



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

REPUBLIC OF SERBIA
EU FOR RULE OF LAW

Action summary

The designed Action will contribute to implementation of judicial reform, fight against corruption reform, improvement and protection of fundamental rights, including media and freedom of expression freedom, in accordance with the priorities identified in the Action Plan for Chapter 23 and relevant national strategic framework. Furthermore, the intervention will contribute to strengthening operational capacities of relevant institutions to further enforce the fight against organised crime and improve security at national and local level and improve border management in line with priorities identified in the Action Plan for Chapter 24.

Through horizontal support, the Action will improve independence, accountability, impartiality, competence and efficiency of judiciary in Serbia. The Action will use the flexible facility to help enforce fundamental rights and to implement interventions necessary to diminish corruption, through strengthening independence of institutions crucial to prevent and tackle corruption. The Action will also enhance national capacities in the fight against organised crime; particularly drug trafficking, cyber crime, firearms and terrorism, along with improvement of the border security system.

Action Identification	
Action Programme Title	Annual Action Programme for the Republic of Serbia for 2019
Action Title	EU for Rule of Law
Action ID	IPA 2019//Serbia/EU for Rule of Law
Sector Information	
IPA II Sector	Rule of Law and Fundamental Rights
DAC Sector	15130
Budget	
Total cost	EUR 18,000,000
EU contribution	EUR 18,000,000
Budget line(s)	22.02.01.01.
Management and Implementation	
Method of implementation	Direct and indirect management
<i>Direct management:</i> EU Delegation <i>Indirect management:</i> National authority or other entrusted entity	EU Delegation to Serbia Indirect management with International Organisation or Member State agency
Implementation responsibilities	For Result 1 and Result 2: Ministry of Justice For Result 3 and Result 4: Ministry of Interior
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 2020
Final date for concluding contribution/delegation agreements, procurement and grant contracts	3 years following the date of conclusion of the Financing Agreement, with the exception of cases listed under Article 114(2) of the Financial Regulation
Indicative operational implementation period	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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality (including Women In Development)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trade Development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reproductive, Maternal, New born and child health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RIO Convention markers	Not targeted	Significant objective	Main objective
Biological diversity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Combat desertification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change mitigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1. RATIONALE

PROBLEM AND STAKEHOLDER ANALYSIS¹

In the Strategy for “A credible enlargement perspective for and enhanced EU engagement with the Western Balkans 2018” (the Strategy) the European Commission reaffirmed the strong focus on the principle of “fundamentals first” in the accession process. Core issues of the rule of law, fundamental rights and strengthening democratic institutions remain key priorities. The pace of Serbia’s EU accession negotiations depends in particular on the assessed progress within the rule of law area and especially on the fulfilment of the requirements stipulated in the Chapters 23 and 24. The European Commission Annual Reports and the EU Common positions with accompanying benchmarks, as well as the Non-papers on the state of play regarding Chapters 23 and 24 give directions for Serbia on how to move closer to fulfilling these requirements. The Action Plans for Chapters 23 and 24 represent Serbia’s overarching strategic framework for the rule of law. They incorporate directions for the reform of the judiciary, the anti-corruption system and the protection of fundamental rights (AP CH 23), as well as reforms in safety and security, including fight against organized crime and improvement of border management (AP CH 24).

The Ministry of Justice has drafted the new Judicial Development Strategy (JDS) 2019-2024. The Strategy will address the remaining challenges identified through the assessment of the previous strategy for the period 2013-2018, as well as on issues of independence, accountability, efficiency, transparency and competence of the judiciary. At the same time, the Ministry of Justice is revising the Action plan for Chapter 23 in line with the key findings from the follow up of the World Bank’s Judicial Functional Review. Likewise, a revised Action Plan for Chapter 24 is to be adopted during 2019.

For the next period, as identified in the national strategic documents, EC Annual Reports and EU common position, the key needs in the **Chapter 23** area remain:

1. Strengthening the independence, accountability, impartiality, professionalism and overall efficiency of the judicial system;
2. Prevention and fight against corruption, enhancing track record on investigations, indictments and final convictions in corruption cases, including seizure and confiscation of criminal assets;
3. Creation of an enabling environment for the exercise of fundamental rights, including freedom of expression and media freedom.

With regard to the areas pertaining to Chapter 23, the EC 2019 Annual Report notes that Serbia’s **judicial system** has some level of preparation, but points out that the recommendations from previous reports have only been partially addressed. Progress is noted in the field of efficiency of the judiciary, concerning the reduction of old enforcement cases and following up on measures to harmonise court practice. It also notes that in the field of independence, the constitutional reform process, intended to align the constitution with European standards for the judiciary are ongoing. Further to the adoption of the constitutional amendments, the system for the appointment and evaluation of judges and prosecutors will need to be revised to allow for fully merit-based judicial recruitments and careers. In terms of recommendations, the Annual Report notes that in the coming period, Serbia needs in particular to make significant progress on strengthening the independence of the judiciary and the autonomy of the prosecution, including through the implementation of legislative provisions related to the appointment, career management and disciplinary proceedings of judges and prosecutors; ensuring both in law and in practice that the High Judicial Council and the State Prosecutorial Council can fully assume their role and achieve an independent and efficient judicial administration in line with European standards, including regarding the execution of the judicial budget and adopting and implementing a human resources strategy for the entire judiciary and establishing a uniform and centralised case management system, which in combination should lead to a measurable improvement in efficiency and effectiveness of the justice system. In terms of ICT, a comprehensive countrywide system to process and manage cases across the judicial and prosecutorial networks, including to provide comprehensive and reliable statistical data in line with European standards, is still to be put in place. Still little progress is being made in introducing alternative dispute resolution mechanisms such as mediation.

¹ Please see detailed needs analysis in annex 3

The Annual Report also notes that Serbia has some level of preparation in the **fight against corruption**, but that there is no measureable impact of corruption prevention reforms as of yet. A revised Law on the Prevention of Corruption (focusing mainly on the Anti-Corruption Agency) was adopted in May 2019, which requires support so that it can be implemented, and so that the Anti-Corruption Agency can continue to effectively exercise its mandate as a key institution in a more effective fight against corruption. The report recommends that there is an impact assessment of anti-corruption policy with a view to adopting a new ambitious strategy and action plan, which will require support for implementation. As regards the repression of corruption, the March 2018 Law on organisation and jurisdiction of government authorities in suppression of organised crime, terrorism and corruption is being implemented, but a key recommendation is that the law enforcement and judicial authorities need to establish a credible track record of operationally independent prosecutions and of finalised high-level corruption cases.

According to the Report, the legislative and institutional framework for upholding **fundamental rights** is broadly in place, and amendments improving the legislative framework related to national minorities were adopted. However, consistent and efficient implementation of legislation and policies needs to be ensured. Furthermore, while Serbia has some level of preparation, no progress was made on freedom of expression, and the new media strategy needs to be implemented. Serbia also needs to step up measures to protect the rights of persons facing discrimination, including LGBTI persons, persons with disabilities, persons with HIV/AIDS and other vulnerable individuals.

With regard to Chapter 24, until December 2018, Serbia implemented 61% of the activities in the Action Plan for **Chapter 24**², but needs remain in terms of:

1. Strengthening fight against serious and organised crime;
2. Improvement of border management, prevention and fight against of irregular migration, trafficking of human being and smuggling of immigrants;
3. Improvement of legal alignment, institutional set-up, technical and institutional capacity of the Ministry of Interior (MoI) to meet the EU standards and best practices required from a future Member State.

With regard to this Chapter, which concerns the areas of justice, freedom and security, the Annual Report for 2019 notes that Serbia has continued to strengthen the legal framework to address money laundering, including all measures stipulated by the Financial Action Task Force (FATF) but that implementation in practice is key. Serbia also contributes as a transit country to the management of the mixed migration flows towards the EU and has been implementing the **integrated border management** strategy and its action plan, which have benefited from sector budget support from the IPA 2016 programme. Likewise, the strategy and the action plan to counter irregular migration have been adopted. In terms of the key recommendations, as for the fight against corruption, it is noted that Serbia still needs to produce a convincing track record, particularly in the **fight against organised crime** and **money laundering**, including through financial investigations leading to a track record of freezing and confiscating criminal assets. In this field the recommendations further include the need to secure the **operational autonomy of the police from the Ministry of the Interior during the pre-investigation and investigation phase** and to further strengthen the independence and capacity of the internal control sector of the police. Serbia also needs to consolidate its efforts in putting in place an asylum system compliant with European standards. In the coming period, the recommendations are that Serbia should take concrete steps to align with the EU visa policy; adopt a new strategy and action plan for the control of light and small-calibre weapons and ensure the track record on freezing, seizing and confiscating proceeds of crime, in particular on the concept of extended confiscation, through trainings for judges and prosecutors.

OUTLINE OF IPA II ASSISTANCE

The Action is expected to contribute to the implementation of the judicial reform, fight against corruption, improvement and protection of fundamental rights, including media and freedom of expression freedom, in accordance with the priorities spelled out in the Action Plan for the Chapter 23 and relevant national strategic framework. Furthermore, the intervention will contribute to strengthen operational capacities of relevant

² Ministry of Interior 2019 data

institutions to further enforce the fight against organised crime and improve security at national and local level and improve border management in line with priorities identified within Action Plan for the Chapter 24.

The focal point of the proposed Action is the enhancement of institutional and human capacities in pursuing the rule of law reforms, fulfilment of requirements spelled out in the Action plans for Chapters 23 and 24 and enforcement of the obligations stemming from the Stabilisation and Association Agreement and other sector agreements which will support preparations for meeting the requirements of EU membership. The IPA assistance will provide additional support in funding national priorities as identified in the relevant national sub-sector strategies.

The action will improve independence, accountability, impartiality, competence and efficiency of judiciary in Serbia. Through capacity building activities and advisory work, the action will empower the justice sector to make decisions efficiently and competently, independent from any undue influence.

The activities leading to the **Result 1** will in particular contribute to the Government mid-term strategic objectives of establishing of an independent, accountable, impartial, competent, efficient and accessible judiciary with a high level of citizens' trust. The proposed action will contribute to the achievement of the vision set in the draft Judicial Development Strategy for the period 2019-2024 of a "modern and efficient judiciary, accountable and open to citizens and society, independent and autonomous in decision making". In this respect the AD will contribute to the priority areas defined in Chapter 23 benchmarks, including reduction of backlog, improvement of ICT policy framework, timeliness in case disposition, consistent court practice, strengthened independence and autonomy citizens in the system that solves cases competently in the short period of time, recognized in the Action plan for Chapter 23 and draft JDS for period 2019-2024.

The activities of this action will be carefully be designed to be complementary to the ones implemented by the MDTF-JSS.

With regard to **Result 2**, having in mind that Serbia is the process of revision of the Action Plan for Chapter 23, consultation on the draft of new JDS 2019-2024, adoption of Constitutional amendments and preparation of the Follow-up Judicial Functional Review, flexible support through a facility with a Member State(s) presents a good tool to provide access to assistance as it becomes necessary and relevant. In line with that, the action will provide horizontal IPA support for enhancing capacities of Ministry of Justice and relevant institutions in the implementation, coordination and monitoring of the new Judicial Development Strategy and the corresponding Action Plan, thus supporting the MoJ in enforcement of efficiency, accountability and competence of judiciary in line with EU requirements. Assistance will be directed towards institutional and human resource capacity building of the principal stakeholders, related to driving the overall reform process, improving of monitoring and evaluation frameworks, including the statistical and other data collection and analytical work for the development of better indicators. Support to the monitoring of the judiciary reform agenda will be coordinated with support to enhancement of monitoring capacities of the MoJ in relation to implementation of Chapter 23 Action plan. Activities will also strengthen the judicial system, and help diminish corruption through strengthening independence of institutions crucial to prevent and tackle corruption. The proposed action will increase the protection of fundamental rights, especially freedom of expression and media freedom, transitional justice and war crimes, data protection, protection of persons with disabilities, social inclusion of Roma and protection against discrimination, protection of national minorities, protection against torture and degrading treatment, protection of witness and victims, and protection of procedural rights.

The results related to the home affairs sector will also be accomplished through a flexible facility with Member State(s) and a contribution agreement with an international organisation. The facility is expected to contribute to implementation of the Action plan for Chapter 24 and its relevant sub-chapters such as capacity building for criminal judges, prosecutors and police on fight against organised crime in order to tackle the issue of low number of final convictions., fight against terrorism and cooperation in the field of drugs, migration, asylum, external borders and Schengen. Activities implemented with the aim of achieving the **Result 3** will therefore enhance the national capacities in fight against organised crime, in border management, in areas such as drug trafficking, cybercrime, firearms, terrorism, migration etc. The activities within this area will support further development of comprehensive strategic approach to tackle organised crime and border management and subsequently support the implementation of appropriate responses and meet security standards in accordance with international standards and best practices.

The proposed activities under the Results 2 and 3 have close linkage to the required equipment and based on analyses, recommendations and other relevant documents from the Results 2 and 3 activities, achievements under the **Result 4** will enhance, if required, the technical capacities of the judiciary institutions, and in particular the institutions dealing with Chapter 24, such as the Police Directorate and units dealing with fight against drug trafficking, cyber criminal activities, firearms, terrorism, etc. in order to contribute to proper prevention and/or elimination of the threats from these areas, and their spread to countries in the region and the EU.

RELEVANCE WITH THE IPA II STRATEGY PAPER AND OTHER KEY REFERENCES

The proposed action is in line with the **Indicative Strategy Paper 2014-2020 (ISP)** objectives related to rule of law and fundamental rights, including concerning judiciary reform, anti-corruption, efficient protection of minorities and freedom of expression, access to justice, anti-discrimination and improvement of media sector, among others. The proposed action is also in line with objectives related to the home affairs sector, including concerning organised crime combating, strengthening the strategic framework, inter-agency cooperation and capacities, support for complex investigations and analytical capacities, addressing human trafficking, combating cyber-crime, asylum, visa and migration policies, etc.

As stated in European Commission **Western Balkan Enlargement Strategy**, the EU fundamental values for establishment of democracy, the rule of law and the respect for fundamental rights, must be embraced more strongly and credibly in the forthcoming period. Strengthening of the system which will ensure respecting and full enforcement of these values will remain as the key benchmark against which the prospects of Serbia will be judged by the EU until all closing benchmarks for all chapters have been met, including a credible and sustainable track record of reform implementation, notably on the rule of law area. The Action will support strengthening of key rule of law institutions. The Action in particular takes on board the approach proposed through the dedicated flagship initiative concerning Rule of Law, whereby advisory missions of EU member States are an important tool to ensure better alignment in these sectors.

With regard to the **EC Annual Report 2019**, the Action will address the key areas presented as recommendations for the next period in the Chapters 23 and 24. The Non-paper on the state of play regarding Chapters 23 and 24 for Serbia from November 2018 identified challenges that will be tackled through the implementation of this action.

At national level, the main strategic framework which steers the rule of law reforms is translated into the corresponding **Action plans for Negotiating Chapter 23 and Chapter 24** and the **National Plan for the Adoption of the Acquis (NPAA)**. Relevant sub-sector strategies dealing with different policy areas in justice and home affairs sectors are additionally providing strategic orientation and direction for the ongoing reform process.

The main policy documents driving the justice **sector reforms** are systematised in **the AP CH 23 and the National Judicial Reform Strategy 2013 – 2018** with corresponding Action Plan. The documents contain a whole set of identified activities of legal, administrative, and organisational nature and set the time period and finances needed to advance with the reform. The AP CH 23 took over most of strategic priorities, measures and activities, contained in relevant justice sector policy documents important for the accession process. Both documents are under revision during 2019, and will address the recommendations from the assessment of the Strategy implementation and functional review of judicial system. The proposed Action is aligned with the process of revision and is designed to provide support to continuation of the judiciary reform implementation.

The National Anti-Corruption Strategy (2013 – 2018) and corresponding Action plan have the larger scope and identify main reform priorities in the field of **fight against corruption**. Given that priorities in the field of fight against corruption are timed until 2018, that requires either development of the new strategy or absorption of strategic priorities in the future revised Chapter 23 Action plan. Although a single and overarching strategic framework for the protection and promotion of **fundamental rights** does not exist, this justice sector sub-policy area is elaborated through several national strategies and other relevant policy documents developed for some of the fundamental rights areas. The action will address the AP CH 23 recommendations related to the prevention and fight against corruption and protection of human and fundamental rights.

The proposed action will be in line with the **Strategic Police Plan 2018-2021** and **Strategic plan of the Ministry of Interior 2018-2021**. These two strategic policy documents define strategic priorities and serve as a basis for the selection and implementation of strategic and operational measures related to fight against organized crime and border management.

As concerns organised crime, the implementation of the proposed action will be relevant to the implementation of the national **Serious and Organised Crime Threat Assessment 2018** (SOCTA), which reflects both the fulfilment of the obligations within the EU accession process and the need to adopt a strategic approach in the fight against serious and organised crime. Furthermore, the proposed action will be relevant for the implementation of the **Strategy for Drug Abuse Suppression 2014–2021**, **Strategy for Fight against Cyber Crime 2019-2023**, and Draft **Strategy on Small Arms and Light Weapons (2019-2023)**. As concerns border security, the action will be relevant for the revised **Integrated Border Management (IBM) Strategy (2017-2020)** and **Strategy on Countering on Irregular Migration 2018-2020**.

The proposed action will support the Government in further implementation of the **National Plan for the Adoption of the Acquis 2018-2021 (NPAA)** in development of the legal framework for an independent, impartial, professional and efficient judiciary as well as for efficient prevention and fight against corruption. To intervention will support establishment of the national mechanism for oversight that is envisaged in the NPAA to ensure approximation in the fundamental rights area. The action will contribute to the improvement of media legislation and its alignment with EU acquis.

The proposed action addresses the needs identified in the recently conducted **Justice sector Situation Analysis prepared in the context of the new National Document on International assistance (NAD) 2019-2025**. The action will primarily contribute to identified priorities related to enhancement of capacities of the relevant judicial (MOJ, HJC, SCC, SPC, RPPO and PA) and anti-corruption institutions as well as it contributes to strengthening of mechanisms for effective implementation of anti-discrimination policy, as well as for full exercise of freedom of media and data protection. Finally, the proposed action addresses the needs identified in the **Home Affairs sector Situation Analysis**. In this regard, it will primarily contribute to improvement of the overall security of all citizens through fight against organised and serious crime, enhancement of border management and through improvement of the situation of public peace and order by combating all forms of violence

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

IPA 2013 Prevention and fight against corruption is under implementation. The project is providing technical assistance to anti-corruption institutions with regards to strengthening national mechanisms for prevention and fight against corruption in accordance with the National Anti-Corruption Strategy and the Action Plan. The proposed Action document will represent a continuation of the IPA 2013 Project and built on its results in the area of analysis of legislation, training of judges and prosecutors, etc.

IPA 2015 Improvement of the capacities of the Ministry competent for justice in accordance with the requirements of their negotiation process with the EU is under the implementation. The project has been implemented since 2018 and will last till 2020. 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 is focused 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. 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 JDS 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. The improvement of coordination mechanisms will be used in implementation of the proposed Action.

IPA 2015 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. Any development of the CMS within the Action will take into consideration recommendations prepared by the FC.

IPA 2016 Support to the Supreme Court of Cassation project is under implementation. The project is providing technical assistance to the Supreme Court of Cassation and courts in ensuring efficient functioning of courts, in particular with reference to backlog, alternative dispute resolution system and case law harmonization. The project started in 2018, with a two-year period for implementation.

IPA 2016 Support to the High Judicial Council is project under implementation. The project provides technical assistance to the High Judicial Council with regards to strengthening the capacities of the HJC in key areas for the execution of its mandate, including a) enhancing the managerial skills of the Council staff to monitor and manage courts' in their daily operations, b) to develop mechanism for career development of judges, c) to improve financial management/budget planning and d) to improve the effectiveness of disciplinary proceedings. The project started in 2018, with a two-year period for implementation.

IPA 2016 Support for Victims and Witnesses of Crime, implemented by OSCE started in February 2018, with a two-year period for implementation. It entails a specific objective to establish a nationwide victims-witness support and assistance service as part of the criminal justice system in Serbia. Moreover, the goal is to support the establishment of a comprehensive national support system for victims and witnesses of crime in Serbia, including the institutionalisation of Victim and Witness Support Services at the police, public prosecutions, courts and civil society organisations, and the creation of an effective referral mechanism between these individual services.

IPA 2017 Support to the Prosecutorial System is envisaged to start in June 2019 and last for two years. The aim of the technical assistance is to strengthen independence, accountability and efficiency of the Prosecutorial system. In particular, the action will strengthen capacities and cooperation of the State Prosecutorial Council and Republic Prosecutors Office in performing their competences in strategic planning, human resource and financial management, supervision and career development in respect of public prosecutors' offices.

USAID Rule of Law (ROL) Program is a four-year program started in July 2017. The project supports the strategic advancement of Serbia's judicial reform process, including assistance with the development of new Judicial Development Strategy. The project prepared Assessment of the implementation of 2013 National Judicial Reform Strategy. The second Project component works with court enforcement departments and bailiffs to ensure that civil and commercial court decisions are executed in a timely, fair and transparent manner. Within the third component ROL supports the State Attorney's Office to improve the legal advice and guidance provided to government bodies, reduce the level of litigation in which the state engages, and improve Serbia's representation before the European Court of Human Rights.

The Multi-donor trust fund for Justice Sector Support (MDTF-JSS) implemented by the World Bank, established in 2009 at the request of donors and the Serbian Ministry of Justice to support the strengthening of the Serbia's justice sector in order to facilitate its integration into the European Union. As a part of MDTF-JSS activities, a team of consultants (Reform Accession Facilitation Unit - RAFU) has been providing support to accession and reform implementation processes. In January 2019 the MDTF-JSS has been extended for four years. The aim of extended MDTF-JSS is improvement of the trust in the justice system through the legal empowerment of users and strengthening of the judiciary to uphold the rule of law. The MDTF prioritized two areas: transparency and access to justice; and quality, integrity and independence of the judicial system.

Horizontal Facility is a joint three-year programme of the European Union and the Council of Europe aimed at supporting South-East Europe and Turkey in their efforts to comply with European standards. Focus of this programme is ensuring justice, fighting corruption, economic crime and organized crime and combating discrimination and protecting the rights of vulnerable groups (including LGBTI, minorities and Roma).

Strengthening Forensic Capacity in the fight against cross-border organized crime in the field of drug trafficking" (IPA CBC Programme Bulgaria-Serbia). During the project implementation were purchased spot tests for rapid preliminary detection of narcotics in the field, and the following equipment for forensic laboratory in Niš: GC-FID, GC-MS, HPLC. The proposed project will build upon the achieved results and complement the achieved results in the area of forensics.

Fight against cross-border organized crime by strengthening the capacity of forensic crime scene processing and analysing biological and other evidence in the police departments of the border region between Serbia and Bulgaria (IPA CBC Programme (Bulgaria-Serbia). The beneficiary of the project was the National Crime Technical Centre, Department in Niš. The project procured equipment for laboratories for processing of the crime scene and built capacities of criminal investigators on the scene of the crime in Nis, Zajecar, Bor, Negotin and Leskovac. The proposed intervention will complement the needs of the National Centre for Crime Forensic with missing equipment.

IPA 2013 Laboratory for analysis of evidence required for crime case processing. This project supported the NCCF with the procurement of furniture, small laboratory equipment and machinery, laboratory instruments, equipment for physical-chemical laboratory (analysis: drugs, explosives and traces of fire, micro trace fibre and micro-marking paint) and the toxicological laboratory. Equipping the physic-chemical and toxicological laboratories of the Ministry of Interior, National Centre for Crime Forensic and the process of laboratory accreditation in accordance with EU standards was initiated. The proposed intervention will build upon the achieved results by provision of additional equipment and increase of technical skills.

IPA 2013 Fight against organised crime (Human trafficking, drugs trafficking, illicit arms trafficking, financial investigation). This twinning project supported the operational capacity and capabilities of the Criminal Police Directorate and Public Prosecutors' Offices in order to prosecute and investigate organised crime and human trafficking cases, drug trafficking cases, illicit arms trafficking cases and financial investigation cases.

IPA 2008 Development of the Information System for Border Crossing Control. The project ended in 2014 and provided technical infrastructure for border crossing points “BCPs” and developed an integrated information system for the Border Police Directorate. The IT system needs to be further developed, upgraded, and interconnected with the EU IT systems (e.g. VIS, SIS, etc.), the proposed intervention will build upon the achieved results and facilitate reaching EU IT standards.

IPA 2010 Establishment of efficient system for prevention and suppression of illegal migrations on the territory of the Republic of Serbia. The project ended in September 2014. The project has established a database for illegal migrants and exchange of data between relevant institutions. Activities related to fight against high tech crime have also been implemented. The proposed intervention will build upon the achieved results, specifically in the area of cyber-crime, and contribute to better suppression of irregular migration.

IPA 2011 Establishment of Stationary and Mobile Video Surveillance System for State Border Protection and Surveillance. The project ended in July 2014. The project aimed at improving the capacity of the MoI in the field of border protection in accordance with international standards.

IPA 2012 Further developing and implementing mechanisms for a comprehensive and consistent monitoring of legal migration in the Republic of Serbia. The project ended in November 2016 and aimed at strengthening the existing capacities of the MoI and MFA for better management of migrations through effective policies and coordination procedures.

IPA 2013 Support to National Asylum System in the Republic of Serbia. The project ended in May 2018. The project purpose was to improve capacity for implementation of asylum policies in line with international and EU standards in terms of procedure and reception condition and to reduce number of unfounded asylum applications from Serbian nationals. The new Law on Asylum was adopted, and is aligned with the European and international instruments in the field of asylum.

IPA 2013 Identifying equipment needed for Schengen requirements, Preparation of the Schengen Action Plan. The project ended in August 2017 and has carried out analysis of the current state of border security system (hardware, software, and human resources aspect) and recommended further development in line with the existing EU standards, especially with the Schengen standards.

IPA 2014 Support to strengthening fight against trafficking in human beings. The Twinning project started in 2018. The purpose of this project is to address trafficking of human beings by improving its overall prevention and detection. The procurement of equipment by the proposed intervention will complement the capacity building activities provided by the twinning project. Furthermore, the proposed intervention will provide additional EU MS experience. **IPA 2014 Development of the Schengen Action Plan-** the Twinning project started in 2018.

IPA 2015 Strengthening IT capacities within Home Affairs Sector for the fight against organized crime for implementation of: Intelligence Led Policing, National Criminal Intelligence System and strengthening international police cooperation. The project will assist to build capacities and procure basic equipment for beginning of implementation of ILP and is planned to start in 2019.

IPA 2015 Twinning Light Project „**Strengthening the capacity to implement National Criminal Intelligence System (NCIS)**”, implementation begun in 2018 and completed in June 2019.

IPA 2016 Support to the preparation for the establishment of SIRENE Bureau is expected to start in 2019. The purpose of this project is to prepare all the necessary technical, legal and HR requirements necessary for the establishment of the SIRENE Bureau. There will be no overlap with the proposed interventions.

IPA 2016 Support to preparation for participation in EUROSUR network and EURODAC system. The purpose of this project is to improve situational picture and increase reaction capability at external borders through support to preparation of the necessary steps required to join the EUROSUR network and to establish a national system of database of fingerprints and prepare a national biometric base for fingerprints from asylum seekers and illegal persons on the territory of Serbia and build capacities for exchange data in the EURODAC system. The proposed action will build upon the achieved results in terms of better border management and prevention of misuse of asylum proceedings through the capacity building activities and provision of equipment.

IPA 2016 Strengthening the institutional and human capacities of the relevant IBM institutions to contribute to meeting accession criteria and implementation of Chapter 24 will start in 2019. The purpose of this project is to strengthen the institutional capacity, improve budget planning, execution, monitoring, communication and visibility of MoI's Sector for material and financial affairs, MoI's Border Police, MoI's Department for media and communication, Ministry of Agriculture and Environmental Protection (MAEP)'s Plant Protection Directorate and Department for Border Phyto-sanitary Inspection, the Veterinary Directorate, Department for Veterinary Sanitary Control at border inspection posts and MoF's Customs Administration. There will be no overlap with the proposed intervention.

IPA 2016 Sector Reform Contract for Integrated Border Management. The programme is to be implemented in a period of 36 months (2017-2019). The objective of this Programme is better intra-agency, inter-agency and international cooperation and exchange of information, more effective detection of cross-border crime, increased institutional and operational capacity of the border agencies to perform border checks and border surveillance and more effective detection of irregular migration. The implementation of will contribute directly to meeting of the objectives defined in the IBM Strategy and AP for Chapter 24. There will be no overlap with this AD as the SRC will finish by the start of the proposed interventions.

IPA 2017 Twinning Strengthened capacities of administrative and law enforcement institutions responsible for financial investigations, fight against terrorism financing and fight against organised crime and Strengthened capacities of Criminal Police Department and Special Prosecutor's Office in combating cyber-crime. Also to be financed is technical equipment for the Criminal Police Directorate and Public Prosecutors office for the fight against organised crime, financial investigation and cybercrime. The proposed project will build upon the results to be achieved.

2. INTERVENTION LOGIC
LOGICAL FRAMEWORK MATRIX

	OBJECTIVELY VERIFIABLE INDICATORS				SOURCES AND MEANS OF VERIFICATION	ASSUMPTIONS
OVERALL OBJECTIVE / IMPACT	INDICATOR'S NAME	BASELINES	MILESTONES (2024)	TARGETS (2027)		
To contribute to enhancement of the rule of law system in line with EU standards and best practices	Ranking in the World Justice Project on Rule of Law	78/2019	75	73	World Justice Project Rule of Law Index Report	
SPECIFIC OBJECTIVE / OUTCOMES	OBJECTIVELY VERIFIABLE INDICATORS				SOURCES OF VERIFICATION	
S.O.1 To contribute to the achievement of obligations stemming from Chapter 23 "judiciary and fundamental rights" in line with the EU acquis.	Progress made toward meeting accession criteria in CH 23	Some progress	Accession criteria met	/	EU Annual Report Non-paper for the Rule of Law	The strategic framework in judiciary subsector finalised Continuing Political commitment to EU accession and for full transposition of Chapter 23
S.O.2 To contribute to the achievement of obligations stemming from Chapter 24 "justice, freedom and security" in line with the EU acquis.	Progress made toward meeting accession criteria in CH 24	Some progress	Accession criteria met	/	EU Annual Report Non-paper for the Rule of Law	Continued political support for implementation Chapter 24
RESULTS / OUTPUTS	OBJECTIVELY VERIFIABLE INDICATORS				SOURCES OF VERIFICATION	ASSUMPTIONS
R1 The, independence, accountability and professionalism of judiciary is enhanced in line with EU requirements	Number of backlog cases resolved The High Judicial Council and the State Prosecutorial Council successfully manage the judiciary with adequate financial resources, competent and professional personnel elected with necessary competences, selected based on clear criteria, while respecting the principles of transparency and accountability.	495708 cases Constitutional amendments are in procedure	+ 30% New composition of the High Judicial Council and State Prosecutorial Council in place.	+40% High Judicial Council and State Prosecutorial Council operational in accordance with Constitutional amendments.	SCC annual report EU Annual Report Non-paper for the Rule of Law	<ul style="list-style-type: none"> • The Judicial Development Strategy prepared and adopted by the GoS • The SCC is determined to continue reduction of backlog and improvement of courts efficiency • Laws and by-laws

						<ul style="list-style-type: none"> related to career transfer of budget competences to the both judicial councils • Sufficient human resources provided by the both judicial councils and assigned to the financial and human resource management
R2 The performance of all stakeholders in the key areas of Chapter 23 is improved, in particular in the areas of fight against corruption and fundamental rights protection.	<p>% of activities in the subchapter fight against corruption in the AP CH 23 implemented</p> <p>% of activities in the subchapter fundamental rights in the AP CH 23 implemented</p>	<p>56% (2018)</p> <p>72% (2018)</p>	<p>100%</p> <p>100%</p>	/	<p>Report on implementation of AP CH 23, Ministry of Justice</p> <p>EU Annual Report Non-paper for the Rule of Law</p>	<ul style="list-style-type: none"> • Action plan for Chapter 23 revised and adopted by the GoS
R3 The performance of all stakeholders in the key areas of Chapter 24 is improved, in particular in the areas where technical assistance is required.	<p>% of activities in the subchapter police cooperation fight against organized crime in the AP CH 24 implemented</p> <p>% of activities in the subchapter fight against terrorism in the AP CH 24 implemented</p> <p>% of activities in the subchapter external borders and Schengen in the AP CH 24 implemented</p>	<p>58,6 % (2018)</p>	<p>80%</p>	<p>100%</p>	<p>Report on the implementation of AP CH 24, Ministry of Interior</p> <p>EU Annual Report Non-paper for the Rule of Law</p>	<ul style="list-style-type: none"> • Action plan for Chapter 24 revised and adopted by the GoS • Support and commitment of relevant beneficiaries • Available necessary human and technical resources
R4 Technical capacities for the implementation of the Action Plans for Chapters 23 and 24 are strengthened.		<p>63,2% (2018)</p> <p>63% (2018)</p>	<p>80%</p> <p>80%</p>	<p>100%</p> <p>100%</p>		

DESCRIPTION OF ACTIVITIES

Activities will be design and prioritised against Chapter 23 benchmarks, thus the description of this section is at this stage not at all an exhaustive of the activities that will be designed and implemented.

Specific attention to ensuring complementarity and cooperation, as well as developing synergies between the results of this action, having in mind the synergies between the Actions Plans for Chapter 23 and 24. The activities within **Result 1** will focus on the following indicative areas of intervention:

Supporting the independence of the judiciary - activities may contribute to strengthening the capacity of both judicial councils to ensure they can fully assume their role and achieve a coherent and efficient judicial administration; strengthening mechanisms of judiciary to resist against undue influences, to ensure merit-based entrance into profession as well as promotion within the system.

Supporting impartiality, accountability and competence of the judiciary - activities may contribute to strengthen integrity and accountability mechanisms to become more effective in practice; further improve the 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; effective mechanisms allowing the Councils to react against political interferences and establishes an initial track record of fully respecting judicial decisions and refraining from public comments will be supported; assist the Judicial Academy to increase competence of judges and prosecutors and adopting and implementing multi-annual work programme and a training impact assessment mechanism; harmonization of court practice; strengthen access to justice and legal aid mechanisms (including awareness of such mechanisms) especially for women and for women and men from vulnerable groups and others.

Strengthening the efficiency of the judiciary and access to justice - activities in this area may focus, among others, on reduction of backlog, timeliness in case disposition, especially in areas with high number of cases (i.e. civil litigation and administrative disputes) streamlining civil and criminal procedures, implementation of a comprehensive Human Resource Strategy; access to justice, including implementation of free legal aid legislation, improvement of affordability, access to information, mediation, a coherent e-Justice system, procedural rights, protection victims and witness, alternative sanctions in the area of criminal justice, etc.

In line with the better regulation approach, activities may provide support the coherent use, collection, and analysis of data in the judicial field, including sex- disaggregated data and gender statistics in all matters where individuals are concerned; and in the adoption of a set of selected indicators measuring the impact of reform in the Justice sector based on gender and other relevant categories. Activities will take into account the SAPO/SAPA and SAPS software as the basis for further developments of ICT improvement.

The activities within **Result 2** will focus on supporting Chapter 23 priorities as they arise. Support will be provided to the sector and the relevant institutions in developing the capacity necessary for the effective implementation, monitoring and evaluation of the Chapter 23 Action Plan. The activities will create the conditions for a constant monitoring of the quality and effectiveness of the implementation of the Chapter 23 priorities.

Specific focus may in particular be on the following indicative areas of intervention:

Strengthening the preventive anti-corruption system -activities will be flexible and lead to the achievement of the Chapter 23 priorities in general, with particular focus on fight against corruption, including support for the improvement of the independence, accountability and efficiency of the anti-corruption institutions. Special attention to the improvements in accordance with GRECO recommendations will be paid. Support may be provided to the judiciary in combating corruption amongst its ranks, in terms of both prevention of inappropriate behaviours, and ex-post identification of wrongdoings; strengthening the Anti-Corruption Agency's capacities; support for implementation, coordination and monitoring of the new strategic documents for the prevention of corruption in areas of particularly high risk (ex. health, education, taxation) and preparation of impact assessment; implementation of law on free access to information of public importance. It may include support needed for the implementation of the legal framework in line with the standards required under the EU acquis and international standards. Support to the internal control sector of the MoI, in terms of the functions concerning the fight against corruption, and in continuation of previous actions in this field, may be provided.

Enhancement of law enforcement capacities in the anti-corruption area - activities may include, among others, capacity building for judges and prosecutors and police on fight against corruption which will lead to higher number of prosecutors' indictment in the corruption cases confirmed by judges, better case management and finalisation of court cases; continuous training (for judges, prosecutors, police and other relevant state authorities); support for monitoring of the implementation and effects of laws; financial investigation; development of a unique records keeping (crime reference number) for criminal offenses; database connectivity for criminal investigation and a safe system of electronic information exchange between relevant bodies.

Strengthening capacities for protection of fundamental rights - The activities will be designed to enable better protection of fundamental rights and improved reporting on implementation of human rights commitments. Protection of fundamental rights is split between several institutions and improvement in the area will require better legislative and institutional framework, as well as practices. The activities related to freedom of expression and media freedom may focus on implementation of new Media strategy including activities on alignment of media legislation, improvement of transparency of media financing, strengthening capacities of REM and strengthening mechanisms of protection of journalists. The activities on data protection may focus on strengthening capacities of the Commissioner's office, data protection law implementation support. The activities related to person with disabilities and protection against discrimination may focus on development and monitoring, reporting and evaluation of implementation of relevant strategic documents. The activities on Protection of national minorities may focus on strengthening capacities of the different institutions, including the Office for Human and Minority Rights; oversight for human rights commitments and awareness among relevant institutions; prevention of torture and inhuman or degrading treatment; strengthening of Ombudsman office capacities; support to the establishment of the comprehensive system of victim support; support for transitional justice and in relation to war crime trial monitoring; support for victims of domestic violence and sexual violence. Child victims in particular may be targeted by the activity. Cooperation with projects implemented under the horizontal facility with the Council of Europe is encouraged.

The indicative activities within **Result 3** will focus on supporting Chapter 24 priorities as they arise. Support will be provided to the sector and the relevant institutions in developing the capacity necessary for the effective implementation, monitoring and evaluation of the Chapter 24 Action Plan. The activities will create the conditions for a constant monitoring of the quality and effectiveness of the implementation of the Chapter 24 priorities.

It will focus, but not limited to, on the following areas of intervention:

Strengthening professional skills and capacities to fight organised crime - activities should be addressed to establish a convincing track record of investigation, prosecution, and convictions in organised crime cases, including money laundering, based on proactive investigations (including systematic tracking of money flow as well as the efficient use of special investigative measures to collect relevant evidence). Focus will also be placed on cases of drug trafficking, cyber-crime and illegal firearms, smuggling migrants, trafficking in human beings, terrorism, environmental crimes.

Activities will include capacity building for criminal judges and prosecutors and police on fight against organised crime which will lead to higher number of prosecutors' indictment in organised crime cases confirmed by judges, better case management and finalisation of court cases.

Furthermore this activity may support the capacities of the institutions to establish an initial track record of freezing and confiscation of criminal assets through the increased capacity to run complex financial investigations.

Other activities may include to support the solutions to the issue of drug storage and drug destruction and to strengthen the operational capacities to prevent radicalization and extremism and others.

Further development of the Intelligence Led Policing (ILP) and National Criminal Intelligence System (NCIS)- Capacity building and advisory activities will support the Criminal Police and its subordinated units enhancing professional skills, improving operational tools and operational capability, the introduction and adjustment of the organisational structure for the implementation and development of the ILP and NCIS systems within the Serbian Police and step up cooperation and operative information/intelligence exchange among specialized services through an inter-connected IT system. Support for the improvement of services at the level of NCIS, such as a greater degree of digitization and interoperability in the domain of electronic

data exchange may be part of the activities. Furthermore, this activity may also support MoI's part of the case management system (track record) and support its interoperability with the Public Prosecution and Judiciary IT system (introduction of a case management/track-record), in particular by focusing on the SAPO/SAPA/SAPS and SIDDA/SIDNA systems. The system will be developed based on the recommendations of existing support.

Development of international police cooperation mechanisms with particular emphasis on the implementation of the EU cooperation mechanisms (e.g. implementation of the Prüm Decision, Swedish Initiative, etc.) - This activity may, among others, provide support to NCCF and its organisation units dealing with variety of forensic expertise; it may support the exchange of data on DNA, fingerprints and vehicle data in line with the Prüm Decision and Swedish Initiative requirements; contribute to a more efficient cross-border information exchange through secure networks and will ensure better inter-institutional, regional and international law enforcement cooperation and others.

Further strengthening of border management in line with the EU IBM model and best practices as well as the Schengen acquis - This activity may provide capacity building support to the Border Police in order to further develop and align the legal, institutional, organisational and technical capacity in line with the (Schengen) acquis, EU IBM model and EU best practices, building among others, on the results of the SBS programme, depending on the outcome of already programmes assistance in this field under previous IPA programmes.

The indicative activities within **Result 4** will be developed based on analyses, recommendations and other relevant documents stemming from the Results 2 and 3 and enhance the technical capacities of Ministry of Interior and related institutions implementing the chapters 23 and chapter 24, such as the Police Directorate in order to contribute to the prevention and/or elimination of threats from these areas, and their spread to countries in the region and the EU. The specificities of the support in relation to the supplies needs' will be discussed at the time of design and implementation of the facility.

The above-mentioned activities will address the "interim" and "closing benchmarks" and support the actions envisaged in the Action Plan for Chapter 24 and Schengen Action Plan. The Ministry of Interior will also contribute to strengthening of technical capacities for the implementation of the Chapter 24 with national financing of the capital projects in the amount of around 65 MEUR already allocated in the budget for 2019, while capital investments in the amount of 66.5 MEUR have been envisaged in the budget for 2020, and 42.5 MEUR in 2021. These funds are planned for raising the logistical, technical and operational capacities of the MoI organizational units.

RISKS

Risk	Mitigation Measure
Result 1	
Lack of continuous aspiration among political and judicial stakeholders to pursue the judicial reform agenda as defined in the Chapter 23 Action Plan	The Chapter 23 is the crucial for EU accession process and is under strict monitoring of the EC. Country established Early warning mechanism that alerts institutions in the situation of delays in implementation.
Lack of courts commitments to implement backlog reduction plans	The Supreme Court of Cassation established monitoring mechanism for backlog reduction, including six-month reports, targets and award program for best performing courts.
Limited absorption capacities of the High Judicial Council and State Prosecutorial Council may lead to delay in transfer of budget competences	Transfer of staff working in the Ministry of Justice on tasks that should be transferred to the HJC and SPC.
Result 2	
Lack of political will to implement the anti-corruption reforms	The fight against corruption and anti-corruption reforms are in the heart of the Chapter of 23. The EC and members states are specifically interested in establishment of track record in fight against corruption.
Delay in adoption of Victim Protection Strategy	Support existing patchwork of victims' support providers.
Lack of absorption capacities of the human rights protection institutions	Adequate activity planning to provide institutions enough time to organize internal resources.

Results 3 & 4	
Lack of political commitment and willingness to support the action, including due to possible changes in the Governmental structures and lack of constant coordination and cooperation between the beneficiary's institutions, their organisational units and departments.	The role of Ministry of European Integration and the negotiating structures and the policy dialogue in the context of EU accession should be used to mitigate this risk.
Inadequate staffing and high turnover of staff in the beneficiary institutions, organisational units and departments.	The Ministry of Interior for the police and the Ministry of Justice for prosecution office and criminal judges are to ensure and allocate appropriate and adequate staffing and resources for the action's activities within the beneficiary's subordinated organisational units.
Beneficiary's lack of capacities for the preparation of relevant documents such as tendering documentation for the supply of equipment, technical specifications, and implementation of the procurement procedure.	Selected implementing partner (consortium), its agency or an international organisation included in the consortium will support the beneficiary.
Absorption capacities for available EU funds may be low due to limited human resources.	Special attention will be paid to ensure sufficient capacities of the Implementation partner

CONDITIONS FOR IMPLEMENTATION

There conditions for this action are that the beneficiary institutions are responsible to assure the compatibility of any newly developed systems with the existent national systems, in particular in software and hardware development. In the implementation of any supply components related to this Action, no items can be procured for which compatibility of technical specifications needs to be ensured with the existent systems of the beneficiary, requiring restricted procurement procedures or affecting open competition.

Failure to comply with the requirements set out above may lead to a recovery of funds under this programme and/or the re-allocation of future funding.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

Result 1:

Final beneficiary: All key stakeholders in the judiciary sub-sector (i.e. Ministry of Justice, the Supreme Court of Cassation, the Republic Prosecutors Office, the State Prosecutorial Council, High Judicial Council, the Judicial Academy, Department for Treatment and Alternative Sanctions). The Ministry of Justice has a key coordination role for the Rule of Law sector and specifically for the implementation of Chapter 23 Action Plan.

Result 2:

Final beneficiary: the MoJ, the Anti-Corruption Agency, line ministries and other responsible public institutions and independent bodies (i.e. Ombudsman, the Commissioner for Free Access to Information of Public Importance and Personal Data Protection, the Commissioner for Protection of Equality, the Office for Human and Minority Rights, the Regulatory Body for Electronic Media (REM)). The Ministry of Justice has a key coordination role for the Fundamental Rights and anti-corruption sector and specifically for the implementation of Chapter 23 Action Plan.

Result 3:

Coordination: Ministry of Interior; Final beneficiary: all key institutions implementing the Chapter 24 Action Plan.

Result 4:

Coordination: Ministry of Interior; Final beneficiary: all key institutions implementing the Action Plans for the Chapters 23 and 24.

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

See annex.

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING (AND EVALUATION)

Monitoring the progress of implementation will be done in accordance with the rules and procedures for monitoring stipulated in the IPA II Implementing Regulation and Framework Agreement between the Republic of Serbia and the European Commission on the arrangements for implementation of Union financial assistance to the Republic of Serbia under the Instrument for Pre-Accession Assistance (IPA II).

The overall progress will be monitored by means of several sources:

- **Result Orientated Monitoring (ROM) system** (led by DG NEAR): This will provide, as necessary and required, an independent assessment of the on-going or ex-post performance of the Action.
- **IPA II Beneficiary's own monitoring:** IPA II monitoring process is organised and led by the NIPAC, supported by the NIPAC TS/ BCPME. NIPAC is the main interlocutor between the Serbian government and the European Commission regarding strategic planning, co-ordination of programming, monitoring of implementation, evaluation and reporting on the overall IPA II assistance. NIPAC monitors the process of programming, preparation and implementation, as well as the sustainability and effects of programmes, aiming to improve these processes, ensure timely identification, remedying and alleviation of potential issues in the process of programming and implementation of Actions. Through the support of the NIPAC TS/ BCPME, the NIPAC prepares regular monitoring reports for the Government and the EC based on the reports drawn up by the institutions responsible for implementation. It reports on the formulation of Action, the fulfilment of preconditions for the initiation of public procurement procedures, the implementation of Action, its sustainability and effects, and organises the process of evaluation.
- **Self-monitoring performed by the EU Delegation:** This is part of the annual assurance strategy process and is done based on the ex-ante risk assessment of actions/contracts considered riskier.
- **Joint monitoring by DG NEAR and the IPA II Beneficiary:** the compliance, coherence, effectiveness, efficiency and coordination in implementation of financial assistance will be regularly (at least once a year) monitored by the IPA Monitoring Committee. It will be supported by Sectoral Monitoring Committees which will ensure monitoring process at sector level. The results of monitoring will be used in the policy-making process to propose programme adjustments and corrective actions.

Monitoring process envisages participation of various stakeholders, such as EC/EUD, NIPAC, NIPAC TS/ BCPME, NAO, NAO SO, NF, Contracting Authorities, Final Beneficiaries, AA, and other institutions and civil society organisations.

Having regard to the importance and nature of the action, an ex-post evaluation(s) will be carried out for this action or its components via independent consultants.

The evaluations will be carried out following DG NEAR guidelines on linking planning/programming, monitoring and evaluation³. A Reference Group comprising the key stakeholders of this action will be set up for every evaluation to steer the evaluation process and ensure the required quality level of the evaluation outputs as well as the proper follow up of the recommendations of the evaluation.

It will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that the activities relating to Chapter 23 and 24 constitute key activities in the accession process.

The Commission shall inform the implementing partner at least 6 months in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

³ https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/near_guidelines.zip

The evaluation reports shall be shared with the IPA II beneficiary and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the IPA II beneficiary, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

In addition, the Action might be subject to external monitoring in line with the European Commission rules and procedures set in the Financing Agreement.

5. SECTOR APPROACH ASSESSMENT

Strategic and policy framework

The Action Plan for the Chapter 23 covers all three sub-areas: judiciary, fight against corruption and protection of fundamental rights. Reform priorities within the Home Affairs sector are largely outlined within the comprehensive Action Plan for Chapter 24, adopted by the Government in 2016 and since then, a considerable progress has been made with current strategic framework in the area of Chapter 24.

Institutional arrangements

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, implementing, monitoring /reporting, coordinating of sector policies. Furthermore, in relation to negotiation process the Ministry has the leading role in chapter 23. The Ministry of Interior is leading the relevant home affairs sector institutions in the process of planning, implementing, monitoring /reporting, coordinating of sector policies, as well as Chapter 24. The planning, programming and monitoring of EU funds and international assistance is led and coordinated by the MEI.

Sector and donor coordination

Sector Working Groups (SWGs) have been established in order to achieve efficient and coordinated process of programming and monitoring of international development assistance, especially the IPA, as well as to provide the basis for the implementation of sector approach. The Ministry of Justice is the lead institution within the Rule of Law Sector with respect to sector policy coordination, while planning, programming and monitoring of EU funds and other assistance is led and coordinated by the Ministry of European Integration. Primary role of the **SWG for Justice and SWG for Home Affairs** is to ensure adequate forum for sector policy dialogue and reliable basis for effective planning and programming enabling strategic focus and prioritization, complementarity of various interventions and optimization of different sources of funds. It thus improves the coordination and management of international development assistance and increases its effective absorption while ensuring a transparent and inclusive dialogue among all relevant stakeholders.

For the implementation of the 2013 National Judicial Reform Strategy, **the Commission for the Implementation of the Strategy** was established. The Commission is composed of representatives of all relevant stakeholders, including the professional associations. The primary role of the Commission is to ensure adequate forum for sector policy dialogue. In addition, the MDTF-JSS is organizing **Management Committee** as a justice sector forum twice a year where key justice donors and key justice stakeholders meet.

Sector budget and medium-term perspective

All line ministries are required to produce programme budgets. Budget beneficiaries are obliged to submit three-year projections in the course of the annual budget cycle. Fiscal strategy sets the medium-term budget limits per budget beneficiary, which allows for the estimates of sector budgets on the basis of individual annual budgets for the institutions. There is 100% coverage of programme budget at the level of budget beneficiaries, and an increase in coverage among LSG units preparing the budget based on the programme budgeting methodology. There is also an increase in the harmonisation of the programme structures of budget beneficiaries with the “Instructions for preparation of programme budgets”⁴.

In the past, significant progress has been made through:

⁴Implementation of the PAR Action Plan 2015-2017, Ministry of Public Administration and Local-self Government 2018

- Improved harmonisation of budget structures of budget beneficiaries
- Improved programme information
- Introduced gender sensitive indicators
- Training courses delivered for budget preparation and reporting
- Performance-based reporting

The programme budgeting mechanism developed in instructing and coordinating with the budget beneficiaries can already be qualified as very instrumental for consolidating the fiscal discipline and for the transparency of public expenditure. However, there is yet no full-fledged mid-term, sector-based budgetary planning process that could be used to develop mid-term expenditure frameworks.

Sector monitoring system

The public administration of Serbia is not equipped with general methodology, guidelines, manuals and IT system for monitoring and evaluation and they have been developed on a case-by-case basis. Evaluation is done ad hoc, without methodology. There is no internal capacity to carry out evaluation, and this refers both to sector and sub sector level. Reporting mechanism on sub sector level is not harmonised and there is no reporting mechanism on the sector level.

Monitoring activities in the Competitiveness Sector were implemented in accordance with the procedures on decentralised/indirect management, including regular reporting on implementation of IPA II Actions on the result level (from the FB institutions to NIPAC TS/BCPME through Result of Action Monitoring Reports drafted quarterly). Based on inputs received, NIPAC TS/BCPME has been in charge of drafting the SMC Report, which was the subject of discussion on SMCs. Having in mind the state of play of IPA II actions implemented indirectly by the Republic of Serbia, discussion of the Competitiveness SMC was mostly confined to the progress in contracting, measures aimed at acceleration of the procedures leading to contract signature and coordination with ongoing and planned interventions within the Sector. SMC meetings held in May and November 2018 included discussion on implementation of IPAI and IPAI projects managed indirectly by the Republic of Serbia. All recommendations given by the SMC were transferred to higher-level committees (TAIB Committee and IPA Monitoring Committee) with regular follow-up on implementation provided by the competent institutions and NIPAC TS/BCPME indicators, carrying out the monitoring and evaluation tasks on the sector level should be strengthened.

6. CROSS-CUTTING ISSUES

GENDER MAINSTREAMING

It is noted that in the judiciary there is a positive trend regarding the employment of the women at some levels of administration. The structure of judges in 2018 was 1831 women comparing to 752 men. However, the majority of persons occupying higher level positions, such as court presidents and prosecutors, remain men.

On the other hand, there is still a problem of the trend of men being convicted for criminal offenses, especially in the field of domestic violence (100 women: 1965 men).⁵ Equally, women and girls are more frequently and severely affected by various forms of gender-based violence than men and boys. Data shows that every second woman in Serbia has experienced some form of physical violence (46.1%), every third physical assault being from a family member (30.6%). The most common perpetrators of economic (50.6%), psychological (58%) and physical (71.7%) abuse were domestic partners, or the husband of the victim.

A crucial aspect of the action will be the application of the gender disaggregation of statistical data, needed to both inform and guide the process, but also to measure and evaluate the impact of the measures upon the issue of equality of men and women. The beneficiaries will be encouraged to collect gender segregated data e.g. on the participants in the action activities as well as about the end beneficiaries of the actions.

⁵Data for 2016, Women and men in Serbia 2017, Statistical Office of the Republic of Serbia

EQUAL OPPORTUNITIES

According to Article nr. 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, etc. The Action will provide support in the implementation of the new Strategy for improvement of disabled persons position.

Based on the fundamental principles of promoting equality and combating discrimination, participation in the action activities will be guaranteed on the basis of equal access regardless of racial or ethnic origin, religion or belief, disability, sex or sexual orientation. At the moment, men are over-represented among the police and border personnel. Gender specific recruitment practices and improvements of the working conditions might lead to an increase in the number of women among the police personnel and similar with other agencies. Thus, police authorities will pursue higher gender equality of the employed staff and strive to establish appropriate facilities, ensuring anti-discriminatory conditions for staff, passengers, and persons in police and border proceedings (e.g. separated toilets for men and women, etc.). The intervention will also have a positive impact on females, youth and other vulnerable groups through improved rule of law and border management.

MINORITIES AND VULNERABLE GROUPS

The national legal framework on socially vulnerable and disabled persons and principle of non-discrimination 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 was adopted as well. Efforts are required to bring the antidiscrimination legislation fully in line with EU acquis. More specifically, 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 but 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. In regard to fundamental rights, especially in terms of anti-discrimination policies, the Action Plan for Chapter 23 envisages numerous activities in regard to prevention and protection from discrimination including through the Commissioner for Protection of Equality (CPE). Through dedicated work, CPE as a central national body specialized in combating all forms and types of discrimination and prevention of discrimination, led to a significant increase of awareness on discrimination in the past.

Strengthening capacities of state authorities for fight against crime will contribute to strengthen capacities of institutions involved in smuggling and trafficking of human beings in order to improve prevention, detection and protection of victims. According to the experience of Centre for Human Trafficking Victims Protection, Centre for Social Work, Police, and civil society organizations, following vulnerable categories are most often identified as victims of human trafficking: victims of family violence (women and children), national minorities, children without adequate care and parental care, victims of human trafficking (from repeat victimization), children victims of peer violence, people with disabilities, older people, especially from the aspect of exploitation in begging, sensitive categories of migrants (women from refugee population, victims of family violence, victims of human trafficking), unattended minors, children involved in life and labour in the street (representatives of this category are usually members of national minorities).

Women migrant, children and persons with disabilities will be taken into consideration by enhancing capacities of institutions at national and local level to implement the legal framework and procedures related to migration management, as well as to ensure adequate institutional capacities to effectively process asylum claims and to ensure protection sensitive reception and accommodation.

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

The cooperation with Civil Society Organisations (CSOs) is facilitated by the Government's commitment as part of its European Agenda.

The Government Office for Cooperation with Civil Society is the main institutional mechanism for the support of developing the dialogue between the Government and CSOs through offering support to its

institutions in understanding and recognizing the role of CSOs in policy shaping and decision making processes.

The Office for Cooperation with Civil Society has also established the mechanism that allows involvement of CSOs in negotiations on the accession of the Republic of Serbia to the European Union. CSO participation in this process so far included monitoring of explanatory screenings, participation in the preparation of the bilateral screening for some negotiating chapters and participation in briefing meetings that followed bilateral screenings.

In addition, NIPAC TS - MEI established a consultation mechanism with the civil society organization (CSOs). This mechanism is based on the consultative process with Sectorial Civil Society Organizations (SECOs) and serves as a platform that enables exchange of information and contribution of CSOs in relation to planning development assistance, particularly programming and monitoring of the Instrument for Pre-Accession Assistance (IPA). The Platform for participation and monitoring the negotiation process with the EU, i.e. the National Convention on the European Union (NCEU) has also been established as a permanent body for thematically structured debate on Serbian accession into the European Union, between representatives of the governmental bodies, political parties, NGOs, experts, syndicates, private sector and representatives of professional organisations. The NCEU Working groups for Chapter 23 and Chapter 24 meet regularly to discuss issues like revision of the Action plans etc.

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

EU has a longstanding commitment to address environmental concerns in its assistance programmes (as part of a wider commitment to sustainable development). Environmental aspects are always considered in providing EU support and there will be no exception to this rule by ensuring that none of the funded interventions will have harmful impact on the environment.

7. SUSTAINABILITY

Sustainability is primarily guaranteed through the fact that all activities stem out of the existing national level policies and legislation and they are defined to support the implementation of the policies. Sustainability of the Action will be ensured by the beneficiary institutions committed to provide the necessary human and financial resources during implementation. The Action is linked to the policy and strategic framework in the justice and home affairs area and represent continuum with regard to previous reforms in this rule of law area. Serbia's political commitment to EU accession and to the transposition of Chapters 23 and 24 *acquis* will be instrumental to ensure the sustainability of the Action.

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.

The sustainability of the action will be ensured in several ways, primarily through the continuation of a comprehensive policy dialogue between the EU, the principal stakeholders and by ensuring beneficiary ownership. The dialogue will focus not only on reinforcing the need to develop and implement coherent policies, but also on the allocation of sufficient funding in the annual and multi-annual budgets to ensure that the policy gains are sustained. For this reason, the results to be achieved by the action will be sustainable and will continue beyond the action's implementation period. More specifically, further development, upgrade and modernisation of IT equipment will provide self-sustainability and durable IT solutions, which are likely to be used decades after the end of the project. Technical equipment that will be provided by the project will also contribute to better sustainability of the results and will complement and support the capacity-building activities, such as training courses, workshops, conferences, seminars, etc. The action aims to perform a number of training courses and, where possible, will apply the Training of Trainers approach actions, which will ensure sustainability of the capacity building project's outputs. Based on this, a

number of the intervention's outputs will remain self-sustainable after the end of the action. The beneficiaries' will also adequately plan necessary financial resources in order to ensure maintenance of procured equipment. Whilst the Serbian strategic goal remains to join the EU and Schengen area as well as to fulfil the accession criteria, the Serbian authorities will provide appropriate ownership above the project.

8. COMMUNICATION AND VISIBILITY

Visibility and communication aspects shall be complementary to the activities implemented by DG NEAR and the EU Delegations in the field. The European Commission and the EU Delegations should be fully informed of the planning and implementation of the specific visibility and communication activities.

Communication and visibility will be given high importance during the implementation of the Action. The implementation of the communication activities shall be the responsibility of the Contracting authority and the separate contractors and shall be funded from the amounts allocated to the Action. National authorities will be closely associated with the implementation of the communication and visibility aspects of 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 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. Accordingly, the beneficiaries must recognise the funding by the EU and implement specific information and communication activities designed to raise the awareness of specific or general audiences of the EU support, as well as of the results and the impact of this support.

Targeted communication activities will be designated to ensure the visibility of support, of beneficiaries, achievements and the fact of EU funding. By its nature, the Action includes multiple public events and awareness rising activities, such as promotional and info-days, kick-off and closing ceremonies, events at the occasion of signing contracts, etc. All the events shall be organised in a manner to promote joint visibility features of the Action and to inform the broader audience on objectives and achievements of the Action by timely involvement of the media and via broadcasting through appropriate communication channels. Planning and implementation of the specific visibility and communication activities will be done by implementing partner and main beneficiaries, while the EU Delegation to the Republic of Serbia will be timely informed.

When it comes to grant beneficiaries at local level, they will be provided with the appropriate models and shall be expected to elaborate and implement communication and visibility plans as the integral part of project activities. Grant beneficiaries shall be constantly advised and guided by the Implementing partner and main beneficiaries on the visibility issues. Likewise, they will be encouraged to publish periodically the results of their grant in the local magazines and media, which shall contribute to the promotion of the Action. All relevant project data, information, announcements will be published on the main beneficiaries' web site while the implementing partner shall create a website dedicated to the implementation of this Action.