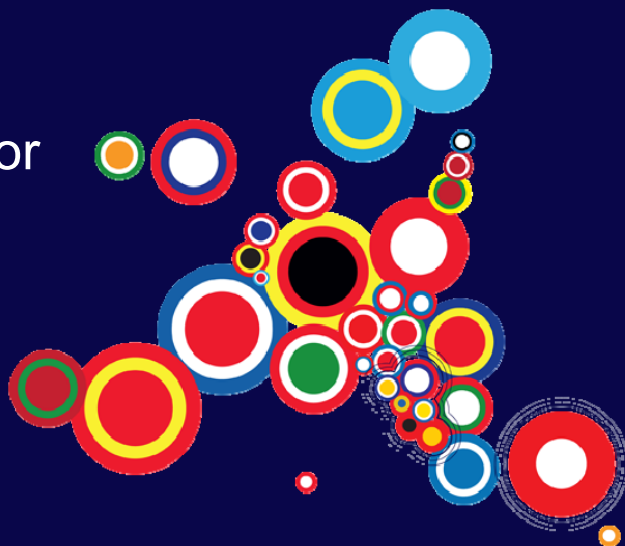




## INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

### SERBIA

#### Support to the Justice Sector



#### **Action summary**

Priorities supported through this Action derive from the measures identified in the national Action plan for the implementation of the requirements under the Chapter 23 (Judiciary and Fundamental Rights), which Serbia adopted as the opening benchmark for the start of negotiations for this Chapter. The Action provides support to the Supreme Court of Cassation and the High Judicial Council, with the aim of further strengthening the independence and efficiency of the judiciary. The Action will also support the establishment of a country-wide network of victims and witness support services, in line with EU requirements.

<b>Action Identification</b>	
<b>Action Programme Title</b>	Country Action Programme for Serbia for the year 2016
<b>Action Title</b>	Support to Justice Sector
<b>Action ID</b>	IPA 2016/39-801.5/Serbia/Justice Sector
<b>Sector Information</b>	
<b>IPA II Sector</b>	Rule of Law and Fundamental rights
<b>DAC Sector</b>	15130
<b>Budget</b>	
<b>Total cost</b>	5.000.000 EUR
<b>EU contribution</b>	5.000.000 EUR
<b>Budget line</b>	22 02 01 01
<b>Management and Implementation</b>	
<b>Management mode</b>	Indirect management with with entrusted entity - IMDA with OSCE for result 1. Direct management for results 2 and 3.
<i>Direct management:</i> <b>EU Delegation</b> <i>Indirect management:</i> <b>National authority or other entrusted entity</b>	The Delegation of the European Union to the Republic of Serbia Indirect management - OSCE mission
<b>Implementation responsibilities</b>	For Results 1 overall coordination of the numerous institutions and stakeholders shall be ensured by the Ministry of Justice For Result 2 responsible institution is Supreme Court of Cassation For Result 3 responsible institution is High Judicial Council
<b>Location</b>	
<b>Zone benefiting from the action</b>	Republic of Serbia
<b>Specific implementation area(s)</b>	N/A
<b>Timeline</b>	
<b>Final date for concluding Financing Agreement(s)</b>	At the latest by 31 December 2017

<b>with IPA II beneficiary</b>			
<b>Final date for concluding delegation agreements under indirect management</b>	At the latest by 31 December 2017		
<b>Final date for concluding procurement and grant contracts</b>	3 years following the date of conclusion of the Financing Agreement, with the exception of cases listed under Article 189(2) of the Financial Regulation		
<b>Final date for operational implementation</b>	6 years following the conclusion of the Financing Agreement		
<b>Final date for implementing the Financing Agreement (date by which this programme should be de-committed and closed)</b>	12 years following the conclusion of the Financing Agreement		
<b>Policy objectives / Markers (DAC form)</b>			
<b>General policy objective</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Main objective</b>
Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality (including Women In Development)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trade Development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reproductive, Maternal, New born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Main objective</b>
Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 1. RATIONALE

### PROBLEM AND STAKEHOLDER ANALYSIS

#### Key problems/needs

The Republic of Serbia, as a candidate country, is reforming its Justice sector in order to have a proper functioning judicial system. In this framework, Serbia is implementing the action plan for the National Judicial Reform Strategy (NJRS) 2013-2018, as well as the Action Plan for Chapter 23, adopted in September 2015. In the last years, some progress has been made, for example, in promoting merit-based requirements for career progression, e.g. by adopting rules for evaluating judges and prosecutors.

Nevertheless, improvement of independent functioning of the judiciary is needed. Continuous support is required to tackle consistent enhancement of its quality, accountability, professionalism and efficiency. According to the 2015 EC Country Report for Serbia, the judicial independence is not assured in practice, there is still scope for political interference in the recruitment and appointment of judges and prosecutors, and the administration of justice is slow, with a significant backlog of cases.

In this context, specific issues need to be addressed:

**Support and protection for Victims and Witnesses** (hereinafter: VWs) is also an area of the justice sector in need of further action. Serbia intends to strengthen procedural safeguards in line with EU standards to ensure the rights, support and protection of victims of crime/injured parties in accordance with Directive 2012/29/EU. With the AP for Ch.23 and the Ch. 24, Serbia has defined a set of activities in this area emphasizing need for establishing system for support and protection at national level in order to increase exercising the rights of aggrieved parties based on the minimum international standards. New Criminal Procedure Code envisaging for investigation by the Public Prosecution Offices (PPOs) has provided a legal basis for VWS since its entry into force in 2013. In recent years some victim support services have been developed within **the High Prosecution office/Higher Courts**. At present, victim support is mostly provided during the criminal proceedings and lacks considerable resources. According to the “*Analysis of victims’ rights and services*” in Serbia conducted in Serbia by MDTF there is a lack of inter-institutional cooperation and as well as between all relevant actors participating in provision of support to VWs. Deficiencies of the system are currently compensated with fragmented support through CSOs and international projects and programs supporting area of VW support and protection. The collaboration between state institutions and civil society seems rather limited and inconsistent. Coordination of existing services is crucial to improve victim support in Serbia. Victim support in Serbia is fragmented mainly for the reason that Serbia does not have an overall framework supporting victims and witnesses of crime. Moreover the MDTF Survey points out that the majority of victim support organisations (88.9%) report that more than half of Serbian victims of crime don’t receive any victim support. Victims of domestic violence or human trafficking are identified as the most supported groups of victims. Moreover, several shortcomings in providing information to victims in practice. In particular, the treatment of VWs is regulated in an *ad hoc* manner and there is lack of standardized treatment starting from initial contact with the police, prosecution, courts and until the completion of the proceedings.

**Efficiency:** the overall length of proceedings and the number of old cases registered as a **backlog** remain of serious concern. A national backlog reduction programme is in place (2015-2018) and the **Supreme Court of Cassation** is in charge. However, the courts do not meet targets set. To accelerate the pace of reducing old backlog and prevent from further backlog, systemic solutions are yet to be implemented, in particular in the area of **enforcement**. Especially due to the substantial backlog in the field of enforcement, it is still not possible to assure that a trial is conducted within a reasonable time. Furthermore, a standardized and centralized electronic case management is still missing in Serbia. Therefore it is difficult to determine the exact number of backlog cases in Serbian courts.

As regards **mediation**, early implementation of the new Law on Mediation did not bring the expected results to civil cases. Mediation proceedings can be initiated before or during court proceedings, as well as during legal remedy proceedings or during enforcement proceedings. This leads to a conclusion that mediation is possible in backlog cases. Judges of all levels of courts’ of general jurisdiction lack sufficient knowledge on the range of the Law on Mediation and its effects, given that the mediation agreement can be enforced. Current Law on Mediation has not been even promoted in courts, and therefore the training of

judges on the implementation of this and other laws is a necessary condition to successfully apply ADR (Alternative Dispute Resolution) mechanisms and backlog reduction. Raising the awareness and capacity of judges to facilitate settlement and judicial management is of crucial importance.

Besides backlog reduction, **harmonisation and uniform application of case-law** can clearly be seen as a priority to the Serbian judiciary. The Supreme Court of Serbia plays the leading and exclusive role and has responsibility in the harmonisation of case law as the Law on Courts' Organization in relation to uniform application of law. Although case law is not a formal source of law in the Serbian legal system, harmonised application of law and the accessibility of case law to the interested public is a factor guaranteeing legal security and contributing to the efficiency of the justice system.

**Independence, Accountability and transparency:** The **High Judicial Council** (hereinafter: HJC) is a key institution entrusted with competences for maintaining independent status of judiciary. The HJC has a major role in the implementation of this part of Action Plan for Chapter 23 and to the independence, impartiality and accountability and professionalism /competence and efficiency of the entire judicial system. As a consequence, HJC's competences will be extended by the planned amendments to the Constitution. Furthermore, amendments of Law on Organization of Courts provide transfer of competences on judicial **administration tasks, Court Rules of procedure, Court staff and complete transfer of budgetary competencies** from Ministry of Justice to High Judicial Council in January 2017. The HJC is responsible for launching proceedings and for decisions on **disciplinary and ethical matters**. The provisions of disciplinary proceedings and disciplinary responsibilities in performing judicial function limit the arbitrariness of the judicial function and the prevention of any abuse of judicial independence. In the previous years, the HJC faced obstruction in concluding one landmark disciplinary case concerning judicial independence. In this context, the HJC will need further support to ensure the achievement of its increasing tasks and responsibilities.

## **OUTLINE OF IPA II ASSISTANCE**

In order to address the key problems and challenges identified above, specific activities under **Result 1** are being designed for VW's by introducing for the first time a nationwide institutional support and protection model, which shall improve the quality of justice, competence of judicial officials and efficiency to the proceedings. Objective will be to strengthen the existing capacities of the relevant institutions involved (Ministry of Justice (MoJ), Ministry of Interior (MoI), HJC, SPC, Republic Public Prosecutor's Office (RPPO)). Accordingly, it is expected a strategic policy framework to be developed.

Activities under **Result 2** will aim at improving the overall efficiency of the judiciary system by strengthening the capacities the Supreme court of Cassation. Objectives will be to tackle the backlog reduction issue, to promote, develop and introduce ADR in courts and to harmonize case law. The following activities are foreseen, such as process improvements, mentoring, performance and control systems, introduction of databases.

Activities under **Result 3** will aim at increasing the efficiency, accountability and transparency of the judicial system. It is therefore envisaged to strengthen the capacities of the High Judicial Council, as its competencies and obligations are increasing. The support will target the overall administrative and managerial capacities, in particular in the area of financial management and strategic planning, statistics and analytics, and the effective application of the rules on disciplinary responsibility.

## **RELEVANCE WITH THE IPA II STRATEGY PAPER AND OTHER KEY REFERENCES**

The actions envisaged are intended to improve the judicial independence, the impartiality and the efficiency of the judiciary system. These objectives are clearly identified as priorities in **the Indicative Strategy Paper 2014-2020 (ISP)**. More specifically, the ISP has identified the following expected results to be achieved:

- Judicial independence, impartiality and efficiency is improved, including improved constitutional and legal framework, technical and administrative capacities of the judicial network and substantial reduction of backlog of cases;

- Professionalism is strengthened through merit-based and transparent criteria for appointments of judges, prosecutors and court administrators as well as through evaluations of performance, merit based promotions and court inspections;
- The duration of proceedings is substantially reduced;
- The consistency of jurisprudence improved and timely and correct enforcement of judicial rulings is ensured;

These four objectives will be tackled through the different activities foreseen.

This action will also address the priorities identified by the **2015 EC Country Report on Serbia** which refer to the need for establishing a fair and transparent merit-based recruitment system and career management of the justice system and reduce the case backlog and harmonize case law. In the area of witness and victim protection, the action will address the priority which is to increase the level of cooperation between the Serbian Witness Protection Unit and prosecutors. It will also support the development of protection for victims of crime, which at the moment is not in line with EU rules.

Activities under this action are also linked with the recommendations/activities from the **Action Plan for Chapter 23** in particular regarding the following recommendations:

- 1.1.1. The system for the recruitment, selection, appointment, transfer and termination of judge's office, presidents of Courts, and prosecutors should be independent of political influence and remain of the responsibility of the High Judicial and State Prosecutorial Councils.
- 1.1.4. Sufficient administrative capacities and financial authority over their own budget needs to be ensured to allow the High Judicial and the State Prosecutorial Councils to effectively perform their tasks. Their work should be governed by transparency and institutional accountability;
- 1.3.4. Establish and implement a medium-term human resource strategy for the judiciary, based on an analysis of needs and workload, and bearing in mind possible further changes in the structure of courts, recruitment and training;
- 1.3.6. Implement the backlog reduction program, including introducing alternative dispute resolution tools;
- 1.3.7. Strengthen the enforcement of judgments, in particular in civil cases;
- 1.3.9. Improve consistency of jurisprudence through judicial means;
- 1.4.4. Step up security of witnesses and informants and improve witness and informant support services;
- 1.4.5. Ensure confidentiality of the investigation including witness and informant testimony.
- 3.7.1. Strengthen procedural safeguards in line with EU standards (activities 3.7.1.16 till 3.7.1.23).

Activities are linked with **Action Plan for Ch. 24**

At the national level, the Republic of Serbia has also identified under its "**National Strategy for Judicial Reform for 2013-2018 (NJRS)** objectives, in line with the ISP and with Action Plan for chapter 23, which are tackled under this Action document. Reduction of duration of courts proceedings is identified as one of the priorities, as well as ensuring enforcement of final rulings within a reasonable time limit. Regarding impartiality and quality of justice delivery, NJRS distinguished objective of establishing special services in courts and PPO's for helping and supporting aggrieved parties and witnesses.

In addition, the National Document on International assistance (NAD) is addressing the main priorities for action in the period 2014-2017, with projections until 2020. The overall objective focuses on independent, impartial, accessible and efficient judiciary guaranteeing rule of law, human rights' protection and promotion, as well as quality of justice. It acknowledges, for instance, the need to provide further development and strengthening of institutions in order to create a judicial system capable of protecting human rights and institutional promotion of its policies and measures. One of the measures is the support of implementation of mechanisms for reducing court backlog, backlog of enforcement cases, reducing length of judicial proceedings, and expanding the applicability of those mechanisms by modernizing the work of the relevant judicial institutions.

Finally, this Action will tackle other specific national programs and action plans:

- under the **Unified National Backlog Reduction Program**, one of the main objectives is to reduce the number of cases older than 2 years by 80% by the end of 2018.
- the **Case-Law Harmonization Activity Plan** firstly adopted in April 2014 and renewed in 2015 envisages, in accordance with the competences of the SCC, mechanisms aimed at harmonizing the case-law of the courts of the Republic of Serbia.

## LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

The current action has been designed taking into account the lessons learned in the implementation of previous projects in the justice sector.

- In the area of Justice reform, EU is already supporting important projects directly linked to the activities envisaged in this Action Document:

- **IPA 2010 - Support to the Monitoring of National War Crime Trials**, implemented by OSCE (500,000 EUR) – from May 2013 to May 2016. 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.

- **IPA 2011- Multi-donor trust fund (MDTF) for the Justice sector support in the Republic of Serbia**, direct agreement with the World Bank (EU contribution of 2,000,000 EUR) – from March 2013 to July 2015. Serbia Judicial Functional Review was done during 2014 covering all institutions of the justice system, with a focus on the courts as the main service providers. The project is still ongoing without EU financial contribution. The overall objective is the facilitation of the acceleration of Serbia's European Union integration process pertaining to the justice sector. The expected results are to strengthen institutional capacity; to improve justice sector performance; and to increase aid effectiveness. . The MDTF Project funded preparation of the Expert Analysis in the area of VWs support and protection. Analysis will produce set of recommendations on legal aspects, financial assessment and access to support services as well as guidelines for institutional set up of the system at the national level. A key lesson learned from this project is that Government leadership within the donor community is required to achieve full donor coordination. It needs to become a priority for the government to improve its outreach and subordinate multilateral agendas to the agreed EU Accession priorities.

- **IPA 2012 - Support to the Rule of Law system in Serbia, Component II: Enforcement of civil claims**, implemented by GiZ (1,800,000 EUR) – from Sept. 2013 to June 2016. The project purpose is to improve the efficiency, effectiveness and quality of court proceedings; to support the system of enforcement of court decisions; to enable a coordinated fight against all forms of crime; to improve the capacity of courts to measure performance; to provide adequate equipment; to increase the involvement of the civil society and general public in the evaluation of criminal justice system.

The results expected are to have an overall assessment of the current regime in order to identify further legislative, institutional and other measures for reform; and to contribute to the full and efficient functioning of the new system of enforcement officers.

The key lessons learned in this project are that arrangements for coordination, management and communication must be ensured : i) frequent reporting to be part of the agreements; ii) strong visibility of EU contribution; iii) frequent communication and meetings on operational details; iv) focal point and TL present in the country.

- Good practice of joint public events and joint training events for judges, prosecutors and law enforcement officials bring multiple benefits in view of lessons learned and good practice exchange.

- **IPA 2012 – Judicial Efficiency**, implemented by British Council (4,000,000 EUR) – the project has started in January 2016. The purpose of this contract is to improve the performance of judicial bodies. Specific expected outputs from this assistance are the improvement of case management; the reduction of backlog and the harmonisation of case law; the increased number of cases referred to Alternative Dispute Resolution system. In the designing of this Action the recommendations from this project were taken into due account, in particular in relation to ensure full coordination of all involved stakeholders, for instance involving in the formal consultations led by SEIO the relevant independent judiciary institutions such as the Supreme Court of Cassation, the High Judicial and Prosecutorial Councils: their direct involvement in the programming phase is not only in line with the independence of the judicial sector but it also resulted in a more precise and qualitative definitions of the single actions.

- **IPA 2013 Twinning Project to support HJC and SPC** (4,000,000 EUR) – the project has started in September 2015. This EU funded Twinning Project is designed to help strengthen the overall capacities of the beneficiary institutions, in order to plan and implement necessary reforms. In particular, this project

aims at strengthening their capacities for better performance of specific administrative functions/tasks, such as strategic and budget planning, human resource management, project management and internal audit. The project is also focusing on strengthening the councils' capacity in evaluation and promotion of judges, prosecutors and deputy prosecutors, strengthening their capacity to conduct disciplinary proceedings, Code of Ethics related activities.



## 2. INTERVENTION LOGIC

### LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (*)	SOURCES OF VERIFICATION	
To contribute to the advancement of Serbia's judicial system and Rule of Law in line with the EU accession requirements,	Progress measured in relation to Chapter 23	EU Monitoring and Progress Reports	
SPECIFIC OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (*)	SOURCES OF VERIFICATION	ASSUMPTIONS
<ol style="list-style-type: none"> <li>1. To increase the exercise of rights of aggrieved parties based on the minimum international standards related to victims-witness support and assistance</li> <li>2. To support the Supreme Court of Cassation (SCC) and courts in ensuring independent and efficient functioning of courts;</li> <li>3. To increase efficiency, accountability and transparency of the judicial system through support to HJC</li> </ol>	<ol style="list-style-type: none"> <li>1. Progress measured in relation to Chapter 23, in relation to implementation of EU Directive 2012/29 / EC</li> <li>2. % of case backlog resolved</li> <li>3. Progress measured in relation to Chapter 23, on the transfer of responsibilities from Ministry of Justice to High Judicial Council</li> </ol>	EU Monitoring and Progress Reports Reports of SEIO Annual Report of SCC Annual Report of MoJ Annual Report of HJC Annual Report of SPC Report to the Special Programme for reducing court backlog for the period 2015-2018 Annual Report of the Office of Government Agent before ECtHR	Continuous and firm aspiration among political and judicial stakeholders to pursue with the judicial reform process
RESULTS	OBJECTIVELY VERIFIABLE INDICATORS (*)	SOURCES OF VERIFICATION	ASSUMPTIONS
<p><b>Result 1:</b> Victims-witness support and protection network operational and established</p> <p><b>Result 2:</b> Enhanced capacities of Supreme Court of Cassation and courts with reference to backlog and case law harmonisation</p> <p><b>Result 3:</b> Improved administrative capacities of High Judicial Council in financial and operational planning, statistics and analytics, and the effective application of the rules on disciplinary responsibility</p>	<ol style="list-style-type: none"> <li>1.1. % VWS staff trained</li> <li>1.2. Ratio of victims in criminal proceedings using assistance of VWS comparing with total number per year</li> <li>2.1. % of first instance proceedings completed in 2 years in terms of implementation of BLR Plan</li> <li>2.2. Number of cases referred to and resolved through ADRs</li> <li>3.1. Number of HJC staff trained</li> </ol>	EU Monitoring and Progress Reports Annual Report of SCC Annual Report of HJC Annual Report of MoJ Annual Report of SPC	EU aspiration progress leading towards opening of accession negotiations Recommendations from IPA 2012 on judicial efficiency prepared

## **DESCRIPTION OF ACTIVITIES**

### **Activities to Result 1: VWs support and protection network operational and established.**

Activities will focus on the establishment of an initial model of national network, taking into account developments so far achieved, through the strengthening of existing capacities of MoJ, MoI, HJC, SPC, RPPO, other relevant institutions and service providers model. Accordingly, it is expected a strategic policy framework to be developed.

#### **Activity 1.1: support to the establishment of an adequate strategic and legal framework.**

- To provide assistance for the development of the National Strategy on Crime Victims' Rights and Action Plan for its implementation (key areas that shall be addressed by the National Strategy: amendment of the legislative framework; establishment of the institutional and organizational framework for VWS; strengthening cooperation between service providers; means and dynamics of strengthening the initial network of VW support services; monitoring and quality standards for service providers; capacity building of service providers; defining institutional, administrative and financial guarantees for VWS system sustainability).
- To develop a gender assessment of the needs in the victims and witness protection system of Serbia.
- To support policy dialogue among all stakeholders involved the creation of VW policies in order to ensure efficient development and establishment of the system at national level.
- To support the legal framework alignment with relevant EU Acquis through criminal procedural changes and changes of judicial and organizational legal framework in the field of victim and witness protection
- To mainstream all existing support service providers (including state service providers and CSOs as well) into a overarching national system of VW Support System.
- To enhance the cooperation between various support service providers and to establish an effective referral mechanism between various state institutions and CSOs.
- To develop a unified Individual Assessment Tool for support service providers.
- To draft Manuals and Code of Conducts for practitioners/support officers.

#### **Activity 1.2: Provision of specific capacity building assistance to the relevant institutions.**

- To prepare TNA in order to develop model of trainings on VWs rights and support. According to the TNA, to develop Manuals for relevant actors for provision of support and provide comprehensive trainings to relevant stakeholders, taking also into account the findings of the gender assessment.
- To develop comprehensive database, incorporating the parameters of the Individual Assessment Tool;
- To establish monitoring and reporting mechanism in the area of rights of VWs. To support the development of baseline indicators and to introduce relevant reporting mechanism.

#### **Activity 1.3: conducting awareness raising of general public and legal professions**

- To improve public awareness on victims' and witnesses' rights, especially on victims of gender based violence (i.e. through media promotional campaign and roundtables);
- To ensure sustainable way of communication to inform victims and witnesses on their rights by developing procedures for the establishment of call centers and to develop a software for call center.
- To create a data base (registry), which will contain comprehensive information and data relevant for victims and witnesses assistance at national level (detailed contact information, available providers and web portal).

## **Activities related to Result 2: Enhanced capacities of Supreme Court of Cassation, in particular with reference to backlog and case law harmonisation**

The Supreme Court of Cassation (SCC) has a clear role in ensuring quality and efficiency of the judiciary system; the on-going reform process of the judiciary system combined with the EU accession process entail growing responsibilities and new tasks for the SCC.

The Project shall enhance the capacities the SCC, in particular with reference to backlog and case law harmonisation.

### **Activity 2.1: Support to the capacities of the SCC in the implementation of the programme for backlog reduction**

- To resolve the Enforcement Cases Backlog and to monitor the backlog reduction activities, to develop policy recommendations and guidance for improvement of courts annual plans for backlog reduction;
- To identify, introduce and implement process improvements;
- To mentor on backlog reduction;
- To develop centralised performance measuring system on backlog reduction;
- To assist SCC in defining next steps and priorities related to backlog reduction/case delay prevention;
- To enhance capacities at state level and appellate courts to take over responsibilities of SCC Working Group.

### **Activity 2.2: Support to the promotion, development and introduction of ADR in courts**

- To draft a multi-annual plan for the strategic development of the service;
- To strengthen institutional monitoring, inspection/control capacities;
- To develop the awareness of judges on ADR;
- To support first instance and second instance courts in ADR application.

### **Activity 2.3: Assistance of the SCC in the improvement of the case law harmonisation**

- To reinforce administrative capacity of the Supreme Court Case Law Department and of the administrative Units responsible for Case Law in selected courts;
- To prepare recommendations for the improvement of the SCC case-law database;
- To enrich SCC case-law database with CJEU decisions;
- To provide on-the-job mentoring on case law harmonization.

## **Activities related to Result 3: Improved administrative capacities of High Judicial Council in financial and operational planning, statistics and analytics, and the effective application of the rules on disciplinary responsibility**

Taking into account the constant increase in the scope of authority and obligations of the HJC, there is a need to strengthen overall administrative and managerial capacities, in particular in the area of financial management and strategic planning, statistics and analytics, and the effective application of the rules on disciplinary responsibility.

### **Activity 3.1: Strengthen capacities of High Judicial Council**

- To advise on the improvement of the overall management capacities of HJC and courts, including on aspects relating to effective procedures, workflow, managerial structures;
- To conduct a Court Process Improvement Review, including evaluation of case allocation and case weighting system

- Aiming to strengthen the overall capacity of HJC to direct and manage personnel, to review and advise on the implementation of a coherent and strategic approach to human resources and career development management;
- To strengthen HJC's institutional and functional capacity in policy analysis and in the process of assistance programming (including the developing of training programs in the field of European integration and EU policies
- To create a more professional court management capacity, develop clear rules for the division of the labour between judges and administrative staff

**Activity 3.2: Support to the implementation of an improved mechanism for career development of judges is effectively implemented**

- To strengthen career development mechanisms (stemming from appointment procedures).

**Activity 3.3: Support to improve HJC capacities on financial management/budget planning, reporting and monitoring capacities**

- To develop analytical approach and tools for courts budget projections, on the basis of a report on the financial operations of the courts ,
- To establish and implement business procedures for the budgeting/spending/reporting of financial resources for the entire judiciary;
- To develop a system of internal cost controlling;
- To developing specific training programs for employees in the Department of financial operations and strategic planning;
- To strengthen the capacity of the Department in the field of statistics and analytics, in accordance with the expanded responsibilities of the High Judicial Council,.

**Activity 3.4: Support to improve HJC capacities on disciplinary proceedings**

- To provide recommendations in order to improve the work of the disciplinary bodies: to professionalize the disciplinary bodies and to develop monitoring and reporting tools in disciplinary proceedings;
- To develop training programs for judges and employees of the High Judicial Council working in areas related to disciplinary proceedings;
- To strengthen capacities in the field of statistics and analysis on disciplinary matters;
- To develop mechanisms of control on the observance of the rules of the Code of Ethics;
- To provide recommendations courts in tackling the shortcomings in the work carried out on the basis of the results of disciplinary proceedings.

**RISKS**

In general:

- The lack of political will of the relevant institutions in engaging the reforms can hinder the smooth and efficient implementation of the Action;
- The lack of financial and humane resources of the relevant institutions can also have a negative impact on the implementation of the Action.

In order to mitigate these global risks, appropriate political and operational follow-up are required to ensure the implementation of the Action Plan for Chapter 23.

	<b>Risk</b>	<b>Mitigation Measures</b>
1.	Shortage of capacity of other ministries (Ministry of Interior, Ministry of Labour and Social Protection ) to engage effectively in implementation of the Action	The strategic document and the action plan that will be developed in the course of the implementation of this Action will provide for a creation of the multidisciplinary coordination body. It will comprise of high officials from all relevant ministries to meet on regular basis and ensure that the resources are made readily available for the purpose of this Action.
2.	Scarcity of financial resources to employ specialised staff in VWSS	As part of the strategic planning, fiscal impact analyses will be provided. This will enable relevant institutions to plan the budget accordingly and ensure allocation of necessary human resources.
3.	Potential overlap with other capacity building initiatives for judges, prosecutors and police	Given that Serbia is undergoing vast reform processes as part of alignment of its legislation to the EU standards and regulations, numerous training and capacity building programmes are being delivered to the judges, prosecutors and police. In order to avoid potential overlap and prevent low turnout of participants, the steering committee will have regular coordination meetings with the Judicial Academy, Police Training Academy and other relevant actors.
4	Insufficient interest of various relevant providers and CSOs to engage effectively in the victim/witness protection, and their unequal presence throughout the country	Through awareness raising targeting professionals relevant providers and CSOs in various parts of the country, the Action will promote the importance of the support to the victims and witnesses. Special emphasis will be placed on the benefits for local communities, thus ensuring participation of CSOs from smaller/minority communities. The local self-governments will be included in the promotional activities.

### **CONDITIONS FOR IMPLEMENTATION**

Most of the activities aiming at achieving the above mentioned results are subject to prior conditions, namely:

- Commitment of the Serbian Government to establish functional network for protection and support of victims and witnesses in Serbia.
- Analysis on VWs support nation-wide network prepared.
- Recommendations from IPA 2012 on judicial efficiency prepared. This will be assessed through the implementation of the on-going project.

### **3. IMPLEMENTATION ARRANGEMENTS**

#### **ROLES AND RESPONSIBILITIES**

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

Result 1: In consideration of the numerous number of institutions, stakeholders and potentially CSOs involved in the establishment of the VWs assistance system, the overall coordination shall be ensured by the Ministry of Justice.

A Steering Committee consisting of representatives of the Ministry of Justice, Ministry of Interior, SEIO, EUD, RPPO, High Judicial Council, State Prosecutorial Council/RPPO, CSO representatives and the implementing partner (OSCE Mission to Serbia) shall be established in order to assess and monitor the progress of the project; to ensure close cooperation among the relevant ministries and institutions and to closely coordinate with EU projects related to this field and with other relevant donors' projects to promote synergies and integration.

Result 2: As the Supreme Court of Cassation is in charge of implementing the national backlog reduction programme and to harmonize case law, the latter will be responsible.

For this project, also a Steering Committee consisting of representatives of the Supreme Court of Cassation, EUD, High Judicial Council and the implementing partner shall be established in order to perform the same activities as those listed for the SC under the first result.

Result 3: The High Judicial Council will be responsible, as it will be the direct beneficiary of the support. For this project, the Steering Committee will consist of representatives of the High Judicial Council, the EUD and the implementing partner shall be established in order to perform the same activities as those listed for the other results.

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

This Action will be implemented under indirect management with an entrusted entity for the result 1 and direct management for results 2 and 3.

The activities under Result 1 (Victims and Witnesses support and protection network operational and established) will be implemented through a IMDA with OSCE.

Justification:

The results will be implemented in indirect management by entrusting budget implementation tasks to an identified entity according to Art. 58.1. C. ii, and 60 of the FR. This implementing body has to be able to rapidly mobilise efficient procurement and project management procedures as Serbia has limited expertise and specialised resources available in the field and needs support to raise its capacities.

The Action will be implemented through the procurement of IT services for the development of the comprehensive database incorporating the parameters of the IAT, a tool for the service providers of support to victims and witnesses (results 1.1. and 1.2. of the action). The result 1.3. will require procurement for the conduction of an awareness raising campaign for the victims and witnesses on their rights. It will also require procurement of IT services for a software for the creation of a call center for victims and witnesses and a data base registry. Furthermore, it may be required, in the course of the implementation of the project to provide grant schemes to civil society organisations which will act as service providers for support to victims and witnesses. At the same time, the entrusted Entity - OSCE has to ensure an exclusive visibility of the EU for the overall action. In order to ensure the best possible entity for this purpose, the EU Delegation in cooperation with SEIO and the MoJ has selected the OSCE mission through a comparative analysis of entities which are active in the region and the sector.

The OSCE has proven successful experience: in fact, the OSCE Mission has been implementing a project on victims and witness support (VWS) since 2012 in Serbia. This project has built on the Mission's previous work on establishing the victim and witness support VWS service in the specialized department of the Higher Court in Belgrade (War Crimes Chamber) and it provides the forum for the continuous dialogue with OSCE on this matter. The OSCE has in-house expertise to implement complex multi-stakeholder projects and has a long-standing experience providing in the criminal justice area. Moreover currently, no other national or international organisation in the country/region brings the same experience and competence in the subject matter. Furthermore,

OSCE has extensive working relations with the envisaged beneficiaries in government, judicial, prosecutorial, police and the civil society sectors.

OSCE has proven to have the necessary in-house operational and financial expertise to implement complex multi-stakeholder projects. With its extensive experience in supporting legislative reform processes and institution and capacity building in Serbia, the OSCE, in a unique manner, combines the capacity to provide political advice and to effectively implement technical support projects.

OSCE is also implementing successfully (i.e. according to ROM report) a delicate project in the area of War Crime.

The activities under Result 2 (Enhanced capacities of Supreme Court of Cassation, in particular with reference to backlog and case law harmonisation) will be implemented through service contract. Service contract was selected as the modality of implementation due to the fact that under this contract the component 2.2. is a substantial awareness raising campaign related to alternative dispute resolution, while the aim of the component 2.3. is the further development of the database for the case law. The service contract is a follow up project, focusing on the implementation of the model selected through the work previously done under the contract from IPA 2012. Having in mind that the campaign and the updating of the database are key results of the contract, the aim of the contract cannot be achieved through the preferred modality of support for the independent judiciary bodies, which would be twinning.

The activities under Result 3 (Strengthening capacities of the High Judicial Council) will be implemented through service contract. Service contract was selected as the modality of implementation due to the fact that under this contract the key result is the conduction of substantial trainings which need to be organised for the members of the judiciary in courts and prosecutor's offices in locations throughout Serbia (at least 40 locations throughout the country). The expertise for the trainings is with the national Judiciary academy, but the logistics and the ensurance of the capacity for the conduction of these trainings should be provided by this contract, for which reason twinning, which is the preferred modality of implementation in general for independent judiciary bodies, is not adequate. It is important to note that the results and recommendations of the ongoing twinning to support the HJC from IPA 2013 will provide the foundation for the implementation of the activities under this service contract.

#### **4. PERFORMANCE MEASUREMENT**

##### **METHODOLOGY FOR MONITORING (AND EVALUATION)**

Monitoring the progress of the implementation of this Action will be done in accordance with the rules and procedures for monitoring under the direct management.

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

Result Orientated Monitoring (ROM) system (led by DG NEAR): This will provide, as necessary and required, an independent assessment of the on-going or ex-post performance of the action.

IPA II Beneficiaries' own monitoring: IPA II monitoring process is organised and led by the National IPA Coordinator (NIPAC/ Serbian European Integration Office (SEIO). NIPAC monitors the process of programming, preparation and implementation as well as the sustainability and effects of the action. The process aims at increasing the performance in the field of monitoring and evaluation, and improving ownership in achieving the objectives, results, outcomes and impact set out in the strategic documents. Under the Direct Management procedures, monitoring and evaluation of actions will be carried out by means of Reports stipulated in the IPA II Implementing Regulation.

Self-monitoring performed by the EU Delegation: This is part of the annual assurance strategy process and is done based on the ex-ante risk assessment of actions/contracts considered riskier.

Joint monitoring by DG NEAR and the IPA II Beneficiaries: The compliance, coherence, effectiveness, efficiency and coordination in implementation of financial assistance will be regularly (at least once a year) monitored by Sectorial IPA Monitoring Committee (in charge of monitoring

both IPA and IPA II) . It will be supported by Sectoral Monitoring steering committees which will ensure monitoring process at sector level. The results of monitoring will be used in the policy-making process to propose programme adjustments and corrective actions.

The European Commission may carry out a mid-term, a final or an ex-post evaluation for this Action or its components via independent consultants, through a joint mission or via an implementing partner. In case a mid-term or final evaluation is not foreseen, the European 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 European Commission rules and procedures set in the Financing Agreement.

|



## INDICATOR MEASUREMENT

Indicator	Baseline (value + year)	Target 2020	Final Target (2022)	Source of information
Progress made towards meeting accession criteria in relation to Chapter 23.	Chapter 23 opened (2016)	100% implementation of the action plan for the achievement for the Chapter 23 priorities	Same as 2020 target	Report on the Chapter 23 Action plan
Objective 1. Progress measured in relation to Chapter 23, in relation to implementation of EU Directive 2012/29 / EC	National legal framework is not aligned with EU directive 2012/29/EC (2016)	Full normative alignment achieved	Full normative alignment achieved	Council's Report on implementation of the AP for Ch. 23  EC Progress Reports
Objective 2. % of backlog cases resolved <sup>1</sup>	44% of the overall work load of courts are resolved backlog cases in 2016	Increase 20 % of resolved backlog cases	100%  Full resolution of currently backlogged cases  ii	Annual Report of the SCC  Annual reports of individual courts
Objective 3. Progress measured in relation to Chapter 23, on the transfer of responsibilities from Ministry of Justice to High Judicial Council	Limited progress in accordance with the EU common position document for the Chapter 23 for Serbia  (2016)	100% of responsibilities from Ministry of Justice to High Judicial Council successfully transferred	100% of responsibilities from Ministry of Justice to High Judicial Council successfully transferred	Council's Report on implementation of the AP for Ch. 23
1.1 % of VWS staff trained during the implementation of the action	0%  (2016)	30%	Same as in 2020	Annual Report of HJC and SPC  Report of Judicial Academy

1.2. Ratio of victims in criminal proceedings using assistance of VWS comparing with total number per year during the implementation of the action	0%	10 % of victims using assistance of VW services	To be calculated in 2020	Annual Report of SCC Annual Report of RPPO Annual Report of MoJ
2.1. % of first instance proceedings completed in 2 years in terms of implementation of BLR Plan during the implementation of the action	36% of cases before first instance courts resolved in two years	70 % of all first instance cases resolved in 2 years	To be calculated in 2020	Annual Report of SCC
2.2. Increase of No. of cases referred to and resolved through ADR during the implementation of the action in comparison to baseline.	Baseline to be defined in the inception phase	15 % increase of the initial baseline	To be calculated in 2020	Annual Report of SCC
3.1. No. of trained HJC staff during the implementation of the action	8 employees in the Administrative office are trained	47 employees in the Administrative office trained	To be calculated in 2020	Annual report of Judicial Academy Annual Report of High Judicial Council

## 5. 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.

### *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.

In line with the sector approach and taking into account the complexity of the justice sector , 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 Justice.

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.

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

## 6. CROSS-CUTTING ISSUES

### **GENDER MAINSTREAMING**

Despite the fact that EU and the national commitments on gender equality are an integral part of Serbia's strategic and policy documents, implementation is lagging behind and the inequalities persist. The Serbian legal framework related to the prohibition of discrimination and anti-discriminatory policy is aligned with the relevant EU conventions and harmonised with the three key Directives of the European Union. When it comes to the relevant documents Serbia has adopted a Law on the Prohibition of Discrimination, the National Anti-Discrimination Strategy, Action Plan for the implementation of this strategy, supporting measures in a number of sectors of society, and the National strategy for improving gender equality 2016-2020 is presently being drafted.

The Evaluation of the National Action Plan for Gender Equality 2010-2015 identified that inequalities are mostly related to participation of women in decision making processes, economic status of women, education and women's health, forms of gender based violence and stereotypes in media, etc. The implementation of EU and national gender equality commitments in Serbia is not satisfactory; gender equality priorities and gender equality considerations are not part of funded sectorial strategies, plans and budgets, but are rather considered as a separate issue, usually as a part of the specific gender equality action plan. Finally, regular, precise and systematic monitoring of gender equality policies and measures and gender equality aspects of sector strategies, plans and budgets is not in place.

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

In the area of victims and witness assistance, women are frequently victims of serious criminal offences such as rape, trafficking in human beings, domestic violence. The system of victims/witness support which will be provided by this project will encourage female victims/witnesses through a targeted informative action to report crimes and testify during criminal procedures. The present action will take into particular consideration the position of women victims and witnesses, and in all activities will aspire to ensure that those aspects are taken into careful consideration. The work will be based on a specific gender assessment of the needs in the victims and witness protection system of Serbia, to be developed at in the initial phases of implementation of the result 1.

Due attention will be placed on the involvement of women during the development of strategic approach as well as law-making process. as well as participation in the roundtables and seminars. The project will ensure that the gender-sensitive curricula and training programmes are developed in order to ensure that men and women benefited equally. WVSS staff members will collect gender-disaggregated data on witnesses and victims, in order to ensure that the specific needs of victims and witnesses are taken into account. The awareness raising activities will in particular focus on improving public awareness on victims of gender based violence (i.e. through media promotional campaign and roundtables).

## **EQUAL OPPORTUNITIES**

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

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

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

In 2013 the **Anti-discrimination Strategy**<sup>1</sup> was adopted and it has specific overall objective regarding the gender equality. Also, the **National Gender Equality Strategy 2016 – 2020**<sup>2</sup>, adopted in 2016, has three specific strategic goals and with regards to both strategies the focus will be on the implementation of existing strategic and legal framework for the protection of human and minority

---

<sup>1</sup> Anti-discrimination Strategy "Official Gazette of the RS" No 60/13

<sup>2</sup> National Gender Equality Strategy 2016 – 2020, "Official Gazette of RS", no. 04/16.

rights. In order to facilitate implementation of anti-discrimination AP towards removing obstacles and circumstances that hinder the achievement of full equality of deprived, vulnerable and marginalized groups, significant activities on promotion of the importance of anti-discriminatory practice, especially by raising awareness for the general public are being envisaged. Active participation not only by the government bodies, but also by independent institutions will achieve improving protection mechanisms specifically designed in accordance with European and international obligations and standards.

## **MINORITIES AND VULNERABLE GROUPS**

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

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

Serbia has an extensive Constitutional and legal framework providing for the protection of minorities and is party to relevant international instruments such as the Council of Europe. The government's Office for Human and Minority Rights (OHMR) coordinates, implements and monitors minority related policies but its administrative capacity as well as its overall horizontal effective coordination of Governmental policies related to human rights and minority protection needs to be further enhanced. Namely, increased activities in this area and implementing strategic framework and its Action Plans (Action Plan on anti-discrimination and draft Action Plan on minority rightsiii - expected for adoption in 2016) had led to establishing new monitoring mechanisms, which embraced all relevant stakeholders. The need for further improvement of coordination capacities of OHMR has been reiterated during 2015, despite the support provided with the IPA 2011.

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

In particular, the proposed action on establishment of a VWs system will *inter alia* focus on vulnerable groups subject to secondary victimization such as victims of gender-based violence, trafficking in human beings or juvenile victims. It will ensure that they receive relevant services from WVSS and the CSOs and are given equal and non-discriminatory treatment irrespective of their nationality, ethnic background, religion, age, sex or sexual orientation. Interpretation for victims of foreign nationality will be provided according to the Serbian law.

In addition, all information material for produced for victims shall be produced in minority languages in common use in Serbia, in order to be accessible for a wider percentage of citizens, including minorities.

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

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

Civil Society organisations and other stakeholders are already involved in the implementation of the strategies and action plans. Experience has shown that civil society organisations can play an integral part in enhancing supporting activities for the target groups. Each of the priority interventions shall seek

to actively engage with and pursue cooperation with a wide range of civil society actors including civil society organisations and business associations and networks from the communities in order to identify in which ways they might benefit from the action outputs and support. Furthermore civil society actors and organisations will be able to provide input to the various interventions in order to address the various needs and concerns of their constituents.

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

Civil Society in the area of Rule of law in the programming process led by 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

In particular, the proposed action on establishment of a VWs system will promote creating a partnership framework of CSOs and support service providers at state institutions in delivering services to victims and witnesses. Therefore, the capacity of CSOs will be strengthened, and CSOs will be encouraged to develop adequate support programmes in cooperation with and endorsed by the social services. A specific activity of the result 1 will actively involve relevant CSOs in the policy dialogue on creating VW policies (activity 1.1), in order to improve collaboration between state institutions and civil society. Furthermore, an additional activity (1.3) will actively involve relevant CSOs in awareness raising activities.

#### **ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)**

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

The proposed action is of a purely technical nature of the does not have a direct impact on environment.

#### **7. SUSTAINABILITY**

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

added value if by the end of the proposed projects, sustainability plans would be developed in order to preserve best practices and experiences.

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

The institutionalisation of victims/witness support services represents a key issue for the Serbian Government and is reflected in the National Judicial Reform Strategy (NJRS) 2013-2018, as well as in the Action Plan for Chapter 23 (April 2016)-Result 3.7.1. The NJRS Action Plan further envisages the establishment of witness/victims support services in Serbian higher courts determined on the basis of the High Judicial Council's decision and the establishment of witness/victims support services in Prosecutors' offices throughout Serbia.

All foreseen activities and results will eventually lead to the setting up or strengthening of sustainable practices that will enable relevant responsible institutions and stakeholders to establish an effective Victim and Witness assistance system, to improve backlog and case law harmonisation policies, and increase efficiency, accountability and transparency of the judicial system

On the other hand, the AP for Chapter 23 (Results 3.7.1.) foresees the establishment of a countrywide network of services for support of victims, witnesses and injured parties in the investigative and all other phases of criminal proceedings. In addition to this, the question of ensuring sustainability of the nationwide VWS system has become an important issue for the drafting process of the National Strategy for Victims' Rights envisaged by the same document.

Finally, this action will ensure that all policies that are produced as its result will be developed according to the better regulation approach, which ensures inclusive and evidence-based policy and legislative development. The increased focus on the quality of the legislative and policy-making process will help to ensure that adopted policies and laws can be better implemented. Also, institution-building under this action will respect effective lines of accountability between institutions (agencies and parent institutions), therefore avoiding any possible fragmentation of administration.

## **8. COMMUNICATION AND VISIBILITY**

Communication and visibility will be given high importance during the implementation of the Action. The implementation of the communication activities shall be the responsibility of the IPA II 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 European Commission (DG NEAR) will have to be followed.

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

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 sectoral monitoring committees.

---

<sup>i</sup> The Uniform Backlog Reduction Program will be subject of future revisions (see Action Plan Ch.23 1.3.6.5)

<sup>ii</sup> The Uniform Backlog Reduction Program will be subject of future revisions (see Action Plan Ch.23 1.3.6.5)

<sup>iii</sup> The Action Plan will focus on the implementation of the existing legal framework, which has been rated as very good, but with inconsistent levels of implementation. In the process of development of the AP, the RoS will focus on the relevant recommendations set out in the Third opinion of the Advisory Committee on Serbia in the context of the Council of Europe Framework Convention for the Protection of National Minorities. Major importance will be dedicated to full inclusion of all stakeholders, i.e. the councils of national minorities, civil society organizations and all relevant public authorities. The principle of transparency will be respected at all stages of design, implementation and monitoring over the implementation of this AP.