

**Standard Summary Project Fiche – IPA centralised programmes**

**Project Number 1: Strengthening the rule of law in Serbia**

**1. BASIC INFORMATION**

- 1.1 CRIS Number** 2011/022-585
- 1.2 Title** **Strengthening the rule of law in Serbia**
- 1.3 ELARG statcode** **01.24** Political criteria. Justice, freedom and security
- 1.4 Location** Republic of Serbia

**Implementing arrangements:**

- 1.5 Contracting Authority:** EU Delegation to the Republic of Serbia
- 1.6 Implementing Agency:** **Project is composed of three components, each of them will be implemented separately**
- Component I** – Implementation of Justice Sector Reform and Anti Corruption Policies
- First subcomponent will be implemented through direct agreement (DA) with the World Bank, while second subcomponent will be implemented through DA with the Council of Europe.
- Component II-** Establishment of Stationary and Mobile Video Surveillance System for State Border Protection and Surveillance
- Component III** - Development of Strategic Planning and Improvement of Horizontal communication within the Ministry of Interior

**1.7 Beneficiary (including details of project manager)**

- COMPONENT I -** Ministry of Justice and all other institutions of the justice sector
- Name: Senior Program Officer is Assistant Minister of Justice for European Integration and International Projects
- Address: Ministry of Justice, Nemanjina 22-26, 11000 Belgrade, Serbia

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For first subcomponent:

The Project Manager is the World Bank Trust Fund-accredited Task Team Leader who will coordinate with the Ministry of Justice of the Republic of Serbia.

For second subcomponent:

The Project Steering Committee (PSC) will be composed of the representatives of the Delegation to the European Union, Ministry of Justice, and Council of Europe. PSC will be established for control and supervision of the project activities/outputs. The PSC will provide strategic guidance to the project and provide opinions and recommendations.

**COMPONENT II:**

Ministry of Interior

Name: Senior Program Officer (SPO) is Assistant Minister of Interior Mr. Zeljko Kojic.  
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Tel/fax: +381113008-217  
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Steering committee: The Project Steering Committee will be established to monitor progress project activities implementation Members of PSC will be representatives of Ministry of Interior: Border Police Department, Department for Combating Transborder Crime and Criminal Intelligence and Sector for finance, human resources and common affairs, as well as representatives of Delegation of European Union and other relevant bodies.

The Border Police Directorate of the Ministry of Interior is located in Bulevar Mihajla Pupina no.2, Belgrade.

**COMPONENT III:**

Ministry of interior

Names: Mr. Zeljko Kojic  
Department: Bulevar Zorana Djindjica 104;  
Address: Bulevar Mihajla Pupina No.2, Belgrade  
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Steering committee will be composed by the representatives of the Ministry of Interior (Sector for finance, human resources and common affairs, Biro for strategic planning), Serbian European Integration Office and Delegation of the EU to the Republic of Serbia. : This committee carries out at least four meetings in a year for assessing the activities and recommend solutions for solving the problems that might occur during the implementation of the project.

## **Financing**

- 1.8 Overall cost:** EUR 9.90 million
- 1.9 EU contribution:** EUR 9.75 million
- 1.10 Final date for contracting:** 2 years after the signature of the Financing Agreement (FA).
- 1.11 Final date for execution of contracts:** 4 years after the signature of the FA.
- 1.12 Final date for disbursements:** 5 years after the signature of the FA.

## **2. OVERALL OBJECTIVE AND PROJECT PURPOSE**

### **2.1 Overall Objective:**

To contribute to good governance in Serbia by ensuring the rule of law, efficient state border security, improving the efficiency and accountability of the public sector, and tackling corruption as essential elements of a framework, within which economies can prosper.

### **2.2 Project purposes:**

#### **COMPONENT I: Implementation of Justice Sector and anti corruption policy**

**Subcomponent 1** (Direct agreement with the World Bank): Support to Multi-Donor Trust Fund for Justice Sector

To support the Multi Donor Trust Fund for Justice Sector in introduction of sector wide approach in design, programming and implementation of justice sector reform initiatives.

**Subcomponent 2** (Direct agreement with the Council of Europe): Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia

To improve capacities and quality of the implementation of institutional reforms aimed at preventing and combating corruption.

#### **COMPONENT II – Video surveillance system for State border protection and surveillance**

Improvement of the capacities of Ministry of Interior in the field of border protection in accordance with international standards.

#### **COMPONENT III – Strategic planning and horizontal communication within the Minister of Interior**

Institutionalizing strategic planning, strategic management and evaluation and monitoring in the Ministry of the Interior of the Republic of Serbia.

## 2.3 Link with AP/NPAA / EP/ SAA

### COMPONENT I - Implementation of Justice sector and anti corruption policy

**European Partnership** (EP) amongst its key priorities states as follows:

Improve the functioning of the judiciary, guarantee its independence, accountability, professionalism and efficiency and ensure that the career development and recruitment of judges and prosecutors are based on technical and professional criteria and free from political influence. Ensure proper functioning of the Constitutional Court (short term priority).

Reduce the backlog in courts and further increase the efficiency and professionalism of courts. Introduce uniform standards in order to gather reliable data on the judiciary. (mid-term priority).

It also states that Serbia's priorities are to step up the fight against corruption at all levels and develop a comprehensive public system of financial control to increase transparency and accountability in use of public finances. More specifically, with regard to the anti-corruption policy section it identifies the following priorities:

- Implement the action plan on the anti-corruption strategy and establish an independent and effective anti-corruption agency;
- Ratify international conventions against corruption;
- Further clarify and enforce regulations related to the prevention of conflict of interests, in line with international standards; and
- Develop and implement a transparent system of declaration of assets of public officials.

The same partnership document, foresees priorities also in strengthening capacities of the judiciary, related and interlinked with the fight against corruption and good governance such as to:

- Ensure effective, independent, accountable and impartial courts and prosecution offices, free from political influence;
- Strengthen the Prosecutor's Office to ensure that it is able to comply with the principles of autonomy and impartiality. Continue to strengthen the Special Prosecutor's Office. Ensure the implementation of an efficient witness protection security scheme;
- Further develop legal education and training, particularly for judges, prosecutors and administrative personnel. Transform the Judicial Institute into a viable institution responsible for judicial training;
- Develop the capacity in the government free from undue political influence to take on responsibilities in the areas of justice and the interior;
- Implement a system of appointment, dismissal and career promotion for judges and prosecutors in line with European standards, free from political interference; and
- Strengthen the administrative capacity, coordination and effectiveness of the judiciary and all law enforcement agencies.

**Stabilization and Association Agreement** (SAA) *in the Article 80, states as follows:*

## Reinforcement of institutions and rule of law

In their cooperation on justice, freedom and security, the Parties shall attach particular importance to the consolidation of 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. Cooperation shall notably aim at strengthening the independence of the judiciary and improving its efficiency, improving the functioning of the police and other law enforcement bodies, providing adequate training and fighting corruption and organised crime.

In 2010 Serbia Progress Report, it is stated that:

Serbia made little progress towards further bringing its judicial system into line with European standards, which is a key priority of the European Partnership.

The Law on the Judicial Academy was adopted in December 2009 and the Academy established as the body responsible for the vocational training and continued professional development of judges, prosecutors and judicial staff. New Court Rules of Procedure were adopted in December 2009. They regulate the work of courts and the internal organisation of the new court network. A new Law on Expert Witnesses was adopted in June 2010.

The large backlog of pending cases remains a matter of concern, in particular as the recent reforms impacted negatively on the overall efficiency of the judicial system. The reduction of the number of judges and prosecutors was not based on a proper needs assessment. Under the new court system, courts which were closed continue to function as court units, in which civil cases are heard. This means that judges and judicial staff have to travel between courts and court units requiring significant resources and creating security concerns. A uniform system for organising the work of the court seats and the new court units has not been established.

Case registration and the IT system connecting all courts and court units and allowing access to files are not fully operational.

The Constitutional court faces a backlog of some 7,000 pending cases, including the appeals filed by judges and prosecutors who have not been reappointed. The setting up of the Judicial Academy still is at an early stage and vocational trainings have not yet started.

Related to *Anti-corruption policy* it is underlined that:

Serbia made some progress in the fight against corruption. Implementation of the outstanding GRECO recommendations of June 2006 continued. Amendments to the Law on Civil Servants and the Law on Free Access to Information introduced the obligation for civil servants to report corruption and provided a certain protection from retaliatory measures. Also the access to information was improved. As regards the processing of corruption cases, there is good cooperation between the police and the state prosecution.

*Overall*, the institutional framework to fight corruption is in place with the Anti-Corruption Agency starting its work in January 2010. However, corruption remains prevalent in many areas and continues to be a serious problem. The legislative framework still shows shortcomings, in particular with regard to supervision of political party funding and the protection of whistleblowers. The Anti-Corruption Agency needs to be strengthened. Implementation of existing laws needs to be improved. Further efforts are needed to better process corruption cases, from investigation to final convictions.

### **National Plan for Integration (NPI)**

Section 3.23.1.3 Mid-Term Priorities, sets out following priorities:

- Fully functional national data system on the performance of judges;

- Clear criteria regarding financial possibilities for providing legal aid in litigation and criminal proceedings;
- Implementation of the Law on Notary Public Office shall commence not earlier than a year after its adoption. This period is necessary as notaries public will assume part of the work, which now falls within the court competency. In the stated period, by-laws should be adopted and amendments should be made to other laws related to notaries public. Furthermore, notary public examination should be administered, notaries public should be selected and notary public chamber should be established.

High Judicial Council exercises competencies set forth by law;

- When it comes to independent judicial budget, the High Judicial Council takes over full competencies over judicial budget, as of January 1, 2011;
- All judges shall be held accountable on the basis of revised standards of judicial productivity, with regular performance evaluation made by the High Judicial Council;
- National Judicial Training Institute has been established and has become fully functional;
- Court network has been rationalized and functions efficiently;

Section 1.1.7 referring to the Anti-Corruption Policy, indicates the following mid-term priorities:

- Full implementation of international conventions on the fight against corruption
- Participation of the Ministry of Justice in the UN Office on Drugs and Crime (UNODC) Pilot Project on Self-Analysis, with the help of the UN experts; harmonisation of domestic legislation with the UN Convention Against Corruption.
- Efficient operation of the Anti-Corruption Agency
- Further capacity building of the state bodies for fight against corruption

## **COMPONENT II - Video surveillance system for State border protection and surveillance**

### **Stabilisation and Association Agreement - Article 82.**

The Parties shall cooperate in the visa field, border control, asylum and migrations and will strengthen the frames for cooperation, including cooperation on the regional level in these areas, taking into consideration and using the other existing initiations in this field, when that is appropriate.

Cooperation in this field will be based on mutual consultations and close coordination between the parts, and it should include technical and administrative help in:

- a) statistical data exchange and information about legislature and practice;
- b) making regulations draft;
- c) increasing capacities and efficiency of institutions;
- d) employers training;
- i) safety of travel documents and discovering false documents;
- f) border management;

**The European Partnership emphasises the need for Serbia to develop the technical infrastructure and human resource capacities to implement the Integrated Border Management policy including strengthening the border police and the customs services. (pp 18)**

**The 2010 EC Progress report** highlighted some progress in the area of **border management**. The coordination body for implementing the Integrated Border Management strategy has been established in June 2010.

Serbia has continued to improve the infrastructure and equipment at border crossing points and to strengthen security checks on persons, documents and goods. Installation of the TETRA system has progressed, but has not yet been completed. Border police cooperation has continued, with joint patrols with Bosnia and Herzegovina, Hungary and Montenegro. Efforts to further increase the risk analysis capacity of the border police have continued. Serbia has been involved in joint operations and has regular data exchange with Frontex and participates in Western Balkans Risk Analysis Network. The implementation of the working arrangement is satisfactory.

However, border police, customs and phytosanitary services are still lacking operational coordination and cooperation with regional counterparts needs to be improved. Disparities in infrastructure between border crossing points persist, with control of the borders with the former Yugoslav Republic of Macedonia, Montenegro, Bosnia and Herzegovina and Croatia still showing important weaknesses. Not all border crossings are fully connected to the central database of the Interior Ministry and to the Interpol system (I-24/7). Surveillance and control at the Administrative Boundary Line with Kosovo need to be further strengthened and cooperation and exchange of information with EULEX/Kosovo police improved. Border police is not yet fully staffed and its risk analysis capacity needs to be further strengthened.

*Overall*, Serbia started to address its priorities regarding border control. Further efforts are needed to eliminate the disparities between individual border crossing points and to improve control at the borders with the former Yugoslav Republic of Macedonia, Montenegro, Bosnia and Herzegovina and Croatia and in particular at the Administrative Boundary Line with Kosovo.

### **COMPONENT III - Strategic planning and horizontal communication within the Ministry of Interior**

#### **Stabilisation and Association Agreement (article 80)**

##### *Reinforcement of institutions and rule of law*

In their cooperation on justice, freedom and security, the Parties shall attach particular importance to the consolidation of 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. Cooperation shall notably aim at strengthening the independence of the judiciary and improving its efficiency, improving the functioning of the police and other law enforcement bodies, providing adequate training and fighting corruption and organised crime.

#### **European Commission Serbia 2010 Progress Report**

##### *Political criteria*

##### *2.1 Democracy and Rule of law*

##### *Public administration (page 10)*

*"Overall*, the capacity of the public administration is good but reform in this area is advancing at a slow and uneven pace. Further improvement of the legislative framework and a stronger commitment to respect the mandate of independent regulatory bodies and provide them with adequate resources are needed."

### *2.3 Regional issues and international obligations (page 21)*

"The investigative capacity of the police in war crimes was hampered by the lack of expert staff such as military analysts and intelligence officers. This adversely affected the quality of the work of relevant services."

#### *Section 4.3.4 Police*

"Serbia has made some progress in the area of police reform. Capacity building has continued primarily within specialised services of the criminal police such as the services for combating organised crime, financial investigations and high-tech crime. Some measures have been taken to improve the methodology and standards of police work, including an information booklet explaining the regulatory framework. Training and education have continued on best practice in police work and on work in communities and with minorities. However, at the level of the Interior Ministry, there is no effective strategic planning and human resource management remains weak. This adversely affects prioritising and budgeting. Intelligence-led policing and the criminal intelligence system need to be improved. The lack of openness and transparency of recruitment procedures and career development within the police remains of concern. Understaffing and inadequate working conditions for some police services need to be addressed."

### **2.4 Link with MIPD<sup>1</sup>**

## **COMPONENT I - Implementation of Justice sector and anti corruption policy**

### **3.1. Justice and Home Affairs Sector**

#### **3.1.3. Sector Objectives for EU support over next three years**

Strengthening the rule of law is a key challenge of the Enlargement Strategy 2010, in particular intensified judicial and police cooperation fight against organised crime and corruption. Better rule of law is also necessary in Serbia for improving the business environment.

The focus will be on justice and the judiciary, the penitentiary system, law enforcement, migration, and fundamental rights. The Progress Report 2010 pointed to shortcomings in the reform of the judicial system. Support to the reform may be provided through participation in the Multi-Donor Trust Fund.

The specific objectives that IPA assistance will focus on are:

- To strengthen the independence, efficiency, effectiveness and accountability of the judiciary;
- To improve the fight against corruption and organised crime, including through the strengthening of the capacity of law enforcement institutions and enhancing their cooperation at domestic level as well as with relevant international institutions;
- To strengthen relevant legislative framework and improve alignment with European standards;
- To strengthen the functioning of the custom administration;
- To increase the awareness of citizens about their rights and enhance their confidence in the judicial system.

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<sup>1</sup> Multi-Annual Indicative Planning Document



## **COMPONENT II - Video surveillance system for State border protection and surveillance**

### **3.1. Justice and Home Affairs Sector**

#### **3.1.3. Sector Objectives for EU support over next three years**

The specific objectives that IPA assistance will focus on are:

- To improve the fight against corruption and organised crime, including through the strengthening of the capacity of law enforcement institutions and enhancing their cooperation at domestic level as well as with relevant international institutions;
- To strengthen relevant legislative framework and improve alignment with European standards;

## **COMPONENT III - Strategic planning and horizontal communication within the Minister of Interior**

### **3.2. Public administration reform sector**

#### **3.2.3. Sector Objectives for EU support over next three years**

Focus will be on capacity building for policy reforms, and implementation of the existing legal and strategic framework. Attempts may be made - together with other donors - to support a wide approach programme.

Particular attention will be paid to the administrative capacities in the European integration process. There is a need to strengthen capacities in all line Ministries dealing with EU *acquis*.

The specific objectives that IPA assistance will focus on are:

- To improve the efficiency and effectiveness of the public administration at both central and local level
- To improve policy coordination for EU integration
- To rationalise the administrative resources
- To build capacity in managing IPA funds

#### **2.5 Link with National Development Plan (where applicable) N/A**

#### **2.6 Link with national / sectoral plans**

## **COMPONENT I - Implementation of Justice sector and anti corruption policy**

**National Judicial Reform Strategy** was adopted by Serbian National Assembly in May 2006. Its basic objective is to restore public trust in the judicial system of the Republic of Serbia by establishing the rule of law and legal certainty. The Strategy relies on four key principles: judicial independence, transparency, accountability and efficiency. Along with its Action Plan, it expires in 2011.

The **National Anti-corruption Strategy**: As a coordinator of activities of the Serbian Government to combat corruption, the Ministry of Justice prepared the National Anti-Corruption Strategy (2006), drafted by following the recommendations from assistance programs with and by the Council of Europe. In December 2005, the National Assembly adopted the Decision on Establishing the National Anti-Corruption Strategy. In December

2006, the Government of the Republic of Serbia adopted Strategy Implementation Action Plan.

The objective of the Strategy is to reduce corruption and achieve an anti-corruption culture which is aligned with developed European countries, by accomplishing the following goals:

- Conclusively eliminate the conditions which allow for the occurrence and development of corruption;
- Establish a legal and institutional framework for the prevention and reduction of corruption;
- Consistently introduce criminal and moral liability for illegal acts;
- Set appropriate ethical standards and efficiently introduce international anti-corruption standards;
- Ensure transparency in the funding of political parties, elections and election campaigns;
- Prevent conflict of interest in the public sector;
- Assure the legal and responsible execution of decisions;
- Increase the efficiency of bodies responsible for the implementation of laws;
- Reform of public administration, with the aim to enhance professionalism and transparency;
- Institute open and transparent procedures of planning and using budgetary funds, as well as public monitoring of budgetary expenditures;
- Provide training and support to the private sector in the implementation of anti-corruption measures;
- Define the role of the media in combating corruption;
- Stimulate citizens to participate in the fight against corruption;
- Promote co-operation and raising of public awareness about the authorities and obligations of State bodies, economic entities, civil society and citizens with regard to combating corruption; and
- Encourage participation in the regional and international fight against corruption

The Poverty Reduction Strategy also underscores that a successful battle against corruption calls for a comprehensive approach with consistent, ongoing and dynamic activities to ensure implementation, based on previously defined and understood rules and responsibilities.

## **COMPONENT II - Video surveillance system for State border protection and surveillance**

### **National Program for the Integration of the Republic of Serbia into the European Union**

#### **3.24.2.2. Short-term priorities**

- Improvement of collecting and exchanging data and strengthening of investigation capacities of Border Police
- Administration in fight against cross-border crime
- Create and implement Logistics strategic plan with a view to modernize the infrastructure,
- Equipment and information technology for performing tasks related to security and control of crossing the state border in accordance with real needs and capacities, along with follow-up and implementation of best practice examples of border services in EU member countries.

### 3.24.1.3. Mid-term priorities

- Adjust and promote curricula and programmes for specialized training for border police by modern trends.
- Continue with the development of national information and communication system in order to perform appropriate cross-border checks and security as well as inland control and checks on foreigners
- Improve the infrastructure of collection and reception centres for illegal migrants, as well as the level of technical equipment therein.

In Article 6, Point 12, it is predicted for the border police officer to apply police authority, measures and activities in executing the state border protection which presumes that he can install and use the technical equipment, etc

**Integrated Border Management Strategy** adopted by the Government of the Republic of Serbia in 2006, clearly expresses determination of the state to improve capacities for securing and control of state border through development and upgrade of infrastructure to support the work of border police in order to provide openness of border for movement of people and goods and closeness for illegal activities and crime. The particular objective 6 of the IBM Strategy foresees optimal development of the information technology, as support to integrated border management, which means, inter alia, connecting of border services information systems. The realization of this project will contribute to enforcement of this objective.

Basis of legal regulation of border cross and state border security control in the Republic of Serbia is the Law on State Border Protection (Official gazette RS no. 97/2008 from 27.10.2008.).

By this Law are also determinate the goals of state border protection:

Ensure the immunity of state border, prevention and discovering of criminal offences and finding the perpetrators of these criminal offences, protection of life and health as well as environment and prevent of illegal migration.

Law on State Border Protection is defined that the state border security may operate by technical resources, including electronic resources (Article 49).

## **COMPONENT III - Strategic planning and horizontal communication within the Ministry of Interior**

### **National Program for the Integration of the Republic of Serbia into the European Union**

*The public administration tasks* include the participation in shaping Government policy (by preparing laws, other regulations and general acts for the Government and proposing development strategies and other measures); monitoring and assessment of the state of affairs in the areas falling within the competence of specific authorities; execution of laws, other regulations and general acts;(pg.6)

**Link with Document “Needs of the Republic of Serbia for International assistance in the period 2009-2011”:** One of the priorities and strategic tasks of the Ministry of the Interior, in line with the requests from the European partnership, is development in the police education field as well as institutional development of this ministry and implementation of comprehensive reforms. In order to achieve this objective, the Law on Police was adopted in 2005, which is based on the highest standards set in the EU documents and in compliance with the reform commitment which states that the police should become a Citizen Service.

Some basic principles and objectives of the already launched police reform have been embedded and elaborated in the law on Police. This law regulates specific issues pertaining to police officers and other employees of this ministry, having in mind that their position, duties, rights and obligations differ from these of other civil servants, and taking into account other issues in connection to police work control, financing, cooperation in the performance of police duties, auxiliary police etc.

### **Strategy for the reform of the State Administration**

In the Decision of the EU (80/46, 2008; L 80/59; L 80/60) principles, priorities and conditions for the partnership of the Republic of Serbia are defined. Within the framework of the short term priorities which are defined by this document the reform processes of the state administration and security aspects are encompassed.

The Stockholm Programme represents the EU strategy for the next five years in the area of building and maintenance of freedom, security and justice. This Programme can be a starting point for the design solution of the development strategy of the MOI and assessment of needs and possible models of strategic planning that can be applied, which would in turn speed up the reform process in the MOI, as well as the process of the EU integration.

## **3. DESCRIPTION OF COMPONENTS**

### **COMPONENT I - Implementation of Justice Sector Reform and Anti Corruption Policies**

#### **1.2 Background and justification:**

#### **Component I encompasses two subcomponents.**

#### **Subcomponent 1: Support to Multi-Donor Trust Fund for Justice Sector**

**MDTF-JSS Governance** - A Multi-Donor Trust Fund for Justice Sector Support (MDTF-JSS), with contributions from development partners and administered and executed by the World Bank, is an effective instrument for coordination between the Ministry of Justice (MOJ), other justice sector institutions such as the courts and prosecutors, the EU Delegation, development partners and civil society which enables Serbian authorities to: (a) update the National Judicial Reform Strategy (NJRS); (b) develop an adequately resourced NJRS implementation plan with progress benchmarks; (c) strengthen the institutional capacity of the MOJ, as well as the judiciary to implement, coordinate, monitor and evaluate judicial reforms and modernization; (d) track and report progress on judicial reforms and (e) incorporate NGO/civil society/academic/development partner participation in justice sector reform and modernization efforts.

The MDTF-JSS constitutes the financing vehicle for the activities necessary to achieve reform objectives of the Serbian judiciary which are debated, consulted and consolidated through the Partners' Forum. The World Bank administers and executes the MDTF-JSS with responsibilities, which are specified in Administration Arrangements between the Bank and each MDTF-JSS contributor. The **MDTF-JSS Management Committee** is administered by the World Bank and comprises of all contributing partners which have been contributed a minimum of EURO 100,000. The World Bank reports to the MDTF-JSS Management Committee quarterly on activities financed or under consideration from the MDTF-JSS. Day-

to-day execution of MDTF-JSS activities are responsibility of the World Bank Trust Fund-accredited Task Team Leader

**Governance of the Partners' Forum** - The Partners' Forum objective is to facilitate Serbia's EU justice sector integration process and improve the performance of the justice sector, by providing a forum for program- and results-based policy dialogue between the MOJ, courts, prosecutors, donors and other stakeholders on: (a) justice sector reform, institutional strengthening and modernization; (b) justice sector performance management and performance improvements; (c) improving justice sector aid coordination and effectiveness and (d) monitoring and reporting on reform progress and impact. The Partners' Forum represents the framework for policy dialogue and interaction between justice sector institutions, the MOF, the EU and other development partners working in the justice sector.

Following its 2000 political transformation, Serbia accelerated its justice sector reforms, recognizing its importance for EU accession, strengthening governance, improving the business climate, combating corruption and improving state accountability and effectiveness. The National Assembly endorsed the National Judicial Reform Strategy (NJRS) in 2006 to guide sector reforms. However, the overall reform impact so far has been less than anticipated: public trust and confidence in the judiciary remains low; institutional capacity constraints affect reform design, coordination and implementation; fragmented donor-financed projects and programs have over-tasked already low absorption capacity of the beneficiary. A key reason for underachievement on justice sector reform has been that – as in many other sectors - overall capacity to coordinate, prioritize, sequence, resource and implement a multi-year sectoral strategy remains weak. Hence a credible results-oriented justice sector strategy still needs to be anchored to a strong central policy process that provides to the Cabinet (in the executive) and – in the special case of the justice sector – also to the judiciary and legislative leadership oversight of such a key strategy.

However, with Serbia having signed the SAA with the EU and with endorsed National Program for Integration (NPI) into the EU, there is a renewed commitment to justice sector reform and a window of opportunity to transform planned reforms into concrete and visible actions whose impact could be assessed through objective performance indicators.

After constitution of Serbian Government in 2008, based on a consensus, which has been reached between the MOJ, the EU, the World Bank and donors, a 2-pronged approach to support Serbia's justice sector reforms has been envisaged:

**A Partners' Forum:** An accessible forum for a policy and results-based dialogue between the Serbian authorities (MOJ, judges, prosecutors) and donors on: (i) articulation of medium-term justice sector priorities for reform, institutional strengthening and modernization; (ii) justice sector performance improvement and indicators to track and report on performance; and (iii) increased aid coordination and effectiveness - the strategic advice and guidance from such a Forum underpinning an updated justice sector reform strategy/action plan/expenditure program; and

**An MDTF:** The establishment, at the request of donors and the MOJ in December 2007, of a Bank-administered and -executed MDTF for Justice Sector Support (MDTF-JSS) as a key vehicle to pool donor contributions to finance a coordinated work program to support the MOJ and justice sector institutions to achieve the above objectives and prepare the foundation for appropriate longer-term operational support for Serbia. Key donors active in the justice sector reform in Serbia have pledged defined amounts of money aimed at implementation of reform activities defined upon establishment of MDTF. Detailed breakdown of resources pledged by each donor is provided in Annex VI of this document.

The MDTF-JSS was formally established in early 2009 to support Serbia's EU accession process. The trust fund aims to provide targeted short term advisory assistance and analytic/policy support to the authorities for their key justice sector capacity-building and modernization needs and facilitate communication between key stakeholders in Serbian judicial reform process. The trust fund also aims to strengthen aid effectiveness and donor coordination in Serbia's justice sector through implementation of a coordinated work program, financed by pooled financial contributions from Serbia's development partners.

By channelling development partner resources through, the MDTF-JSS will support government-led donor coordination on justice sector reform and modernization. It will build on and strengthen the existing dialogue and coordination arrangements between the executive, judiciary, development partners and civil society. In addition, MDTF-JSS-financed activities are expected to facilitate greater cooperation and collaboration between the executive and judicial branches and thereby accelerate the policy dialogue on and implementation of justice sector reforms.

The MDTF-JSS results orientation will help strengthen the results framework for judicial reform overall, and at the same time facilitate monitoring tracking and reporting of progress and impact in a progressively more harmonized and transparent manner. Most importantly, the MDTF-JSS is envisaged to support the government to develop a multi-year Justice Sector Expenditure Program, to be financed through Serbia's budget resources and the EU and, if necessary, co-financed by other development partners. Such an approach could (a) reduce Serbia's transactions costs in dealing with a multitude of development partners with their respective implementation and reporting requirements, and (b) strengthen Serbian institutions' capacity to develop, coordinate, implement, monitor and report on reforms.

After initial establishment of MDTF as a tool for short term focused intervention, it is expected that this structure in the future could be used as a basis for introduction of Sector Wide Approach (SWAp) oriented towards the achievement of strategic goals especially in the field of EU integration.

Being the biggest donor in judiciary sector, EU could contribute to rationalization of resources and increase of aid effectiveness by joining other development partners in implementation of reform activities in Serbia.

## **Subcomponent 2: Strengthening the capacities of the justice sector in the fight against corruption in Serbia**

The fight against corruption and establishment of good governance remains to be a priority for Serbia in its road towards European integration and its economic development. During the last couple of years, the Serbian government has shown increased capacities as far as concerns introducing new legislation and policies by indicating a greater consensus in its way to the European integration. Consequently, in December 2005, the National Assembly adopted National Anti-Corruption Strategy and in December 2006, the Government of the Republic of Serbia adopted Action Plan for its implementation.

Key legislation aimed at regulating certain priority areas has been passed by the Parliament where new laws and secondary legislation are now in place. During 2008 and 2009, the Serbian parliament passed a number of important laws aimed at prevention and combating corruption and economic crime, including: Law on financing of political parties; Law on the confiscation of proceeds from crime; Law on criminal liability for legal entities; amendments to the Law on civil service; and the new law establishing the Anti-corruption Agency of Serbia. In that respect the anti-corruption agency was finally established as an independent

body accountable to the Serbian Parliament as of 2008, and became operational as of January 2010. The Agency will unify current activities against corruption including:

- enforcing the National Anti-Corruption Strategy;
- monitoring, controlling and regulating issues of conflict of interest;
- handling procedures related to the declaration of assets and financial interests of high public officials;
- monitoring political party financing; and
- facilitating national and international anti-corruption cooperation efforts and networking.

The Anti-Corruption Council as an advisory structure of the Serbian Government is expected to continue and coordinate with different governmental institution and the newly established Anti-corruption Agency the monitoring and issues related to the national policy and measures in the fight against corruption.

A specialised department within the Public Prosecutors Office for prosecution of serious corruption cases was established according to Work Plan and Programme of the Republic Public Prosecution for 2008. Furthermore, establishment of anti-corruption departments in the Republic Public Prosecution and District Public Prosecutions took place in Belgrade, Kragujevac, Niš and Novi Sad as the result of organizational changes aimed at enhancing capacities in combating corruption. These organizational changes were aimed at implementing the recommendations of the Council of Europe for departmentalization and specialization of the Public Prosecution as well through the implementation of the UNDP Project – Institutional Support Project for Combating Public Corruption. A list of corruptive criminal offences was introduced and where specialised training was provided in order to increase further the quality of operations of the Public Prosecution. The mentioned Department shall deal with the prosecution of corruption and economic crime related offences linked with corruption and fraud of the state administration officials, elected officials, as well as high public officials.

Despite the fact that the National Anti-Corruption Strategy has been adopted, as well as some important anti-corruption laws, the fight against corruption has not shown yet adequate results. It is important to note that operational implementation of laws has been weak to date. In most cases, the bodies responsible for implementation of the adopted laws lack the resources, human and financial to adequately carry out their mandate. In addition, the key implementation commitments of the national strategy to combat corruption are yet to be fulfilled. The numbers of criminal proceedings against corruption cases need to be statistically compared against the number of allegations and charges raised, as well as the profiles of offenders (high public official vs. normal citizen's passive bribery or petty corruption). Such empirical data lacks in order to really establish measuring tools of indicators of progress in this area. According to the current official court statistics, number of corruption related criminal offences that procedurally wise were brought up to the court is still rather low. The following table shows that for active bribery an average of ¼ of filed charges end up with conviction. However, this should not be considered the measuring tool but the finalisation of a case through a court decision. The common issues of concern that are being testified by the practitioners in court and prosecution, point out that the major problems are enforcement of laws and building quality evidence and case against corruption related offenders. The reality in so far has been that building up a "corruption case" is still a challenge for the prosecution and the judiciary to accept and verdict it.

2006			
	Complaints	Indictments	Convictions
Unlawful mediation	/	/	/
Receiving bribes	97	43	38
Offering bribes	43	45	40
2007			
	Complaints	Indictments	Convictions
Unlawful mediation	5	8	7
Receiving bribes	129	38	31
Offering bribes	109	36	29
2008			
	Complaints	Indictments	Convictions
Unlawful mediation	18	12	8
Receiving bribes	91	33	23
Offering bribes	102	35	31

Some initial steps have been taken to introduce specific anti-corruption measures for the public administration, however the public administration reform is being considered in itself as not complete, lacking adequate follow up with regards to reducing corruption possibilities within the public administration while pointing out the need for sustainable and sound good governance tools.

Furthermore, some parameters show where Serbia stands on the "world corruption map". Namely, throughout the last five years, the TI's Corruption Perception Index – (CPI) rates Serbia from 0-10 (where 10 being the best) as follows: 2.8 (97) for year 2005; 3.0 (90) for year 2006; 3.4 (79) - 2007; 3.4 (85) - 2008; 3.5 (83)- 2009. While the World Bank' Survey on "Doing Business"—Ease of Doing Business Index (EDBI) ranks Serbia from a listing of 1 to 183 as: 90 rank (for year 2009) and 88 rank (for year 2010).

The Council of Europe's group of States against Corruption (GRECO)<sup>2</sup> in its joint 1<sup>st</sup> and 2<sup>nd</sup> Evaluation Round report (June 2008) states that:

In view of this situation, a project addressing issues as such would support and take further the on-going legislative and institutional reforms in the right direction and contribute to the sustainability of efforts that Serbia has been investing in so far. Since preventing corruption is long lasting process emphasis should be given to institutional capacity building of the institutions that play a key role in prevention and combating corruption.

This component will play an important role in strengthening further capacities within judiciary and law enforcement as well their linked and related administrations and ministries (Ministry of Justice and Ministry of Interior in order to increase the quality of law

<sup>2</sup> [www.coe.int/greco](http://www.coe.int/greco)



enforcement and implementation of especially new criminal provisions related to corruption related offences and those that ensure transparency and independence of the judiciary. Furthermore, the project will provide very strong basis for enhancing the ability of other institutions to cooperate when implementing anti-corruption policies.

## **1.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)**

### Impact:

The proposed project will help to facilitate Serbia's justice sector EU integration process. It will influence promotion of stakeholder participation in supporting Serbia's justice sector and improving aid effectiveness. Consequently, this will enable rationalization of costs and increase judiciary efficiency. Through support to Multi Donor Trust Fund, this project will contribute to more transparent, efficient, independent and accountable justice sector.

A concerted effort of the EU and the CoE, based on the experience of many successful joint projects in this area would be an appropriate approach to ensure that European standards and practices are clearly followed when applied in Serbia. Such an effort would contribute to coherent anti-corruption reforms in Serbia, thus make reform results more sustainable and bring them in line with European standards.

The standards of the Council of Europe (where Serbia is a Member State), and of the European Union (where Serbia's aspirations are being toward of) and other relevant organisations should serve as a framework of reference and help define benchmarking, assessment and the evaluation of measures against economic crime - and more specifically corruption – in Serbia in order to ensure progress in this area. In general, the strength of the Council of Europe is that standard setting activities in this field are backed up by monitoring and technical cooperation.

### Sustainability:

The proposed project will establish conditions that will further enhance the institutional capacities and tools to prevent corruption and at the same time enforce further the aspects and mechanisms designed to combat it as a criminal effect. Financing of institutional structures responsible for fight against corruption is envisaged in state budget, which will provide for sustainable functioning and implementation of the reforms that Serbia has already launched.

## **1.3 Results and measurable indicators**

### **Subcomponent 1: Support to Multi-Donor Trust Fund for Justice Sector**

#### **Result 1.1 Increased capacity of the Serbian justice sector for better planning and implementation of projects in line with Sector Wide Approach (SWAp)**

##### *Measurable indicators:*

- In line with the requirements of future negotiations of chapter 23 for accession and the national sector strategy, a roadmap of projects will be prepared and used for planning and implementation of future initiatives, including *inter alia* in the field of international legal assistance, backlog reduction and efficiency of courts. When establishing the roadmap full account will be taken of past and on-going activities of other donors and of the Ministry of Justice/ other responsible authorities in the justice sector.

- From the roadmap of projects, related project documents such as studies and project fiches will be developed for the projects considered of higher priority and which therefore should be considered for funding by the EU or other sources.
- By the end of project, the SWAp methodology is used in planning justice sector reform projects at central level and related capacities of the national stakeholders are improved.
- Consultation processes among all relevant stakeholders in the sector improved.

**Result 1.2 Improved functioning and efficiency of the judiciary through establishment of high professional and performance standards for prosecutors and judges**

*Measurable indicators:*

- Justice sector performance indicators defined, documented and formally approved;
- Statistical data on judiciary performance are available and easily accessible for professionals and general public.

**Result 1.3: Developed and improved organisational structure and procedures aimed at reduction of backlog and inflow of cases to the courts**

*Measurable indicators:*

- Report on review of case management system;
- Relevant preconditions for implementation of newly introduced judicial services are in place;
- Measures for efficient reduction of inflow of minor cases to the courts are defined.

**Subcomponent 2: Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia**

**Result 2.1 Strengthened judiciary and law enforcement capacities to carry out efficiently corruption related criminal proceedings.**

*Measurable indicators:*

- List of obstacles for conducting criminal proceedings as referred by the Risk Analysis over the level and indicators of implementing anti- corruption legislation in the country;
- Number of participants in training activities and level of skills gained through training modules; Level of evidence collection and number of cases carried out by prosecution and law enforcement agencies;
- Number of criminal proceedings initiated and successfully finalised at court;
- Legislative reviews and proposals to improve implementation aspects of laws

**Result 2.2 Strengthen capacities to prevent and fight corruption within the judiciary and prosecutorial services.**

*Measurable indicators:*

- Risk analysis of corruption possibilities in judiciary and law enforcement agencies;
- Level of involvement and implementation of disciplinary regulations within the system of promoting and demoting judges and prosecutors;
- Number of training activities;
- Level of application and implementation of ethical rules

## **1.4 Activities:**

### **Subcomponent 1 - Support to Multi-Donor Trust Fund for Justice Sector**

#### **Result 1.1 Increased capacity of the Serbian justice sector for better planning and implementation of projects in line with Sector Wide Approach (SWAp)**

##### Activities related to result 1.1:

1.1.1. Development of a road map of projects in agreement with the EU Delegation in line with the sector strategy and with requirements of future negotiations of chapter 23 for accession, and fully taking into account past and on-going activities of other donors or national stakeholders;

1.1.2. Based on the above roadmap and focussing on those projects considered as higher priority, prepare documents needed for the further planning, design as well as actual implementation of these projects. Such documents may encompass among others assessments, studies (e.g. cost-benefit analysis), project fiches (including logframes with indicators) and procurement documents (e.g. terms of reference).

1.1.3. Training related to any of the above-mentioned activities may be provided to relevant national authorities.;

1.1.4. Improvement of the existing consultation mechanisms with relevant stakeholders in line with the principles of the SWAp

#### **Result 1.2 Improved functioning and efficiency of the judiciary through establishment of high professional and performance standards for prosecutors and judges**

##### Activities related to result 1.2:

1.2.1. Support to the development of justice sector performance indicators for judges and prosecutors;

1.2.2. Support to development of an effective mechanism for collection, analyses and publicising of statistical data on judiciary performance for the purposes of a better analytical work of the Ministry of Justice, High Judicial Council and State Prosecutorial Council.

#### **Result 1.3 Developed and improved organisational structure and procedures aimed at reduction of backlog and inflow of cases to the courts**

##### Activities related to result 1.3:

1.3.1. Review and update of the case management system in the courts of general jurisdiction;

1.3.2. Support to the newly introduced judicial services in accordance with the best practices (i.e. notaries, bailiffs, etc.);

1.3.3. Develop measures for efficient reduction of inflow of minor cases to the courts;

1.3.4.. Assessment/Improvement of the efficiency and reliability of the new court network

### **Subcomponent 2 - Strengthening the capacities of law enforcement and judiciary in the fight against corruption in Serbia**

**Result 2.1 Strengthened judiciary and law enforcement capacities to carry out efficiently corruption related criminal proceedings.**

Activities related to Result 2.1:

2.1.1. Carry out risk analysis in order to assess all obstacles to carry out criminal proceedings efficiently and provide recommendations for improvement;

2.1.2. Prepare and provide multidisciplinary trainings and specialized courses to judiciary, prosecutorial services and law enforcement officers on corruption, economic crime cases, accounting and auditing;

2.1.3. Introduce new techniques (and possibly data base) and strategic capacities of prosecutorial services to investigate corruption and white collar crime;

2.1.4. Provide specialized training for undercover agents in charge of cooperating with prosecutorial services and law enforcements aimed at collecting evidence by use inter alia of special investigative means;

2.1.5. Provide legal opinion and recommendations to improve the current internal procedures and tools within the judiciary and prosecutorial services aimed at increasing the work and quality of investigations.

**Result 2.2 Strengthen capacities to prevent and fight corruption within the judiciary and prosecutorial services.**

Activities related to Result 2.2:

2.2.1. Carry out risk analysis on the current situation with regard to possibilities of corruption within the judiciary, prosecution and law enforcement;

2.2.2. Provide recommendations with regard to introducing ethical and disciplinary rules, management and procedural aspects aimed at preventing and combating corruption within judiciary;

2.2.3. Provide legal opinions and advice to the High Judges Council and State Prosecutors Council with regard to disciplinary measures against ethical violations from judges and prosecutors when construed as corruptive practices/allegations;

2.2.4. Provide training for Judges, Prosecutors and Law Enforcement on aspects of detecting corruption and controlling conflict of interests within the structures.

The activities under Subcomponent 1 will be implemented through one contribution agreement with the World Bank.

The activities under Subcomponent 2 will be implemented through one contribution agreement with the Council of Europe.

## 1.5 Conditionality and sequencing:

### Conditionality:

A major step for the implementation of the judicial reform process is to remedy the shortcomings identified in the re-appointment of judges and prosecutors. The Serbian authorities need to address this issue namely through the election of the High Judicial Council and the State Prosecutorial Council in their standing composition in a transparent way ensuring adequate self-representation of the judiciary and a review of the re-appointment procedure by the new Councils. Legislative changes (to the laws on judges, on prosecutors, on the High Judicial Council and on the State Prosecutorial Council) were adopted by the National Assembly on 29 December 2010. Further EU assistance for the implementation of the Justice Sector Reform, including component 1 of the present project, can only be provided once a credible track record in reviewing the re-appointment procedure in a transparent, merit based and independent manner has been demonstrated.

With regards to the anti-corruption component: intensive cooperation and coordination of all relevant state institutions is the precondition for every anti-corruption activity in any country. For this project it will be necessary to secure full commitment of all public authorities in Serbia. Sustainable and continuous financial allocation and support from the government and parliament in ensuring operational capacities for all institutions involved is a precondition for successful delivery of the project outputs.

### Sequencing:

The month prior to the start of the project activities will constitute an inception phase, during which a detailed work plan will be elaborated. The general delivery framework to ensure the sequencing of activities supporting the main areas of work, and the capacity and resources are available

## 1.6 Linked activities

The following projects are under implementation by the Ministry of Justice:

Under **IPA 2007**:

*“Support to the National Judicial Academy”* - the objective of the project is to provide technical assistance for the establishment of the initial and continuous mandatory training for Judges, Prosecutors and other relevant staff in the Serbian Judiciary. This project will be in correlation with proposed project with regards to training component for relevant judicial and law enforcement institutions.

*“Improvement of efficiency and transparency of judiciary system”* - the objective of the project is to provide assistance to the Ministry of Justice to improve the efficiency and transparency of the Serbian Courts through the development of a case management system, including document handling and data collection.

*“Improvement of the penalty system”* - the objective of the projects to provide assistance for the design, tender dossier preparation and supervision of works for the Administration for Enforcement of Penal Sanctions

Through **IPA 2008** programming package the Ministry of Justice is supported through the following projects:

*“Fight against Corruption”* - the project will contribute to reducing the level of corruption by supporting the operational functioning of a comprehensive Agency that will coordinate the fight against corruption, i.e. Agency for fight against corruption. Mentioned project is in correlation with this project on the basis of their mutual purpose-efficient fight against organized crime.

*“Improvement of transparency and efficiency (prosecutors and penal system)”* - the objective of the project is to provide assistance to the Ministry of Justice to improve the efficiency and transparency of the Serbian prosecution and penalty service through the development of a case management system, including document handling and data collection. This project will have interconnections with this proposed project with regards to case management and efficient exchange of information between prosecution and the Directorate for Confiscated Property Management.

#### **IPA 2009:**

*Project “Capacity building in the Seized Property Management Directorate and upgrading of the system of seizure of property acquired in criminal activity”* is aimed at improvement of institutional capacity and efficient functioning of the Seized Property Management Directorate of the Ministry of Justice, as well as other key institutions involved in the discovery, expropriation, confiscation, management and seizure of property acquired in criminal activity in Serbia.

#### **IPA 2010:**

Project *“Further Alignment of Penal system of Republic of Serbia with EU standards and strengthening alternative sanction system”* comprises of two components:

Subcomponent 1 - Strengthening capacities of Ministry of Justice for introduction of efficient practical professional training program for convicts to enable them to be employed once their sentence is finished.

Subcomponent 2 - Establishment of necessary preconditions for an efficient and effective alternative sanctions system in the Republic of Serbia.

### **1.7 Lessons learned**

A robust multi-donor funding mechanism requires significant flexibility on one hand and careful planning of organization and execution arrangements on the other. This experience should be taken into consideration prior to commencement of implementation of this project.

With regards to component 2, past and on-going projects managed by CoE will be useful for exchange of experiences and lessons learned among others.

## **COMPONENT II – Establishment of stationary and mobile video surveillance system for state border protection and surveillance**

### **2.1 Background and justification:**

The main principles of efficient border management in the context of the European standards are that borders have to be open for free trade and movement of people, which are essential factors of Stabilization and Association Agreement. At the same time borders have to be closed for all criminal actions and other activities endangering stability in the region (such as:

all types of smuggling, illegal migrations, and terrorism and organized crime). Thus, facilitation of regular trans-border communication contributes both to the economy development as well as to the regional stabilization and cooperation.

The Integrated Border Management Strategy adopted by the Government of the Republic of Serbia (2006) clearly stresses the commitment to improve the capacities of border crossing security and control. Principles for efficient border control system in the Republic of Serbia are laid down in the adopted Law on state border protection. Namely, it is stipulated that the border police is authorized to use technical and other means to collect personal data from persons, subject to exercise of powers of the border police, and to enter these data into records and process them. These technical and other means are devices for searching, determining identity and detecting and apprehending perpetrators of criminal offenses and misdemeanors during state border protection, by photographing, recording and video surveillance. Collected personal data shall be destroyed within five years from the date of recording, unless they are required for persecuting a criminal offence or misdemeanour. Presently, Ministry of Interior, Border Police has enough technical equipment for the first line control. The integrated passport reader connected to a terminal for consulting national databases ensures the fast and effective border check

All passenger data are checked in the national databases and stored. At local level the stored personal data are available for 30 days. According to the national law handling of personal data is not limited at the central database.

The current state of play in the field of illegal migration on and across the territory of Republic of Serbia, as well as the configuration of the terrain near the state border, implies the need for establishing the stationary and mobile video surveillance system for state border protection and surveillance. Namely, during 2008 and 2009, there has been a significant increase in number of illegal migrants, especially the nationals of Afro-Asian origin. One of the main factors is the accession of Hungary in the Schengen system on December 21, 2007, by which the Serbian-Hungarian border has become the external border of the Schengen area. . This possibility represents a very important “pull” factor (factor of attraction) leading to raising pressure of illegal migrants on the border with the Republic of Hungary. According to assessment of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX), the Serbian-Hungarian border is in the 3<sup>rd</sup> place having in mind the level of vulnerability from illegal migration, after Macedonian-Greek border and Albanian-Greek border.

Border Police Directorate of the Ministry of Interior is composed of three organizational units at the central level, dealing with state border security: Border Department, Department for Foreigners, Department for Cross-Border crime and Criminal Intelligence Duties, and Regional Centres at the regional level Border police An organizational unit in the Ministry of Interior performs duties related to control of crossing and securing the state borders; it undertakes measures to suppress cross-border crime – particularly illegal immigration, trafficking of persons, smuggling of narcotic drugs, weapons, forbidden substances, prevention of false and fake travel documents. Also it has crime-intelligence duties, such as collecting and analysing crime-intelligence data in regards to cross-border crime, and following moves of international criminal perpetrators and terrorists. The unit also has duties related to movement and sojourn of foreigners and participates in procedures of acknowledging asylums; performs normative and legal tasks, controlling legality of work and doing logistic duties; as well as other duties as prescribed by law.

New organizational structure envisages the establishment of new units at the central level - Central Mobile Unit and the Unit for Risk Analysis. These two units will be established based on the Schengen standards (EC Regulation 562/2006 – border policing has to include the

analysis of the risks for internal security and the analysis of the threats that may affect the security of the EU external borders as well; updated EU Schengen Catalogue on External borders control, Return and Readmission (Council of the European Union, Nr 7864/09, 19 March 2009) and FRONTEX recommendations and will coordinate the activities of all units at the regional and the local level dealing with these issues. In order to be able to manage border control activities and to implement IBM effectively, constant attention should be paid to the assessment of the situation. Thus, the performance of a border management system should be adjusted in accordance with the prevailing conditions along all its borders. Valid and reliable data should form part of a permanent evaluation, which could be shared with Schengen States.

In order to have adequate situation awareness, to establish and maintain a comprehensive and reliable situational picture, risk analysis activities should be centralized and clearly structured at all levels in the framework of the organization, which is responsible for border management. By implementing this project these units would be fully operational, enabled to respond any kind of violation of border security.

To cover all requirements and tasks defined in the new IBM-strategy and the national Action Plan, drafted through the CARDS 2006 twinning, the coordinating bodies should be structured as follows:

#### Coordination body

The *Coordination body* (was established in May 2009 by the Government). The work of the body is coordinated and led by the Minister of Interior. Border Police is responsible for the administrative part of the coordination. The main task of this decision-making body is to ensure political commitment to the national IBM strategy and to oversee its implementation on national as well as on international level.

#### Central level working group

The establishment of the *Central level working group* (is in process). Main tasks of this working group are to update on a permanent basis the national IBM strategy and the national action plan and to coordinate its implementation.

#### Regional working groups

*Regional working groups* should be established by the *Central level working group*. *Regional working groups* support the achievement of the strategic objectives of the Action plan, which must be reached along with expected outcomes, working methods, coordination and communication, decision making process, follow up procedures, time frame for realisation of goals, team cooperation as well as cooperation with the *Central Level working group*.

#### Local working groups

For the implementation and coordination at local level the respective *local working groups* should be appointed and established by the *Central level working group*.

Recently drafted IBM Strategy and action plan also foresee a further upgrade of the IT and telecommunication infrastructure on Border Crossing Points (BCPs) as one of the priorities and as a precondition for a more efficient security system on the borders. As part of the general strategic goal, an integrated video surveillance system of high availability and reliability is to be established.

Introduction of mobile and stationary video surveillance system would enable better efficiency of police officers in performing their duties. Such a system will ensure interactive communication and information exchange between data bases and other telecommunication



services. Approach of common use of equipment will contribute to a more efficient functioning of border services, heightened their optimal work and decreased costs. The system of integrated border management can function efficiently only if adequate infrastructural and technical conditions are provided. In that sense, realistic investment plans were developed and synchronised between border services

In addition to this, CARDS 2006 twinning project resulted in drafting of list of priority border crossings according to the evaluation of their importance position on the main routes and frequency of traffic flow, passenger flow, smuggling routes etc. Respective analyses have been drafted based on inputs given to the twinning partners by the representatives of all border services (police, customs, veterinary, phyto-sanitary inspection). Further analysis need to be performed as regards to technical capacities of the border crossing points. Inputs provided by the CARDS 2006 twinning project are not directly related to the instalment of the envisaged mobile and stationary video surveillance system of border crossings and border crossing areas but they cover the analysis of the border crossing points in general. Furthermore, field analysis will be conducted in close collaboration with representatives of the border police due to the fact that the Border Police will be the beneficiary of this respective project. New IBM Strategy also envisages the need for the joint risk analysis system to be established. It is necessary to establish a system of joint risk analysis which will help identify and deal with strong and weak points in those activities presently performed at a border.

## **2.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)**

### Impact:

As a cross roads country Serbia's geographical position offers many benefits and challenges. Traversed by Corridor X (Europe's north-south motorway) and Corridor VII (the River Danube), the region occupies a pivotal location in transport terms. Serbia's policy makers have to ensure that goods and people flow efficiently with the minimum amount of delays. Serbia's borders also have to be secure in tackling criminal cross-border activities including terrorism. Within border control functions, complicated supply chain logistics and the heterogeneity of actors make international trade integration a complex challenge. Coupled with the need to combat terrorism, border agencies need unprecedented levels of collaboration across agencies, among nations and with the private sector. Any type of technical modernisation requires coordination among many diverse functions and initiatives. The implementation of this project will help resource Serbia's borders to meet both the economic and security requirements more efficiently.

The effects of efficient border management will also help to achieve progress in other areas including crime prevention, improving safety in traffic and transport.

### Sustainability:

The mobile and stationary video surveillance system will be maintained, managed and updated after project completion. The costs of this will be met by the Ministry of Interior. The project will build training capacity so that the MoI can carry out data management training in the future.

## 2.3 Results and measurable indicators

### Result 1:

**Based on the comprehensive risk analysis conducted in the field the prioritised border crossings and border areas for implementation of the stationary and mobile video surveillance system are being identified.**

#### *Measurable Indicators:*

- *Reports on risk analysis on each border have been finalised and delivered.*
- *Reports on cross-border cooperation with neighbouring countries have been exchanged.*
- *Reports on returnees-third countries nationals overtaken on the basis of readmission agreements have been fully analysed.*
- *Reports of mutual border patrols with neighbouring countries have been analysed.*
- *The analysis of the reports of bilateral and multilateral operations organized by FRONTEX has been finished.*

### Result 2:

**The border control officers are using modern technics for border control in line with EU requirements educated in creating, implementing, using and maintaining of the stationary and mobile video surveillance system.**

#### *Measurable Indicators:*

- *Progress report states that the border control is being performed in accordance with EU requirements .*
- *Number of detected illegal migrants has increased.*
- *Police officers working at the border line are using the video surveillance without any difficulties.*
- *Time for detection and repair of technical problems has been minimalised.*

### Result 3:

**The stationary and mobile video surveillance system is successfully implemented on selected pilot border crossings and border areas.**

#### *Measurable Indicators:*

- *Delivered technical reports on the proper functioning of the installed equipment are positive.*

## 2.4 Activities:

### Result 1:

**Based on the comprehensive risk analysis conducted in the field the prioritised border crossings and border areas for implementation of the stationary and mobile video surveillance system are being identified.**

**Activities related to result 1:** we would suggest mentioning the inputs coming from on going IBM twinning for this activity)

1.1 To review and update if necessary basic criteria for identification of the priority border crossings and border areas with the analysis of the technical capacities for establishment of the mobile and stationary video surveillance system on the basis of information's provided by the MoI, and the relevant authorities of the neighbouring countries.

1.2 To prepare overall Plan of activities for introduction of the stationary and mobile surveillance system in the RS.

1.3 To select pilot border crossings and border crossing areas on the basis of defined criteria and Plan of activities.

1.4 To provide assistance/supervise the process of purchasing and instalment of equipment needed for efficient functioning of the mobile and stationary video surveillance system.

### **Result 2:**

**The border control officers are using modern techinks for border control in line with EU requirements educated in creating, implementing, using and maintaining of the stationary and mobile video surveillance system.**

#### **Activities related to result 2:**

2.1 To define training curricula on creating surveillance system, installation, usage and maintenance of the system for the mobile and stationary video surveillance

2.2 To conduct trainings to the MoI employees for installation, usage and maintenance of video surveillance system.

2.3 To prepare and print booklets and manuals for creating, installation, usage and maintenance of the mobile and stationary video surveillance system on the basis of the conducted trainings.

2.4 To assist the beneficiary in evaluation of functioning of the mobile and stationary video surveillance system installed.

### **Result 3:**

**The stationary and mobile video surveillance system is successfully implemented on selected pilot border crossings and border areas.**

#### **Activities related to result 3:**

3.1 To procure technical equipment that is necessary for the implementation of the system on determined border crossings and border crossing areas.

3.2 To create technical preconditions for the exchange of information gathered with stationary and mobile surveillance systems with services in other countries.

3.3 Installation and testing of the system implemented in pilot border crossings and border areas and preparation of recommendations for further development.

<p><b>Contracting Arrangement:</b> Project will be implemented trough one service and one supply contract.</p>
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## **2.5 Conditionality and sequencing:**

### **Conditionality:**

The government is committed to the control and efficiency of Serbia's border in terms of facilitating trade and reducing criminal activities. In order for this to be realised, the Ministry of Interior must work closely with other key line ministries and other institutions. Also partnership must be established with the neighbouring countries aiming to efficient information exchange. Law on Border Control ("Official Gazette RS" no. 97/08) is defining roles and responsibilities of all the parties involved in border control and therefore implementation of this project.

### **Sequencing:**

In terms of contract sequencing, the service contract will be launched in the first quarter after signature of the financing agreement and the first priority task will review and update the basic criteria for identification of the priority border crossings and border areas. Revision and update will be done on the basis of information provided by the Ministry of Interior and in close collaboration with the Border police department. Supply contract has to be launched 6 months after launching the procedure for service contract.

## **2.6 Linked activities**

In the field of IBM there have been many EU projects oriented to restructuring and upgrading of border crossing points. In 2001, 2002 and 2004 the EU launched projects for the border crossing points at Horgoš, Batrovci and Preševo, all affecting the Serbian part of Corridor X as far as road transport is concerned. The railway border crossing at Dimitrovgrad railway station represents the continuation of the intervention along Corridor X.

In 2002 the EIB and the EBRD extended loans to Serbia for the rehabilitation of the railway sector, with a value of EUR 70 and EUR 56 million respectively. This project that is monitored by the PIU (railways) 2002 projects of the Agency, also includes rehabilitation works along the Niš – Dimitrovgrad line on Corridor X. Similarly for the road sector in 2002 the EIB and EBRD have extended loans for rehabilitation of roads, with a value of EUR 95 million and EUR 76 million respectively and this project is monitored by PIU (roads) of the Agency.

In addition a document prepared in 2004 by the EAR on the subject of the secondary border crossings in particular with Bosnia and Hercegovina has been made available to the government of Serbia and to the EU Delegations in Croatia and in Bosnia and Hercegovina. This document is expected to facilitate a common approach of the institutions both inside the EU and in the IFIs, in order to promote coordinated project planning in the sector.

From 2002 to 2006 "The Regional CARDS Programme for Western Balkan – Multi-Year Indicative programme 2002-2006 (MIP)" took place. The programme gave some orientations and recommendation to Serbian representatives in the field of IBM but also found out that Balkan states in general have no comprehensive approach to border management, which inevitably brings about poor results.

From October 2003 to April 2005 the Project "Support of Law Enforcement Agencies in Serbia and Montenegro" (EuropeAid/114617/D/SV/YU) was held by the FIIAPP in Serbia. The beneficiaries' authorities were Border police, Organised Crime, Criminal Forensic Laboratory and Prosecutors Offices.

In the framework of 2004 budget for the AENEAS Programme (financial and technical assistance to third countries in the areas of migration and asylum) UNHCR assisted Serbia and Montenegro with 698.005,92 EUROS for building an Asylum Structure.

The CARDS Regional Project "Establishing Compatible Legal, Regulatory & Institutional Frameworks in the Field of Visas, Migrations and Asylums" was implemented in the period from 2004 to 2005. The Project was developed through three modules - asylums, visas and migrations, and one international organization (UNHCR, ICMPD and IOM) was responsible for each. Each module was implemented through 6 to 8 seminars, and the results published as a 'Road Map'.

In 2005, Twinning with the EU Member State (Slovenia, Holland) in Serbia assisted in the reform of Veterinary and Phyto-sanitary Inspections, development of new inspection procedures and modernization of the border crossing points. Twinning's achievements were mostly shown in the adoption of legislation, regulations and handbooks, training of inspectors and the provision of equipment on the border crossing points.

Starting from year 2004 DCAF (Democratic Control for Arm Forces) organized conferences on "Border Security". Aims of the conferences were to enhance international co-operation in the SE Europe in the field of Border Control. Work is organized in several working groups, including a separate Committee for the IT with the primary goal to exchange information according to the current state of development of national border management systems, analyze possible technologies and ways of information exchange in order to support cross border cooperation and information exchange. The general basis for this work is the Vienna Convention which is accepted by Republic Serbia authorities.

The CARDS 2006 twinning project will review and analyse the current Human Resources Management system, including the legal framework, design a new Human Resources Management System, carry out training of the key personnel and develop the curricula for education and training of the staff involved in the IBM activities.

Under IPA 2007 planned actions of assisting the Serbian Customs Administration to set up Community Transit corresponding administrative, legal and equipment structures and preparing for the implementation of an NCTS-compatible automated transit system is directly linked to the activities of this project.

IPA 2007 also provides EUR 5.5 million for conducting organizational review, gap analysis of the needs and requirements for technical equipment including training at borders. Resources are also secured for the supply and installation of required telecommunication equipment, special vehicles and special equipment for the borders with Bosnia and Herzegovina and Croatia. IPA 2007 will assist the Serbian Police force in meeting EU standards of professionalism and conduct and create higher control standards at Serbian borders in line with the Integrated Border Management Strategy.

Prerequisite for establishment of more efficient system for exchange of data on illegal migrations will be fulfilled by providing basic communication IT infrastructure covered by project implemented by IPA funds for 2007 (contains the component of transmission pass) and for 2008 (contains the component of IT infrastructure). Scope of these projects is to provide adequate technical infrastructure for border crossing check, and there are requests for further capacity building in special areas like illegal migration prevention. This means to upgrade procedure of prevention of illegal migration using new technological solutions, and increase efficiency and reliability of the identification of illegal migrants

It is envisaged that IPA 2007 project will provide in depth gaps and needs analysis with respect to information exchange and technical preconditions for implementation of IBM Strategy, whereas IPA 2008 project, on the bases of conducted assessment and improved technical

preconditions, should commence with creation of an integrated information system along with priorities of IBM Strategy.

Finally IPA 2010 project will strengthen capacities of the Border Police Directorate in the area of illegal migration suppression and fight against high-tech crime. Through this project electronic data base of illegal migrants will be established. Respective data base will be connected into existing information system of the Ministry of Interior. Also, exchanging of information between Republic of Serbia regarding illegal migrants will be possible with similar services in other countries (EURODAC).

## **2.7 Lessons learned**

Through the implementation of projects like Border State Surveillance which developed mobile units on the border with Hungary, Republic of Serbia received great amount of financial help. The highly sophisticated system is in place, thanks to this project, but the unit is moved according to new Border police priorities. However, the way the system has been designed doesn't allow moving it to the other part of the border without extra cost. Any future system should be designed in such a way that it can be easily used at any part of the state border.

Any system developed must be integrated and compatible with existing systems or parts of the systems. The responsibility for ensuring compatibility should rest with the future supplier.

Any system developed has to be compatible with external EU systems or parts of systems minimum on that level that it is capable to communicate in standardised way according regulations.

## **COMPONENT III – Development of Strategic Planning and improvement of horizontal Communication within the Ministry of Interior**

### **3.1 Background and justification:**

The Ministry of Interior performs very complex public administration affairs relating primarily to protection of life, citizens' personal and property safety, prevention and detection of criminal offences, state border protection etc. Duties falling within the competence of the Ministry of the Interior require proper planning at strategic and policy level, effective execution management with a focus on performance, and coordination of activities within the Ministry of the Interior itself as well as in cooperation with other state authorities. Finally, in the context of modernization and reform of the public administration, the Ministry's delivery needs credibility, professional monitoring and evaluation.

The Ministry of Interior is currently facing multiple challenges related to the police reform process. In the context of Serbia's determination to integrate the European Union (EU), and within the general public administration reform taking place in Serbia, the police reform aims at an irreversible transformation into a modern, efficient, effective, democratic and accountable police service which complies with the EU standards and models. To integrate the *acquis* and uphold the standards required by the European Administrative Space, the Ministry of Interior will need to profoundly modify its operating procedures. The Ministry needs to integrate **strategic planning** through the development of strategic documents and policy decisions, **strategic performance-oriented management** necessary for the efficient implementation of documents and decisions, and professional **monitoring and evaluation** ensuring that the Ministry of Interior is an accountable organization.

The recent impetus of the European integration process in Serbia creates favourable conditions for such evolution. Relevant strategic documents adopted by the Serbian Government and agreements with the European Union are positive factors. The Ministry of Interior has adopted a number of relevant sector-specific strategies such as its communication strategy, which paved the way for , as well as the current efforts towards public administration reform provide strong grounds for the introduction of strategic management.

### **Strategic Planning**

The Ministry's recent efforts in the areas of strategic planning and human resources issues constitute a favourable environment to introduce strategic management procedures and practices. To date, the Bureau for Strategic Planning, belonging to the Minister's Cabinet, is chiefly in charge of facilitating and coordinating strategic planning. By the start of the project, a certain practice of strategic planning will therefore exist in the Ministry. However the Ministry of Interior lacks a full-fledged, institutionalized methodological approach that would systematically include all relevant structures of the Ministry in an adequate manner into the strategic planning process. Currently, there is no uniformed model for horizontal cooperation within the strategic planning process. Instruments that are being used are ad hoc working groups. In the absence of methodology and practice of consultation and consensus-building, the quality and adequacy of strategic documents is sometimes suboptimal. This shortfall also reduces the ownership of the responsible police services towards the strategic documents, which in turn endangers effective implementation.

The Ministry requires procedures and mechanisms that will institutionalize wide internal consultations and the channelling of strategic analysis into strategy-making. This necessitates the establishment of strong structural relations between the Bureau for Strategic Planning and other organizational units. The Bureau for Strategic Planning needs to strengthen its role as a coordinator and facilitator of strategic planning and development of strategic documents, strategic analysis, reform projects coordination as well as institutional building of the Ministry of Interior. In that respect procedures and methodologies securing the collaboration between the Bureau for Strategic Planning, the Police directorate and four sectors<sup>3</sup> that make up the structure of the Ministry of Interior is essential. The Sector for Analytics, Telecommunications & Information technologies in particular should have an important role in strategic planning of the Ministry, as it will contribute to anticipating the trends of further development of the Ministry based on SMART (specific, measurable, achievable, realistic, time-bound) criteria. In the strategic planning process we need to bear in mind the resources available and/or that will be available to the institutions competent for realization of strategic objectives. The Sector of Finance, Common Affairs and Human Resources will therefore be actively involved in the planning process. For the purpose of efficiency, within every Sector of the Ministry of Interior and particularly in the Police Directorate the personnel in charge for strategic planning issues and cooperation with the Strategic Planning Bureau personnel should be identified.

The Ministry also lacks elaborate methodologies for the definition of priorities and their channelling into strategic documents. Short of systematic planning standards, the Ministry lacks the basis, upon which to monitor and evaluate the execution of strategies and policies. The Ministry needs to embed strategic planning and strategic analysis into operational decision and policy making, using effective procedures and practices. The Ministry therefore needs to systematize the use of strategic planning methodologies, and embed strategic

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<sup>3</sup> Sector for analytics, Sector for finance, common affairs and human resources, Internal affairs sector, Sector for emergency management

planning into its practices and organisational culture. This will lead to consistent, coherent strategy-making. The methodology should comprise the following steps:

- Performing strategic and functional analysis;
- Review of strategic documents map
- Identification of the teams in charge of strategic objectives implementation;
- Reporting on the level of the defined objectives accomplishment;
- Use of balanced scorecard (BSC) and other relevant tools;
- Defining maps in the process of evaluation.

### **Strategic, performance-oriented management**

The significant efforts that Serbia and its international partners have invested in police reform will be of limited impact in the long run if strategies and policies are not implemented by efficient, capable senior managers inside the MoI and the police service. If the Ministry of Interior is to sustainably implement the planned reforms and play an active part in the process of European integration, it will need to adapt its internal management structures, procedures and practices. We are aware of the disappointing fact that out of all strategic documents developed, at global and national levels, a minority are adequately implemented.

By the end of 2011, a number of basic management training sessions should have been conducted. Yet strategic management capacities at senior management and leadership levels are insufficient: modern management principles and skills including efficiency and optimization of resources, performance-oriented management, human resources management principles, delegation of responsibilities, accountability of managers, gender and minority management, management of occupational safety and health, all essential to a modern police service, remain unequally spread or under-utilized. This seriously reduces the level of efficiency in the implementation of reform strategies and strategic objectives. Lengthy and heavy internal management procedures and a lack of delegation mean that senior managers, overburdened with day-to-day tasks of little relevance to their actual function, do not sufficiently perform strategic management. Another negative effect of this situation is the repeatedly reported unsatisfactory retention rate of staff in which education and training investment has been made. Finally, the lack of clear delegation of responsibilities, combined with absence of solid monitoring and evaluation structures and procedures, dilutes professional accountability at implementation level.

For the purpose of efficient implementation of strategies, groups of tasks need to be identified; the functions of the various management layers need to be re-defined with a higher degree of delegation, while duties and responsibilities should be more clearly stated. Organizational units must become functionally connected with a view to more efficient communication, team work and coordination at all levels. In other words, the Ministry of the Interior and the police service need to develop their public administration business models, based on the best practice of the EU Member States. The developed model should be institutionalized and embedded into internal organization and everyday operation of the MoI at all levels of the organization, with a particular emphasis on both the vertical and horizontal communications. The management model must ensure that every representative of the Ministry is responsible for their performance and understands the benefit of their activity. The Ministry also requires the formation of a Core management group which would facilitate the transmission of strategic documents and priorities, mainly from the Ministry of Interior's overall strategy, to the implementation management levels. In particular, this will require targeted restructuring, strong capacity building and deep procedural changes.

### **Monitoring and evaluation**

While strategic planning and strategic management have received increasing attention, which should lead to the existence of basic capacities by the start of the project, the Ministry to date



does not possess any monitoring and evaluation component. The Ministry of Interior does utilize certain basic principles of internal and external control and audit (implementation of general budget and regular reporting to the Government and the Parliament). However, these activities are of limited effect, because they are not geared towards the identification of lessons learned. There are no trained professionals in independent monitoring and evaluation in the Ministry. Finally, the Ministry officials are not sufficiently trained on the ways to use the results of monitoring and evaluation for better planning and management.

In the years to come, and as the reform process accelerates in the context of EU accession, this shortfall will be growingly detrimental to an informed development process for the police service. Without sound monitoring and evaluation, the results and process of strategies and policies implementation cannot be assessed, lessons cannot be identified, and strategic documents cannot be consequently updated, budget and human resources planning cannot be adequately adjusted.

Accordingly, the Ministry needs to develop its internal structures to transform itself into an institution accountable for results, which critically reviews its achievements on a regular basis and strives for constant improvement. The Ministry therefore needs to equip itself with the human resources, capacities, procedures and mechanisms to monitor and evaluate the fulfilment of its objectives. The development strategy, as well as all strategic documents, will need to include a basic monitoring scheme, which should serve as a basis for performance assessment. A monitoring and evaluation unit, whose location in the organizational structure needs to be determined, based on professional assessment, would develop SMART criteria and precise evaluation schemes, and perform monitoring and evaluation functions. The strategic planning methodology should then incorporate evaluation results to update and stir strategic decisions, taking into account lessons learned. Finally, at implementation level, management procedures will need to build upon performance evaluation to increase delivery. This means that strategic monitoring and evaluation will not only feed into future strategies and policies; they will also strengthen performance management. This approach would enable to ensure best possible performance, and augment the accountability of the Ministry and the police towards those they serve.

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

#### **Impact assessment**

By rooting strategic planning methodologies that build on inclusive consultation processes within and outside of the Ministry of Interior, the project will ensure that the Ministry's strategies are supported by all who are responsible for their implementation. Indeed, the envisaged methodology will institutionalise knowledge-based decision making that takes account of the professional analysis provided at both operational and strategic levels: will their assessments and the challenges they face adequately integrated in strategic decisions, the implementing personnel as well as the Ministry's partners will have increased ownership. In addition, through its management component, the project will increase the Ministry's implementation management capacity, leading to more effectiveness and efficiency at operational level. This means strategic decisions will not only be more informed, they will also be better implemented, with a high expected impact on the overall efficiency of the Serbian police in combating and preventing crime, and guaranteeing internal security.

Institutionalised strategic planning and management processes will further contribute to a change of organisational culture in the Ministry of Interior, which will formulate long-term objectives and priorities and deliver results with increased efficiency. Strategic planning and management will foster continuity in the policy, practices and resources management of the

Ministry of Interior. This will contribute to reducing the gap between priorities emerging from changes on the political scene, and the objectives defined at professional police level. Overall, increased coherence and continuity in strategies and policies is expected to increase predictability, police efficiency and the confidence of the citizens in their police service.

The project foresees the establishment at strategic level of a professional monitoring and evaluation component in the Ministry of Interior. This is coupled, at implementation level, with performance-oriented management procedures and practices that promote clear delegation of responsibilities and performance review. By institutionalizing performance-oriented management and an independent, professional monitoring and evaluation component, the project will secure a high level accountability of the police and the Ministry of Interior. This will in turn contribute to the overall reform of the state institutions, and ultimately to embedding democratic culture of public administration, in line with the requirements of the European Administrative Space.

Overall, the project contributes to Serbia ensuring internal security, integrating the *acquis*, fulfilling the requirements for EU accession and upholding the standards of the European Administrative Space.

### **Catalytic effect**

The project, although chiefly targeting the Ministry of Interior, will have a spill-over effect on other public administration sectors. By pioneering strategic planning, strategic management, and a performance-oriented public administration that upholds high standards of accountability, the Ministry of Interior could trigger emulation and similar efforts in other Ministries. This will be reinforced by the inter-ministerial character of the strategic planning process that the project envisages to establish in the Ministry of Interior. The context of European integration, with the challenges it poses to the entire public sector, as well as the high expectations of the public, are particularly favourable to this catalytic effect.

### **Sustainability**

The sustainability of the project is primarily guaranteed by its comprehensive nature, in terms of themes of intervention (planning, management, monitoring and evaluation), in terms of the type of activities (amendment of procedures, adjustment of structures and human capacity building), and in terms of outreach within the Ministry.

The project aims at a profound transformation of planning and management procedures and practices in the Ministry of Interior. It addresses the full cycle of strategic planning, implementation management and monitoring and evaluation. With the implementation of this project, planning will be transmitted to operational management, which will be subject to monitoring and evaluation, while monitoring and evaluation results will in turn feed planning and execution. Therefore the three components of the project complement each other in a virtuous circle of service delivery. The transformation of the Ministry's traditional functioning mode into a cyclical one will ensure that the results of the project reproduce themselves, hence securing sustainability of the project results. In addition, each component of the project introducing a stronger degree of accountability for results. With every official of the Ministry of Interior and the Police increasingly accountable, violation of the procedures and practices of the project will be easily spotted and corrected.

The project uses a wide range of intervention techniques to provoke change and achieve lasting results. The Ministry of Interior and police's organisational culture gives strong importance to procedures and routine, which is quite natural having in mind the nature of the

tasks performed. Therefore, by modifying planning, management and monitoring and evaluation procedures, the project will lastingly affect the mode of operation, and the organisational identity of the Ministry of Interior and the police. Activities geared towards modification of procedures are complemented by a strong training component which will reinforce change by affecting the perception that officers have of their responsibilities. This methodology will also ensure that new procedures are adequately promoted and receive support from all layers of the Ministry and police. Indeed the training activities do not only target incumbent senior managers but also junior managers who will constitute the future core of the Ministry's decision makers. Therefore, the project presents a low vulnerability to turnover, and invests into both human resources and institutional structures in the long run. Finally, the project envisages some targeted restructuring activities: the creation of an independent monitoring and evaluation unit, and the adoption of a regulatory framework on basic organisational structures of the Ministry. This reduces the risk of existing structures becoming a barrier to the changes introduced by the project. On the contrary, the Ministry's structures will come in support of new planning and management procedures and practices. This multi-methodological approach ensures that each activity of the project reinforces the others. Not only does this approach ensure coherence of the intervention, it also means that the changes provoked are deep enough to be lasting.

The project is also comprehensive in that it will address the Ministry's general functioning rather than focusing on isolated units. The inclusion of all segments of the Ministry into the project will create a critical mass of drivers of change throughout the institution, and secure the adhesion of all concerned. The project will therefore entrench strategic approach and performance-oriented management as a self-reproducing practice.

In addition, at the time of implementation of the project, key officials will already possess an experience of basic strategic planning practices. The Ministry of Interior will have produced its overall strategy, as well as a number of sector-specific strategies. The introduction of institutional standards and procedures of strategic planning will crown these efforts and make strategic planning a lasting practice. At management level, by the start of the project, the Ministry's communication strategy, including a two-way dialogue with the citizens, will have been implemented for at least two years. This signifies that expectations of the citizens will be better known, hence providing strong motivation for the Ministry and police personnel to rip the benefits of the project and continue improving the image of their organisation. The same communication strategy also addresses internal communication and promotion. Thus, the project will be able to rely on already updated internal communication practices, which will greatly facilitate the diffusion of a new organisational culture following the realisation of the three project results.

Moreover, while the project will cover all layers and segments of the Ministry of Interior and the Police, the Ministry of Interior recognises that certain segments need particular support. This mainly applies to human resources management. When the project starts, projects targeting the human resources system will already have delivered results. Therefore, human resources will not hinder the realisation and sustainability of the project; on the contrary they will be ready to support the changes introduced through the project.

Finally, it should be kept in mind that the project relies on an existing reform architecture, ensuring that all crucial segments of the police and Ministry of Interior reform are targeted in a way complementary to the project (see the section *Linked Activities*.) In this way, the project will rely on a number of secure pre-conditions. Chiefly, at the time of implementation of the project, the Ministry of Interior will have already invested a lot of efforts, in partnership with various donors and institutions, into raising the awareness of its employees to the concepts of strategic planning, strategic management, accountability, monitoring and evaluation. In this

respect, we would like to emphasise importance of bilateral cooperation between the Ministry of Interior and Sweden, which will result in production of police reform strategy. Also, the Ministry of Interior is working very intensively with the OSCE in the field of strategic planning, strategic management and monitoring. Therefore the project will intervene in a prepared environment, where new procedures and practices are expected and their purpose understood.

### **Cross-border impact**

By increasing the overall efficiency of the Serbian police to prevent and combat crime, in particular organised crime, the project will have a direct impact on the region's ability to reduce the threat of cross-border crime.

### **3.3 Results and measurable indicators**

#### **1. All modern analytical technique for strategic planning process are applied and functional strategic planning system established**

##### **Indicators**

- Consultations are regularly held and contributions requested throughout strategic planning processes
- Strategic and operational analysis are basis for strategic documents and policies
- The Ministry issues strategic decisions and produces strategic documents within a determined timeframe

#### **2. Ensured continuous improvement of strategic management and accountability of institution**

##### **Indicators**

- Decision makers and policy makers are applying in their everyday work the strategic management methodologies and procedures
- New Rulebook of internal organization of the Ministry of Interior adopted by the Government and responsibilities of both managers and subordinates clearly defined in each organisational unit
- Human, financial and material resources allocated in accordance with goals defined in strategic documents
- Performance of organisational units and individual monitored regularly and in line with description of tasks and delegation of responsibilities

#### **3. Strategic decisions are updated according to monitoring and evaluation results.**

##### **Indicators**

- Synthetic evaluation reports regularly produced and disseminated
- Further strategic plans integrate the results of evaluation reports
- Management procedures and practices are updated based on the recommendations from evaluation reports

### **3.4 Activities:**

#### **Activities related to the result 1:**

1.1 Conduct analysis of the present strategic planning process in the Ministry of Interior in relation with planning, determine compliance/noncompliance ratio and identify possible gaps in the system, which contribute to the inadequate formulation of strategic documents and develop recommendations for system improvement and better interconnectivity.

1.2 Design, in line with the EU best practice and using the recommendations provided a strategic planning methodology, and procedures for the development of the Ministry of Interior strategic objectives.

1.3 Develop and deliver a three-level training program in the field of strategic planning for, respectively, decision and policy makers, employees of the Bureau for strategic planning, and other employees engaged in the preparation of strategic documents and plans.

1.4 Organize study visits with the aim to adopt best practice of the EU in the area of strategic planning in the institutions of similar character.

1.5 Update the Ministry of Interior overall strategy, and the relevant sector-specific strategies, using the new mechanisms and procedures.

#### **Activities related to the result 2:**

2.1 Develop an assessment of general management procedures, as well as of current organisational structure of the Ministry, and formulate recommendations on adjustments necessary to accommodate the new requirements of strategic planning and strategic management.

2.2 Prepare, enact and present to the Ministry staff a new Rulebook (regulatory framework) on internal organizational structure of the Ministry of the Interior in accordance with assessment under Activity 2.2.

2.3 Develop terms of reference for a Core Management Group responsible for facilitating the execution by the management structures, of the strategic priorities defined as per Result 1.

2.4 Develop a tool for regular mapping of strategic and operational documents and presenting their functional links and hierarchy, as well as their links to the implementation management structure.

2.5 Develop general strategic performance-oriented management procedures of the Ministry of Interior, with a view to implementation of strategic objectives in line with the EU best practice and using the recommendations provided.

2.6 Develop and deliver a three-level specialized training programs on strategic and performance-oriented management and updated management procedures for, respectively, senior, middle and first-line managers.

2.7 Design handbooks on practical implementation of methodology and procedures of strategic planning, management and monitoring of the realization of strategic objectives.

#### **Activities related to the result 3:**

3.1 Conduct an assessment of existing capacities for professional and independent monitoring and evaluation, as well as determine, in consultation with all sectors of the Ministry, the best location of a future monitoring and evaluation unit in the updated organizational structure.

3.2 Develop terms of reference for new professional and independent monitoring and unit in charge of conducting evaluation; staff the evaluation unit

3.3 Develop and deliver a training program for the new monitoring and evaluation unit.

3.4 Define and introduce relevant tools, balanced score card or other in line with the EU best practice using the recommendations provided.

3.5 Develop a modular, multi-level training program on using independent evaluation results for realizing strategic objectives and perfecting management procedures and practices, for, respectively, decision and policy makers, employees involved in strategic planning, senior, middle and line managers.

3.6 Organize a study visit with an aim to adopt best practices used in an EU member state in using evaluation and monitoring as a means to foster the realization of strategic goals and perfect management procedures and practices.

### **3.5 Conditionality and sequencing:**

The Ministry of Interior must continue its progress regarding strengthening of their planning and management capacities. Therefore, cooperation and timely communication among all internal units of the Ministry of Interior is necessary. The Ministry of Interior must also remain committed to finding new ways to involve other state institutions in the strategic documents drafting such as Ministry of Public Administration and Local Self-Government, Ministry of Justice, Ministry of Finance, Ministry of Human and Minority Rights etc. In that respect positive opinion from HRMS and Ministry for Public Administration and Local self-government on the proposed rulebook and consequent adoption from the Government are assumed.

This Project will be implemented through one twinning contract, so there are no specific sequencing requirements related to the Project.

### **3.6 Linked activities**

The project crowns an existing reform architecture, which draws on several donors and partners. At the time of implementation of the project, several endeavours will have delivered results.

Primarily, the Ministry of Interior has been engaged since 2009 in the formulation of its overall strategy, identifying chief strategic objectives for the organisation. This will represent a good foundation for the implementation of the project. Building on this given, the project will equip the Ministry with institutionalised procedures and practices to regularly update this basic document and break it down into achievable sub-strategies and objectives.

Within the Memorandum of Understanding signed between the Ministry of Interior of the Republic of Serbia and the OSCE Mission to Serbia in September 2009, both Ministry and OSCE Mission are seen as the strategic partners in the priority areas of the police reform. One of the main defined activities within the MoI is strategic planning and development. The

Bureau for Strategic Planning realizes focused activities of smaller scope aimed to development of strategic planning process and capacity building for strategic planning and management.

In February 2009, the Ministry of Interior signed with OSCE Mission to Serbia the Memorandum of Understanding for realization of the Project “Enhancing core capacities for Strategic Planning and Management in the Ministry of Interior of the Republic of Serbia” financed by the Government of Finland. Project aims to assist the Ministry of Interior’s Bureau for Strategic Planning in increasing its core capacities for strategic planning and decision making, thereby improving existing management practices within the Ministry. This is seen as a key requirement for advancing a sustainable, effective and efficient police reform process. The Project will be finalized by June 2010.

The CARDS 2006 twinning project had the goal to analyse the current Human Resources Management system, including the legal framework, design a new Human Resources Management System, carry out training of the key personnel and develop the curricula for education and training of the staff involved in the IBM activities.

The project will build upon recent and on-going activities implemented in the Ministry of Interior and the police service, as well as in the Serbian Government and administration more generally.

Primarily, the project will take place within the context of continued police reform activities and project. At the time of implementation of the project, the following on-going activities directly linked to the project should be on-going:

- Continued reform of the human resources management (HRM) system of the Ministry of Interior, in cooperation with the Norwegian Government, the OSCE and possibly Sigma (a joint EU and OCDE agency). This set of activities will draw on the evaluation of the Ministry’s HRM system performed with the same partners in 2010, and will offer strong synergy with the proposed project.
- Continued integration of the Ministry of Interior and police into the Government’s overall planning efforts, including in particular human resources and financial planning. In particular the Ministry of Interior will be fully participating to the yearly operational (GOP) plan of the Serbian Government. As earlier mentioned, this aspect will increase the catalytic effect of the project, as the changes introduced in the Ministry of Interior are likely to create emulation in other public administration bodies who conduct joint planning with the Ministry of Interior.

In addition, the project will link with public administration reform activities implemented in the Government of Serbia and Serbian public services in general:

- It is expected that concomitantly to the project, other IPA projects will be on-going in other sectors of the Government. This will reinforce the impact of the project, while constituting a favourable context for the proposed project.
- At the time of project implementation, the reform of the Justice sector, particularly criminal justice, will have matured, with significant impact on the processing of the cases brought to justice as a result of Ministry of Interior and police activity. This will constitute a supplementary pulling factor for the project.

### **3.7 Lessons learned**

The project will constitute an excellent platform for identifying lessons learned about public administration procedures and practices. Lessons learned will be identified in two distinct but complementary ways: monitoring of the implementation of the project (1), and collection of works of the new monitoring and evaluation unit of the Ministry (2). The lessons identified will be of high value to the donor, not only in the scope of their activity in the Ministry of Interior, but also within the broader framework of support to public administration reform in Serbia as a whole.

(1) Lessons learned about the implementation of the project will be identified through a detailed monitoring plan, to be developed before inception of the project. This monitoring plan will include:

- results indicators evaluating the degree of realisation of the project objective, and more generally the impact of the project,
- and process indicators evaluating the pace of implementation of the project and the quality of the processes emerging through implementation of the project.

Not only will this monitoring plan allow for an evaluation of the project itself, it will also provide the project team in the Ministry of Interior, as well as the donor, with invaluable lessons learned about the Ministry's organisational culture and change management abilities.

(2) An important component of the project is the establishment of a functional monitoring and evaluation unit in the Ministry of Interior. The work of this new unit will be paramount to identify and channel lessons learned, both internally and with the donor as relevant.



#### 4. INDICATIVE BUDGET (AMOUNTS IN M EUR)

Title: Strengthening the rule of law in Serbia			TOTAL EXP.RE	SOURCES OF FUNDING								
				IPA EU CONTRIBUTION		NATIONAL CONTRIBUTION					Other CONTRIBUTION	
ACTIVITIES	IB	IN V	M€ (a) = (b) + (c) + (d)	M€ (b)	%*	Total M€ (c) = (x) + (y) + (z)	%*	Centra l M€ (x)	Regional / Local M€ (y)	IFIs M€ (z)	M€ (d)	%*
Contribution Agreement with World bank	X		2	2	100%							
Contribution Agreement with CoE	X		1.40	1.25	89.28 %						0.15	10.71 %
Service contract	X		1	1	100%							
Supply contract		X	4	4	100%							
Contract 1 (Twinning)	X		1.5	1.5	100%							
<b>TOTAL IB</b>			<b>5.90</b>	<b>5.75</b>								
<b>TOTAL INV</b>			<b>4.0</b>	<b>4.0</b>								
<b>TOTAL PROJECT</b>			<b>9.90</b>	<b>9.75</b>								

Amounts net of VAT

- (1) In the Activity row use “X” to indentify whether IB or INV
- (2) Expressed in % of sum of each line of the **Total** Expenditure (column (a))

## 5. INDICATIVE IMPLEMENTATION SCHEDULE

Contracts	Start of Tendering	Signature of contract	Project Completion
<b><i>Component I</i></b>			
Contribution Agreement with World bank	/	T+1Q	T+12Q
Contribution Agreement with Council of Europe	/	T+1Q	T+12Q
<b><i>Component II</i></b>			
Service contract	T+1Q	T+3Q	T+12Q
Supply contract	T+1Q	T+6Q	T+12Q
<b><i>Component III</i></b>			
Twinning Contract	T + 1 Q	T +4Q	T + 11Q

## 6. CROSS CUTTING ISSUES

### 6.1 Equal Opportunity

Equal opportunities and gender issues will be highly taken into consideration throughout the entire project implementation. The Project activities will cover major areas of judiciary reform, thus indirectly will deal with relevant groups and with no discrimination at all. It will pay a special attention in addressing gender equality.

### 6.2 Environment

This project is harmonised with national environmental regulations and standards. It will not have any negative impact on the environment nor jeopardise environment, health and security in the future. The project will be delivered in the most environmentally friendly way possible.

### 6.3 Minorities

The project will be implemented in a way which does not discriminate against any individual on the grounds of their ethnic origin, race or religion.

Minorities and vulnerable groups are always the first to suffer from corruption and poverty. A reduction of corruption is expected to lead to a general improvement in the socio-economic environment of Serbia, which will be particularly beneficial for such groups. Good governance will be strengthened through the implementation of various anti-corruption measures. This will enhance civic responsibility among these groups which are often marginalised and socially excluded.

## ANNEXES

- I. Logframe in Standard Format
- II. Indicative amounts contracted and Disbursed per Quarter over the full duration of Programme
- III. Description of Institutional Framework
- IV. Reference to laws, regulations and strategic documents:
  - Reference list of relevant laws and regulations
  - Reference to AP /NPAA / EP / SAA
  - Reference to MIPD
  - Reference to National Development Plan
  - Reference to national / sectoral investment plans
- V. Details per EU funded contract (where applicable)
- VI. Overview of the resources of MDTF pledged by other donors

## ANNEX I: Logical framework matrix

<b>LOGFRAME PLANNING MATRIX FOR Project Fiche</b>			
<b>Project title:</b> <b>Strengthening the rule of law in Serbia</b>		Contracting period expires 2 years after the signature of the FA	Disbursement period expires 5 years after the signature of the FA
		<b>Total budget : EUR 9.90 million</b>	<b>IPA budget: EUR 9.75 million</b>
<b>OVERALL OBJECTIVE</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	
To contribute good governance in Serbia by ensuring the rule of law, efficient state border security, improving the efficiency and accountability of the public sector, tackling corruption and strengthening of the state audit institution as essential elements of a framework within which economies can prosper	Positive evaluation of good governance introduction and approximation by EC	EC progress reports for Serbia	
<b>PROJECT PURPOSE</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>

<p><b>Component I:</b></p> <p>Subcomponent 1: <i>Support to Multi-Donor Trust Fund for Justice Sector</i></p> <p>To support the Multi Donor Trust Fund for Justice Sector in introduction of sector wide approach in design, programming and implementation of justice sector reform initiatives.</p> <p>Subcomponent 2: <i>Strengthening the capacities of law enforcement and</i></p>	<p>Reform initiatives in the sector of judiciary are planed and implemented in line with SWAp</p>	<ul style="list-style-type: none"> <li>▪ MDTF reports</li> <li>▪ MoJ annual reports</li> <li>▪ EC progress reports</li> </ul>	
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<p><i>judiciary in the fight against corruption in Serbia</i></p> <p>To improve capacities and quality of the implementation of institutional reforms aimed at preventing and combating corruption.</p> <p><b>Component II:</b></p> <p><b>Project purpose:</b></p> <p>Improvement of the capacities of Ministry of Interior in the field of border protection in accordance with international standards.</p>	<p>Increased number of discovered law Regular reports about the work of the Border Police and the Criminal Investigation Police infringements on the border crossings and border areas.</p>	<p>Regular reports about the work of the Border Police and the Criminal Investigation Police</p>	<p>Government adopted new Integrated Border Management Strategy drafted through CARDS 2006 twinig project.</p> <p>New Law on state border protection adopted.</p>
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<p><b>Component III:</b></p> <p><b>Project purpose:</b></p> <p>Institutionalizing strategic planning, strategic management and evaluation and monitoring in the Ministry of the Interior of the Republic of Serbia.</p>	<p>Compliance between operational plans and strategic planning process improved and increased percentage of the goals foreseen in operational plans which stems from the strategies comparing 2010 and 2016.</p> <ul style="list-style-type: none"> <li>▪</li> </ul>	<p>Annual Government working plan for 2016.</p>	<ul style="list-style-type: none"> <li>▪</li> </ul>
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<b>RESULTS</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
<p><b>Subcomponent 1</b></p> <p>Result 1.1:</p> <p>Increased capacity of the Serbian justice sector for better planning and implementation of projects in line with Sector Wide Approach (SWAp)</p>	<ul style="list-style-type: none"> <li>▪ Road map of projects document prepared and used for planning and implementation of all other initiatives within the project</li> <li>▪ By the end of the project, SWAp methodology is used in planning justice sector reform projects at central level</li> <li>▪ Consultation process of all relevant stakeholders provides benchmarks for prioritisation of sector wide reform interventions</li> </ul> <p>Priority projects from the road map are prepared in the form of completed project document</p>	<ul style="list-style-type: none"> <li>▪ Road map document</li> <li>▪ Project reports</li> <li>▪ Planning/implementation documents and reports for other individual initiatives under results 2 and 3</li> <li>▪ Documents of newly developed projects based on Road map</li> <li>▪ Meeting notes from Partners Forum sessions</li> </ul>	
<p>Result 1.2:</p> <p>Improved functioning and efficiency of the judiciary through establishment of high professional</p>	<ul style="list-style-type: none"> <li>▪ Analyses/recommendations and projects aimed at efficiency improvement are prepared</li> <li>▪ Justice sector performance indicators defined, documented and formally approved</li> <li>▪ Statistical data on judiciary performance are</li> </ul>	<ul style="list-style-type: none"> <li>▪ Projects and analyses documents</li> <li>▪ Official document of performance indicators</li> <li>▪ Databases and other</li> </ul>	

<b>RESULTS</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
and performance standards for prosecutors and judges	<p>available and easily accessible for professionals and general public</p> <ul style="list-style-type: none"> <li>▪ Number of participants in Judicial Academy training programs and their positive evaluations</li> <li>▪ ICT strategy document prepared and formally adopted</li> </ul>	<p>electronic sources providing performance statistics</p> <ul style="list-style-type: none"> <li>▪ Training materials</li> <li>▪ Training evaluations</li> </ul> <p>ICT strategy document</p>	
<p>Result 1.3: Developed and improved organisational structure and procedures aimed at reduction of backlog and inflow of cases to the courts</p>	<ul style="list-style-type: none"> <li>▪ Report on review of case management system</li> <li>▪ Relevant preconditions for implementation of notary services are in place</li> <li>▪ Mechanisms for efficient reduction of inflow of minor cases to the courts are defined and formally agreed</li> </ul> <p>Increased number of mediation cases</p>	<ul style="list-style-type: none"> <li>▪ Case management system review document</li> <li>▪ MoJ regular reports</li> <li>▪ Project reports</li> <li>▪ Document of plan for reduction of minor cases inflow</li> </ul> <p>Official judiciary statistics</p>	Necessary legislative changes in judicial sector are put as a priority of the National Assembly
<b>Subcomponent 2</b>			

<b>RESULTS</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
<p><b>Result 2.1</b> Strengthened judiciary and law enforcement capacities to carry out efficiently corruption related criminal proceedings</p>	<p>List of obstacles for conducting criminal proceedings as referred by the Risk Analysis over the level and indicators of implementing anti-corruption legislation in the country</p> <p>No of participants in training activities and level of skills gained through training modules</p> <p>Level of evidence collection and number of cases carried out by prosecution and law enforcement agencies</p> <p>Number of criminal proceedings initiated and successfully finalized at court</p> <p>Legislative reviews and proposals to improve implementation aspects of laws</p>	<p>Risk assessment document</p> <p>Training reports and participant's evaluations</p> <p>Judicial statistics, Police reports</p>	<p>Judiciary Training Academy is operational and coordinates</p> <p>Cooperation with High Judges</p> <p>Council and the State Prosecutorial Council</p>
<p><b>Result 2.2.</b> Strengthen capacities to prevent and fight corruption within the judiciary and prosecutorial services</p>	<p>Risk Analysis of corruption possibilities in Judiciary and law enforcement agencies;</p> <p>Level of involvement and implementation of disciplinary regulations within the system of promoting and demoting judges and prosecutors.</p>	<p>Risk Analysis Document</p> <p>Recommendations for improving the current system;</p> <p>Judicial Statistics and Reports</p> <p>Training Manuals</p>	<p>Judiciary Training Academy is operational and coordinates</p> <p>Cooperation with High Judges Council and the State</p>

<b>RESULTS</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
	<p>Number of training activities</p> <p>Level of application and implementation of ethical rules</p>		Prosecutorial Council
<p><b>RESULTS</b></p> <p><b>Component II</b></p> <p><b>Result 1:</b> Based on the comprehensive risk analysis conducted in the field the prioritised border crossings and border areas for implementation of the stationary and mobile video surveillance system are being identified</p>	<p><b>Objectively verifiable indicators</b></p> <p>Reports on risk analysis on each border have been finalised and delivered.</p> <p>Reports on cross-border cooperation with neighbouring countries have been exchanged.</p> <p>Reports on returnees-third countries nationals overtaken on the basis of readmission agreements have been fully analysed.</p> <p>Reports of mutual border patrols with neighbouring countries have been analysed.</p> <p>The analysis of the reports of bilateral and multilateral operations organized by FRONTEX</p>	<p><b>Sources of Verification</b></p> <p>Document of the analysis.</p> <p>Regular reports of Border Police Directorate and the Criminal Investigation Police.</p> <p>FRONTEX Annual Report</p>	<p><b>Assumptions</b></p> <p>Issues on property rights related to the selected border crossings and border areas solved.</p>

RESULTS	Objectively verifiable indicators	Sources of Verification	Assumptions
	have been finished		
<p><b>Result 2:</b> The border control officers are using modern techniques for border control in line with EU requirements educated in creating, implementing, using and maintaining of the stationary and mobile video surveillance system</p>	<p>Progress report states that the border control is being performed in accordance with EU requirements .</p> <p>Number of detected illegal migrants has increased.</p> <p>Police officers working at the border line are using the video surveillance without any difficulties.</p> <p>Time for detection and repair of technical problems has been minimalised.</p>	<p>Evaluation of employees by the executives</p> <p>Regular project implementation reports.</p>	<p>Active interest of the participants of the training sessions</p>
<p><b>Result 3:</b> The stationary and mobile video surveillance system is successfully implemented on selected pilot border crossings and</p>	<p>Delivered technical reports on the proper functioning of the installed equipment are positive.</p>		<p>Infrastructure requirements for installation of the surveillance system are met.</p>

<b>RESULTS</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
border areas.			
<b>Component III Results</b>			
<b>1. All modern analytical technique for strategic planning process are applied and functional strategic planning system established</b>	<ul style="list-style-type: none"> <li>• Consultations are regularly held and contributions requested throughout strategic planning processes</li> <li>• Strategic and operational analysis are basis for strategic documents and policies</li> <li>• The Ministry issues strategic decisions and produces strategic documents within determined timeframe</li> </ul>	<ul style="list-style-type: none"> <li>• Government conclusion</li> <li>• Ministry of Interior intranet portal</li> <li>• Analytical reports; overall and sector strategies; references to analytical reports in policy statements</li> <li>• Proceeds and participation sheets of strategic planning meetings; internal communication and inter-</li> </ul>	Willingness of all Ministry sectors and organisational units to contribute to strategic planning process; Sufficient human resources enable organisational units to participate in strategic planning process; relevant organisational units perform operational and strategic analysis; willingness of decision-makers to incorporate analysis results into decision-making

RESULTS	Objectively verifiable indicators	Sources of Verification	Assumptions
		ministerial correspondence  • Sector and overall strategies, policy statements  Ministry's post table; Ministry's budget plans; Yearly Operational Planning (GOP) documents	
<b>2. Ensured continuous improvement of strategic management and accountability of institution</b>	<ul style="list-style-type: none"> <li>• Decision makers and policy makers are applying in their everyday work the strategic management methodologies and procedures</li> <li>• New Rulebook of internal organization of the Ministry of Interior adopted by the Government and responsibilities of both managers and subordinates clearly defined in each organisational unit</li> <li>• Human, financial and material resources</li> </ul>	<ul style="list-style-type: none"> <li>• Reports on conducted training and the evaluation of the participants.</li> <li>• Internal correspondence; feed-back from employees</li> <li>• Annual report on MoI progress</li> </ul>	Willingness of employees to take on delegated responsibilities; willingness of managers to delegate responsibilities. Ability of mid-level managers to appraise subordinates; ability of senior managers to appraise organisational units. Ability of human resources directorate to process and compile

<b>RESULTS</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
	<p>allocated in accordance with goals defined in strategic documents</p> <ul style="list-style-type: none"> <li>• Performance of organisational units and individual monitored regularly and in line with description of tasks and delegation of responsibilities</li> </ul>		performance appraisal.
<p><b>3. Strategic decisions are updated according to monitoring and evaluation results.</b></p>	<ul style="list-style-type: none"> <li>• Synthetic evaluation reports regularly produced and disseminated</li> <li>• Further strategic plans integrate the results of evaluation reports</li> <li>• Management procedures and practices are updated based on the recommendations from evaluation reports</li> </ul>		



Activities	Means & Costs	Assumptions
<p>Component I Subcomponent1</p> <p>Result 1.1</p> <p>1.1.1. Development of a road map of projects in line with the sector strategy and with requirements of future negotiations of chapter 23 for accession, and fully taking into account past and on-going activities of other donors or national stakeholders;</p> <p>1.1.2. Based on the above roadmap and focussing on those projects considered as higher priority, prepare documents needed for the further planning, design as well as actual implementation of these projects. Such documents may encompass among others assessments, studies (e.g. cost-benefit analysis), project fiches (including logframes with indicators) and procurement documents (e.g. terms of reference)..</p> <p>1.1.3. Training related to any of the above-mentioned activities may be provided;</p> <p>1.1.4. Improvement of the exiting consultation mechanisms with relevant stakeholders in line with the principles of the SWAp</p>	<p><b>Contribution agreement with the World Bank: EUR 2,000,000</b></p>	
<p>Result 1.2</p>		

Activities	Means & Costs	Assumptions
<p>1.2.2. Support to the development of justice sector performance indicators with the focus on indicators for judges and prosecutors;</p> <p>1.2.3. Support to development of an effective mechanism for collection, analyses and publicising of statistical data on judiciary performance for the purposes of a better analytical work of the Ministry of Justice, High Judicial Council and State Prosecutorial Council;</p> <p>.</p>		
<p>Result 1.3</p> <p>1.3.1. Review of the efficiency and reliability of the courts and update of the case management in the courts of general jurisdiction – providing recommendations for the business reengineering of courts;</p> <p>1.3.2. Support to the newly introduced judicial services in accordance with the best practices (i.e. notaries, bailiffs, etc.);</p> <p>1.3.3. Identification of feasible solutions for efficient reduction of inflow of minor cases to the courts within the current legal framework;</p>		

Activities	Means & Costs	Assumptions
<p>Subcomponent 2</p> <p>Result 2.1</p> <p>2.1.1. Carry out risk analysis in order to assess all obstacles to carry out criminal proceedings efficiently and provide recommendations for improvement;</p> <p>2.1.2. Prepare and provide multidisciplinary trainings and specialized courses to judiciary, prosecutorial services and law enforcement officers on corruption, economic crime cases, accounting and auditing;</p> <p>2.1.3. Introduce new techniques (and possibly data base) and strategic capacities of prosecutorial services to investigate corruption and white collar crime;</p> <p>2.1.4. Provide specialized training for undercover agents in charge of cooperating with prosecutorial services and law enforcements aimed at collecting evidence by use inter alia of special investigative means;</p> <p>2.1.5. Provide legal opinion and recommendations to improve the current internal procedures and tools within the judiciary and prosecutorial services aimed at increasing the work and quality of investigations</p>	<p><b>Contribution agreement with CoE: EUR 1,250,000</b></p>	
<p>Result 2.2</p>		

Activities	Means & Costs	Assumptions
<p>2.2.1. Carry out risk analysis on the current situation with regard to possibilities of corruption within the judiciary, prosecution and law enforcement;</p> <p>2.2.2. Provide recommendations with regard to introducing ethical and disciplinary rules, management and procedural aspects aimed at preventing and combating corruption within judiciary;</p> <p>2.2.3. Provide legal opinions and advice to the High Judges Council and State Prosecutors Council with regard to disciplinary measures against ethical violations from judges and prosecutors when construed as corruptive practices/allegations;</p> <p>2.2.4. Provide training for Judges, Prosecutors and Law Enforcement on aspects of detecting corruption and controlling conflict of interests within the structures.</p>		
<p><b><i>Component II</i></b></p> <p><b><i>Activities related to results foreseen under the component II</i></b></p>		
<p>1.1 To review and update if necessary basic criteria for identification of the priority border crossings and border areas with the analysis of the technical capacities for establishment of the mobile and stationary video surveillance system on the basis of information's provided by the MoI, and the relevant authorities of the neighbouring</p>	<p><b>Service contract: EUR 1 million</b></p> <p><b>Supply contract: EUR 4 million</b></p>	

Activities	Means & Costs	Assumptions
<p>countries.</p> <p>1.2 To prepare overall Plan of activities for introduction of the stationary and mobile surveillance system in the RS.</p> <p>1.3 To select pilot border crossings and border crossing areas on the basis of defined criteria and Plan of activities.</p> <p>1.4 To provide assistance/supervise the process of purchasing and instalment of equipment needed for efficient functioning of the mobile and stationary video surveillance system.</p>		
<p><u>Activities related to result 2:</u></p> <p>2.1 To define training curricula on creating surveillance system, installation, usage and maintenance of the system for the mobile and stationary video surveillance</p> <p>2.2 To conduct trainings to the MoI employees for installation, usage and maintenance of video surveillance system.</p> <p>2.3 To prepare and print booklets and manuals for creating, installation, usage and</p>		

Activities	Means & Costs	Assumptions
<p>maintenance of the mobile and stationary video surveillance system on the basis of the conducted trainings.</p> <p>2.4 To assist the beneficiary in evaluation of functioning of the mobile and stationary video surveillance system installed.</p>		
<p><i>Activities related to result 3:</i></p> <p>3.1 To procure technical equipment that is necessary for the implementation of the system on determined border crossings and border crossing areas.</p> <p>3.2 To create technical preconditions for the exchange of information gathered with stationary and mobile surveillance systems with services in other countries.</p> <p>3.3 Installation and testing of the system implemented in pilot border crossings and border areas and preparation of recommendations for further development.</p>		
<p><b>Component III</b></p> <p><i>Activities related to results foreseen under the component III</i></p>		
	<p><b>Twining: EUR 1.5</b></p>	

*Subcomponent I of Component III*

**million**

Activities	Means & Costs	Assumptions
<p>1.1 Conduct analysis of the present strategic planning process in the Ministry of Interior in relation with planning, determine compliance/noncompliance ratio and identify possible gaps in the system, which contribute to the inadequate formulation of strategic documents and develop recommendations for system improvement and better interconnectivity.</p> <p>1.2 Design, in line with the EU best practice and using the recommendations provided a strategic planning methodology, and procedures for the development of the Ministry of Interior strategic objectives.</p> <p>1.3 Develop and deliver a three-level training program in the field of strategic planning for, respectively, decision and policy makers, employees of the Bureau for strategic planning, and other employees engaged in the preparation of strategic documents and plans.</p> <p>1.4 Organize study visits with the aim to adopt best practice of the EU in the area of strategic planning in the institutions of similar character.</p> <p>1.5 Update the Ministry of Interior overall strategy, and the relevant sector-specific strategies, using the new mechanisms and procedures.</p>		

Activities	Means & Costs	Assumptions
<p>2.1 Develop an assessment of general management procedures, as well as of current organisational structure of the Ministry, and formulate recommendations on adjustments necessary to accommodate the new requirements of strategic planning and strategic management.</p> <p>2.2 Prepare, enact and present to the Ministry staff a new Rulebook (regulatory framework) on internal organizational structure of the Ministry of the Interior in accordance with assessment under Activity 2.2.</p>		
<p>2.3 Develop terms of reference for a Core Management Group responsible for facilitating the execution by the management structures, of the strategic priorities defined as per Result 1.</p>		
<p>2.4 Develop a tool for regular mapping of strategic and operational documents and presenting their functional links and hierarchy, as well as their links to the implementation management structure.</p>		
<p>2.5 Develop general strategic performance-oriented management procedures of the Ministry of Interior, with a view to implementation of strategic objectives in line with the</p>		



Activities	Means & Costs	Assumptions
<p>EU best practice and using the recommendations provided.</p> <p>2.6 Develop and deliver a three-level specialized training programs on strategic and performance-oriented management and updated management procedures for, respectively, senior, middle and first-line managers.</p> <p>2.7 Design handbooks on practical implementation of methodology and procedures of strategic planning, management and monitoring of the realization of strategic objectives.</p>		
<p>3.1 Conduct an assessment of existing capacities for professional and independent monitoring and evaluation, as well as determine, in consultation with all sectors of the Ministry, the best location of a future monitoring and evaluation unit in the updated organizational structure.</p> <p>3.2 Develop terms of reference for new professional and independent monitoring and unit in charge of conducting evaluation; staff the evaluation unit</p> <p>3.3 Develop and deliver a training program for the new monitoring and evaluation</p>		

Activities	Means & Costs	Assumptions
<p>unit.</p> <p>3.4 Define and introduce relevant tools, balanced score card or other in line with the EU best practice using the recommendations provided.</p> <p>3.5 Develop a modular, multi-level training program on using independent evaluation results for realizing strategic objectives and perfecting management procedures and practices, for, respectively, decision and policy makers, employees involved in strategic planning, senior, middle and line managers.</p> <p>3.6 Organize a study visit with an aim to adopt best practices used in an EU member state in using evaluation and monitoring as a means to foster the realization of strategic goals and perfect management procedures and practices.</p>		

**ANNEX II: Indicative amounts (in M€) Contracted and disbursed by quarter for the project (IPA contribution only)**

<b>Contracted</b>	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	<b>Total</b>
Contribution Agreement with the World Bank	2.0												<b>2.0</b>
Contribution Agreement with CoE	1.25												<b>1.25</b>
Service contract			1.0										<b>1.0</b>
Supply contract						4.0							<b>4.0</b>
Twinning			1.5										<b>1.5</b>
<b>Cumulated</b>	<b>3.25</b>		<b>5.75</b>			<b>9.75</b>							<b>9.75</b>
<b>Disbursement</b>	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	<b>Total</b>
Contribution Agreement with the World Bank	2.0												<b>2.0</b>
Contribution Agreement with CoE	1.25												<b>1.25</b>
Service contract			0.3			0.2		0.2		0.2		0.1	<b>1.0</b>

Supply contract						2.4						1.6	<b>4.0</b>
Twinning Contract			0.30	0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15		<b>1.5</b>
<b>Cumulated</b>	<b>0.8</b>		<b>1.85</b>	<b>2.0</b>	<b>2.6</b>	<b>5.35</b>	<b>5.85</b>	<b>6.2</b>	<b>6.7</b>	<b>7.05</b>	<b>7.55</b>	<b>9.75</b>	<b>9.75</b>

Amount net of VAT

- (1) In the Activity row use “X” to identify whether IB or INV
- (2) Expressed in % of sum of each line of the **Total** Expenditure (column (a))

## **ANNEX III:**

### **Component I**

#### **Institutional Framework – legal responsibilities and statutes**

The World Bank together with the Ministry of Justice are in charge of the implementation and monitoring of this project. The work, mandate and authorization of the Ministry are regulated by the Law on Ministries while Ministry of Justice and World Bank have a signed MoU which enables smooth implementation and cooperation of MDTF- JSS.

The Ministry of Justice consists of the following departments:

- Sector for the Judiciary and Minor Offences
- Normative Affairs and International Cooperation Sector
- European Integration and International Projects Sector
- IT Sector
- Material and Financial Operations Sector
- Administration for the Execution of Penitentiary Sanctions
- Ministry Secretariat
- Directorate for Confiscated Property Management

Other relevant stakeholders are:

- High Judicial Council
- State Council of Public Prosecutors
- Judicial Academy
- Mediation Centre
- Serbian Bar Association
- Civil society
- Ministry of Finance
- Ministry of Interior
- Serbian European Integration Office
- Agency for Fight against Corruption
- Ministry of Interior (Special Unit for Financial Investigation)
- Ministry of Finance (Directorate for Prevention of Money Laundering)
- Republican Committee for Resolving Conflicts of Interest
- Commissioner for Information of Public Importance and Personal Data Protection
- Public Procurement Office
- Ombudsman of Republic of Serbia

## **Component II**

### **Institutional Framework – legal responsibilities and statutes**

#### **Description of Institutional Framework**

The Ministry of Interior is in charge of implementation and monitoring of this project. Key beneficiaries would be the Border Police Directorate and the Department for High-tech Crime Suppression. The work, mandate and competencies of the Ministry are regulated by the Law on Ministries and Law on the Police.

The Ministry of Interior consists of the following departments:

- Police Directorate (Border Police Department, IT Department, Criminal Police Department, Traffic Police Department, Gendarmerie, etc)
- Internal Control Department
- Finance and HR Department (Directorate for Police Education, Professional Development and Science)
- Protection and Rescue Sector

Border Police Department has been established as general and centralized service, hierarchically organized at central, regional and local level, and in charge of direct organisation and performance of activities related to control of crossing and securing the state border.

At central level, this authority exercises the above-mentioned function through Department for border, Departments for foreigners, Department for prevention of cross-border criminal and criminal intelligence affairs, then through Department for international cooperation and Duty Operation Centre. At regional level this function is exercised through Border Police Regional Centres established for every neighbouring country. At local level Border Police Authority exercises its function through Border Police stations for control of crossing the state border and its security; their work is coordinated under Regional Centres.

## **Component III**

#### **Description of Institutional Framework**

The Ministry of Interior is in charge of implementation and monitoring of this project. The work, mandate and competencies of the Ministry are regulated by the Law on Ministries and Law on the Police.

The Ministry of Interior consists of the following Sectors:

Sector for analytics,

Sector for finance, common affairs and human resources,

Internal affairs sector,

Sector for emergency management

Bureau for Strategic Planning is organizational part of the Cabinet of the Minister.

Bureau for strategic planning is responsible for strategic planning, strategic analysis, reform projects coordination as well as institutional building of the Ministry of Interior. Its objective is to provide directions, monitor and coordinate the reform processes being implemented by the Ministry of Interior and evaluate status and position of the Ministry as a whole.

## **ANNEX IV:**

### **Component I**

#### **Reference to laws, regulations and strategic documents**

Key laws, regulations and strategic documents in the area of judiciary:

##### *General:*

- Constitution of the Republic of Serbia
- Law for the Implementation of the Constitution of the Republic of Serbia
- National programme for integration with the European Union (NPI)
- Action Plan for the Implementation of the European Partnership Priorities
- Stabilisation and Association Agreement

##### *Rule of law:*

- Criminal Code (Official Gazette of Republic of Serbia 85/05)
- Civil Procedure Code (Official Gazette of Republic of Serbia 125/04)
- Criminal Procedure Code (Official Gazette of Republic of Serbia 85/05)
- Law on Civil Enforcement Procedure (Official Gazette of Republic of Serbia 125/04)
- Law on Organisation of Courts (Official Gazette of Republic of Serbia 116/08)
- Law on Public Prosecution (Official Gazette of Republic of Serbia 116/08)
- Court Rules of Procedure (Official Gazette of Republic of Serbia 50/06)
- Law on the Confiscation of the Proceeds from Crime (Official Gazette of Republic of Serbia 97/08)
- Law on Agency for Fight against corruption (Official Gazette of Republic of Serbia 97/08)

- Law on the Liability of Legal Entities for Criminal Acts (Official Gazette of Republic of Serbia 97/08)
- Law on Public Procurement (Official Gazette of Republic of Serbia 116/08)
- Law on the Prevention of Conflicts of Interest in the Performance of Public Functions (Official Gazette of Republic of Serbia 43/04)
- Law on Free Access to Information of Public Importance (Official Gazette of Republic of Serbia 120/04 and 54/07)
- Law on the Ombudsman (Official Gazette of Republic of Serbia 79/05)
- Law on the Police (Official Gazette of Republic of Serbia 101/05)
- Law setting the Organisation and Competences of Government Agencies in suppression of Organised Crime (Official Gazette of Republic of Serbia 42/02, 27/03, 39/03, 67/03, 29/04, 45/05, 61/05)

Reference to AP /NPAA / EP / SAA

European Partnership (EP) amongst its key priorities states as follows:

Improve the functioning of the judiciary, guarantee its independence, accountability, professionalism and efficiency and ensure that the career development and recruitment of judges and prosecutors are based on technical and professional criteria and free from political influence. Ensure proper functioning of the Constitutional Court (short-term priority).

Reduce the backlog in courts and further increase the efficiency and professionalism of courts. Introduce uniform standards in order to gather reliable data on the judiciary. (Mid-term priority)

It also states that Serbia's priorities are to step up the fight against corruption at all levels and develop a comprehensive public system of financial control to increase transparency and accountability in use of public finances. More specifically, with regard to the anti-corruption policy section it identifies following priorities:

- Implement the action plan on the anti-corruption strategy and establish an independent and effective anti-corruption agency;
- Ratify international conventions against corruption;
- Further clarify and enforce regulations related to the prevention of conflict of interests, in line with international standards; and
- Develop and implement a transparent system of declaration of assets of public officials.

The same partnership document, foresees priorities also in strengthening capacities of the judiciary where among others those related and interlinked with the fight against corruption and good governance are as follows:

- Ensure effective, independent, accountable and impartial courts and prosecution offices, free from political influence;



- Strengthen the Prosecutor's Office to ensure that it is able to comply with the principles of autonomy and impartiality. Continue to strengthen the Special Prosecutor's Office. Ensure the implementation of an efficient witness protection security scheme;
- Further develop legal education and training, particularly for judges, prosecutors and administrative personnel. Transform the Judicial Institute into a viable institution responsible for judicial training;
- Develop the capacity in the government free from undue political influence to take on responsibilities in the areas of justice and the interior;
- Implement a system of appointment, dismissal and career promotion for judges and prosecutors in line with European standards, free from political interference; and
- Strengthen the administrative capacity, coordination and effectiveness of the judiciary and all law enforcement agencies.

Stabilisation and Association Agreement (SAA) *in the Article 80, states as follows:*

#### Reinforcement of institutions and rule of law

In their cooperation on justice, freedom and security, the Parties shall attach particular importance to the consolidation of 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. Cooperation shall notably aim at strengthening the independence of the judiciary and improving its efficiency, improving the functioning of the police and other law enforcement bodies, providing adequate training and fighting corruption and organised crime.

#### **National Plan for Integration (NPI)**

In section 3.23.1.3 Mid-Term Priorities, sets out following priorities:

- Fully functional national data system on the performance of judges;
- Clear criteria regarding financial possibilities for providing legal aid in litigation and criminal proceedings;
- Implementation of the Law on Notary Public Office shall commence not earlier than a year after its adoption. This period is necessary as notaries public will assume a part of the work which now falls within the court competency. In the stated period, by-laws should be adopted and amendments should be made to other laws related to notaries public. Furthermore, notary public examination should be administered, notaries public should be selected and notary public chamber should be established.

High Judicial Council exercises competencies set forth by law;

- When it comes to independent judicial budget, the High Judicial Council takes over full
- competencies over judicial budget, as of January 1, 2011;

- All judges shall be held accountable on the basis of revised standards of judicial productivity,
- with regular performance evaluation made by the High Judicial Council;
- National Judicial Training Institute has been established and has become fully functional;
- Court network has been rationalized and functions efficiently;

In its section 1.1.7 when referring to the Anti-Corruption Policy, indicates following mid-term priorities:

- Full implementation of international conventions on the fight against corruption
- Participation of the Ministry of Justice in the UN Office on Drugs and Crime (UNODC) Pilot Project on Self-Analysis, with the help of the UN experts; harmonisation of domestic legislation with the UN Convention Against Corruption.
- Efficient operation of the Anti-Corruption Agency
- Further capacity building of the state bodies for fight against corruption

Reference to MIPD

Reference to national / sectoral investment plans

**National Judicial Reform Strategy** was adopted by Serbian National Assembly in May 2006. Its basic objective is to restore public trust in the judicial system of the Republic of Serbia by establishing the rule of law and legal certainty. The Strategy relies on four key principles: judicial independence, transparency, accountability and efficiency. Along with its Action Plan, it expires in 2011.

The National Anti-corruption Strategy: As a co-ordinator of activities of the Serbian Government to combat corruption, the Ministry of Justice prepared the National Anti-Corruption Strategy (2006), drafted by following the recommendations from assistance programmes with and by the Council of Europe. In December 2005, the National Assembly adopted the Decision on Establishing the National Anti-Corruption Strategy. In December 2006, the Government of the Republic of Serbia adopted Strategy Implementation Action Plan.

The objective of the Strategy is to reduce corruption and achieve an anti-corruption culture which is aligned with developed European countries, by accomplishing the following goals:

- Conclusively eliminate the conditions which allow for the occurrence and development of corruption;
- Establish a legal and institutional framework for the prevention and reduction of corruption;
- Consistently introduce criminal and moral liability for illegal acts;

- Set appropriate ethical standards and efficiently introduce international anti-corruption standards;
- Ensure transparency in the funding of political parties, elections and election campaigns;
- Prevent conflict of interest in the public sector;
- Assure the legal and responsible execution of decisions;
- Increase the efficiency of bodies responsible for the implementation of laws;
- Reform of public administration, with the aim to enhance professionalism and transparency;
- Institute open and transparent procedures of planning and using budgetary funds, as well as public monitoring of budgetary expenditures;
- Provide training and support to the private sector in the implementation of anti-corruption measures;
- Define the role of the media in combating corruption;
- Stimulate citizens to participate in the fight against corruption;
- Promote co-operation and raising of public awareness about the authorities and obligations of State bodies, economic entities, civil society and citizens with regard to combating corruption; and
- Encourage participation in the regional and international fight against corruption

The Poverty Reduction Strategy also underscores that a successful battle against corruption calls for a comprehensive approach with consistent, ongoing and dynamic activities to ensure implementation, based on previously defined and understood rules and responsibilities. Component II

*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*

*Home Affairs:*

*Law on Ministries ("Official Gazette of the Republic of Serbia (RS)" No. 19/04, 84/04, 79/05, 48/07;*

*Law on State Administration ("Official Gazette of the RS" No. 79/05);*

*Law on the Police ("Official Gazette of the RS" No. 101/05);*

- *Civil Procedure Code (Official Gazette of Republic of Serbia 125/05)*
- *Criminal Procedure Code (Official Gazette of Republic of Serbia 85/05)*

*Law on Travel Documents ("Official Gazette of the RS" No. 90/07);*

*Law on National Identity Cards ("Official Gazette of the RS" No. 62/06);*

*Law on Asylum ("Official Gazette of the RS" No. 109/07);*

*Law on Maritime and Inland Navigation ("Official Gazette of the FRY" No. 12/98, 74/99, 73/00);*

*Law on Air Traffic ("Official Gazette of the FRY" No. 12/98, 5/99, 73/00 and 70/01);*

*Law on Transport of Hazardous Materials ("Official Gazette of the SFRY" No. 27/90 and 45790 and "Official Gazette of the FRY" No. 28/96 and 68/02);*

*Regulation on Establishing of Border Crossing and State Border Crossing Control ("Official Gazette of the FRY" No. 2/92);*

*Regulation on Control of the Crossing of the Administrative Line towards Kosovo and Metohija ("Official Gazette of the FRY" No.41/02);*

*Law on confirmation of the Police cooperation in the Southeast Europe ("Official Gazette of the FRY" No. 70/07);*

*the Law about Foreigners (Official Gazette of the RS No 98/2008)*

*the Law on Border protection (Official Gazette of the RS No 98/2008)*

*Law about Personal Data Protection (Official Gazette of the RS No 98/2008)*

*EP / SAA*

*Reference to national / sector investment plans*

**Integrated Border Management Strategy** adopted by the Government of the Republic of Serbia in 2006, clearly expresses determination of the state to improve capacities for securing and control of state border through development and upgrade of infrastructure to support the work of border police in order to provide openness of border for movement of people and goods and closeness for illegal activities and crime. The particular objective 6 of the IBM Strategy foresees optimal development of the information technology, as support to integrated border management, which means, inter alia, connecting of border services information systems. The realization of this project will contribute to enforcement of this objective.

In accordance to recommendations presented in the "Road Map towards liberalization of visa regime of the European Union towards the Republic of Serbia" submitted by European Commission to Republic of Serbia, Government of Republic of Serbia adopted **Strategy for Illegal Migrations Suppression** on 26<sup>th</sup> of March 2009. Strategy foresees general and specific goals which Republic of Serbia needs to achieve in order to efficiently manage migrations. Strategy for Illegal Migrations Suppression is based on the national programme

for the EU integration, adopted IBM Strategy of the Republic of Serbia and current reform processes in the country. In the part 2.1.12, of the Strategy the use of modern technology, as proactive measure in suppressing illegal migrations has been recognized.

In that sense, as a special objective of the Strategy for Illegal Migrations Suppression, the item 3.12 foresees proactive measure of improvement of modern technology implementation in the illegal migration suppression. Through realization of these goals functioning of the MoI and other relevant institutions involved in the process of suppression of illegal migrations will be more efficient and proactive

### Reference list to strategic documents

*Stabilisation and Association Agreement* and The Stabilisation and Association Agreement (SAA) between the EU and Serbia was signed on 29. April 2008.

#### Articles No 82 and 83

related to management of regular and irregular migrations and envisage obligations in order to ensure adequate standards in treatment of readmitted persons, asylum seekers, refugees and migrant workers

*National Programme for Integration with the European Union (NPI)* Within the scope of the National Programme for the Integration of the Republic of Serbia into the European Union, within chapter 1.3.1 it is indicated as priority to provide refugees with the right to a real choice between integration and sustainable return and to fully implement the Sarajevo Declaration, facilitating the integration of refugees who decide not to return, to maintain the bilateral cooperation among the countries in the region aiming at the development of good neighbourly relations and achieving the respective rights of refugees.

Under chapters 3.19.5 and 3.24.2 capacity building of institutions for efficient reintegration of returnees is stressed as priority, both on national and local level. Housing schemes and employment are foreseen as needed projects.

In the field of employment priority is to achieve the employment of hardly employable persons and encourage the employment of persons with disabilities, Roma, refugees and displaced persons, returnees under the readmission as well as women.

*National Plan for Approximation to the* N/A

## Acquis

*Link with National N/A  
Economic Development  
Strategy (NEDS)*

### **EU Financial regulation**

- Council Regulation (EC, EURATOM) N- **1995/2006** of 13 December 2006 **amending** Regulation (EC, Euratom) N- **1605/2002** on the Financial Regulation applicable to the general budget of the European Communities
- Council Regulation (EC, Euratom) N- **1605/2002** of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities
- Commission Regulation (EC, Euratom) N- **2342/2002** of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) N- 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities
- Commission Regulation (EC, EURATOM) N- **478/2007** of 23 April 2007 amending Regulation (EC, Euratom) N- 2342/2002 laying down detailed rules for the implementation

### **Irregularities and OLAF**

- Council Regulation (EC, Euratom) N- **2988/95** of 18 December 1995 on the protection of the European Communities financial interests Commission Regulation (EC) N- **1848/2006** of 14 December 2006 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the common agricultural policy and the organisation of an information system in this field and **repealing** Council Regulation (EEC) N- **595/91**
- Commission Regulation (EC) N- **2035/2005** of 12 December 2005 amending Regulation (EC) N- 1681/94 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the structural policies and the organisation of an information system in this field
- Commission Regulation (EC) N- **2168/2005** of 23 December 2005 amending Regulation (EC) N- 1831/94 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the Cohesion Fund and the organisation of an information system in this field
- Council Regulation (Euratom, EC) N- **2185/96** of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities
- Working document - Requirement to notify irregularities: practical arrangements. 19° CoCoLaF 11/04/2002
- Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-fraud Office (OLAF)

- Regulation (EC) N- **1073/1999** of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)
- Council Regulation (EURATOM) N- **1074/1999** of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)
- Commission Decision of 28 April 1999 establishing the European Anti-fraud Office (OLAF) (notified under document number SEC(1999) 802) (1999/352/EC, ECSC, Euratom)

### **Reference list of relevant laws and regulations**

#### *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*

#### *Home Affairs:*

*Law on Ministries ("Official Gazette of the Republic of Serbia (RS)" No. 19/04, 84/04, 79/05, 48/07;*

*Law on State Administration ("Official Gazette of the RS" No. 79/05);*

*Law on the Police ("Official Gazette of the RS" No. 101/05);*

### **Reference to strategic documents**

#### **Stabilization and Association Agreement (article 80)**

##### ***Reinforcement of institutions and rule of law***

In their cooperation on justice, freedom and security, the Parties shall attach particular importance to the consolidation of 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. Cooperation shall notably aim at strengthening the independence of the judiciary and improving its efficiency, improving the functioning of the police and other law enforcement bodies, providing adequate training and fighting corruption and organised crime.

#### **Multi annual Indicative Planning Document**

**Further development of administrative capacity**, coordination between IPA programming and government overall long-term development strategy, including allocation of human and financial resources

Although Serbia has a good administrative capacity in a number of areas, it needs to be further developed across the entire administration. The administration should not underestimate the resources required in terms of people and finance to meet the challenges of EU integration. Further means should be identified to address the continued weak inter ministerial and inter services relations, coordination and communication which undermines implementation of both government and EU policy. While Serbia needs to ensure the

effective implementation of the civil service reform, notably as regards salary/career reform, retention policy, and public administration accountability it has made further progress in setting the legal framework for the civil service.

The Programming of IPA must be sensitive to the Government's limitations in carrying out long term strategic planning. There is a need to consolidate the overall strategy for Serbia's development to ensure clearer and stronger links between policy, long term strategic planning and resource allocation and establish mechanisms for the verification of EU compatibility of Government policies and draft laws.

### Section 2.2.2 **Strategic Choices for IPA assistance over the period 2009-2011**

Despite the positive progress in stabilising Serbian institutions and implementing obligations resulting from the new Constitution, there is still a need to strengthen the democratic institutions and the further implementation of public administration reform, the separation of powers (judiciary, executive, legislative). The functioning of the parliament in particular needs to be improved. The rule of law, human rights and respect for and protection of minorities and vulnerable groups and freedom of expression (including a free and pluralistic media) also have to be strengthened. This includes *inter alia* supporting actions to improve the functioning of the law enforcement agencies (prosecution, police, prisons).

#### 2.3.1.1 *Political Criteria*

**Improving the performance of Serbia's public administration at all levels** (governmental, parliamentary, para-governmental and regulatory bodies/structures), to foster democratic governance and public service to all people in Serbia. Making further sustained efforts to implement the reform of the public administration, including the civil service pay system, to ensure transparent recruitment, observing gender mainstreaming principles at all levels, professionalism and accountability specially of the senior civil service; in particular strengthen the European integration structures (including line ministries and the parliaments), and improve cooperation among them.

#### **Link with national / sectoral plans**

##### ***National Program for the Integration of the Republic of Serbia into the European Union-***

*The public administration tasks* include the participation in shaping Government policy (by preparing laws, other regulations and general acts for the Government and proposing development strategies and other measures); monitoring and assessment of the state of affairs in the areas falling within the competence of specific authorities; execution of laws, other regulations and general acts;(pg.6)

**Link with Document "Needs of the Republic of Serbia for International assistance in the period 2009-2011"**: One of priority and strategic tasks of the Ministry of the Interior, in line with the requests from the European partnership, is the development in the police education field as well as the institutional development of this ministry and implementation of comprehensive reforms. In order to achieve this objective, the Law on Police was adopted in 2005, which is based on the highest standards set in the EU documents and in compliance with the reform commitment which states that the police should become a Citizen Service. In this law, some basic principles and objectives of the already launched police reform have been embedded and elaborated. This law regulates some specific issues pertaining to police officers and other employees of this ministry having in mind that their position, duties, rights and obligations differ from those of other civil servants, as well as other issues in connection



to police work control, financing, cooperation in the performance of police duties, auxiliary police etc.

### **Strategy for the reform of the State Administration**

In the Decision of the EU (80/46, 2008; L 80/59; L 80/60) principles, priorities and conditions for the partnership of the Republic of Serbia are defined. Within the framework of the short term priorities which are defined by this document the reform processes of the state administration and security aspects are encompassed.

The Stockholm Programme represents the EU strategy for the next five years in the area of building and maintenance of freedom, security and justice. This Programme can be a starting point for the design solution of the development strategy of the MOI and assessment of needs and possible models of strategic planning which could be applied, which would in turn speed up the reform process in the MOI and the process of the EU integration as well.

## **ANNEX V: Details per EU-funded contract (where applicable):**

### **Component I**

#### **Subcomponent 1/Contribution Agreement with World Bank will cover following activities:**

- Development of a road map of projects in line with the sector strategy and with requirements of future negotiations of Chapter 23 for accession
- Support actions to increase absorption capacities of the justice sector in line with SWAp
- Improvement of the existing consultation mechanisms with relevant stakeholders in line with principles of SWAp
- Preparation of projects for implementation identified as priorities in the road map.
- Development of projects and/or recommendations related to improvement of the efficiency of judges and prosecutors,
- Support to the development of justice sector performance indicators
- Support to development of an effective mechanism for collection, analyses and publicising of statistical data on judiciary performance
- Training of judges and prosecutors (using the Judicial Academy when appropriate) with the aim of improvement of professional and performance standards
- Development of comprehensive ICT Strategy for justice sector.
- Review and update of the case management system in the courts of general jurisdiction
- Support introduction of the notary services in accordance with the best practices
- Develop mechanisms for efficient reduction of inflow of minor cases to the courts
- Support further implementation of mechanism of alternative dispute resolution

MDTF-JSS is based on dual execution arrangements with execution of activities by the beneficiary as well as by the World Bank which allow for funding of activities which are not eligible under World Bank execution. All the activities planned in this project will be implemented within WB execution framework.

Subcomponent 2 /will be implemented through joint management mechanism by signing one contribution grant agreement with CoE.

CoE, as an implementing agency will be responsible to deliver legislative and administrative reviews and advice, training and coordination activities as set out in logical framework of this project. To achieve defined objective, CoE will use a range of tools for each activity (policy advice, on the job training, etc). Which implementation tools will be used for a specific project activity should be agreed between the Implementing Agency, Beneficiary Institution and the EU Delegation during the design of the direct grant agreement.

### **CoE will be responsible for implementation of following activities:**

- Carry out risk analysis in order to assess all obstacles to carry out criminal proceedings efficiently and provide recommendations for improvement;
- Prepare and provide multidisciplinary trainings and specialized courses to judiciary, prosecutorial services and law enforcement officers on corruption, economic crime cases, accounting and auditing;
- Introduce new techniques (and possibly data base) and strategic capacities of prosecutorial services to investigate corruption and white collar crime;
- Provide specialized training for undercover agents in charge of cooperating with prosecutorial services and law enforcements aimed at collecting evidence by use inter alia of special investigative means;
- Provide legal opinion and recommendations to improve the current internal procedures and tools within the judiciary and prosecutorial services aimed at increasing the work and quality of investigations.
- Carry out risk analysis on the current situation with regard to possibilities of corruption within the judiciary, prosecution and law enforcement;
- Provide recommendations with regard to introducing ethical and disciplinary rules, management and procedural aspects aimed at preventing and combating corruption within judiciary;
- Provide legal opinions and advice to the High Judges Council and State Prosecutors Council with regard to disciplinary measures against ethical violations from judges and prosecutors when construed as corruptive practices/allegations;
- Provide training for Judges, Prosecutors and Law Enforcement on aspects of detecting corruption and controlling conflict of interests within the structures.

### **Component II**

This project will be implemented through one service and one supply contract.

#### Activities to be done through service contract:

- To review and update if necessary basic criteria for identification of the priority border crossings and border areas with the analysis of the technical capacities for establishment of the mobile and stationary video surveillance system on the basis of information's provided by the MoI, and the relevant authorities of the neighbouring countries.
- To prepare overall Plan of activities for introduction of the stationary and mobile surveillance system in the RS.
- To select pilot border crossings and border crossing areas on the basis of defined criteria and Plan of activities.

- To provide assistance/supervise the process of purchasing and instalment of equipment needed for efficient functioning of the mobile and stationary video surveillance system.
- To define training curricula on creating surveillance system, installation, usage and maintenance of the system for the mobile and stationary video surveillance
- To conduct trainings to the MoI employees for installation, usage and maintenance of video surveillance system.
- To prepare and print booklets and manuals for creating, installation, usage and maintenance of the mobile and stationary video surveillance system on the basis of the conducted trainings.
- To assist the beneficiary in evaluation of functioning of the mobile and stationary video surveillance system installed

Activities to be done trough supply contract:

- To procure technical equipment that is necessary for the implementation of the system on determined border crossings and border crossing areas.
- To create technical preconditions for the exchange of information gathered with stationary and mobile surveillance systems with services in other countries.
- Installation and testing of the system implemented in pilot border crossings and border areas and preparation of recommendations for further development.

### **Component III**

Project will be implemented trough one twining contract which will perform the following activities:

- Conduct analysis of the present strategic planning process in the Ministry of Interior in relation with planning, determine compliance/noncompliance ratio and identify possible gaps in the system which contribute to the inadequate formulation of strategic documents and develop recommendations for system improvement and better interconnectivity.
- Design, in line with the EU best practice and using the recommendations provided a strategic planning methodology, and procedures for the development of the Ministry of Interior strategic objectives.
- Develop and deliver a three-level training program in the field of strategic planning for, respectively, decision and policy makers, employees of the Bureau for strategic planning, and other employees engaged in the preparation of strategic documents and plans.
- Organize study visits with the aim to adopt best practice of the EU in the area of strategic planning in the institutions of similar character.
- Update the Ministry of Interior overall strategy, and the relevant sector-specific strategies, using the new mechanisms and procedures.

- Develop an assessment of general management procedures, as well as of current organisational structure of the Ministry, and formulate recommendations on adjustments necessary to accommodate the new requirements of strategic planning and strategic management.
- Prepare, enact and present to the Ministry staff a new Rulebook (regulatory framework) on internal organizational structure of the Ministry of the Interior in accordance with the results of assessment
- Develop terms of reference for a Core Management Group responsible for facilitating the execution by the management structures, of the strategic priorities defined as per Result 1.
- Develop a tool for regular mapping of strategic and operational documents and presenting their functional links and hierarchy, as well as their links to the implementation management structure.
- Develop general strategic performance-oriented management procedures of the Ministry of Interior, with a view to implementation of strategic objectives in line with the EU best practice and using the recommendations provided.
- Develop and deliver a three-level specialized training programs on strategic and performance-oriented management and updated management procedures for, 85Design handbooks on practical implementation of methodology and procedures of strategic planning, management and monitoring of the realization of strategic objectives.
- Conduct an assessment of existing capacities for professional and independent monitoring and evaluation, as well as determine, in consultation with all sectors of the Ministry, the best location of a future monitoring and evaluation unit in the updated organizational structure.
- Develop terms of reference for new professional and independent monitoring and unit in charge of conducting evaluation; staff the evaluation unit
- Develop and deliver a training program for the new monitoring and evaluation unit.
- Define and introduce relevant tools, balanced score card or other in line with the EU best practice using the recommendations provided.
- Develop a modular, multi-level training program on using independent evaluation results for realizing strategic objectives and perfecting management procedures and practices, for, respectively, decision and policy makers, employees involved in strategic planning, senior, middle and line managers.
- Organize a study visit with an aim to adopt best practices used in an EU member state in using evaluation and monitoring as a means to foster the realization of strategic goals and perfect management procedures and practices.

#### **ANNEX VI: Overview of the resources of MDTF pledged by other donors:**

According to World Bank MDTF-JSS data, following are amounts pledged by individual donor:

<b>Donors</b>	<b>Pledges</b>	<b>Hybrid Note USD</b>
UK - DFID	800,000 GBP	1,295,560
Norway - Ministry of Foreign Affairs	250,000 EUR	366,525
Switzerland - Swiss Agency for Dev. Corporation	400,000 EUR	586,440
Denmark - DANIDA	333,000 EUR	488,211
Spain - SAID	490,000 EUR	718,389
Slovenia - Ministry of Finance	100,000 EUR	146,610
Netherlands -Dutch Embassy	300,000 USD	300,000
Sweden - SIDA	11,000,000 SEK	3,663,334
	<b>TOTAL USD</b>	<b>7,565,069</b>

An approximate amount of 6,052,055 Euros would be complemented by 2,000,000 Euros of IPA contribution making a total project budget of 8,052,055 Euros.