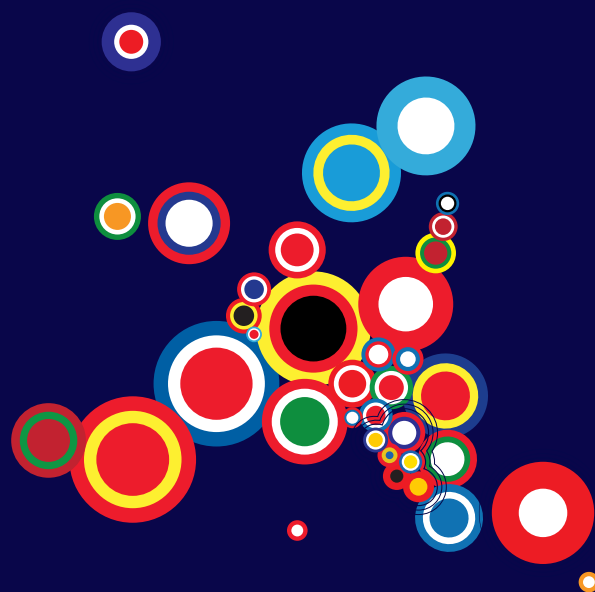




INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

SERBIA

Support to Justice Sector



Action Summary

This Action Document 2015 for Justice Sector is dedicated to efficient use of IPA II assistance in order to support Serbian administration in accession negotiating process with EU, with special emphasis on the implementation of Action Plan for Chapter 23.

In that regard the Action envisages support to the continuation of the effective implementation of the justice policies, and it shall contribute to enhancing institutional capacities of the Ministry of Justice as a leading institution in the sector, and Judicial Academy, Republic Public Prosecutors Office and Administration for Enforcement of Criminal Sanctions as well as to continue with the monitoring of war crimes trials in Serbia.

Action Identification	
Action Programme Title	<i>Annual Action Programme for Serbia 2015</i>
Action Title	<i>Support to Justice Sector</i>
Action ID	<i>IPA 2015/038-441.05 / Serbia/Support to Justice sector</i>
Sector Information	
IPA II Sector	<i>Rule of law and fundamental rights</i>
DAC Sector	15130
Budget	
Total cost	<i>EUR 12.100.000</i>
EU contribution	<i>EUR 12.100.000</i>
Management and Implementation	
Method of implementation	Direct management
<i>Direct management:</i> EU Delegation	EU Delegation to Serbia
Implementation responsibilities	<i>Ministry of Justice Judicial Academy</i>
Location	
Zone benefiting from the action	Republic of Serbia
Specific implementation area(s)	Republic of Serbia
Timeline	
Deadline for conclusion of the Financing Agreement	<i>31 December 2016</i>
Contracting deadline	<i>3 years after the signature of the Financing Agreement</i>
End of operational implementation period	<i>6 years after the signature of the Financing Agreement</i>

1. RATIONALE

PROBLEM AND STAKEHOLDER ANALYSIS

The EC Progress Report for 2014 notes that in the sector of justice Serbia is required to improve not only the enforcement of a number of laws that came into force recently, but also to develop additional comprehensive legislation in specific areas. Serbia recently adopted a five-year National Judicial Reform Strategy (hereinafter: NJRS) and Action plan and undertook in 2014 a comprehensive functional analysis of the judiciary sector, assessing it in terms of cost, efficiency and access to justice. The assessment also looked at the need for constitutional amendments in order ensure independence of the judiciary. The existing Functional Review provides a thorough state of play in the judiciary, providing clear and detailed data and creating a tailored framework for monitoring the progress in the justice sector in light of negotiation with the European Union, expected to commence in 2015. It will be used as a basis for support the relevant subsectors in the justice sector and to enhance the reform activities. The improvement of the adopted legal framework, institutional and professional capacity building of newly formed institutions, as well as the alignment of the process with the European integration is ongoing. A rational organization of the judicial network is a prerequisite for the effective prosecution and adjudication, and shall be ensured through support to the new judicial network, which was set in place in 2014. Effective administration of justice, coupled with automatization of procedures and development of the judicial infrastructure, will enable meeting the needs related to improvement of the efficiency and impartiality of justice system. The aim of the activities is to improve the external and internal performance of Serbia's judiciary. In that respect, recent analysis applied different methodologies used in comparative legal systems, including techniques used for assessing the judiciaries on European level.

The selection of the actions included in this Action document is based on the functional assessments described above, and on the prioritisation of activities that need to be taken as part of the overall judicial reform process. The selection took into account the proper sequencing of activities in the NJRS and the Action plan for the Chapter 23. Proper care was also taken to ensure that there is sequencing of the actions with previously funded actions under IPA and by other donors, in order to foster complementarity and sustainability.

The key actions under this Action Document fall under a set of five sub-sectors in the justice reform sector, but jointly they allow for the adoption of a qualitative step forward in each of the specific areas, and together with the efforts being taken through Governmental and other donor founding they contribute to the creation of conditions necessary for the opening and the negotiation of the *acquis* chapter 23.

Component 1. From the opening of Serbia's accession negotiations (28 June 2013), the domain of the Rule of Law has been recognized as a key accession priority, and the Rule of Law Chapters (23 and 24) of the *acquis* become central to Serbia's accession to the EU. The Ministry of Justice (hereafter the Ministry) is the institution in charge for the negotiation process for Chapter 23 (judiciary and fundamental rights) and is also involved in the negotiation of Chapter 24 (justice, freedom and security), and in other relevant chapters.

The Ministry coordinates all work in the negotiating chapter with more than 30 different institutions. The areas stemming from the negotiating Chapter 23 are extremely complex and demanding and are considered important benchmarks for the readiness of Serbia to join the European Union. The EU support and technical assistance is important for successful reforms and progress in the negotiations.

The Ministry's role in the process of judicial reform is vital, considering its competences in relation to the development of policies and the normative framework, and the establishment of a general framework for the judiciary. Capacity building, aimed at allowing the Ministry to efficiently cope with new tasks and skills which are required in the process of the negotiations concerning Chapters 23 and 24, is of key importance. The Ministry needs to develop specific analytical functions and capacities and to ensure sustainable partnerships with other institutions to support the negotiation process, which for these two chapters, in accordance with the new methodology of the EC, will be the first to start and the last to close. In addition, the Ministry will need to secure resources to ensure the quality work of

committees, the access to required external experts as well as to specialized local expertise. It is imperative to improve the Ministry's operational planning process and introduce a clear methodology for defining of strategic objectives in the negotiation process, based on Government objectives, relevant strategies and action plans.

In terms of the institutional structures, the Government of the Republic of Serbia will establish a Secretariat for the implementation of the Action Plan for the negotiations for Chapter 23, as a special working body of the Government for the expert and administrative- technical support to the Negotiating Group for Chapter 23, within two months from the adoption of the Action Plan. This body will be closely linked to the Ministry of Justice, and will comprise of selected experts from that Ministry and other institutions closely involved with the implementation of the Action plan. The Secretariat shall monitor the implementation of the activities envisaged in the Action Plan on a daily basis, anticipate and instigate early warning mechanism in case of delays and other problems in the implementation of the Action Plan coordinate the reporting process and provide administrative and technical support to the Negotiating Group for the Chapter 23.

Accordingly, this Action will provide technical assistance and capacity building for the Ministry and for the Secretariat to support its role in leading the policy and structural reforms required for the successful conclusion of the negotiations.

Component 2. Taking into account that inefficiency has been the serious issue of the judiciary in Serbia, the National Judicial Reform Strategy envisages a series of measures aimed at improving efficiency, by improving the procedural laws, establishing the e-justice system, as well as the monitoring and correction of the functioning of the judicial network. Since January 2014 the new judicial network has entered into force with increased number of courts and public prosecutors' offices. The process is an important part of the above-mentioned Action Plan for the Chapter 23, and has been strongly supported in the past through IPA and other donor funding. One of the key manners for improving both the efficiency and the transparency of the judicial system is through the improvement of Information and Communication Technology in courts and public prosecutors' offices. Although several important projects have already been implemented in this area, its magnitude and relevance require continuous work, in order to generate a system which is capable of supporting a modern European judiciary. The key problems currently encountered in the IT area are the difficulty to monitor the statistical parameters of judicial efficiency, the difficulty in the efficient, timely and secure exchange of information between courts and public prosecutors' offices, and the lack of access and insight of the parties to the case into the status of the cases and files. Furthermore, the **Public prosecution service (PPO)** is undergoing profound change in the transition to a prosecution-led adversarial system under the new Criminal Procedure Code (CPC). The transfer of more than 38,000 investigation cases from Basic Courts to PPOs reduced the inventory of cases in the courts, but created a new backlog for prosecutors, which they are struggling to process. New obligations have also expanded their scope of works, and they are ill-equipped to deal with these.

Particular attention in the process of alignment with the standards of the judicial systems in the European Union is given to the gathering and registration of statistical data in accordance with the amended or newly defined criteria. Before implementation of the IPA 2008 Project, Prosecutors office did not use any centralized IT system. Only some POs were using local databases for case tracking, with no full case management capabilities, integration with courts, web site publishing or comprehensive reporting engine. As for equipment, only the special Prosecution for organised crime and corruption can be said to be at an intermediate level. It is currently using MEGA Libra case management system, which was introduced in 2004 and has poor possibilities for statistical/track records reporting and no possibilities for analytical work. The IPA 2008 introduced the SAPO case management software, but only in a limited number of pilot prosecutors' offices. The Prosecution needs software which could enable the monitoring of cases, making statistics of the Prosecutor's Office and preservation of documents, as well as for analytical processing of all records contained in the documents of the prosecution case.

For this reason, the Action seeks to further improve ICT systems through considerable investment in infrastructure, software and improvement of human resources, with the aim of establishing a unique ICT system throughout the entire judicial system.

The implementation of the SAPO software is essential for all prosecution offices, as it will enable fulfilling the needs of the public prosecution and the realization of consistent work process. Some of benefits are linked to the centralized electronic archive of cases and documents of the whole prosecutors' offices, consolidated and unified reporting engine, and increased transparency by publishing data on the web site, more efficient exchange of data between all prosecutors' offices, reduced cost by abandoning paper registry books, etc.

At the same time, the Action will support the Administration for enforcement of Penal Sanctions, which was also beneficiary of the IPA 2008 Project, through the development and piloting of the related SAPA software successfully implemented in December 2013 in nine major prison institutes covering more than 75% of persons deprived of liberty. The aim of this action is to continue the work already undertaken, and fully apply the existing system in all prison institutes, in order to have centralized and consolidated data relevant to the Administration needs.

A third sub-system relevant to the judiciary sector is the training of judges, prosecutors and other judicial professionals (notaries, bailiffs, assistants to judges and POs and others) through a modern and efficient judicial training facility. Component 3 refers to the **Judicial Academy**, which is currently on a reform process whereby it is conducting initial and continuous training for judicial officials and candidates for judicial officials; extending the network of lectures and mentors, improving its curricula by evaluation of its trainings, strengthening cooperation with national and foreign institutions and organizations. There is an acute need for training and capacity building across the Serbian judiciary. The Judicial Academy has in the past focused on initial training of judges. The focus in the future will be more on the continuous training and large scale capacity building initiatives for judges, prosecutors, assistants and court staff alike. The National Judicial Reform Strategy has identified the need for improving both the initial and continuous training of judges' and public prosecutors' associates and assistants, and judicial office holders as well as of representatives of legal professions, along with the system of development of a comprehensive annual training programs and assessment of attendees. Also the EC Progress Report reiterated the need for increasing training capacity and expertise.

Improving the quality of justice and modernisation of judicial training in line with European standards requires further strategic and infrastructural strengthening of the Judicial Academy. In order to develop the Academy as an institution that would successfully implement its responsibilities it became relevant for the Government of Serbia to provide it with adequate space. The JA was moved in 2014 from the temporary location it held since its creation in 2010 to a new temporary location, and finally in mid-2015 a permanent solution was found for the Academy. Having in mind number of potential service users (around 4000 holders of judicial functions, 2000 judicial trainees, more than 10000 judicial staff) that the Academy has to train every year, a long term solution was necessary in order to enable the Academy to fulfil tasks defined in the Law on Judicial Academy, as well as in the National Judicial Reform Strategy and draft Action plan for Chapter 23. The current temporary spatial capacities of the Academy cause great difficulties in conducting the training courses, stipulated by the Law on Judicial Academy. That problem actually prevents the Academy to assume the obligation of conducting training courses for new categories of professions (notaries, mediators, bailiffs, etc.), which are provided by the Judicial Reform Strategy. The adequate space of the Academy should give proper capacity to respond to the needs of conducting trainings and a large number of exams which are the responsibility of the Academy. Furthermore, the Academy should be able to assist in the implementation of exams and trainings within the competence of other relevant bodies (High Judicial Council, Sate Prosecutorial Council). The adequate space in terms of size, quantity and equipment is considered as a prerequisite for the continuous and high-quality specialized trainings (forensics, cyber crime, etc.).

The new building for the JA is adequate in terms of location and size, but it requires an important rehabilitation effort. The rehabilitation of the building will ensure that modern techniques are applied to initial and continuous training.

The current action builds on and expands the support to the JA, which is provided through the IPA 2013 project. IPA 13 focuses on enhancing the educational activities and functioning of the new structures within the competences of the Judicial Academy, capacity building for the important work related of the European court of human rights, and expanding the quality of the trainings. The IPA 15 project, which can run in parallel, will focus on the physical works and supplies which would allow the academy to properly function. Having in mind the JA will remain located in the temporary premises until the renovation is finalised, the two projects can take place at the same time, and will jointly lead to the creation of a modern institution for education in judiciary based on EU standards and practices.

A fourth system which will be supported through this Action relates to sanctions and penalties. Under the component 4 support will be provided to the continuation of the work based on the 2013 Strategy for Development of the System for Execution of Criminal Sanctions in the Republic of Serbia, and its Action Plan adopted in 2014. Priority measures from the Action plan relate to further strengthening of the alternative sanctions system in Serbia, post penal care and strengthening of capacities of the health care in prison institutes.

Although the Prison Administration did great efforts to establish the Alternative sanction system, further support to the system is required particularly in the area of strengthening cooperation between AEPS and Commissioners, increasing capacities of the Probation Offices as well as improvement of the cooperation with judges and prosecutors. Improvement and development of the post-penal care should lead to the lower rate of return as well as to decreasing overcrowding in prisons. Probation offices in charge for post-penal care will give a more active role to the local community.

The Prison Administration has succeeded in setting up the preconditions for the organization of the social reintegration and the acceptance of sentenced persons. These are achieved through the development of specific activities of the Commissioner in charge of the execution of alternative sanctions in the framework of a separate organizational unit of the Penal sanctions. So far there are 25 Offices for alternative sanctions covering the territory of the high courts. A basic prerequisite for the successful implementation of social reintegration and post-penal acceptance is the coordinated and coherent action of all relevant institutions that are within their jurisdiction engaged in this area. Areas of support under this action will include the successful coordination of various institutions and stakeholders as well as strengthening the capacities of Commissioner to allow the development of this system in the context of successful social reintegration and acceptance of former convicted persons. There are 25 Probation offices covering the whole territory of the Republic of Serbia requiring further support in order to enhance their capacity for realisation of post-penal care of persons after their release. There is still need to provide Probation offices with certain equipment needed for the proper work and performance as vehicles with purposes to enable the commissioners to work efficiently on the ground in line with the performed Needs Assessment study. It is also necessary to invest significant efforts in establishing appropriate mechanisms and/or procedures for cooperation and consultation with institutions that should allow the implementation of assistance programs for the persons completed their sentence in prisons, such as health institutions, enterprises at the central or local level, social welfare centres, educational institutions, etc. Finally, the health care system in prisons will be supported by the project, aiming to improve existing conditions in this area with a focus on the assessment of the current situation and introduction of best practices in EU member states. Furthermore, the area of continuous training of staff with emphasis on the implementation of harm reduction programs for addictions and prevention of blood transmitted diseases and tuberculosis will be implemented. Support will also be used in the field of training of employees working with minors on the execution of the security measure of compulsory custody and medical treatment.

Lastly, the Action 5) focuses on Serbia's obligation to effectively investigate, prosecute and try those responsible for serious violations of international humanitarian law (war crimes in a strict sense), crimes against humanity and genocide. All these crimes are commonly referred to as 'war crimes'. In order for Serbia to honour this obligation, judicial and prosecutorial resources need to be adequate in the area of the conduct of the war crimes trials.

Currently there is an on-going project supporting the capacities in Serbia to enable a close scrutiny of national war crimes trials as one of the mechanisms for fulfilling a country's international obligation to uphold criminal accountability for war crimes. The initial phase of this project will help improve the trial monitoring capacity of Serbian civil society organizations so that they are able in the future to continue with trial monitoring functions. The continuation of this process is important to ensure that capacities created in the first phase are not lost. Previous war crimes monitoring and support to the creation of capacity building and training methodology have been performed by the OSCE in Serbia and the region, as the only international organisation specialised in this specific and complex field. The OSCE has a large number of different trial monitoring programs, accumulated experience, established principles, developed methodology and best practices as well as existing structures, making it uniquely positioned to carry out this second phase of trial monitoring and training activities for all involved and relevant institutional actors.

RELEVANCE WITH THE IPA II STRATEGY PAPER AND OTHER KEY REFERENCES

The Indicative Strategy Paper 2014-2020, in Part IV determines the specific results that need to be met:

- Judicial independence, impartiality and efficiency improved in line with the judicial reform strategy and the actions plans under Chapter 23, including improved technical and administrative capacities of the judicial network and substantial reduction of backlog of cases;
- An integrated approach to prevention and fight against corruption implemented in line with the national anti-corruption strategy and the action plans under Chapter 23, including an effective system for protection of whistle-blowers and improved track records on inter-agency cooperation, investigation, processing, prosecution and conviction in corruption cases;

To meet the ISP sector results, support will be focused on the negotiation process within the Chapter 23 and completion of the judicial reform as a continuation of the IPA 2012 and IPA 2013 assistance. Focus will also be placed on mainstreaming of non-discrimination, gender equality and diversity through the coordination and cooperation of cross-sector institutions and line ministries in order to guarantee systematic approaches and intervention.

The Enlargement Strategy 2014-2015 clearly states that the opening of accession negotiations is a turning point in the EU's relations with Serbia. Serbia needs to deliver on its reform priorities in a sustained manner, and the pace of negotiations will depend on progress in key areas, notably on rule of law. Strengthening the rule of law is a key challenge for most of the countries in the enlargement process in particular in terms of improving the functioning and independence of the judiciary and fighting corruption and organized crime. Covering negotiation chapters 23 "Judiciary, anti-corruption and Fundamental Rights" and 24 "Justice, Freedom and Security", the new approach provides a more structured framework for negotiations that takes into account the time needed for reforms to be properly implemented:

- Ch. 23/24 to be opened early in the process and closed at the end to allow maximum time for solid track record to develop with the aim of irreversibility of reforms,
- EU to provide substantial guidance as basis for comprehensive reform action plans, which are required as opening benchmarks and serve as a catalyst for reforms, etc.

The EC Progress Report 2014 concluded that limited progress was made in the area of the judiciary and fundamental rights. It was stipulated that current system of collecting statistics is not efficient and does not allow meaningful analysis of the performance of Serbian judiciary. In addition Judicial Academy's training capacities and expertise should to be significantly increased. Concerning prison system the number of alternative sanctions, such as home imprisonment monitored by the electronic tagging and community service orders, remains to be further increased. The probation service network needs to be expended. Serious overcrowding in a maximum security wards, difficult access to treatment programs and quality healthcare remain matter of concern.

Link with National Priorities for International Assistance (NAD) 2014-2017 with 2020 projections: Priority 1- Improving judicial system, legal certainty and fight against corruption, Measure 1.1: Further supporting the reform of the judicial system in line with the EU accession requirements - It is envisaged that the human and technical capacities related to Ministry and institutions responsible for justice and its activities related to drafting legislation aligned with the EU *acquis* and participation of accession negotiations within chapters 23 and 24 of the EU *acquis*, as well as implementation of the strategic framework (planning, budgeting, statistical system, analyses, etc.), will be strengthened. The measure will provide support to strengthening the capacities of the Ministry as a leading institution in this sector in terms of EU negotiations, regional and international cooperation. **Link with National Priorities for International Assistance (NAD) 2014-2017 with 2020 projections: Measure 1.2:** Increasing the efficiency and quality of the judicial system in accordance with international and European standards: "Support will be provided to further building and upgrading of uniform ICT system already in the justice sector that will enable automation of work processes, statistics, and analytics".

Actions/results under this Action are linked with the recommendations/activities from the draft **Action Plan for Ch. 23** in following:

- Recommendation 1.3.1: Develop the Judicial Academy as a centre for continuously and initial training of judges and prosecutors in line with the rulings of the Constitutional Court on the provisions of the laws on the public prosecution and the Judicial Academy, including through: introducing a yearly curriculum covering all areas of law, including EU law; allocating sufficient resources and introduce a quality control system for initial and specialized training; The draft Action Plan for CH 23 foreseen numerous actions that are aimed to be delivered within the framework of the activities performed by the Judicial Academy, but more specifically under activity 1.3.1.2 foresees that the "implementation of measures for improvement of program, organization of work, financial and spacious needs of Judicial Academy", therefore the need to rehabilitate the premises of the Judicial Academy is directly linked to the strategic action plan of the Serbian Government to address the recommendation of the Screening Report.
- Recommendation 1.3.8: Gradually develop an e-Justice system as a means to improve the efficiency, transparency and consistency of the judicial process, building on the existing automated case management system. Ensure the visibility of reliable and consistent judicial statistics and introduce a system to monitor the length of trials.
- Recommendation 3.3.1 Further improve prison conditions and take measures to reduce the prison population, in particular alternative sanctions could be further explored. Take measures to effectively reduce ill treatment in police custody.

SECTOR APPROACH ASSESSMENT

In terms of **strategic documents**, there are several national strategies which are of importance of this sector. The main strategy is the National Judicial Reform Strategy (NJRS) for the period 2013-2018, which was enacted by the National Assembly of the Republic of Serbia enacted the on July 1st 2013. The Government adopted an Action plan for its implementation in July 2013, with concrete measures and activities for the implementation of the strategic objectives, deadlines and competent authorities for its implementation and financial sources. The mechanism to monitor the implementation of reform measures is the Commission for Implementation of the National Judicial Reform Strategy, composed of 15 members, who are representatives of all relevant stakeholders in the reform process. NJRS stipulates the measure: 4.2.1.2 Introducing centralized system of data gathering and processing in all Public Prosecutors' Offices. Furthermore, it is provided that it is urgently needed to upgrade the capacities of the Judicial Academy, both in terms of infrastructure and human resources.

In 2013, the **Strategy for Development of the System for Execution of Criminal Sanctions in the Republic of Serbia** for the period 2013 to 2020 was adopted. The Action Plan for the implementation of the Strategy was prepared and adopted in August 2014. The Strategy is highly essential and is basis for: development of the system of enforcement of criminal sanctions in order to bring together

activities of the Prison Administration, international organisations and NGOs; defining guidelines for the Prison Administration in order to meet the requirements and standards of the EU within the accession process; aligning development of the prison system with the reforms in other public authorities.

The Prison Administration is in the process of drafting a strategic framework for the development of the system for the post penal care for the period of 2015-2020. It is expected to be adopted by the end of 2015. The need for social reintegration of prisoners is highlighted in a number of international documents prepared by the United Nations and the Council of Europe.

Institutional Leadership and Capacity The **sector lead institution (SLI)** for the justice sector is the **Ministry of Justice**, which is leading the relevant sector institutions in the process of planning, elaborating, implementing, monitoring /reporting, coordinating of sector policies. Furthermore, in relation to negotiation process the Ministry has leading role in chapter 23, but also significantly covers chapter 24, as well as chapters 3, 4, 7, 10, 19, 27, 28, 31 and 32. In relation to international assistance (including EU funds), the Ministry takes overall management responsibility for the planning, programming, implementation and monitoring of assistance funded sector priorities and measures and for coordinating the inputs of sector institutions in this regard. Currently, programming and implementation of EU funded projects in the justice sector is the responsibility of the Department for European Integration and International Projects in charge of justice. The Department is organized into two organisational units: (i) Group for preparation of projects and (ii) Section for implementation of projects; taken together these two units constitute the IPA Unit which has a total of 7 available staff. The Department for judiciary and mutual legal assistance, as well as the Department in charge of judicial and H&MR legislation, Department for financial affairs and analytics shall be also involved in the process of negotiation within their competences. The Work Load Analysis (WLA)¹ indicates that the IPA Unit staff of the Ministry (SLI) will be working under extremely high utilization ratio in period 2014-16, implicitly indicating that capacities of IPA Unit could create potential bottlenecks in terms of the absorption of IPA II sector funds.

The **Public Prosecution Service** broadly follows the structure of the court system. The Public Prosecutor's Office of the Republic of Serbia is an autonomous state authority which is responsible for the prosecution of perpetrators of criminal offences and other punishable acts and which undertakes measures for the protection of constitutionality and legality. The Public Prosecutor's Office of the Republic of Serbia is comprised of: Republic Public Prosecutor's Office, 4 Appellate Public Prosecutor's Offices (in Belgrade, Novi Sad, Niš and Kragujevac), 25 High public prosecutor's offices, 58 Basic Public Prosecutor's Offices and 2 Prosecutor's Offices with special jurisdiction - the Prosecutor's Office for Organised Crime and the Prosecutor's Office for War Crimes, which have been established for the territory of the Republic of Serbia and act in cases as the first instance and upon appeals. Furthermore, within the High Public Prosecutor's Office in Belgrade there is Cyber-Crime Prosecutor's Office, which also has nation-wide jurisdiction. Basic public prosecutor's offices prosecute perpetrators of criminal offences which are punishable under law by a term in prison of up to 10 years, higher public prosecutor's offices prosecute perpetrators of criminal offences which are punishable under law by a term in prison above 10 years and of other criminal offences stipulated by the law, appellate public prosecutor's offices file and act upon the appeals, and the Republic Public Prosecutor's Office pursues extraordinary legal remedies, the measures for protection of constitutionality and supervises the work of all public prosecutor's offices.

The **Judicial Academy** is an independent institution with a mandate for initial and continuous training of the judiciary. The management bodies of the Academy are the Steering Committee, the Director and the Programme Council. The Steering Committee consists of nine members (four representatives appointed by the High Judicial Council, two by the State Prosecutorial Council, and three members appointed by the Government of the Republic of Serbia). The Programme Council is defined as the

² Act on establishing the SWG from 5.11.2012. No: 119-01-68/2012-03

professional body of the Academy which is responsible for development of curricula both for the initial and continuous training (including training of trainers) and the entrance examination. The Programme Council, whose members are appointed by the Steering Committee, consists of representatives of all judicial professions (judges, prosecutors, legal experts, as well as court and prosecutorial staff), whereby two-thirds are judges and prosecutors. The Academy has its own premises in all appellate seats: Belgrade, Nis, Kragujevac and Novi Sad, with 27 employees in the following departments: regional offices in Nis and Novi Sad, civil law, criminal law, commercial law, juvenile justice, administrative law, international cooperation, evaluation and initial education.

Administration for the Enforcement of Criminal Sanctions is competent for the 29 institutions and the Prison Staff Training Centre. There are 2 maximum security institutions with special protection (CP Požarevac and CP Beograd), 2 maximum security institutions (CP Niš and CP Sremska Mitrovica), 17 medium security prisons (district prisons), 4 minimum security institutions, Special Prison Hospital, 1 medium security institution for women, 2 juvenile institutions (JCF Valjevo and JDC Kruševac), 1 Centre for training and vocational education. A network of 25 Probation Offices for the execution of alternative sanctions for the territory of all high courts was completed in December 2014.

In terms of **War crimes trials**, the structure is composed of prosecution, judicial and police units. War Crimes Prosecutor's Office is composed of a Prosecutor, 6 Deputy Prosecutors, 2 Advisers, 3 Assistants. The War Crime Department of the Higher Court is composed of: 6 Judges, 1 Judge for the pre-trial sessions. The Ministry of the Interior has a War Crimes Investigation Service, composed of a Head of the Service, Deputy Head, 2 Chiefs of the Departments, 4 Sections Chiefs, 43 member of the Service. Finally, the Ministry of the Interior has a specialised Witness protection unit with a Victims and Witnesses assistance and support Section with 3 employees.

Sector Coordination

Introducing new sector approach in terms of management of international assistance and taking into account the complexity of the justice sector showed that there is a strong need to further strengthen inter-institutional cooperation and coordination processes. In order to improve and coordinate activities related to the management of EU funds and other international assistance and to increase the efficiency and effectiveness of international assistance, additional mechanisms have been introduced, mainly the **Sector Working Group (SWG)** for Justice².

The SWG for Justice is responsible for the coordination of activities related to management of EU funds and other international assistance. The functioning, management, organisation and composition of SWG is defined by the *Rules of Procedure for Sector Working Groups for the Programming and Monitoring of the EU funds and international assistance*. In addition to the national sector institutions, members of SWG contain representatives of the Ministry in charge of Finance, specifically from the National Fund and the CFCU (full list of SWG members is provided in section 3.8). Civil society has a key role in this Sector working group. Aiming at more inclusive and transparent dialogue, consultation and communication with all relevant stakeholders in the respective sectors, SEIO established a consultation mechanism with the Civil Society Organisation (CSOs)³. This mechanism is based on the consultative process with **Sectorial Civil Society Organisations (SECOs)** and serves as a platform that enables exchange of information and contribution of CSOs in relation to planning development assistance, particularly programming and monitoring of the Instrument for Pre-Accession Assistance (IPA). SECO is composed of the CSOs that have significant experience with public advocacy, analyses and research in the sector, as well as experience in direct work with service providers and beneficiaries. They are influencing public policy due to their successful networking and partner work with other local and international civil society organisations well as constructive cooperation with state institutions and the constant monitoring of their work.

³ Introduced in 2011

Both the SWG and SECO mechanisms serve as a platform for information exchange and in consultation processes for analysing sector priority goals, measures and operations for financing from EU funds and international assistance. Civil society participated in the drafting of the Sector Planning Document, by working within this mechanism, outlining the types of interventions and actions to be taken in the next three year period. CSOs provided written inputs and participated in the meetings related to the drafting of the SPD document, suggesting gaps in the analysis, important issues and open questions, and providing feedback to the proposed plan of action. Lastly, the final versions were shared with all members of the SECO and SWG for their final inputs.

Representatives of the donor community participate in the SWG meetings based on the needs and requirements of each SWG meeting and take part in consultation processes for analysing sector priority goals, measures and operations supported by EU funds and other international assistance. Furthermore, CSOs participating in SWG meetings took part in consultation process for analysing sector priorities goals, measures and operations supported by EU funds and other international assistance.

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

The projects financed through IPA funds concerning justice sector were oriented towards the introduction of case management system in the courts, prosecution and prison administration, management of criminal asset confiscation, reform of the penitentiary system and strengthening of alternative sanctions, the fight against corruption, support strengthening of the Judicial Academy capacities, efficiency of judiciary, support development of the system for enforcement of civil claims and fight against corruption.

The SWG meetings are used as platform for consultation, analysing sector priority goals, measures and operations with representatives of the donor community, in order to ensure complementarity of international assistance of the justice sector.

As there have been a significant number of interventions through development assistance in the respective sector, there are several important key messages and lessons learnt for the more successful implementation of future sector measures. They are summarized as follows:

- it is of utmost importance to program only the interventions mature enough for the implementation, maturity being reflected in the preparedness of strategic framework linked to accession priorities, in existence of administrative structures to implement strategic priorities and in commitment of policy decision-makers to pursue the agreed reforms.
- given the complexity of the sector scope and the underlying institutional setup – the number and the variety of stakeholders which are the carriers of sub-sector policies - the success of any intervention is directly proportionate to the extent of readiness of institutions to cooperate, share and exchange information; Availability of up-to-date sector assessments and targeted analyses is essential as well as the awareness of sector stakeholders of the data and statistics contained therein.

Relevant projects

Related to the capacities of the JA, the **IPA 2007 – Support to the National Judicial Academy**, implemented in the period 2009 - 2011, total value EUR 2.500.000. The objective of the project was to strengthen the rule of law and promote sound functioning of the judiciary in the Republic of Serbia through support to the Judicial Academy (Judicial Training Centre) in improving the quality of its programmatic activities and fulfilling its important role with respect to raising the professional qualifications of judges, prosecutors, and other legal and judicial personnel. The Project was designed to provide a combination of technical assistance to strengthen the Judicial Academy as an institution and programmatic support for key activities. Three main areas addressed within the scope of the project activities were: Management and Resource Development, Initial Professional Formation for Candidate Judges and Prosecutors and Supervision and Information Management. This helped the Judicial Academy to more effectively and efficiently fulfil its important and expanding role in raising the professional qualifications of legal professionals and court employees.

The project was implemented successfully and capacities of the Judicial Academy have improved significantly. However, the Final Project Report clearly outlined the necessity for further strengthening of this institution as regards its capacities, organisation and adequate space.

The IPA 2013 project - Enhancing Educational Activities and Improvement of Organisational Capacities of the Judicial Academy, will be implemented in the period 2016-2018 with a total value EUR 2.100.000. The purpose of the Project is to enhance educational activities and functioning of the Judicial Academy and to strengthen the consistent judicial system of the Republic of Serbia. It is expected that project will start its implementation at the beginning of 2016, and activities will be focused towards the enhancement of the educational activities of the JA in order to improve efficiency and effectiveness of trainings as well as ensuring easier access to the case law of the European Court for Human Rights for the relevant target groups, aimed at the improvement and unification of the case law among Serbian courts as well as its harmonisation with the EU standards.

The third relevant project for the JA is the **SIDA, PROFID, Project Fund for Institutional Development**- Project support for strengthening institutional capacity to implement judicial system reform in the context of applying the public administration reform rationalization principle, implemented in the period 2013-2014, total value EUR 33.480. The result of the project was the Study of development needs of Judicial Academy. The Study provides a clear and comprehensive picture of the necessary technical and organisational capacities of the Judicial Academy in the forthcoming period, in line with the expected scope of existing and new functions of the Judicial Academy. The study notes that the renovation of the JA building needs to be conducted in order to construct a number of suitable meeting, training, workshop rooms and conference halls that would correspond both to the Academy daily work and to its educational duties.

In relation to the improvement of ICT in the judiciary, the key intervention so far has been the **IPA 2008 - Improvement of Transparency and Efficiency in Public Prosecution and Penal System of the Republic of Serbia**, implemented in the period 2010 - 2013, total value EUR 4.500.000.

The key benefit of the project was the acceleration of the everyday business processes for the Prosecutor Offices (PO) and the Prison Administration (PA), accompanied by a significant reduction in the paper documents used to complete these processes. SAPO case and document management system is implementing all case management processes within all level of Prosecutor Offices in Serbia, basic, higher, appellate and republic, covering all stages within case lifecycle – from the moment the case is generated by incoming act, till the moment of case archival. SAPO was implemented as a pilot project, in a limited number of prosecutor's offices, with the intention to be rolled out to all of them. Currently, SAPO is covering about 40% of all POs cases and users.

SAPA (Software Application for Prison Administration) software was successfully implemented by December 2013 in nine major prison institutes covering more than 75% of persons deprived of liberty. As a general conclusion, the implementation of the pilot project was successful according to the statistics showing that about 500 Prosecutors' Offices employees were trained and more than 1/3 of the total Serbian prosecution cases are being managed via the resulted software application for the Prosecutors. In parallel, approximately 3/4 of the total Serbian Persons Deprived of Liberty (PDL) is being managed by the resulted software application for the Prison Administration. In terms of Sustainability, it was recommended that new projects are procured in order for applications to be deployed to the remaining PO and PA sites in the Republic of Serbia, ensuring a consistent and common solution.

Furthermore, the day-to-day work of the judicial sector will be more efficient when a full-scale interfacing between all the existing / operating Software applications is implemented. Maintenance contracts should also be signed and put into effect in order to enhance the ability of the Beneficiaries to support and maintain the resulted applications.

In relation to the alternative sanctions, the most relevant intervention has been the **IPA 2010 – Strengthening Alternative Sanctions System in Serbia**, implemented in the period 2011 - 2013, total value EUR 5.500.000. The overall objective was to promote community safety, justice and the rule of law with the purpose to strengthen the Alternative Sanction System in Serbia by building on the foundations that had already been laid.

The Project has provided significant support to the Prison Administration and the following was achieved: -The legal and institutional framework of the Alternative Sanctions Department is improved and now, they can provide an expanded Service including the electronic monitoring of offenders; -The Alternative Sanctions Department uses improved methods and has an increased capacity, including its ability to manage effectively the electronic monitoring of offenders; -Community Sanctions and Measures have greater support and understanding from key interest groups and stakeholders, particularly the judiciary, DEPS, other Government Departments, NGOs and general public.

The Final Report of the Project produced a set of recommendation aiming to assist in further strengthening of the alternative sanction system in Serbia with a clear indication of their priority. Further development of the system requires enhanced capacities and performance of the Commissioners in order to support their role, identified by the Strategy, in devising programmes for the social integration of prisoners after release from prisoners and facilitating this with organisations in the community.

In relation to the action concerning the capacities for the negotiation of Chapter 23, it builds on the work performed as part of the **MDTF JSS World Bank managed, Multi-Donor Trust Fund (MDTF) for Justice Sector Support** which has been established as a mechanism for coordinated allocation of foreign assistance. The contributing partners are Denmark, Delegation of the EU, Netherlands, Norway, Slovenia, Spain, Sweden, Switzerland and the United Kingdom. Among other components it provides the strengthening of the institutional capacities of the justice sector.

As a part of MDTF –JSS activities, a team of consultants (Reform Accession Facilitation Unit – RAFU) provides support to accession and reform implementation processes and contributes to the MoJ in the overall reform process of the judiciary i.e. development of the National Judicial Reform Strategy and its accompanying Action Plan. As a part of support to the MoJ, RAFU provides comparative analyses, supports drafting of normative acts and regulatory framework on a regular basis. Moreover, RAFU is engaged in an ongoing capacity building of MoJ and other relevant staff in the judiciary through on-the-job training, knowledge and skills transfer, aimed at gradual transition of responsibilities to civil service staff. There is in-principle agreement among stakeholders to extend the project to enable it to support the implementation of the Chapter 23 Accession Action Plan and the recommendations from the Judicial Functional Review. Based on current consultations, a draft program document outlining the proposed scope, focus and activities of the extension has been prepared. The support is linked to areas of reform strictu sensu, and will not overlap with the support to be provided through this AD, which concerns itself with the negotiations skills, capacities and needs related to the EU accession process.

In terms of the ad hoc support to the needs related to reform in the areas under Chapter 23, complementarity will be ensured with the **GIZ** Germany, which is supporting Serbia comprehensively for many years through Legal and Judicial Reform Program LJRP. The rule of law, a functional, efficient and accountable judiciary, a modern legislative process, a sound and reliable legislative and institutional framework in a line with the EU acquis are some of the main objectives. The Project provides support to certain areas to the Ministry: judiciary, notaries, introduction of private enforcement system, EU accession (policy development, Chapter 23/24, measures of Anti-Corruption). Serbia's EU integration process has been all the time a main orientation and a wide context of all GIZ LJRP components. The harmonization and transposition of the EU acquis into the Serbian legal system has always been of a special importance. Since the EU membership negotiations have been prepared and are now opened, GIZ LJRP has intensified its support to strengthening institutional, organizational and administrative capacities of the MoJ and other state institutions taking part in Negotiation Group for Ch. 23 (NG23), with the strong involvement of regional expertise and fresh negotiation experience. As agreed with a Ministry GIZ LJRP provided during the 2014 adequate expert consultancy, comprehensive analysis of strategic EU documents, exchange of regional know-how about negotiations, increasing individual capacities of participants in Chapter 23 through trainings on EU related topics, workshops for increasing their skills for drafting negotiating documents, public discussions, conferences, seminars, publications and by other means. That will also

include participation of all main stakeholders in negotiations with the EU, such as academic public, state institutions, media, etc.

IPA funded action "Policy and Legal Advice Centre (PLAC)" task is to support Serbia's preparation for EU accession by improving policy and legislation processes. PLAC aims at improving the current system of legal harmonisation and approximation with EU legislation, supporting the development of national legislation aligned with the EU acquis, and ensuring proper implementation of the legislation, including the necessary by-laws and enforcement mechanisms.

PLAC Project has provided support to the Ministry for the following activities, significant for the justice sector: assistance to the implementation of the Action Plans for fight against corruption and judicial reform throughout preparation of analytical overview of Serbian anti-corruption legal framework and conformity of the Serbian national legal framework with the EU and international anti-corruption standards, trainings for strengthening the negotiation capacities in the area of budgeting of future action plans, training within the scope of Chapter 24. As envisaged the PLAC is expected to complete its project activities by the end of April 2015.

Finally, the action follows up to the **IPA funded action "Support to Monitoring of War Crime Trials Project"**, implemented by OSCE and financed through IPA 2010, in the period 2013 - 2016, total value EUR 500.000.

The Project provides support for the creation of more sustainable domestic monitoring mechanism - by broadening the network of local CSOs and increasing their monitoring abilities - which will then take over the monitoring, while, in the meantime, developing a suitable model of transparent and accountable information sharing about war crimes trials. Specific objectives of the project was to ensure that war crimes trials are conducted in line with international standards (OSCE monitoring for 3 years approx. 8 to 12 trials per year and providing two weekly and monthly reports); to develop a sustainable national trial monitoring mechanism; and to provide for the most suitable model of sharing information and findings on domestic war crimes trials.

2. INTERVENTION LOGIC

LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	
To improve judicial system in line with the EU accession requirements	World Bank Rule of Law indicator Progress in the Chapter 23 negotiations process	World Bank institute EC reports	
SPECIFIC OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	ASSUMPTIONS
<p>1. Strengthening the capacities of the Ministry in charge of justice in line with the requirements of the EU accession negotiation process.</p> <p>2. Improvement of case management system in prosecution and prisons.</p> <p>3. Modernising judicial training in conformity with the completion of the judicial reform process</p> <p>4. Further improvement within the system for enforcement of penal sanction.</p> <p>5. Increased capacities for monitoring in the area of war crimes</p>	<p>1. Ratio between implemented and the planned NPI/NPAA activities/measures for Chapter 23</p> <p>2. Average case processing time</p> <p>3. Percentage of trained judges and prosecutors according to Law and Programme of JA for continuous training</p> <p>4. Level of fulfilment of Strategy for development of the system for enforcement of criminal sanctions for the period 2013 to 2020</p> <p>5. % of war crimes trials under CSO monitoring</p>	<p>1. Reports of the Serbian European Integration Office</p> <p>2. Annual Report of the SCC</p> <p>3. Reports of Judicial Academy</p> <p>4. AECS Monitoring Reports on implementation of the strategy</p> <p>5. OSCE reports</p>	<p>Political willingness to continue the support to the judiciary reform;</p> <p>National Judicial Reform Strategy implementation continues for Action Plan for the period 2013 – 2018.</p>
RESULTS	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	ASSUMPTIONS
<p>Result 1 Strengthening capacities of the Ministry of Justice to fulfil its role in the judicial reform process and coordination of implementation of the measures of the Action Plan for Chapter 23 Judiciary and Fundamental Rights in the context of Chapter 23 accession negotiations</p> <p>Result 2.1. Improved efficient work of prosecutor's offices through increasing capacities of RPPO and roll out of SAPO in remaining prosecutor's offices.</p> <p>Result 2.2. Improved efficiency of the Prison Administration through roll out of SAPA in remaining prison institutions.</p> <p>Result 3. Improved working conditions and efficiency of the Judicial Academy through the rehabilitation of JA premises and provision of necessary equipment</p>	<p>1. Degree of implementation of Ch.23 AP</p> <p>2.1. Number of PO offices using SAPO system</p> <p>2.2. Number of PAs using SAPA system</p> <p>3. Renovation works on the building finalised in accordance with project specifications;</p> <p>3. Supply items delivered and provisional acceptance signed</p> <p>4. % of enforced alternative sanctions compared to the</p>	<p>1. Report on implementation of Ch.23J</p> <p>2.1. SAPO system reports from respective PO offices</p> <p>2.2. SAPA system reports from respective Prison institutes</p> <p>3. Report of the supervisory institution</p>	<p>Sound cooperation and coordination between all relevant institutions;</p> <p>Adequate national budget allocated to support continuity in the judiciary reform</p> <p>Project documentation and (building, environmental and any relevant) permits obtained</p> <p>Department for treatment and</p>

<p>Result 4 Improved capacities of the prison administration in the area of alternative sanctions and post penal care.</p> <p>Result 5 Improved trial monitoring capacities and improved knowledge in the judiciary sector for war crime trials.</p>	<p>total number of imprisoned</p> <p>4. Degree of implementation of strategic framework in the area of post penal care</p> <p>5.. Number of CSO monitoring reports for war crimes trials</p> <p>5. % of training conducted compared to training/assessment plan</p>	<p>3. Provisional acceptance signed by the beneficiary and the contracting authority</p> <p>4. Annual report of Prison Administration</p> <p>4. AECS report on implementation of strategy</p> <p>5. JA reports and OSCE reports</p>	<p>alternative sanctions and probation unit fully functional and adequately staffed.</p> <p>Active interest of the participants on the training sessions;</p> <p>Active participation of CSOs and media.</p>
<p>ACTIVITIES</p>	<p>MEANS</p>	<p>OVERALL COST</p>	<p>ASSUMPTIONS</p>
<p>Activities to achieve Result 1.1:</p> <ul style="list-style-type: none"> -Providing assistance in implementation of the following: measures in jurisdiction of MOJ as set in AP23; envisaged update of AP23 in 2017; envisaged update of national strategies/action plans to align with AP23; - process of monitoring in the area of provision of support to the Secretariat as the monitoring structure of AP23; data collection; ongoing information exchange with a set of stakeholders envisaged in AP 23 in their respective areas; fine tuning – ongoing update of the activities, follow up on results; - coordination challenges -instigate effective performance of diverse stakeholders in their respective areas to avoid potential implementation gaps and/or non-implementation issues; training dedicated Chapter 23 focal points in implementing institutions; coordinate multi-stakeholder activities; -capacity building within MOJ by enhancing coordination skills (data collection, analyses, reporting); strengthening know-how, with special focus on EU acquis, best practices in EU MS, evaluation skills, strategic planning, ICT; boosting skills to undertake new competences in MOJ associated with EU integration process with special focus on extended jurisdiction, additional scope and structure. <p>Activities to achieve Result 2.1.</p> <ul style="list-style-type: none"> -Supply adequate equipment for prosecutors' offices. -Provide remaining prosecutors office with SAPO software. 	<p>Service, supply, works contracts</p> <p>Direct award grant to the OSCE</p>	<p>Total Action EUR 12.100.000</p>	

Activities to achieve Result 2.2.

- Supply adequate equipment for prison institutes.
- Provide remaining prison institutes with SAPA software.

Activities to achieve Result 3.1

- Renovate and adapt the building of the Judicial Academy.
- Provide equipment for the Judicial Academy facility in order to improve training capacities.

Activities to achieve Result 4.1.

- Support implementation of the recommendation from the Final Report of the Alternative Sanctions Project with the focus on strengthening capacities of the Probation Offices.
- Support strengthening the capacities for post penal care by establishment of proper mechanism and procedures for inter-institutional cooperation.
- Support activities related to post-penal acceptance of the probation offices at the local level by establishment of local networking. Support development of the partnership with humanitarian organisation , churches and NGO in order to support common actions on a key social issues in this area
- Prepare analysis of the current state of play in the area of healthcare system within the prison system as well as comparative study on best practices of the EU member states, with recommendations for improvement of the system. Based on the recommendations to support implementation of possible approach.
- Organise and deliver relevant training and educational activities for the employees/staff.
- Provide Prison Administration with adequate equipment for Probation offices

Activities to achieve Result 5.1.

- Provide assistance in establishing a system of training and education in the field of international criminal law as well as in organisation and delivery of trainings by the Judicial Academy,
- Ensure proper monitoring and analysis of War Crime trials

Preconditions:

Result 2.1. and 2.2

- The supply of equipment for Prosecution and Prison Administration is pre-conditioned by the confirmation that storage and installation space and appropriate maintenance capacities for the equipment and services is available,

Result 3.1.

- The inclusion of the works and supplies for the judiciary academy in the programme are conditional to the availability of the relevant Project documentation and permits for the implementation of the works prior to the adoption of the Commission Decision for the IPA 2015 National programme for Serbia.

ADDITIONAL DESCRIPTION

Activities to achieve Results 1

Within the MoJ, in accordance with its identified role, support will be required to significantly improve the analytical capacities and databases (statistical data, administrative data, balances, registers, etc.) in the Ministry and other relevant institutions. Within the normative affairs department, support will be provided for conducting analyses of alignment of the relevant national legislation with the EU *acquis* and standards, recommendations for further conformity of legislation, table of concordance, comparative analysis, impact assessment of the proposed changes within the negotiation, all combined with a long-term capacity building focus.

Against the background of accession negotiations and the law on ministries, the Ministry of Justice and its organogram will be assessed by this action in order to provide the best possible solution for the improvement of the institutional structure of the Ministry which will address more appropriately the judicial reform and accession process, as well as the future negotiations on EU accession. Based also on an impact assessment of the MDTF-JSS RAFU assistance provided to the MoJ before, areas of specifically required technical expertise, as well as an extensive capacity building programme will be elaborated and implemented, with an aim to enable smooth transition from MDTF in order to avoid gaps in implementation of AP 23.

Negotiation process will also require additional capacities of the MOJ to correspond to the new competences associated with AP 23 implementation. In accordance with its identified role, capacity building within MoJ is required to strengthen its proactive role in negotiation process and increase competence and effectiveness, through the development of the analytical capacities of the Ministry in terms of collection of relevant data, methodology and monitoring and evaluation of results, as well as reporting of the implementation of the Action Plan for Chapter 23. Capacity building within MoJ shall involve particular units/departments related to implementation of the AP23 in forthcoming negotiation process.

Within the Normative Affairs Department, support will be provided for conducting analyses of alignment of the relevant national legislation with the EU *acquis* and standards, recommendations for further conformity of legislation, table of concordance, comparative analysis, impact assessment of the proposed changes within the negotiation, all combined with a long-term capacity building focus.

The Sector for EU integration and International Projects will be the main body in charge for the implementation of this Activity, but several other Departments of the MoJ will be directly involved as well, while members of other Justice sector institutions, as well as of related CSOs, will benefit from some specific actions. This Sector is the main department at MoJ in charge for monitoring the implementation of the AP23 and its subsequent update. Support will be provided for the envisaged update of AP23 given that it requires a more analytical approach and in-depth knowledge of the current structural foundation of AP 23. The update of relevant national strategies and action plans to align with AP23 will be supported to the same extent, with an aim to enable efficient implementation of the set measures. Skills enhancement is of major importance at the Project Department, as its efficient functioning is closely related to smooth implementation of the AP 23, given the number of measures supported through various international projects. In this context, additional support in coordination of donor support in the justice sector is required in order to

avoid overlapping and enable identification of key measures in need of donor assistance as well as to ensure proper and adequate implementation of the approved projects.

Within the Department for the Judiciary, skills will be enhanced to correspond to the new competences related to statistical data collection on new judicial professions including public notaries, mediators and enforcement agents, monitoring the functioning of their respective areas, as well as anticipated monitoring of the free legal aid system.

With regard to the Department Material and Financial Affairs, there is a need to strengthen financial management capacities, particularly in terms of budget control and planned funds disbursement throughout the implementation of the AP 23. Given the future rise of projects related to improvement of court infrastructure, there is a need to enhance capacity and inter-sectorial synergy to secure efficient planning, management and implementation.

Considering the volume of activities in the AP 23 and NJRS, related to enhancement of ICT system in the judiciary, the mutual reliance between statistics and a functional ICT system, as well as the scope of jurisdiction of the MoJ in this field, the ICT Department requires additional expertise and training in order to adequately correspond to these tasks.

It is also envisaged to closely involve all relevant stakeholders for conducting the negotiation process successfully through specific support to the MoJ in view of its role as coordinator for Chapter 23. In order to increase the knowledge related to the negotiation process of all stakeholders, as well as building their capacities, related capacity building activities will be undertaken, with the aim of identifying and training at least two dedicated Chapter 23 focal points in each relevant institution. Further specific support of this action will be focussed on Chapter 23 related activities where the MoJ and other justice institutions require coordination assistance. In addition, MoJ will coordinate implementation of measures by a set of human rights institutions, as well as development of a special Action Plan for National Minorities, hence requiring additional technical support. In order to warrant for consistency and maximum synergies, explicit references to all relevant Chapter 23 Action Plan activities will be ensured.

In relation to the National Judicial Reform Strategy (of which the related action plan is currently being aligned with the Chapter 23 Action Plan), the action will aim at supporting the Secretariat, as well as the members of the Strategy Implementation Commission to fulfil their respective roles of oversight body of the implementation of the strategy.

The Sector for EU integration and International Projects will be the main body in charge for the implementation of this Activity, but several other Departments of the MoJ will be directly involved as well, while members of other Justice sector institutions, as well as of related CSOs, will benefit from some specific actions.

Activities to achieve Results 2.1 and Result 2.2:

Activities related to achievement of Results SAPO and SAPA roll-out will contribute to increasing efficiency of Public Prosecutor's Office and Prison Administration as this is part of measures of the Action plan for Ch. 23 related to the further improvement of ICT systems through considerable investment in infrastructure, software and improvement of human resources, with the aim of establishing unique ICT system throughout the entire judicial system and contributing to the increased efficiency of the whole justice system of the Republic of Serbia. Centralized repository of all cases and documents of the all prosecutor's offices, digitalized case archive with all incoming and internal documents and acts, improved efficiency of case processing, enforcing legal requirements, automation and controllability, improved efficiency of reporting, improved transparency and reduced overall cost would be most important benefits. It must

be emphasised that the ultimate integration with courts will contribute to a sustainable interoperability platform that should be spread throughout the entire judicial system. Activities will support software roll - out of SAPO software in remaining 75 public prosecutor's offices.

In order to achieve full implementation of the system in the prosecutors' offices following is required (more details elaborated in the Needs Assessment for the supply contract attached as Annex of this document):

- strengthen capacity of ICT data center by purchasing server and storage equipment with appropriate virtualization and management software
- upgrade SAPO application by purchase of SAPO licences for 1100 new users, 75 new scanning licences with ability to digitalize 7.5.milon pages of annual case inflow)
- procure of peripheral ICT equipment (desktop computers and scanners) for remaining public prosecutors' offices in line with Needs Assessment study.

In addition to provision of the ICT hardware equipment for public prosecutors' offices, it is envisaged to provide prosecutors office with scanners, aiming to improve the efficiency of case processing. Electronic case workflow improves efficiency of case processing by automating tasks and routing with comprehensive online notifications, which reduces overall case processing time.

The roll-out of SAPA to all remaining prison institutions throughout Serbia will allow for a more coherent management of all persons deprived of liberty. Moreover, this action will enable a standardization of activities in all institutions respecting certain specificities such as working with juvenile offenders and persons who serve their security measures of mandatory psychiatric treatment and custody in a medical institution, mandatory treatment of drug addicts and mandatory treatment of alcoholics. Furthermore, support will allow monitoring of relevant data related to persons deprived of their liberty (PDL) from the moment of their admission to sentence serving until the time of their release as well as to their relocation in different institutes within the Prison Administration as well as re-offenders. Activities will contribute to speeding up work on processing documents and information, increase the quality of work, the availability of documents and data to all relevant stakeholders in accordance with their access rights, as well as data analysis and control of all institutions of the Prison Administration. Implementation will improve overall efficiency in judiciary, by introducing SAPA software in all prison institutions. The possibility of quick reporting with comprehensive OLAP reporting tool will enable efficient response to any reporting requirement, with special focus on planning and monitoring of accommodation capacities. Due to the increasing number of concurrent users of SAPA software, it is necessary to increase ICT data-centre infrastructure (server and storage equipment) to support new users.

In order to achieve full implementation of the system in the Prison Administration following is required (more details elaborated in the Needs Assessment for the supply contract attached as Annex of this document):

- centralise and consolidate data from all institutes within Administration,
- purchase adequate ICT hardware equipment for remaining 21 prison institute in accordance with Needs Assessment study,
- to roll-out SAPA software in in the remaining prison institutes with creation of unique reporting tool that should be used for comprehensive analysis of data as well as for complex reporting.

Activities to achieve Result 3:

The National Judicial Reform Strategy (NJRS) adopted in mid-2013 states that it is urgently needed to upgrade the capacities of the Judicial Academy, both in terms of infrastructure and human resources. The EU Progress Report 2014 for Serbia noted that the Judicial Academy's legislative and institutional framework needs to be adapted to allow it to become the compulsory point of entry to the judicial profession while ensuring compliance with the ruling of the Constitutional Court.

The proposed rehabilitation will have to take in to account the status of the chosen building as well some of its characteristics: in fact, it will be necessary to completely transform the purpose and function of the chosen building (from a court to a training type of institutions), as well as considering that the building is under the protection of the Beau Arts to ensure that the rehabilitation intervention will not alter too much the aesthetic characteristics of the building. Therefore, there will be need to provide restauration and preservation of current building rather than just simple rehabilitation (windows, pavements and decorations will have to be preserved as much as possible).

On the other hand, the fact that existing building is already connected to municipal infrastructure (water supply, sewerage, heating, electric power, telecom, etc) correspond to significant savings in financial and time terms. A positive aspect of the rehabilitation of the existing building is its location predominantly in the central zone of the city and therefore the usability of the building itself is facilitated, particularly from the aspect of its connections to other judicial institutions.

A Study on Developmental Needs in terms of Organisational and Technical Capacities of the Judicial Academy conducted in 2014 – 2015 has confirmed these urgent needs, detailing the type of facilities required in view of the needs and work of the Academy.

Under the proposed intervention, support is required to ensure adequate space for the Academy that should give proper respond to the needs of conducting trainings and a large number of exams which are the responsibility of the Academy. Furthermore, when the rehabilitation of new premises will be completed the justice Academy will be able to assist in the implementation of exams and trainings within the competence of other relevant bodies (HJC, SPC). Moreover, adequate space in terms of size, quantity and equipment, is considered as a prerequisite for the initial, continuous and high-quality specialized trainings (forensics, etc.).

Project should support reconstruction works on the building and equipping the Judicial Academy. Supply of the equipment will be dedicated to the improvement of the performance of the Judicial Academy and introduction of new teaching technics.

The proposed intervention will be complementary to the IPA 2013 Technical assistance project that aims to enhance educational activities and functioning of new structures within competences of the Judicial Academy.

Activities to achieve Result 4:

This action will provide assistance in the following areas: further support for the alterative sanction system based on the recommendation from the FR of the IPA 2010 SAS Project, area of post penal care and health care system within the prison administration. Support increasing capacities of the 25 established Probation offices. Assistance and advice will be focused on awareness rising on alternative sanctions of state administration representatives, judges and citizens. This action will support analysis of the existing system of alternative sanctions with proposals for the introduction of new forms of alternative measures and sanctions (e.g. introduction of combined measures suspended sentence with protective supervision and community service, etc.). Also, support is needed for the introduction of alternative measures, after the verdict with sentence of imprisonment, about which decision is made by a judge for the execution, and that would achieve a purpose of punishment. These measures will reduce recidivism and it is expected to reduce the prison population. It is needed to develop and establish good inter-agency cooperation required for the implementation of alternative sanctions and measures by organizing various conferences, events and round tables. Support activities related to post-penal care of the probation offices at the local level by creating local networking as well as creating stronger cooperation with local humanitarian organisations and NGOs. Also support preparation of guidelines for the work of all relevant subjects and presentations of good practice from the different EU member states. This will include recommendations to amend the legislative framework in this area, recommendations for expanding the activities of the Commissioners in terms of introducing a new reporting system during the criminal proceedings in order to assist the court in assessing whether alternative forms of punishment can fulfil the purpose of punishment in specific

cases. The training for the above activities should include commissioners as well as judges and stakeholders involved from the local community.

Regarding healthcare in prisons, the action will aim at preparing an analysis of the current state of play in the area of healthcare system within the prison system as well as comparative study on best practices of the EU member states, with recommendations for improvement of the system. Based on the recommendations, the activities included in this Action will support implementation of the possible approach of gradual transferring of healthcare competences from the Prison Administration to the Ministry of Health. It is required to provide ongoing training and training programs for staff implementing harm reduction programs with drug addictions and preventing blood transmitted diseases and tuberculosis, as well as to produce guidelines for health services in prisons related to relevant international standards.

Activities to achieve Result 5:

Activities will be directed to support measures from the Action plan for Ch.23 in relation to providing support for the establishing system of training and education in the field of international criminal law by preparation and adoption of the training curriculum for initial and continuous training for judges, prosecutors, judges and prosecutor's assistance as well as advisors in War Crime Prosecutor Office (WCPO) by the Judicial Academy.

The action will continue to enable a close scrutiny of national war crimes trials as one of the mechanisms for fulfilling a country's international obligation to uphold criminal accountability for war crimes. It will continue to strengthen trial monitoring capacity of Serbian civil society organizations and to analyse and make findings available to all interested institutions, organizations and individuals.

Activities will focus on the war crimes trial monitoring, timely reports and proper involvement of the CSOs that shall take over and continue war crimes trial monitoring from OSCE and hence, ensure sustainable mechanism for monitoring.

In the course of the project implementation a system of training and education in the field of international criminal law – including international humanitarian law – shall be established and updated where needed. To tailor it to the actual needs of the judiciary, prosecution and war crimes investigation a comprehensive needs assessment study will be conducted. The needs assessment will define also the framework of cooperation with the Judicial Academy.

Furthermore, aiming to contribute to the advancement of the rule of law in Serbia by promoting accountability and knowledge outreach activities will be conducted for representatives of CSOs and relevant stakeholders to raise awareness and knowledge regarding war crimes trials, thus further promoting reconciliation and transitional justice processes.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

Ministry in charge of Justice will be main stakeholder for activities under Result 1.

RPPO will be the main stakeholder for the activities under Result 2.1, roll out of SAPO in the remaining prosecutor's offices.

Prison Administration will be the main stakeholder for the activities under Result 2.2, roll out of SAPA in the remaining prison institutes, as well as Result 4, improved capacities of prison administration.

Judicial Academy (JA) will be the main stakeholder for the activities related to Result 3 improved working conditions and efficiency of the Judicial Academy through the rehabilitation of JA premises.

WCPO will be the main stakeholder for the activities related to Result 5 Strengthened capacities and an effective mechanism for war crime trials will be implemented through direct grant with OSCE.

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

The Action will be implemented through direct management.

Result 1. Strengthened capacities of the Ministry of Justice to fulfil its role in the judicial reform process in the context of Chapter 23 accession negotiations. –will be implemented through one Service contract which is considered as the most appropriate modality since project activities are related to advisory assistance, technical expertise, capacity buildings activities such as trainings etc .

Result 2.1 Improved efficient work of prosecutor’s offices through increasing capacities of RPPO and to roll out of SAPO in remaining prosecutor's offices and **Result 2.2.** Improved efficiency of the Prison Administration through roll out of SAPA in remaining prison institutions – will be implemented through one Supply contract and one Service contract. After provision of equipment throughout supply contract installed in all targeted institutions, service contract will ensure proper software solution and training of staff in order to put whole system in use as in prosecutors’ offices as in prison institutes.

Result 3.1. Working conditions and efficiency of the Judicial Academy improved, through the rehabilitation of the premises and the provision of necessary equipment will be implemented through one Works contract and one supply contract and one TA contract for supervision of works. It is required to ensure adequate sequencing between works contract and service contract. Service contract should ensure supervision on works.

Result 4.1 Improved capacities of the prison administration – will be implemented through one Service contract and one supply contract. Due to the type of activities related to the advisory assistance, technical expertise, capacity buildings activities, service contract as the most appropriate modality Supply contract does not require any sequencing with the service contract since goods/equipment are intended for existing Probation Offices.

Result 5.1 Strengthened capacities and an effective mechanism for war crime trials will be implemented through Direct grant with OSCE

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING (AND EVALUATION)

Monitoring arrangements

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

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

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

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

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

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

INDICATOR MEASUREMENT

Indicator	Baseline (year) (2)	Milestone 2017(3)	Target 2020 (4)	Final Target (year) (5)	Source of information
Overall Objective (CSP indicator) World Bank Rule of Law indicator (Number Range (from -2.5 as weak to +2.5 as strong))	BY: 2014 = 0.1	+0.2	+0.3		World Bank Institute
Progress in the Chapter 23 negotiations process (milestones of the process)	BY= 2014: Chapter screening finalised	60% of the AP actions finalised	Chapter closed		EC reports
Result indicators					
1. Ratio between implemented and the planned NPI/NPAA activities/measures for Chapter 23 (% of legislation adopted in correlation to the NPAA)	BY 2014 =20%	85%	100%		SEIO reports to the Government of Serbia, Official gazette of Serbia
2. Average case processing time shortened (Y/case ratio)	BY 2014 = 4	3	2.8		Supreme court of cassation reports
3. Percentage of trained judges and prosecutors according to Law and Programme of JA for continuous training (% per annual programme)	BY 2014 = 88%	96%	100%		Judicial academy reports, training evaluation reports
4. Level of fulfilment of Strategy for development of the system for enforcement of criminal sanctions for the period 2013 to 2020 (% of fulfilled actions as per the AP)	BY 2014 = 65%	55%	100%		Annual report of the Administration for enforcement of criminal sanctions

5. % of war crimes trials under CSO monitoring	BY 2015 = 100%				OSCE Project Report
Additional indicators					
1. Degree of implementation of Ch.23 AP	BY 2015 = Adopted	60%	100%		EC reports
2.1. Number of PO offices using SAPO system (No.)	BY 2015 = 13 (without 2 specialized)		100% (remaining 75 prosecutors offices)		SAPO system reports
2.2. Number of PAs using SAPA system (No)	BY 2015 = 75% PDL covered by the SAPA system		100%		SAPA system reports
3.1. Renovation works on the JA building finalised in accordance with project specifications;	BY 2015 = building acquired for the JA and project design completed		Building fully operational		Supervisory engineer final report
3.2. Supply items for the JA delivered and provisional acceptance signed	BY 2015 = technical specifications drafted		Final acceptance signed		Provisional and final acceptance documents
4.1. % enforced alternative sanction compared to the total no. of imprisoned persons	BY 2015 = 10% compared to total no. of imprisoned persons	10% increased	30 % increased		Prison Administration annual report
4.2. Degree of implementation of strategic framework in the area of post penal care	BY 2015 adopted	50%	100%		Prison Administration annual report
5.1. Number of trainings organised for the CSOs and for the judiciary (% in relation to training programme)	BY 2015 = 16 trainings organise for CSOs		All trainings in accordance with Training needs		OSCE Project reports

			assessment implemented		
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5. CROSS-CUTTING ISSUES

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

The environmental impact of this Action will not be substantial. The Action anticipates respect of all necessary national environmental issues in particular related to renovation and adaptation of judicial academy building. The proposed Action will take in consideration the effects of climate change and optimize energy usage for the buildings. The Contractor in the Works Contracts will be required to prepare an environmental plan to cover all foreseeable negative impacts of construction. The Action anticipates the use of domestic building materials that are acceptable according to current criteria and standards for environmentally safe practices.

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

In order to ensure transparency of the consultation processes related to planning and programming of international assistance, NIPAC TS established a consultation mechanism with the Civil Society Organisation (CSOs). This mechanism is based on the consultative process with Sectorial Civil Society Organisations (SECOs) and serves as a platform which enables exchange of information and contribution of CSOs in relation to programming and monitoring of the international assistance including IPA. Members of SECO participate in SWG meetings based on the needs and requirements and take part in consultation processes.

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

EQUAL OPPORTUNITIES AND GENDER MAINSTREAMING

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

It is expected that gender equality will be fully observed in training component, including designing training curricula and initial and continuous education on Judicial Academy. Also, male and female prisoners will have same opportunities in terms of education, re-socialization and employment through the implementation of this project.

The Action will be implemented in a non-discriminatory manner with equal opportunities observed and firm guarantees that distinctions will not be drawn on the basis on sex, race, ethnicity, religion or other possible grounds in any aspect. Gender equity principles will be respected in the implementation of all activities. The Action will promote high standards of equality and gender mainstreaming both in strengthening of capacities within MoJ, prison administration, prosecutor's office as well as in its training components. Health and safety plans and policies of the contractor must be fully in line with Serbian legislation and is required within the contract. They must reflect contemporary working practices and national legislation that take into account gender and equal opportunities issues.

Equal opportunities for men and women will be guaranteed as integral part of implementation of this Action. It is expected that gender equality will be fully observed in training component, including designing training curricula and initial and continuous education on Judicial Academy. All further research and analyses will be conducted using gender-sensitive methodology.

MINORITIES AND VULNERABLE GROUPS

The improvement in the judiciary's various institution functioning through several measure planned within this Action will enhance the responsiveness of stakeholders towards all citizens including those belonging to national minority groups.

During the implementation of the Action respect for women and minority groups rights will be respected. As in the case of gender issues above, the relevant international HRM standards to be applied in the MoJ will provide additional care and attention to these issues. The proposed Action will carefully take the required steps to ensure that standards of ethnic balance, minorities and vulnerable groups will be maintained and improved particularly within the scope of activities related to improvement of the prison system. Furthermore, the proposed Action will take the required steps to ensure that the operating procedures of the Contractor will conform to women and minorities' promotion policies.

6. SUSTAINABILITY

The sector support needs as presented in the Action involve substantial number of interventions in terms of capacity building, trainings, procedural framework development, works and equipment supply. The assistance interventions are opted for on the basis of strategies or policy papers adopted by the Government and as such represent steps in attaining objectives contained therein. This increases the sustainability prospects as the IPA assistance shall complement the efforts of national administration - rules, regulations, mechanisms, standards, The interventions involving supply of equipment are in the most of cases accompanied by technical assistance which shall provide expertise both to national staff directly involved with using/exploitation of the equipment and the technical staff in charge for equipment maintenance tasks or software updating. Maintenance costs after the horizon of IPA support, continuation of trainings programmes, work of local/branch offices, and public awareness shall be supported through government funds.

The presented Action activities involve substantial number of interventions in terms of capacity building, trainings, procedural framework development, construction works and equipment supply. The assistance interventions are opted for on the basis of strategies or policy papers adopted by the Government (in particular Action Plan for Chapter 23) and as such represent steps in attaining objectives contained therein. This increases the sustainability prospects as the IPA assistance shall complement the efforts of national administration - rules, regulations, mechanisms, standards and training curriculums to be developed, will be elaborated in close cooperation with beneficiary departments and together with on-the-job or general trainings will secure sustainable integration into every day practice. The interventions involving supply of equipment are in the most of cases accompanied by technical assistance which shall provide expertise both to national staff directly involved with using/exploitation of the equipment and the technical staff in charge for equipment maintenance tasks or software updating. Maintenance costs after the finalisation of IPA support, continuation of trainings programmes, work of local/branch offices, and public awareness shall be supported through government funds. The interventions aimed at increase of efficiency of the prosecutor's office and prison administration will help to enhance judiciary efficiency and transparency, by reducing the time that is necessary for the administration of typical cases in prosecutorial offices and publishing data on the web site, more efficient exchange of data between all prosecutors' offices and quality of reporting. Renovation, adaptation and equipping of the Judicial Academy facility will enable fulfilment of basic prerequisites for the continuous and high-quality specialized trainings thus enabling sustainable performance of JA core functions. Since the Government of Serbia provided new facility for Judicial Academy its future maintenance shall be secured from the budget funds.

The last but not the least, all the assistance provided through this Action in terms of technical assistance and capacity building are aimed for the Ministry to support its role in leading the policy and structural reforms required for the conclusion of EU negotiations, in particular closure of the Chapter 23. Knowledge and skills gained through this Action will be used during the process and will support

Serbian administration in performing its tasks at the highest level contributing to building and leading processes of successful negotiations with the EU.

7. COMMUNICATION AND VISIBILITY

Communication and visibility will be given high importance during the implementation of the Action.

The implementation of the communication activities shall be the responsibility of the beneficiary, and shall be funded from the amounts allocated to the Action.

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

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

It is the responsibility of the beneficiary to keep the EU Delegation fully informed of the planning and implementation of the specific visibility and communication activities.

The beneficiary shall report on its visibility and communication actions in the report submitted to the IPA monitoring committee and the sectorial monitoring committees.