curricula and training for new and experienced judges and prosecutors shall be gender-sensitive: increased knowledge on issues such as discrimination in the workplace, discriminatory common law practices in inheritance, violence against women (within families, as well as trafficking of women and girls); analysis and monitoring of changes in legislation and their effect on gender inequality, etc. Furthermore, curricula and delivery mechanism (place and time schedule) of training programmes for civil servants should be thought of so as to favour women's participation.

6.2 Environment

The training delivered and curricula should promote increased public participation in environmental decision making; access to environmental information; and access to courts and systems of conflict resolution. Access to environmental justice can also be improved by: clarifying environment legislation, improved environmental monitoring, increasing public awareness and awareness of the judiciary, etc.

6.3 Minorities

The partnership and participatory based approach to the judicial reform and police reform projects provides access for vulnerable groups such as minority groups and females to influence decision-making in programme and project design. Enhanced communication between the relevant stakeholders will lead to promotion of human rights as well as strengthening the rule of law and good governance.

Training should also aim at ensuring a better understanding of the characteristics of minority groups, in particular the Roma and specific problems they encounter in Serbia.

ANNEX I LOGFRAME PLANNING MATRIX FOR Project Fiche	Programme name and number	
Standardized System for Education and Training	Contracting period expires 5 years after the signature of the Financing Agreement	Disbursement period: expires 6 years after the signature of the Financing Agreement
	Total budget : €2 million	IPA budget: €2 million

Overall objective	Objectively verifiable indicators	Sources of Verification	
Establishment of independent, effective, accountable, transparent judicial system	-Average duration of case proceeding until final judgement -Number of jurisdictions transferred to the High Court Council -Percentage of judges and prosecutors who received positive results on their work -No. of offices established for public information -No. of info data panels established in the courts -No. of complaints on the work of judges	-Government sources -European Commission Progress Reports -Specific surveys	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
Functional and operational National Judicial Training Institute (NJTI)	- Number of training courses developed by NJTI - Number of models/materials prepared - Number of trainers and trainers registered	- Publications and statistics of Ministry of Justice and other Government and non-Government sources - Project implementation and evaluation reports	Political will and adoption of new legal framework
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
1 Judicial Academy established; 2 Mandatory initial training of lawyers introduced, as a precondition for taking the State exam and coming into judicial profession in a transparent and independent manner; 3 Continuous training of judges and prosecutors assured, in line with CoE recommendations, using the capacity and experience of Judicial Training Centre; 4 Cooperation between Law Faculties and the Judicial Academy is established.	1 Number of organized trainings for NJTI staff carried out 2 Adoption of new Curriculum 3 No. of trainings held 4 Number of students trained in NJTI	- Training programmes and modules packages - Project progress reports - Analysis done by project	Government support to the reform Trained people remain in service
Activities	Means	Costs	Assumptions
For result 1: 1.1 Identification of needs 1.2 Training of the Judicial Academy staff 1.3. Development of structural and organisational regulations/by-laws and capacity needs analysis for the Judicial Academy, including HR requirements; 1.4 Procurement of computer equipment, furniture	TA	€2 million	Willingness of MoJ to support reform

and upgrade and expansion of computer network, as well as upgrade of servers and data storage.

1.5 Establishment of Judicial Academy library, containing domestic expert legal literature, collection of laws and legislations and court practice, as well as EU and CoE documents, regulations, legislation, guidelines, and other related documents, and ratified international conventions.

For result 2:

2.1 Needs analysis for initial training of lawyers performed

2.2 Development of Curriculum for initial training of judges and prosecutors

2.3 Initial training of layers tested and Curriculum improved

2.4 Initial training of layers based on the Curriculum developed in 2.2 and 2.3 officially approved

For result 3:

3.1 Needs analysis for continuous training of judges and prosecutors performed

3.2 Development of Curriculum for continuous training of judges and prosecutors

3.3 Continuous training of judges and prosecutors tested and Curriculum improved

3.4 Continuous training of judges and prosecutors based on the Curriculum developed in 3.2 and 3.3 officially approved

For Result 4

4.1. Identification of possible models of cooperation

4.2. Establishment of stronger cooperation in identified areas of assistance

4.3. Provide continues training for students of Law Faculties in the Judicial Academy

Approval of High Court Council

Approval of High Court Council

Law Faculties are willing to cooperate

ANNEX II: amounts (in M€) Contracted and disbursed by quarter for the project

Contracted	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9
Contract 1.1		1.0							
Contract 1.2			1.0						
Contract 1.3									
Contract 1.4									
.....									
Cumulated		1.0	2.0						
Disbursed									
Contract 1.1		600,000	60,000	60,000	60,000	60,000	60,000	100,000	
Contract 1.2			600,000		300,000			100,000	
Contract 1.3									
Contract 1.4									
.....									
Cumulated		600,000	1,260,000	1,320,000	1,680,000	1,740,000	1,800,000	2,00,000	

ANNEX III

Description of Institutional Framework

The Ministry of Justice is in charge of implementation and monitoring of this project. The work, mandate and authorisations of the Ministry are regulated by the Law on Ministries (adopted on May 15, 2007 (Official Gazette of Republic of Serbia no. 48/07)) – i.e. Article 7.

The Ministry of Justice consists of the following departments:

Judiciary and Misdemeanour Sector

Normative Affairs and International Cooperation Sector

IT Sector

Finance Sector

Directorate for Execution of Legal Sanctions

Ministry Secretariat

ANNEX IV

Reference to laws, regulations and strategic documents:

Reference list of relevant laws and regulations

Key laws, regulations and strategic documents in the area of training and capacity building of judges and prosecutors:

General:

- Constitution of the Republic of Serbia
- Law for the Implementation of the Constitution of the Republic of Serbia
- National Strategy for Serbia and Montenegro's Accession to the European Union
- Action Plan for the Implementation of the European Partnership

Judiciary:

- Law on education of judges, public prosecutors, deputy public prosecutors and judges' and prosecutors' trainees (Official Gazette of Republic of Serbia 46/06)
- Law on Bar Exam (Official Gazette of Republic of Serbia 16/97)

Reference to AP /NPAA / EP / SAA

Reference to MIPD

Multi Annual Indicative Planning Document (MIPD) for the Republic of Serbia 2007-2009 envisages as its main priorities and objectives in the area of the rule of law strengthening of the wider judicial system through Standardised System for Education and Training, supporting the new Juvenile Justice Law, independence of the Serbian Court System, effective case management and improvement of case proceedings, development of free legal assistance to citizens.

Reference to National Development Plan

N/A

Reference to national / sectoral investment plans

N/A

ANNEX V

Details per EU funded contract (*) where applicable:

For *TA contracts*: account of tasks expected from the contractor

3.4 Activities (for result 1):

- 1.1 Identification of needs
- 1.2 Training of the Judicial Academy staff
- 1.3. Development of structural and organisational regulations/by-laws and capacity needs analysis for the Judicial Academy, including HR requirements;
- 1.4 Procurement of computer equipment, furniture and upgrade and expansion of computer network, as well as upgrade of servers and data storage.
- 1.5 Establishment of Judicial Academy library, containing domestic expert legal literature, collection of laws and legislations and court practice, as well as EU and CoE documents, regulations, legislation, guidelines, and other related documents, and ratified international conventions.

Activity 2 (for result 2):

- 2.1 Needs analysis for initial training of lawyers performed
- 2.2 Development of Curriculum for initial training of judges and prosecutors
- 2.3 Initial training of layers tested and Curriculum improved
- 2.4 Initial training of layers based on the Curriculum developed in 2.2 and 2.3 officially approved

Activity 3 (for result 3):

- 3.1 Needs analysis for continuous training of judges and prosecutors performed
- 3.2 Development of Curriculum for continuous training of judges and prosecutors
- 3.3 Continuous training of judges and prosecutors tested and Curriculum improved
- 3.4 Continuous training of judges and prosecutors based on the Curriculum developed in 3.2 and 3.3 officially approved

Activity 4 (for Result 4):

- 4.1. Identification of possible models of cooperation
- 4.2. Establishment of stronger cooperation in identified areas of assistance
- 4.3. Provide continues training for students of Law Faculties in the Judicial Academy