

JUDICIAL REFORM AND GOVERNMENT ACCOUNTABILITY PROJECT

Annual Report – Year 2

July 1 2012 – June 30 2013





On the cover (right to left): U.S. Ambassador to Serbia, Michael Kirby, Serbian Minister of Justice and Public Administration, Nikola Selakovic, Acting President of the Zajecar Misdemeanor Court, Zeljka Petrovic, and Head of the Timok District, Vladan Paunovic, at the presentation of the renovated Misdemeanor Court in Zajecar, May 24, 2013

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**JUDICIAL REFORM AND
GOVERNMENT ACCOUNTABILITY PROJECT
(JRGA)**

Annual Report
Year 2

TABLE OF ACRONYMS

AC	Administrative Court
ACA	Anti-Corruption Agency
ACS	Anti-Corruption Strategy
AMJ	Association of Misdemeanor Judges
APP	Association of Public Prosecutors
BIRODI	Bureau for Social Research
CAFV	Counseling Against Family Violence
CDS	Center for Development of Serbia
CeSID	Center for Free Elections and Democracy
CfI/PDP	Commissioner for Information of Public Importance and Personal Data Protection
CIP	Court Improvement Plan
CMS	Center for Modern Skills
COI	Conflict of Interest
COP	Chief of Party
CRTA	Center for Research, Transparency and Accountability
CSO	Civil Society Organization
DCOP	Deputy Chief of Party
EPC	European Policy Centre
GOS	Government of Serbia
HCC	High Court Council
HMC	Higher Misdemeanor Court
IAs	Independent Agencies
IAD	Income and Asset Disclosure
IT	Information Technology
JA	Judicial Academy
JAS	Judges' Association of Serbia
JRGA	Judicial Reform and Government Accountability [Project]
LOE	Level of Effort
LOM	Law on Misdemeanors
MC	Misdemeanor Court
MCCMS	Misdemeanor Court Case Management System
MOJPA	Ministry of Justice and Public Administration
NGO	Non-Governmental Organization
NPC	National Policy Center
PC	Partner Court
PDC	Partners for Democratic Change
PMP	Performance Monitoring Plan
RFA	Request for Applications
RFP	Request for Proposals
RFQ	Request for Qualifications
SAI	State Audit Institution
SoM	Serbia on the Move
STTA	Short-Term Technical Assistance
TCDHR	Toplica Center for Democracy and Human Rights
TS	Transparency Serbia
USAID	United States Agency for International Development
Y2	Year 2
YUCOM	Lawyer's Committee for Human Rights
WP	Work Plan

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EXECUTIVE SUMMARY

During Year 2, the Judicial Reform and Government Accountability project (JRGA) continued with efforts in securing the continuity and sustainability of assistance mechanisms geared at meeting the Project's **overall objectives**:

- Strengthen the rule of law, the independence of the judiciary, and the administration of justice in Serbia;
- Increase public awareness of reforms in the judicial sector;
- Strengthen the ability of the Serbian government, independent agencies, and civil society to detect and prevent corruption.

The implementation of activities outlined in the JRGA Year 2 Work Plan was aimed at achieving incremental progress towards expected results. Activities were logically sequenced and combined both process-oriented and result-oriented interventions.

JRGA support provided under **Component 1** continued to run on two parallel, complementary tracks – targeted technical assistance at the local level geared towards improving case processing and efficiency in courts combined with national-level policy and operational reforms with system-wide impact. This approach proved to be most effective as complementary activities result in strengthening leadership and management functions within the administrative and misdemeanor court systems so that court personnel are able to sustain results achieved. Systemic-level interventions were focused on finalizing the drafting of the new Law on Misdemeanors (LOM), conducting a comprehensive court facility assessment in order to provide a reliable fact-based investment planning tool to the Ministry of Justice and Public Administration (MOJPA), implementing a large-scale computer equipment procurement and delivery and delivering a targeted training program.

The Project continued working with Year 1 Partner Courts (PCs) and extended its direct, hands-on technical assistance to those misdemeanor courts selected as Year 2 PCs – Belgrade, Zajecar and Loznica. JRGA also continued to add to the pool of PCs as opportunities for direct assistance presented themselves. Thus, during Year 2, JRGA carried out a detailed operational review with recommendations for improvement in courts in Belgrade and Novi Sad, two largest misdemeanor courts (MCs). The Project also continued working on formulating and disseminating best practices related to case processing times, service of process, enforcement and collection, as well as development of information and public outreach actions and materials. Courthouse facility review and upgrades to select courts that contribute to improved court accessibility and transparency were carried out in close cooperation with the MOJPA in order to leverage project assets with those of the Ministry.

Under **Component 2**, JRGA provided technical assistance and training intended to strengthen independent agencies and their capacity to interact with courts, enforcement bodies, especially the Parliament, and administrative agencies. After a change at the helm of the Anti-Corruption Agency (ACA) in Quarter 2 of JRGA Year 2, the Project established constructive relations with the new leadership and intensified direct technical assistance to this independent body. This resulted in the assessment and presentation of results of the 2012 general elections' campaign monitoring, Good Governance conference, review of the Agency's complaints and reporting procedures and public outreach practices. The Project also provided hands-on technical and material support to the working group for the preparation of the new Anti-Corruption Strategy (ACS) that is functioning under the auspices

of the MOJPA. Draft Strategy and Action Plan were finalized in June 2013. The Strategy was adopted by the Government on June 20 and by the National Assembly on July 1, 2013.

Working together with the Commissioner for Information of Public Importance and Personal Data Protection (CfI/PDP) and the Ombudsman, JRGA provided direct technical assistance through a world-renowned expert to the working group developing the new whistleblower protection law. Training and on-the-job coaching was provided to the staff of the Ombudsman's office in order to increase their capacities for handling an ever-growing number of complaints and work more efficiently with difficult clients. Other programming promoted institutional coordination, and encouraged enforcement of and compliance with independent agency recommendations.

In Year 2, the Project continued with a successful cross-cutting coordination mechanism strengthening **inter-agency cooperation** between Component 1 and Component 2 counterparts. A series of roundtables involving Higher Misdemeanor/Misdemeanor Court (HMC/MC) judges and representatives of different independent agencies (IAs) promoted dialogue that will lead in time to more effective filing and processing of IA cases before the courts. This contributed to establishing JRGA-sponsored roundtables as the Project trademark the benefits of which are widely recognized by all stakeholders. In the second half of Year 2, a new series of roundtables between the National Assembly and the IAs was initiated. The main aim of this coordination mechanism is to bring institutions together in informal surroundings to discuss joint issues, and, equally important, to build relationships and lines of future communication.

As a result of general elections held in May 2012 and the subsequent shift in power that took place in Serbia, personnel changes occurred in the leadership of some of the counterpart institutions such as the MOJPA, the High Court Council (HCC) and the ACA. Regardless of this, JRGA maintained a functional **project coordination mechanism** involving representatives of counterpart institutions in order to ensure consensus for implementing reforms, monitoring of the project progress and resolving policy-level issues that arose during the implementation (*see* Annex D for the full list of project counterparts). JRGA also regularly provided relevant information to the Serbian European Integration Office in furtherance of USAID's Assistance Agreement with the Government of Serbia.

Gender Mainstreaming

JRGA program activities were planned and implemented so as to promote gender equity and women's empowerment. The Project established cooperation with the Commissioner for Protection of Equality in order to work more intensively on gender discrimination issues. JRGA also worked with the JA to assist its efforts to develop gender equity programming and ensure that women are well represented both as faculty and as trainees. Gender breakdown of judicial and other government officials that were trained by JRGA during Year 1 is presented in the report on the Performance Monitoring Plan (*see* Annex B).

Grants Program

All projects awarded grants under the first Request for Applications (RfA) that began in Year 1 successfully completed their activities in Year 2. Their results/deliverables were widely disseminated and utilized. Two more Requests for Applications were announced in Year 2. Details on grant activities in Year 2 are included under Task 1.10 and Task 2.7.

As provided under Section C.6 of the contract, the total amount of grants to be awarded to Serbian CSOs during the first 24 months (May 2011-May 2013) must not be less than \$100,000 and not more than \$500,000. During these 24 months, under three Requests for

Applications (RfA) JRGA awarded 18 grants in the amount of \$498,551.13, complying with the required ceiling as stated in the Contract.

Furthermore, in May 2013, JRGA launched another, fourth RfA, which resulted in eight grant awards. Contracts were signed in June 2013, amounting to \$240,106.57.

Year 1 Annual Report

This annual report outlines the current status of affairs, key achievements to date, and progress with regard to activities envisaged under the Year 2 Work Plan. It also provides data and relevant annexes for JRGA activities carried out in Quarter 4. Furthermore, the Annual Report is complemented by a report on the Performance Monitoring Plan presented as Annex B which provides information on achievements against the previously set targets, and presents new targets for Year 3. Budget execution for Year 2, as well as a forecast of expenditures for the remainder of the Project, are presented in Annex A. Administration and project management are described under a separate section of the Report, while the project staffing list is presented as Appendix C

HIGHLIGHTS FROM YEAR 2

Component 1: Judicial Reform

Partner Court Program:

- Holistic support to courts in achieving systemic changes and improving the administration of justice provided to MCs, the HMC, and the AC. Knowledge transfer, joint problem solving and court-to-court dialogue promoted through quarterly partner court meetings.
- Large-scale professional consultations on impending legislative and procedural reforms, and knowledge exchange for almost 300 judges and court staff organized during the Annual Conference of the Association of Misdemeanor Judges.

Legislative Reform:

- Work on finalizing the draft of the new LOM completed with intensive technical assistance to the MOJPA-sponsored expert Working Group. Draft Law adopted by the Government on June 18, 2013.
- A series of public hearings on proposed changes set to promote efficiency in case processing, enforcement and collection facilitated for the general and professional public, as well as partner agencies and institutions and the international community.

Facility Upgrades and Renovations:

- A comprehensive MC Facility Assessment completed with a view towards providing the MOJPA with a realistic picture of the conditions and ownership status of MC facilities and a sound basis for future investment planning.
- Facility upgrades completed in Zrenjanin, Zajecar and Loznica MCs with a view to ensuring optimal functional organization of the courts and enabling operational efficiencies, easier public access and safe and open hearings.
- USAID and MOJPA resources leveraged to maximize the impact of efforts to improve the openness, transparency, and accessibility of Serbian courts and court services.

Court Automation:

- AC Case Law Data Base populated with over 54.000 cases providing judges with effective access to case law, promoting uniformity in legal practice, and enhancing transparency by allowing public access to redacted information through redesigned AC website.
- Large-scale computer hardware procurement for all misdemeanor courts in Serbia initiated, set to significantly improve the operational and processing capacities of the courts for full court automation with the introduction of a future case management system.
- Mapping and planning for optimizing and automating court procedures revised in line with anticipated procedural changes to come into force with the introduction of the new LOM.
- Almost 2,800 person/days of training in basic computer literacy conducted for misdemeanor judges and court staff from across Serbia.

Misdemeanor Judges Training 2012:

- Over 1100 person/days of training on topics covering substantive law, ethics and court administration, as well as the application of anti-corruption regulations delivered to misdemeanor judges and staff in close cooperation with the HCC, the Ministry and the Judicial Academy.
- AC judges trained on the topic of property restitution and topics for further capacity building identified in cooperation with court leadership.

Component 2: Government Accountability

Strengthening Capacities of the Anti-Corruption Agency

- Technical assistance provided to the new leadership and operational departments of the ACA in reviewing their complaints and reporting procedures, and communication of the key messages on the ACA efforts to both the Parliament and the general public.
- Support provided with the organization of a Good Governance conference highlighting the concepts of government accountability and the role of the independent agencies and the civil society in advocating for a responsible and responsive public administration.
- Campaign financing data analyzed and preliminary findings presented to the public and the media during a conference in December 2012. Support provided with identifying entities in breach of campaign spending reporting requirements against which misdemeanor charges will be filed.

Anti-Corruption Strategy Drafting

- JRGA provided intensive technical and logistical assistance to the working group set up under the auspices of MOJPA for drafting the national Anti-Corruption Strategy and accompanying action plans for identified priority areas and organizing public hearings. The Strategy adopted by the Government and the Parliament in June 2013.

Whistleblower Protection

- Proposed legal framework for whistleblower protection and incentives reviewed and direct technical assistance provided to the working group set up under the auspices of the Commissioner for Information of Public Importance and Personal Data Protection.

Personal Data Protection

- Existing and new draft legislation governing personal data protection in Serbia analyzed by JRGA's international expert who also provided recommendations for improving the legal and operational framework in this area.

Client Relations and Complaints Handling Training for Ombudsperson's Staff

- Staff of the Ombudsman's office trained on handling an increasing number of citizens' complaints addressed to this independent body and equipped with difficult client management techniques to improve their efficiency in everyday work and communication.

Coordination between the Independent Agencies and the Judiciary

- Efficient roundtable mechanism promoting dialogue and consultations on effective filing and processing of cases before the Courts established between the MCs and the SAI, the Commissioner for Information of Public Importance and Personal Data Protection and the Anti-Corruption Agency.

Coordination between the Independent Agencies and the Parliament

- JRGA facilitated roundtables between IAs and select parliamentary committees in order to promote regular communication channels, identify improvements in IA reporting towards the Parliament, as well as Parliament follow up on the IA recommendations.

Support to the Commissioner for the Protection of Equality

- Public awareness of the work on the protection of the vulnerable groups carried out by this independent body promoted through development and distribution of informational brochures and website redesign and upgrade.

Grants Program:

- All projects awarded grants under the first Request for Applications (RfA) successfully completed their activities which were widely disseminated and utilized.
- Three more Requests for Applications announced in Year 2. The cumulative total of all grants awarded in the first 24 months of the Project is \$498,551.13 for 18 projects. The amount is within the contractual limitations for the first two years of Project.
- Additional \$240,106.57 awarded for 8 projects under the 4th RfA.

COMPONENT 1 – JUDICIAL REFORM

Tour of the renovated Zajecar Misdemeanor Court, May 2013



'Key Communicator' training for MOJPA staff, April 2013



Press conference on the occasion of Misdemeanor Day, June 22, 2013

During Year 2, JRGA continued to streamline its technical assistance under Component 1 by implementing a combination of **national-level interventions** and a **local-level Court Assistance Program**. National-level interventions focused on policy and regulatory reform as well as capacity building and training to enhance the competency and reputation of the misdemeanor and administrative court systems. The local-level Court Assistance Program facilitated incremental practical and procedural change in selected PCs. This enabled the Project to provide holistic support to Misdemeanor Courts (MCs), the Higher Misdemeanor Court (HMC), and the Administrative Court (AC) in achieving systemic changes and improving the administration of justice.

Despite the shift in power that occurred in Serbia after the general elections held in May 2012 and the personnel changes in some of the counterpart institutions, JRGA maintained productive relationships with all relevant counterparts (*see Annex D for the full list of Project beneficiaries/counterparts*). JRGA continued to provide detailed project progress updates to the project liaison in the High Court Council (HCC). Close cooperation with the Ministry of Justice and

Public Administration (MOJPA) resulted in the **finalization of the new draft Law on Misdemeanors (LOM)**, which was adopted by the Government in June 2013 (*see Annex H for the English translation*), and cooperation to maximize resources for court facility improvement. The Project also provided the MOJPA with the **comprehensive misdemeanor court facility assessment**, which will serve the Ministry as a fact-based investment planning tool enabling input on most urgent relocation/renovation needs and property ownership information.

Due to more pressing tasks that required full focus of the Ministry personnel such as the new Judicial Reform Strategy and the new territorial organization of judiciary bodies in Serbia, for the better part of Year 2 JRGA lacked clear policy guidance on court automation for misdemeanor courts. However, by the end of Year 2, JRGA was able to secure full partner buy-in for the **development of a Misdemeanor Court Case Management System (MCCMS)** and the Project started finalizing procurement and contract documentation for engaging a software company to develop this application. In parallel, in the second half of Year 2, JRGA executed a large-scale procurement and delivery of **computer equipment for all MCs in Serbia**. This procurement is set to considerably advance the situation in courts regarding their hardware needs, ultimately paving the way for full automation of court procedures.

Effective collaborative relationships were continued with the HMC and AC for implementation of project tasks. In the last quarter of Year 2, JRGA finalized the data entry for the **AC Case Law Data Base** which now contains over 54.000 cases, decisions, and sentences. This tool enables the AC judges to have quick access to court practice and harmonize their decision-making across the jurisdiction of the AC, in its Belgrade seat and units in Novi Sad, Kragujevac, and Nis. The Project also started working with the AC on redesigning and upgrading their website, which will also provide public access to redacted versions of court's decisions of precedential importance, thereby increasing the transparency of court operations. Given the successful application of this tool in the AC, in agreement with

National-level interventions:

- Policy and regulatory reform
- Comprehensive court facility assessment
- System-wide computer hardware delivery
- Capacity building and training

Grassroots-level interventions:

- Court Assistance Program (practical and procedural changes in select Partner Courts)
- Facility upgrades

the HMC leadership, JRGA started modifying the software application and data entry for the Higher Misdemeanor Court by the end of Year 2.

A **system-wide training program** initiated in Year 1 was successfully delivered throughout Year 2. In total, since September 2012, JRGA delivered 4230 person/days of training on topics covering substantive law, ethics and court administration, and basic computer literacy. The training delivery was implemented and closely coordinated with the Judicial Academy (JA). New topics for the next round of training to be held in Year 3 were identified and the preparation of training materials initiated. The focus of this future capacity building for misdemeanor judges and staff will be the procedural changes that will come into effect once the new Law on Misdemeanors will be adopted by the National Assembly.

At the grassroots-level, JRGA continued working with Partner Courts providing them with **direct technical assistance**, supporting **facility upgrades** and organizational improvements wherever opportunities arose and maintaining an effective **quarterly meetings mechanism** that proved to be a flexible structure for reform dialogue and problem-solving. Full operational reviews were conducted for MCs in Belgrade and Novi Sad, providing recommendations for improvements in all segments of court business processes. These were translated into implementation plans that the two courts are working on in close coordination with JRGA staff.

JRGA organized regular quarterly meetings at which PC leadership identified problems, discussed solutions, exchanged best practices, and recommended reforms. Working together with the Association of Misdemeanor Judges (AMJ), the Project supported the **collection of best practice examples** that were processed and systematized in a publication that will be available to all MCs as an every-day practical support tool in handling issues that all courts are faced with – service of process, enforcement, coordination of cases, access to justice, etc.

Facility upgrades and renovations were successfully implemented in Misdemeanor Courts in **Zrenjanin, Zajecar and Loznica**. In order to facilitate public access to court services and promote open hearings, JRGA leveraged its assets with those of the MOJPA for maximum impact. The Project also initiated facility upgrade activities in the **Ruma** MC in June 2013 (*see* Annex I, architectural design for MC Ruma). All interventions have substantially improved the facilities and the organization of space so that the MCs will be able to function more efficiently and provide better service to their users.

During Year 2, JRGA engaged in intensive cooperation with the Association of Misdemeanor Judges (AMJ), a professional association representing the judges of the misdemeanor court system. The Project provided assistance with their strategic planning efforts, which culminated in the approval of a five year strategic plan in April. JRGA also facilitated the organization of the Annual AMJ Conference attended by over 300 misdemeanor judges.

JGRA continued with the grants program in Year 2 with a view to ensuring more non-governmental support for the improvements in the rule of law and the judicial sector. In total, in the three Requests for Applications (RfA) launched in the first 24 months of the project (May 2011 – May 2013), 7 projects received grant funds in the cumulative amount of \$196,569.32 for initiatives targeting Component 1 activities such as family/domestic violence inter-service cooperation and victim protection, transparency of AC operations, alternative sanctions, and MC best practices. Another, fourth RfA was launched by the end of Year 2, in May 2013. Four CSOs received funding for projects related to areas covered under Component 1, totaling \$125,141.10 (*see* Annexes J and K for an overview of completed grants and all grants reports and deliverables).

Task 1.1 Establish baselines for indicators in the Performance Monitoring Plan

1.1.1. Capture Progress Data and Update Targets

During Year 1, JRGA developed a Performance Monitoring Plan (PMP) to document project performance and monitor impact using indicators, baselines and targets to measure results achievement. During Year 2, the Project continuously collected data, monitored progress and updated results in line with the PMP.

Reporting against PMP indicators, as well as targets for Year 3, are presented in Annex B to this Report.

Task 1.2 Assist the High Court Council, the judiciary and any other relevant bodies or actors to make open hearings of all Administrative, Misdemeanor and High Misdemeanor Courts routine, dignified, accessible, safe, efficient, and promote fairness for all parties

MC facilities are inconvenient for both staff and the public and inadequate to accommodate routine, dignified, accessible, safe, and efficient open hearings. During Year 2, JRGA completed a full review of MC facilities that provided the MOJPA decision-makers with an accurate picture of the legal and functional status of facilities. JRGA implemented facility upgrades in selected PCs, with the aim of maximizing the return on use of project funds and leveraging MOJPA planned investments in the PCs and other MCs. In addition, through the Court Assistance Program, JRGA worked with PCs to identify best practices to promote open hearings and fairness. Training modules on Administrative and Operational Procedures in MCs and Ethics and Courtroom Administration provided methodologies for ensuring open, fair, safe and accessible hearings.

1.2.1 Facility Inventory, Upgrade and Renovation

Assessment of the buildings of misdemeanor courts in the territory of the Republic of Serbia: During Year 1, JRGA took stock of the situation with court facilities and working conditions throughout the Misdemeanor Courts in Serbia. This process allowed the Project to identify the recurrent problems concerning the existing physical conditions in which Misdemeanor Courts are operating, and the complexity of ownership issues related to buildings that house the courts. As a result, in Year 2, JRGA engaged in creating a **comprehensive court facilities inventory** for the Misdemeanor Courts with the following objectives:

- presenting an **objective comparative analysis** of the current situation with buildings used by the MCs in terms of their physical and functional conditions, as well as their property-legal status;
- taking into account identified advantages and shortcomings of these spaces, propose **options for upgrades or renovations** of the court facilities, or ultimately their relocation if current conditions do not meet any of the courts' needs;
- providing the Ministry of Justice and Government Administration with **an objective basis for further planning** in order to be able to make informed decisions on allocating funds for necessary court facility upgrades.

This assessment encompasses 47 buildings where the MCs are located, more specifically: the Belgrade seat and three court units of the Higher Misdemeanor Court in Kragujevac, Niš and Novi Sad, and 43 buildings where the first-instance misdemeanor courts are located. The assessment contains information on the physical conditions of buildings and related

infrastructure, information on building ownership, floor plans, pictures, as well as recommendations for resolving the most urgent issues. The adequacy of the existing spatial organization is analyzed and options for improvement or upgrades presented. A tentative estimate of costs that such interventions would entail is given for each court in order to provide the Ministry with a clear overall picture of the scale of investment needed.

In order to complete this demanding task within the envisaged timeframe, JRGA sought support from two short-term architectural and design experts who worked under the supervision of JRGA's staff architect. In the period from July to December 2012, JRGA experts visited all MCs in Serbia and obtained necessary input data for the preparation of the assessment.

The document was presented to MOJPA, as well as the newly appointed Acting Court President of the Supreme Court of Cassation and the head of the High Court Council in order to stress the needs of misdemeanor courts for appropriate working conditions that will lead to their increased efficiency. All stakeholders recognized this as a valuable planning document that provides the Ministry and the HCC with a fact-based analysis for future capital investment planning.

Facility Upgrades and Renovations: During Year 2 JRGA continued implementing functional and organizational changes in select misdemeanor courts in order to improve transparency and access to justice, increase operational efficiency and improve the image of MCs with the citizens of Serbia. Facility upgrades were carried out in MCs in Zrenjanin, Zajecar and Loznica, as planned, while works also began in the court in Ruma (*see Annex I for the architectural design*). In all facility-related matters, JRGA sought coordination with the Ministry and utilized opportunities for leveraging of funds in order to achieve the maximum impact of investments.

All facility upgrades were carried out with the aim of reorganizing the physical space and improving the facility within the limitations imposed by the structure of each building/space, thereby improving their operational efficiency and public convenience. JRGA especially sought to improve access to justice and transparency of court operations by using opportunities to engineer the space so as to fit in the one-stop-shop information and intake counters that allow the court users and the citizens to complete their administrative tasks at one place and improve their perception of the treatment they get and the efficiency of the judiciary. Appropriate signage was also installed in all renovated facilities.

Belgrade MC: It was originally planned in the Year 2 Work Plan that JRGA would support the MOJPA initiative to relocate this court from 13 different locations it is currently operating into a new single location – the GENEX building. However, the Ministry did not further pursue the acquisition of the GENEX property.

Furthermore, for the better part of Project Year 2, the Ministry was in the process of drafting amendments to both the new five-year National Judiciary Reform Strategy and a comprehensive set of judiciary reform laws, including the Law on the Seats and Territorial Jurisdictions of Courts and Public Prosecutor's Offices which will create a new court network. In parallel, the Ministry was also looking into possibilities of resolving the facility issues plaguing courts of all jurisdictions in Belgrade. The potential relocation and consolidation of operations of the Belgrade MC depends on the outcome of these broader shifts in the Serbian judiciary. JRGA will continue to advocate the need to provide adequate facilities for the largest MC in the country and work with the Ministry in finding the optimal solution.

YEAR 2 FACILITY UPGRADES

Zrenjanin Misdemeanor



The **Zrenjanin Court** is now an example of a modern court with a 'one-stop-shop' intake and information area; providing a single designated space in which all administrative tasks can be performed, allowing direct communication with court users; and providing physical transparency of court operations.

The Misdemeanor Court in Zrenjanin is also currently the only misdemeanor court in Serbia with separate courtrooms and chambers for each of its judges. The Project's renovation effort was aligned with the MOJPA intervention on the roof of the building. Official inauguration of the renovated court premises took place in October 2012.

Zajecar Misdemeanor Court



In 2012, the Ministry acquired a part of a commercial building in **Zajecar** in order to relocate that Misdemeanor Court to more adequate premises.

During the second quarter of Year 2, JRGA carried out the facility upgrade. This resulted in a functional space with two courtrooms, judges' cabinets and a 'one-stop-shop' intake and information area.

The official presentation of the reengineered court premises took place in May 2013.

Loznica Misdemeanor Court



Last year, the Ministry entered into the process of renovating a judicial building in its possession in downtown **Loznica**. JRGA prepared a design for the new premises that the MC is to occupy in this building. The works were implemented in May and June 2013.

The space is organized in a manner optimal for housing all court employees, enabling sufficient room for archiving, providing seating in the corridors to accommodate the court user numbers, as well as the one-stop-shop information and intake area for better access to court services and a courtroom/chamber for each of the eight judges.

1.2.2. Partner Court Best Practices

Building on best practices on open hearings and public access developed by PCs, JRGA developed and delivered training modules on Administrative and Operational Procedures in the MCs and on Ethics and Administration of Courtroom and Proceedings during Year 2. Both modules included methodologies for ensuring open, fair, safe, and accessible hearings.

Impact: Information counters, improved court layouts, and signage will directly improve public access to relevant information and staff, while ensuring that judges and other court staff are able to focus on their tasks. Posted and publicly available information about hearings will encourage public attendance. Fact-based investment planning on the part of the Ministry will contribute to better targeting the capital improvements to judiciary facilities that will in turn result in better public perception of court transparency and efficiency.

Task 1.3 Assist the High Court Council, the judiciary and any other relevant bodies or actors to reduce backlogs and improve case processing times and procedures in the Administrative, Misdemeanor and High Misdemeanor Courts

Shortcomings in the legal and regulatory framework, combined with practical inefficiencies in case management, hinder the effective and timely processing of cases. During Year 2, JRGA worked on proposing systemic and regulatory solutions to the Ministry and the courts through amendments to the LOM, and identifying best PC practices to reduce backlog and improve case management and case processing.

1.3.1. Regulatory Reform for Improved Case Processing

Most of the Project Year 2 was given over to providing direct technical and material assistance to the working group set up under the auspices of the Ministry for the finalization of the text of the new Law on Misdemeanors (LOM) (*see* Annex H for the English translation of the draft adopted by the Government of Serbia). The revision process that started back in February 2012 yielded amendments to more than 200 articles of the Law out of the then existing 310. In addition to key amendments introducing the Misdemeanor Order, the changes provide for the creation of a central registry of debtors and the extension of the statute of limitations for both case processing and enforcement. Other proposed changes to the Law significantly improve the service of process, case processing and enforcement.

During the intensive discussions that took place during a five-day working session facilitated by JRGA and held in Vrsac in September 2012, the members of the working group agreed that the extensive changes to the text of the Law would cause it to be presented to the Government and the Parliament as a proposal of a new Law rather than as an amendment to an existing legal act. After the initial draft was finalized, JRGA assisted the Ministry in organizing a series of public debates that served as an opportunity to present the proposed changes to the judicial community, international organizations, organizations of the civil society and the general public.

The Law was first presented to the judicial community during the Annual Judges' Conference held in Zlatibor on October 8-10, 2012. Following this, on October 23, 2012, JRGA and the Ministry facilitated a public debate on the draft text of the new Law on Misdemeanors in the palace of Serbia. Around 80 representatives of different state bodies, the international community and legal experts gathered to discuss proposed amendments to the misdemeanor

procedure, particularly the introduction of the misdemeanor order and the unique registry of debtors as the most important changes to the existing practice. This debate was mainly focused on those institutions/bodies which are most frequently filing motions for initiating misdemeanor proceedings, such as the traffic police, tax administration, and independent regulatory bodies.

On November 5-7 in Kladovo, during the Annual Conference of the Association of Misdemeanor Judges, the Law was presented to over 300 misdemeanor judges. They had the opportunity to voice their opinions on the proposed changes as well as listen to the regional experiences – from Bosnia and Herzegovina and Montenegro – on how the misdemeanor order is being implemented in practice for several years now in these countries.

In parallel with the public debates, written comments were submitted through the website of the Ministry of Justice and Government Administration. Over 270 comments were received in total. In order to assess the comments received, the working group met for an intensive four day working session on December 13-16, 2012 in Sremski Karlovci. The members of the working group divided the comments in accordance to what provisions of the Law these were related, processed them and decided on relevant input to be incorporated in the final text of the Law.

JRGA also assisted the working group with preparing the accompanying commentary to the new draft LOM as well as in preparing the impact analysis for the Law. This document identified the projected programmatic and fiscal impact of the revised Law. The commentary and the impact analysis will be presented to the National Assembly together with the Law in order to assist the MPs in understanding the effect that the revised law will have on the administration of justice in the Misdemeanor Courts, and the potential cost implications.

This work, together with the final normative polishing of the Law, took place in the period February - April 2013, also with JRGA assistance. The Government adopted the new LOM on June 18, 2013. It is expected that the Law will be presented to the National Assembly in July 2013 before the parliamentary session breaks for summer. The envisaged date for the LOM to enter into force is March 1, 2014.

The extent of the proposed changes in the misdemeanor procedure will require capacity building for both the courts and other concerned entities. In anticipation of the adoption of the revised Law, JRGA collaborated with the Association of Misdemeanor Judges and the Judicial Academy to identify the core components of training requirements to prepare judges for implementation (*cf.* Task [1.7](#)).

1.3.2. Misdemeanor Court Case Management System

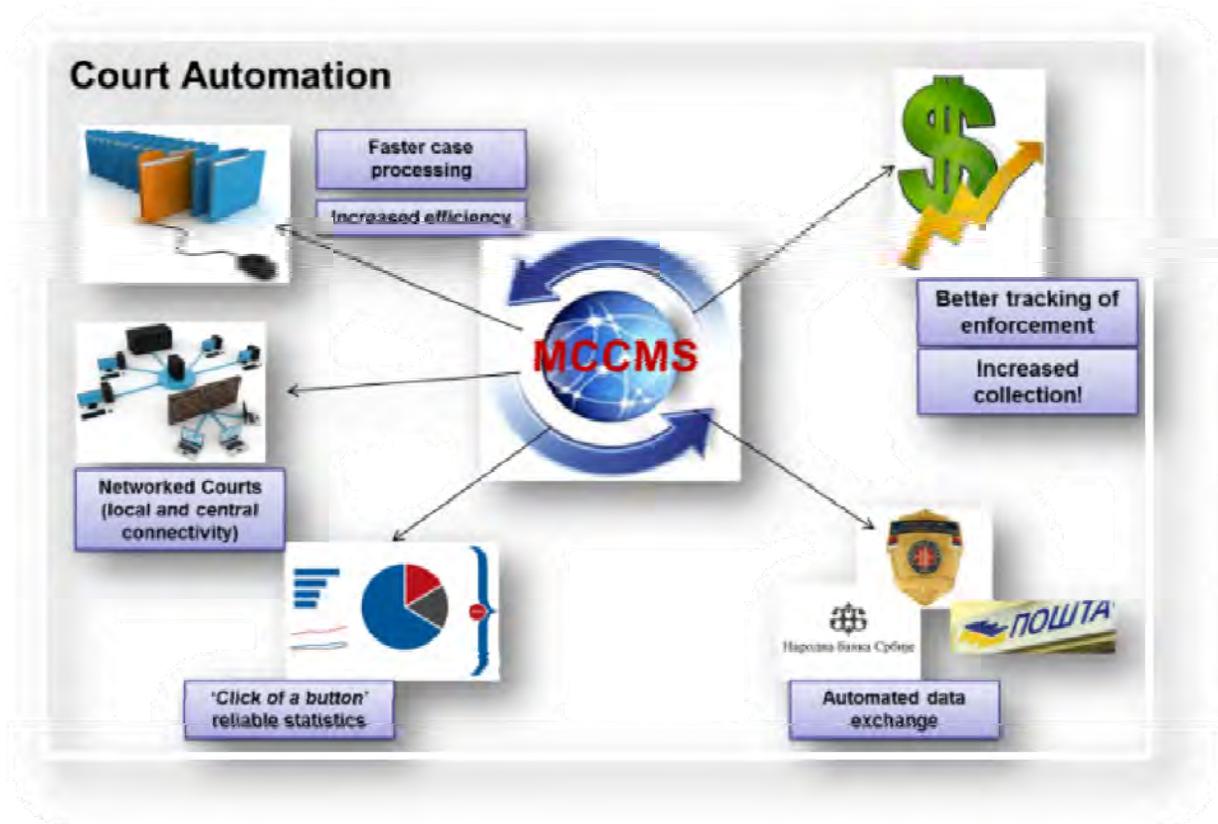
The availability and application of technology is important for achieving effective and efficient processing of cases in a high volume caseload environment such as the Misdemeanor Courts. Successful deployment of technology has several components, including the careful analysis of business processes; robust software applications that meet needs of the courts; adequate hardware and operating systems; communications infrastructure to facilitate exchange of information and the operation of software systems; and implementation support, including ample training and technical support (to address both software and hardware issues).

JRGA continued its efforts to support the implementation of adequate technology in the Misdemeanor Courts during Year 2.

Software development: JRGA completed the evaluation of the tender for the selection of a vendor to develop the Misdemeanor Court Case Management System (MCCMS) in

September 2012. However, no contract award has been made during Year 2 as the Project was dialoguing with the Ministry in order to find the most appropriate approach and ensure full partner buy-in for the proposed solution and the proposed vendor.

After several meetings with relevant Ministry staff in the second and third quarters of Year 2, JRGA Chief of Party met with the Minister for Justice and Public Administration on May 28 to discuss the Ministry's policy orientation with regard to introducing automation into misdemeanor courts. During the meeting it was agreed that the Ministry will support and cooperate with JRGA on the development and implementation of a Misdemeanor Court Case Management System (MCCMS). The Minister also agreed with JRGA's choice of software vendor. This green light from the Ministry prompted the Project to start finalizing the contract documentation and engaging in software development as soon as possible.



The proposed MCCMS concept and architecture are fully in line with the ICT Strategy for the justice sector in Serbia which is currently being finalized by a World Bank project. JRGA was involved in reviewing and commenting on the relevant sections of the Strategy document concerning the misdemeanor courts. The Project stressed the need for improving the working conditions of the misdemeanor courts, enabling them LAN and WAN access and adequate hardware in order to pave the way for future automation of procedures.

Analysis of Functional Requirements: As the decision on proceeding with software development was pending with the Ministry for the better part of Year 2, the Project in parallel worked on expanding the functional requirements of the proposed MCCMS system in line with the changes to be brought about with the adoption of the new Law on Misdemeanors, particularly in relation to enforcement functions and on identifying opportunities for optimizing business processes in existing and new procedures.

JRGA staff revised the Business Process Analysis mapping in line with the new LOM. The Project also completed the mapping of the Higher Misdemeanor Court business processes to prepare for the automation of the second instance procedures as well. Development of the first draft of “use cases” (description of steps/actions necessary for a certain user (judge, clerk, etc.) to perform a certain action in the system) was also completed. The ‘use cases’ were transformed into UML (unified modeling language) diagrams which are the basic input for future software development. The initial draft will be reviewed with an MC expert user group during the first quarter of Year 3 to verify the details and identify additional revisions in business processes that may be required to comply with the revised Law on Misdemeanors.

In addition, during Year 2, JRGA undertook the planning and development of processes for application of specialized technology to assist MC’s in improving business processes. In particular, some of the early initiatives include working with the National Bank enforcement division to create specially designed electronic forms that will allow automation of the process for enforcement against bank accounts of legal entities, and the pilot initiative for improving collection in MCs (*cf.* Task [1.4](#)). In parallel with ongoing refinement of the business process documentation, the JRGA staff have undertaken the collection and analysis of forms currently in use in MC’s. Key forms will be identified for revision to conform with the revised law and streamlined business processes envisioned for the automated system.

Hardware procurement and network connectivity: Successful court automation resulting in more efficiency and easier access to justice for court users depends on a combination of adequate hardware, reliable network connectivity, software designed for the needs of misdemeanor courts and adequate capacities of court personnel to use computers and software applications in their everyday work. Throughout Year 2, during several meetings with the Ministry, the Project stressed the importance of stable and adequate facilities for misdemeanor courts that would enable the implementation of both local and wider area networks and full connectivity. JRGA already started exploring possibilities of improving the courts’ LAN connectivity. However, the WAN network remains the responsibility of the Ministry.

Furthermore, in February 2013, JRGA announced the Request for Proposal for procuring a considerable quantity of computer hardware for MCs: 800 computers, additional 384 monitors in order to provide for the ‘one machine & two monitors’ set up for all misdemeanor judges and their typists, 394 office printers, and 53 multifunctional devices with scanning and copying options. This quantity of equipment covers the needs of the MC seats (without units) in line with the principle of proportionality and the situation with available computer equipment that is considered as usable (2010 and later) per each court.

The subcontract for hardware delivery and installation was awarded in April 2013. The delivery began in May 2013. By the end of June, 25 MCs received their equipment. The delivery is expected to be finalized in the first half of July. This hardware procurement is set to significantly advance the current situation in all misdemeanor courts in Serbia with regard to their needs for computer hardware. Coupled with Project efforts on improving the physical and spatial conditions of facilities housing the misdemeanor courts, as well as ongoing training for all misdemeanor judges and staff in basic computer literacy carried out by JRGA, procurement of needed hardware will improve the working conditions in the courts as well as their efficiency.

IT training: As of September 2012, the Project began intensive, system-wide basic computer literacy training in four training centers of the Judicial Academy in parallel (in Belgrade, Nis, Novi Sad and Kragujevac). More than 1600 person/days of training were held during Year 2. Also, as in agreement with the MOJPA the new computer equipment is delivered with

LibreOffice open source software, in May 2013 JRGA initiated another round of computer literacy training to allow misdemeanor judges and staff to get acquainted with the new application. This training will continue in September. The training was delivered through a cadre of project interns which proved to be a highly effective training mechanism (for more information on training *cf.* Task 1.7).

1.3.3. Partner Court Best Practices

Process Reengineering and Case Management: JRGA continued assisting PCs in reengineering case management processes to incorporate best practices identified during Year 1. The Project staff developed a white paper on the use of plea bargaining in Misdemeanor Courts as a tool for expediting the management of cases. Greater use of plea bargaining is especially important for more complex cases such as those pertaining to taxes or customs.

Backlog Reduction: As part of ongoing cooperation with the Partner Courts, the Project circulated the template Backlog Reduction Plan developed in Year 1 and discussed its preparation with the PC representatives. It was agreed that Partner Courts will submit draft plans to the Project by mid-January. After the Project review, all Partner Courts submitted their backlog reduction plans for 2013 by the end of January. The only exception is the Belgrade MC, which submitted its backlog reduction plan as a component of a broader case management plan. The case management plan for Belgrade MC was developed with the technical assistance of JRGA as part of its plan for implementation of recommendations contained in an operational review conducted by STTA Court Administration Experts during Year 2.

Belgrade MC: Belgrade MC is the largest MC in Serbia which currently operates from 13 different locations, with additional two court units, and has a caseload of 280.000 pending cases. The Project recognized the operational and organizational challenges facing the Belgrade MC. In September 2012, JRGA engaged two short-term technical assistance experts for Court Organizational Development to assess the situation and formulate recommendations for both immediate and long-term measures to improve the court workflow and increase efficiency.



The purpose of the review carried out by the experts was to evaluate the facilities, the organizational structure, and key business processes, and to recommend measures to improve efficiency and litigant and public access for the Belgrade MC. The organizational review found that the work of the Belgrade MC is hampered by a plethora of facility locations and space limitations which affect the court's efficiency and

effectiveness, deployment of staff and its ability to provide adequate public service.

After delivering the expert report, JRGA staff developed an approach to reviewing and implementing the report's 95 recommendations, suggesting the establishment of an executive implementation oversight committee, continuous review of implementation priorities, and a list of short-term priorities.

The Belgrade MC was very responsive to JRGA’s assistance. After the initial meeting to review the report and JRGA’s implementation recommendations, the Belgrade MC established an executive oversight committee, consisting of judges and key administrative staff, to prioritize, direct and monitor the implementation of the recommendations. In addition, the Court Administrator already put into action the recommendations regarding the ‘clean-up’ and re-organization of central archives which is of paramount importance for more efficient functioning of the Court.

Furthermore, they created a Caseflow Management Committee to identify barriers to efficient case processing and implement solutions. The court’s leadership also agreed to adjust the methodology for assignment of urgent cases in its annual plan, to assure the integrity of the system for random assignment of cases.

The court immediately deployed posters and court information brochures (designed by JRGA in collaboration with partner courts), and has requested additional material for other sites and other locations within the central courthouse. In addition, the court has developed an outreach plan to provide better information to the public, better services to litigants, and improved relations with the media. This will serve as a basis for the development of the Court’s Communication Strategy.



Novi Sad Misdemeanor Court: The Novi Sad Misdemeanor Court, the second largest Misdemeanor Court in Serbia, was designated as a new Partner Court in third Quarter of Year 2. Along the lines of the work already done with the Belgrade MC, the project provided specialized technical assistance to Novi Sad MC in order to assist the court in improving core operations related to case management and record-keeping.

In February 2013, JRGA staff visited the court to observe the facility and operations and consult with the Acting Court President on their assistance needs. Based on these observations and discussions, JRGA staff concluded that while the Court’s facilities are in reasonably good condition (in comparison to other MC facilities), the court is cramped for space, particularly for its active and inactive records. The court’s record-keeping is almost entirely manual.

Limitations on records access, limited space, and limitations on staff access to technology, hamper efficient and effective case management.

JRGA STTA Court Records and Operations Expert and JRGA staff visited the Novi Sad MC during the week of March 19, 2013 to conduct a review of core business operations, focusing particularly on records management and case management. After reviewing the of Novi Sad MC operations and discussions with the Acting Court President, selected judges and court administrative staff, JRGA STTA expert issued a report with 66 recommendations for improving operations in the court. JRGA staff assisted the court with translating these into an implementation plan and is working closely with the Acting Court President and court administrative staff to implement recommendations from the report.

Furthermore, in June, JRGA provided concrete support to the court by upgrading their archive premises with new shelving, procuring and installing a server to support LAN networking and delivering other computer hardware. LAN networking and additional computers provided by JRGA (See 1.3.2, supra) will significantly increase the effectiveness of the case management software recently implemented in the Court.

Partner Court Meetings: Partner Court Quarterly Meetings proved to be a useful mechanism for court-to-court dialogues, best practice exchange and joint problem solving. JRGA organized two meetings during Year 2 – one in Zrenjanin in October 2012 and one in Zajecar in February 2013. Both meetings covered Partner Court progress in case management practices, improved collections, and access to justice.



In Zrenjanin, the Project presented the initiative for collecting and developing a Best Practice Compendium composed of examples of best practical solutions applied in MCs with regard to case management, service of process, enforcement, collection, coordination with external parties and public communication and outreach activities. Collection of information from courts on the current successfully applied solutions was carried out through a grant awarded to the Association of Misdemeanor Judges (AMJ) while their processing and the development of the compendium were carried out by the Project. The publication was finalized and printed in June 2013 (see Annex X). It is expected that this Compendium will contribute to the unification of court practice across the misdemeanor

court system and to achieving higher operational standards in MCs.

In Zajecar, PCs received an update on the status and the key provisions of the new LOM. Challenges attendant to implementation of the new Law were discussed, and participants identified training and other technical assistance which will be required for implementation of the Law. JRGA STTA Court Performance Measurement Expert delivered a presentation on the use of performance measures as a means for managing and improving court performance, focusing in particular on case management and access to court services.

JRGA staff and Acting Court Presidents of the MC's serving as test sites for enhancing voluntary collections (Kikinda, Zrenjanin, Belgrade and Arandjelovac) presented the main elements of the pilot program scheduled to for implementation in the upcoming period (*cf.* Task [1.4](#)).

Finally, JRGA Staff Attorney, Project STTA Court Performance Expert and Zrenjanin MC Court Secretary made a presentation on improving customer service. In addition to presenting general concepts on improving service to litigants and the public, the presentation focused in particular on measuring perceptions of the public and litigants regarding their experience with the Court. Zrenjanin Court Secretary discussed a customer service survey conducted in their court focusing on perception of the customer service counter and other renovations recently implemented with the support of the Project in the Zrenjanin MC.

JRGA will continue the practice of regular meetings of Partner Courts in the upcoming Project Year gradually widening the audience and involving more and more misdemeanor courts in this knowledge-sharing mechanism.

Administrative Staff Optimization: In Year 2, JRGA provided assistance to the Higher Misdemeanor Court (HMC) in initiating a review of the systematization of administrative staff at this court, including a review of duties and responsibilities effectively performed by staff. The main objective of this activity was to obtain necessary input to optimize the assignment of administrative staff and reengineer support services to ensure effective case processing. This task was carried out by a short-term technical assistance expert and JRGA staff.

The STTA and JRGA staff conducted a series of meetings with the HMC Court President and Court Manager. HMC currently has little guidance on staff workload and performance. Job descriptions are generic and lack concrete detail on functions and tasks performed on a daily basis, making it difficult to evaluate workload distribution and performance. JRGA proposed conducting a workload assessment that will provide the HMC with the estimated range of annual expected productivity per job function, e.g., “norm”, and staff allocation and need estimates. This task was initiated by submitting a questionnaire for the administrative court staff documenting their job functions, and estimating time spent carrying out their duties. Initial analysis was done for the Registry staff and for the judicial assistants, typists and finance staff. Input obtained will feed into the development of time and case flow volume standards for the job functions in the Court.

Impact: More efficient service of process will considerably simplify the activities of case participants and court staff, and save court resources. Reduction of backlogs is a direct goal of the project and will lead to faster case processing, and thus higher satisfaction with the courts. Optimization of courts' case flow through an automated case management system will also lead to faster case processing and backlog reduction.

Task 1.4 Assist relevant official bodies and actors to increase the percentage of assessed court costs and fines from the Misdemeanor and High Misdemeanor Courts which are collected

Collection levels for court costs and fines are reportedly low. Little reliable data on actual collection levels, disaggregated by case type and age, is available due to the lack of effective tracking of payments by either MCs or the Ministries of Justice or Finance. During Year 2, JRGA worked with the MOJPA Working Group on the LOM to introduce amendments to increase the tools available to MCs to encourage and compel payment. In addition, through the Court Assistance Program, JRGA worked with PCs to identify best practices to promote voluntary payment and prepare for the implementation of a voluntary collection initiative in pilot courts in Zrenjanin, Kikinda, Arandjelovac and Belgrade. JRGA procured equipment and developed a software application that will help with the practical realization of the initiative as well as trained the court staff on the implementation. Late in the year, JRGA staff developed an additional initiative to test the use of regular mail noticing to supplement current enforcement practices, and will test the practice in two MC's in the first quarter of Year 3.

1.4.1 Regulatory Reform for Improved Collection

Key revisions to the Law on Misdemeanors concerned the introduction of new mechanisms and powers of the misdemeanor courts for increasing the rate of collected costs and fines. The implementation of a mechanism such as the unique registry of debtors will require careful planning on the part of the Ministry and the MCs, as well as cooperation with third parties such as the traffic police, in order to be successfully implemented. The registry would be established to record non-compliance with misdemeanor judgments and to facilitate action against driving licenses, vehicle registration, tender participation, etc.

During Year 2, JRGA staff with assistance of STTA Court Technology Expert supplemented functional specification for the case management system to address requirements for exchange of data with the central registry.

1.4.2 Collection Monitoring and Information Tracking

Several misdemeanor courts currently track payment, but their tracking is limited and records only cumulative amounts, failing to tie payments to specific cases. Most MC's are unable to provide information regarding the percentage of collections made versus total judgment amounts, either in the aggregate or by case.

During Year 2, JRGA utilized the assistance of an STTA Court Collection Expert to review the current enforcement practices and data reporting. Based on site visits to Belgrade and Kikinda MCs, discussions with JRGA staff, as well as review of business practice documentation and current laws and regulations, the expert developed a series of recommendations regarding opportunities for changes in business practices and regulations to improve collections success, for the gathering and analysis of collections performance data that will enable court presidents and administrative staff to monitor collections performance and inform improvement efforts, and enable policy makers to evaluate overall collections potential and actual performance system wide.

In addition to providing practical advice to court managers and policy makers, the recommendations will provide valuable information for the development of the automated case management system, as well as limited applications developed as needed in the interim to better track collections at the court level.

1.4.3 Partner Court Best Practices

During Year 2, JRGA staff and the STTA Court Service of Process and Enforcement Expert and STTA Collection Expert worked on defining and developing the framework for implementing the Voluntary Collection Pilot Initiative in select Partner Courts. Main focus of the initiative is the use of increased information from defendants and achieving enhanced communication with defendants using telephone, SMS messaging, and e-mail, as well as improved information and service for defendants (including greater use of payment plans) and firm enforcement deadlines to enhance collections.

JRGA staff conducted extensive consultations with Acting Court Presidents from those MCs that will pilot the collections initiative – Zrenjanin, Kikinda, Belgrade and Arandjelovac, regarding the practical aspects of the implementation. Procedures were adjusted based on the feedback from the Courts.

The Project also identified material needs for SMS and telephone messaging, and computing. JRGA supplied the first pilot location – one part of the Belgrade MC with necessary equipment in May 2013 and the designated staff began the implementation of the initiative. It is ongoing on a somewhat limited scale for those cases where information such as the misdemeanant's cell phone number is available. The courts in Zrenjanin, Kikinda and Arandjelovac will receive their equipment and start with the implementation of the initiative in the first quarter of Year 3.

This initial phase of implementation focuses on cases which are about to enter the enforcement part of the procedure. As the project progresses, an additional phase will be implemented, focusing on cases during the adjudication phase of proceedings. Acting Court Presidents will enter into agreements with the local police department and other authorized agencies to obtain their cooperation in having offenders complete information forms which will provide current address, telephone, employment and other information important for improving service of process and notices. For those cases already filed, court staff will secure completion of the forms by offenders.

Upon entry of judgment, offenders will be notified via telephone or by SMS of the deadline for voluntary compliance a few days in advance. For cases where mobile phone numbers are available, a special Excel-based application was developed in-house by JRGA IT staff. It allows automated distribution of SMS messages to offenders. Offenders who do not voluntarily comply will also receive notice by telephone or SMS providing them with the opportunity to comply with the judgment prior to execution of an order to convert unpaid fines to jail time.

In addition, offenders will be provided information regarding applying for time payments, if their financial circumstances prevent compliance. Re-designed forms requesting judicial approval of time payment will be provided to these offenders.

The initiative is already showing some success in the pilot site in Belgrade MC. JRGA staff developed appropriate indicators to track the effectiveness of the pilot project. First results are expected in the second quarter of Year 3.

Impact: Improved procedures and clearer rules will lead to increased collection of fees and fines. Increased efficiency in enforcement and collection will ultimately contribute to enhanced court credibility and respectability.

Task 1.5 Assist relevant official bodies and actors to increase the physical safety of victims of family and domestic violence cases in all the Misdemeanor and High Misdemeanor Courts, including persons appearing in court

The physical safety of victims of family and domestic violence is a concern for all MCs. Facility limitations in many courts make it impossible to create physical separation between parties. During Year 2, JRGA continued with the implementation of recommendations to improve physical safety for victims and witnesses in family and domestic violence cases within the limitations imposed by the existing facilities. These activities were continued in this first quarter of Project Year 2.

1.5.1. Regulatory Reform

Law on Judicial Police: Even though it was originally envisaged that JRGA will facilitate the work of the MOJPA Working Group for drafting the Law on Judicial Police aimed at promoting better regulation of court guards and increasing their status and competences, this initiative was not further pursued by the Ministry during Project Year 2. If and when further efforts on this or a similar law/regulation are continued, JRGA will provide all necessary technical assistance and logistical support.

1.5.2. Partner Court Best Practices

Facility Upgrades: In line with practice established during Year 1, JRGA continued to work with Partner Courts undergoing renovations (*Cf.* Task [1.2](#)) to convert, where possible, available space into safe waiting rooms for victims and witnesses and to provide safe circulation for judges, staff and litigants. These requirements were particularly considered during the renovation of the Zrenjanin MC. JRGA made sure to separate courtrooms and judges' chambers in this court in order to allow segregated and secure spaces for domestic/family violence victims/witnesses and allow their safe ingress/egress to and from the courtrooms. However, this is not possible in the majority of MCs due to facility limitations.

Training: Training modules on Administrative and Operational Procedures in the MCs and on Ethics and Administration of Courtroom Proceedings that were developed during Year 1 and delivered during Year 2 incorporate methodologies for ensuring the safety of litigants and the special needs of domestic violence victims (*Cf.* Task [1.7](#)).

1.5.3 Work carried out by the Association of Public Prosecutors on family/domestic violence

During Year 2, the Association of Public Prosecutors and Deputy Public Prosecutors of Serbia (APP) completed the implementation of two projects which received funding through JRGA's grant program. The two initiatives were actually phases 1 and 2 of the project titled '*For better protection of domestic violence victims – response of the judiciary*'. The first grant (a 12-month project) awarded under JRGA's first Request for Applications (RfA) was finalized in February 2013 and the second phase (an 8-month project) was completed in May 2013 (*see* Annex J for the overview of completed grants).

Both initiatives were focused at promoting the inter-service cooperation model in cases of domestic and family violence that is successfully implemented in Zrenjanin to other local communities in Serbia and developing and disseminating the methodology for sensitized approach of judges and public prosecutors to victims in cases of family/domestic violence.

The Association developed the training materials and organized four training seminars in total for over 200 judges, prosecutors, social service staff and CSOs. Furthermore, APP organized 5 coordination meetings – in Čačak, Pančevo, Sombor, Smederevo and Kraljevo -



The APP also issued a special edition of their regular publication 'Prosecutor's Word' dedicated to family and domestic violence aiming to draw attention of the whole judicial community to this sensitive issue. JRGa Chief of Party and Team Leader of the Judicial Reform Component prepared an article describing JRGa activities related to this subject, as well as outlining U.S. lessons learned from extensive court practice.

involving representatives of all agencies that should be a part of inter-service cooperation mechanism on the local level handling all aspects of domestic and family violence cases – judiciary, the police, social care centers, health and education institutions and CSOs providing victim protection. The protocol of cooperation between all relevant local agencies was signed in the Municipality of Lajkovac in March 2013.

The Association finalized the methodology for the

sensitized approach of public prosecutors and misdemeanor judges in the cases with domestic violence victims and prepared it in the form of a publication. The methodology outlines the relevant international and regional legal frameworks, emphasizing the practice of the European Court of Human Rights, the national legal and strategic framework for preventing domestic/family violence, as well as the existing case law and best practice recommendations for improving the work of the judiciary and the police in handling these cases.

Working on raising awareness of this important social issue, the APP organized three TV debates and prepared a leaflet which outlines domestic violence as a form of gender-based violence. One national-level conference on the subject was also organized in February 2013 in order to promote the importance of coordinated response of all relevant services on the national level.

JRGa continues to fund activities of the APP on this topic through another grant awarded under the fourth RfP in June 2013. They will further disseminate the inter-service cooperation model into 12 towns and invest further effort into awareness raising activities.

In parallel with these projects that were mainly targeting the judicial community and providing tools for judges and prosecutors, JRGa awarded another grant to the CSO 'Counseling Against Family Violence' (CAFV) for a six-month project, 'Justice is available to victims - here are your options'. It is aimed at developing and distributing a handbook for victims of family violence that will provide concrete information and advice on institutions and organizations working in the area of victim protection for all regions of the country, listing their available services and contact information, as well as information regarding the role and expectations of victims in the judicial process. The project will be finalized in July 2013 (see Annex K for grant reports and deliverables).

As CAFV is the founder of several safe houses for domestic violence victims in Serbia, in the last quarter of Year 2 JRGa already started discussions with them on how to provide support to the conditions and work of the safe houses. It was agreed that CAFV will develop a proposal for a sole-source grant to begin in the second quarter of Year 3 that would be aimed

at providing occupational education courses to women who sought refuge in safe houses, and possibly for enhanced legal support for victims.

Impact: Reconfiguration of court spaces and the redefinition of court guard roles will directly contribute to the safety of all participants in family and domestic violence cases. Specialization of judges in family and domestic violence issues will ensure that judges are aware of the risks and special issues inherent in such cases.

Task 1.6 Assist relevant official bodies and actors to improve the coordination of cases involving related issues and/or parties, including those pertaining to family violence

During Year 2, JRGA continued to support best practice exchanges and joint roundtables to facilitate MC dialogue and coordination with external stakeholders. Coordination of judicial protection responses in domestic and family violence cases was initiated through PC best practice transfer and through a grant to the Association of Public Prosecutors and Deputy Public Prosecutors of Serbia. In addition, JRGA continued a series of roundtable discussions between the MCs and the SAI, the Commissioner for Information of Public Importance and Personal Data Protection and the Anti-Corruption Agency. Finally, through the Court Assistance Program, JRGA worked with PCs to identify best practices that promote coordination of cases and avoid double filings before the MCs and Basic Courts.

1.6.1. Coordination in Domestic and Family Violence Cases

During Year 2, JRGA continued to support the efforts of the Association of Public Prosecutors and Deputy Public Prosecutors of Serbia (APP) in implementing grant activities under the first and second phase of their project '*For better protection of domestic violence victims – implementing best practice in the judiciary*'. Their primary goal was to disseminate the method of coordinated approach towards the family/domestic violence cases that involves in particular all judiciary bodies – basic and misdemeanor cases and prosecutor's offices, as well as the police, health and social care centers, schools, organizations/institutions for the protection of victims. The inter-agency cooperation protocol was signed in the Municipality of Lajkovac during Quarter 3, while initial consultative meetings were held in Smederevo, Kraljevo Sombor, Pancevo and Cacak in Quarter 4. The APP will continue working on disseminating the inter-agency cooperation model to additional 12 towns during the implementation of their third grant that began in June 2013.

In addition, in agreement with the Association of Misdemeanor Judges (AMJ), the topic of coordination related to cases of domestic/family violence was included in the program of the AMJ Annual Conference which was held in November 2012 in Kladovo. During the workshop on the subject, in coordination with representatives of Zrenjanin and Kragujevac Misdemeanor Courts, the representatives of the APP presented successful models of inter-service cooperation with other relevant stakeholders handling domestic/family violence cases in their communities: basic courts, the police, social and health care centers, schools and CSOs helping the victims of family/domestic violence. The discussions that ensued enabled an excellent opportunity for court-to-court best practice sharing.

1.6.2. Coordination of Cases Filed by Independent Agencies (in coordination with Component 2)

In keeping with the successful mechanism of bilateral roundtables established during Year 1, JRGA continued a series of roundtable discussions between the MCs and the independent

agencies throughout Year 2. These bilateral roundtables proved to be a successful vehicle for increasing understanding between institutions and the identification of practical reform areas (cf. Task 2.5). This was particularly emphasized by court representatives during the 3rd Quarterly Meeting of Partner Courts held on October 3-4, 2012 in Zrenjanin, where all PC representatives expanded on benefits from their participation in roundtables organized between the misdemeanor courts and different independent agencies. PC representatives requested that the recommendations discussed and formulated during these meetings should be distributed by JRGA to all Partner Courts, even the whole misdemeanor court network if possible.

During Year 2, the project facilitated the following roundtables:

- **Misdemeanor Courts and the Commissioner for Information of Public Importance and Personal Data Protection:** this second consultative meeting took place on September 24, 2012 and centered on topics related to existing legislation regulating the freedom of information in Serbia and requests for access to information related to cases that Misdemeanor Courts often receive.
- **Misdemeanor Courts and the State Audit Institution (SAI):** held on October 30, 2012 the fourth roundtable between these two institutions focused on the issues faced by both the SAI and the MCs in practice related to properly determining the responsible person(s) against which a misdemeanor filing should be made. All participants reached common consensus on preparing a compendium of most important discussions and conclusions reached during these meetings as a practical tool for all judges and SAI staff to consult during their everyday work.
- **Misdemeanor Courts and the Commissioner for Information of Public Importance and Personal Data Protection:** This third roundtable, held on November 28, 2012, focused specifically on the topic of personal data protection. Representatives of the Commissioner's office presented personal data protection standards and the existing legislative framework, while MCs elaborated open issues related to the Law on Personal Data Protection that they are faced with in their work.
- **Misdemeanor Courts and the Anti-Corruption Agency:** On December 7, the representatives of the Agency and the courts gathered for the first time to discuss closer cooperation that will be required as the Agency is preparing to file a significant number of misdemeanor charges related to political parties failing to comply with the Law on Financing of Political Activities.

Furthermore, upon the request of the Anti-Corruption Agency (ACA), Project staff met with the ACA leadership in March 2013 and presented the main amendments to the misdemeanor procedure to be introduced with the new Law once it will be adopted. This was important for the ACA as they are also working on the proposal for the amendments to the Law on the Anti-Corruption Agency which will now be harmonized with the relevant provisions of the new Law on Misdemeanors.

1.6.3. Coordination of Other Cases

The revision of certain articles of the Law on Misdemeanors will help streamline the powers of the misdemeanor courts and the coordination of cases with the basic courts. Training modules on Administrative and Operational Procedures in MCs and on Ethics and Administration of Courtroom and Proceedings that were developed in Year 1 include case processing coordination to avoid duplicate filings before MCs and basic courts. These

training modules were delivered during Year 2 in close cooperation with the Judicial Academy (Cf. Task 1.7).

Impact: Improved coordination between MCs and external stakeholders will contribute to the more efficient and fairer administration of justice, decreasing the workload of both Misdemeanor and Basic Courts and substantially easing the burden on case participants.

Task 1.7 Assist relevant official bodies and actors to increase the competency of judges in all the Misdemeanor and High Misdemeanor Courts

During Year 2, JRGA implemented a five-module training program developed in Year 1 for over 1100 judges and staff of misdemeanor courts in Serbia. Furthermore, additional almost 2800 person/days of training covering basic computer literacy and the use of LibreOffice software package were organized in the period from September 2012 to June 2013 (see Annex B, report on PMP, for the full training statistics).

JRGA has effectively explored opportunities for supplemental training through the Court Assistance Program, using STTA experts and staff to deliver targeted training in response to needs of MC staff and judges in areas such as records management and communications and outreach. Two training modules were delivered for the judges of the Administrative Court, covering the topics of restitution and public procurement. A study tour to judicial institutions in the Netherlands and Ireland was organized in May 2013 for select representatives of the Serbian judiciary.

JRGA training activities in Year 2

Facts & Figures:

- Over **1100 person/days** of training on substantive law and judicial ethics;
- Almost **3000 person/days** of training on basic IT skills;
- **32 lecturers, 4 training centers, over 200 training sessions** and over **4000 copies of training materials** distributed;
- All capacity building activities in Year 2 – **4230 person/days** of training!

All training activities were carefully coordinated and implemented in cooperation with the Judicial Academy.

1.7.1 Training of Trainers

Train-the-trainers workshops: In the first Quarter of Year 2, in partnership with the Judicial Academy and an Adult Education Expert, the Project organized a ‘training of trainers’ session for 12 judges and subject-matter experts that carry out the role of lecturers for substantive modules in the misdemeanor judges training program.

Attendees of the one-day training session that took place in JRGA premises on August 31



received essential information on the practical implications of the adult learning process, learning styles and methods, and training curriculum development. Through interactive

discussions and exercises, lecturers gained insight into successful course management and approach to training participants.

JRGA also conducted a ‘training-of-trainers’ session for the six interns that were tasked with conducting a large-scale IT training campaign, as well as coordinating the logistical arrangements of substantive training sessions. To complement the pool of three intern trainers in Belgrade, JRGA added three more, one for each of the three remaining training locations – Novi Sad, Kragujevac and Nis. They completed the ‘training-of-trainers’ exercise and familiarized themselves with the training materials during August in order to be ready for training sessions that started on September 17, 2012.

1.7.2. Training Curriculum Development and Delivery

Misdemeanor Judges Curriculum Development and Delivery: During Year 2, JRGA finalized the development and carried out the delivery of the five-module training curriculum for judges and staff of misdemeanor courts in Serbia. Starting September 2012, training sessions covering topics of application of tax and customs regulations, judicial ethics, and operational and administrative procedures in misdemeanor courts were implemented in four training centres of the Judicial Academy – in Belgrade, Novi Sad, Kragujevac and Nis. Training materials for the fifth module – on the application of anti-corruption regulations – was finalized in December 2012 and the training sessions began in January 2013. In total, during Year 2, JRGA organized and delivered 1104 person/days of training on these five topics for judges and staff of all misdemeanor courts in Serbia.

Misdemeanor Judges Training Program 2013-2014:

- New LOM - most important changes;
- Enforcement;
- Treatment of minors;
- Improvement of efficiency.

In parallel with the training delivery, JRGA worked on identifying topics for the misdemeanor judges program 2013-2014. As it is expected that the National Assembly will adopt the new Law on Misdemeanors before the summer break, JRGA agreed with the representatives of the Association of Misdemeanor Judges (AMJ) and the Judicial Academy to structure the training program for 2013-2014 around the substantial changes to the existing misdemeanor procedure which will be brought about with the new Law.

Four topics were identified as the initial set of training that will help misdemeanor judges understand and efficiently apply new legal solutions in practice. JRGA identified the judges and subject-matter experts who have started working on the development of the training materials in the last quarter of Year 2. It is envisaged that the training sessions will take place in the second half of 2013 and the first half of 2014.

In addition to the training topics that will cover the most important aspects of the new Law, and in order to accommodate the request of most of the misdemeanor courts, JRGA also started developing a training module on the practical implications of the new Law on Public Procurement that entered into force on April 1, 2013. This training will be delivered in September 2013 and will target acting court presidents and their administrative staff in charge of conducting public procurement procedures from all misdemeanor courts, the Higher Misdemeanor Court and the Administrative Court.

The Project regularly reported on the training schedule and delivery to liaisons in both the Ministry of Justice and Public Administration and the Supreme Court of Cassation/High Court Council and received full support for the misdemeanor judges training program.

Feedback from trainees will inform the Project on the need for curriculum updates and for the development of new advanced modules or modules on new topics.

Administrative Judges Curriculum Development and Delivery: During Year 2, JRGA worked with the Administrative Court and the Judicial Academy on developing and delivering two training modules for the judges of the Administrative Court – on restitution and public procurement.

Upon the request of both the Supreme Court of Cassation and the Administrative Court, the Project developed a training module on the topic of restitution and relevant procedures for the judges of the Administrative Court. The training materials were developed in close cooperation with the Agency for Restitution and covered the following broader topics: a) legal framework and comparative legal solutions, b) basic provisions of the Law on Property Restitution and Compensation, c) role of the Agency for Restitution and d) corresponding legal sanctions.

Five training sessions were held during November and December 2012 (2 in Belgrade and 1 each in Novi Sad, Kragujevac and Nis) for 76 judges and judicial assistants from the Administrative Court.

Both the training participants and the lecturers agreed that this first round of training sessions was very useful in outlining the governing legislative framework and presenting experiences from other countries. It was also agreed that JRGA will develop another, advanced course on restitution to be implemented in the second half of 2013 that will be more focused on the actual court practice in these cases as more are expected to appear before the Administrative Court in the course of 2013.

After this, in March and April 2013, the Project supported the development of training materials and the organization of training sessions for the judges of the Administrative Court on the topic of the Law on Public Procurement. The new Public Procurement Law entered into force as of April 1, 2013 bringing substantial changes to the existing procedure. It was of paramount importance for the judges of the Administrative Court, which is in charge of any disputes arising from this legal matter in second instance, to be fully acquainted with the practical implications of these changes.

The training materials cover the following four topics (*see* Annex L for full training materials):

- New provisions in the Public Procurement Law and types of public procurement procedures;
- Conditions for participation in public procurement procedures and evaluation and selection of vendors;
- Public procurement contracts and judicial protection;
- Protection of rights in public procurement procedures.

Three training sessions were organized in June 2013, and two final training sessions will be held in the first week of July.

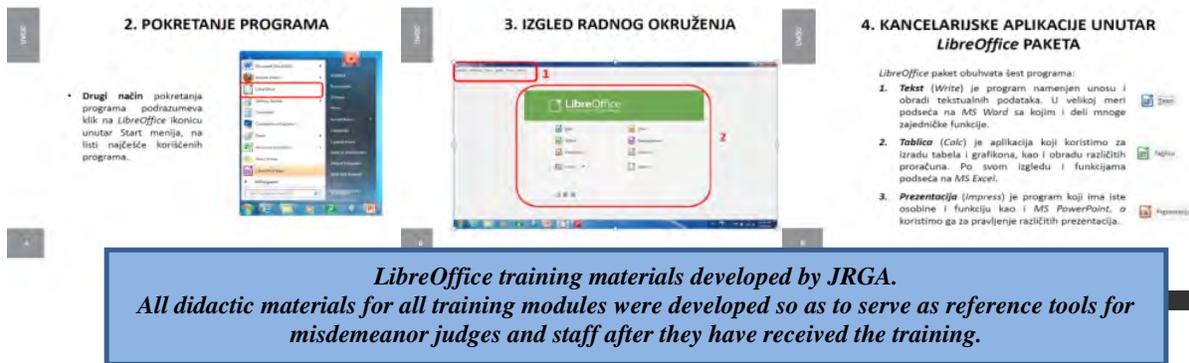
In June, JRGA agreed with the AC leadership that the next topic for training will cover the Law on the Prevention of Workplace Harassment. JRGA has identified the lecturers and has begun preparing the training materials.

IT Training: In parallel with the substantive training, JRGA organized and delivered a course on basic IT skills targeting all employees of misdemeanor courts. In the period from mid

September 2012 until mid May 2013, JRGA delivered over 2000 person/days of IT training on the basics of computer usage.

In line with the procurement and delivery of IT equipment in May to July 2013 which will employ new office software – LibreOffice instead of the Microsoft Office package – JRGA organized and delivered 81 training sessions on the use of LibreOffice for 758 judges of the Serbia (*see* Annex M for full training materials). This training will continue starting September with the aim of covering all relevant MC staff.

Interns that acted as trainers during these sessions proved to be a high-impact low-cost



2. POKRETANJE PROGRAMA

• Drugi način pokretanja programa podrazumeva klik na LibreOffice ikonicu unutar Start menija, na listi najčešće korišćenih programa.

3. IZGLED RADNOG OKRUZENJA

4. KANCELARIJSKE APLIKACIJE UNUTAR LibreOffice PAKETA

LibreOffice paket obuhvata šest programa:

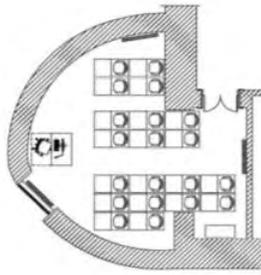
- 1. Tekst (Write)** je program namenjen unosu i obradi tekstualnih podataka. U velikoj meri podseća na MS Word sa kojim i deli mnoge zajedničke funkcije.
- 2. Tablica (Calc)** je aplikacija koji koristimo za izradu tabela i grafikona, kao i obradu različitih proračuna. Po svom izgledu i funkcijama podseća na MS Excel.
- 3. Presentacija (Impress)** je program koji ima iste osobine i funkcije kao i MS PowerPoint, a koristimo ga za pravljenje različitih prezentacija.

LibreOffice training materials developed by JRGA.
All didactic materials for all training modules were developed so as to serve as reference tools for misdemeanor judges and staff after they have received the training.

training delivery mechanism JRGA will continue to deliver training with their support.

Support to the Judicial Academy: JRGA has established and is maintaining a close partnership with the Judicial Academy in developing training curricula and delivering training sessions for the judges and staff of misdemeanor courts across Serbia. During Year 2, training sessions were organized almost every day in at least one location of the Judicial Academy – in Belgrade, Novi Sad, Kragujevac and Nis and often in all four training centers in parallel.

During Quarter 1 of Year 2, JRGA procured fifty one laptops and fitted laptop cabinets in the premises of the Judicial Academy in Novi Sad, Kragujevac and Nis. In the JA seat in Belgrade, the Project equipped and furnished an IT training classroom for twenty participants.



IT training classroom in the Judicial Academy seat in Belgrade, equipped and furnished by JRGA

In the third quarter of Year 2, JRGA agreed with the JA to assist them by upgrading and refurbishing one of the existing rooms in the building occupied by the Academy into a moot courtroom. However, this was put on hold upon the request of the Ministry as the future location of the Academy is decided upon.

AMJ Annual Conference: As was the case in Year 1, the Project provided organizational support and technical assistance for the Annual Conference of the AMJ that took place on November 5-7, 2012 in Kladovo. This three-day event was an opportunity for over 400 misdemeanor judges to gather and debate important topics such as the new draft Law on

Misdemeanors and the new court network, as well as participate in streamlined discussions during workshops on traffic violations and public order and domestic violence.

The first day was dedicated to opening addresses and an overall presentation of JRGA activities. The second day of the conference started with the presentation of the new draft Law on Misdemeanors and the most important changes to take effect after the Law is adopted and enters into force. The members of the working group that worked on the amendments explained the reasoning behind introducing such elements as the misdemeanor order, unique registry of debtors, and improved processes for service of process and enforcement. This was followed by a public debate on the Law allowing the misdemeanor judges the opportunity to voice their suggestions on the proposed new regulatory provisions.

Guest speakers from Bosnia and Herzegovina and Montenegro presented their experience with the misdemeanor order, its advantages and the problems experienced during its implementation. The misdemeanor judges also received presentations on specific issues such as plea bargaining and expert witness evaluation in the misdemeanor procedure, and continued work in two workshops – one focusing on traffic violations and public order cases and one focusing on domestic violence cases.

On the third day of the conference, the Judicial Academy presented the misdemeanor judges training program and the five modules which are currently being implemented in cooperation with JRGA. Representatives of the Association and the project spoke about the initiative for collecting and systematizing courts' best practices.

The conference provided ample opportunity for debate and exchange of experience and best practices from everyday work of the courts as well as for paving the way for the important changes ahead for the misdemeanor court system.

1.7.3. Legal Resources

Misdemeanor Judge Bench-book: Work on the design for the Bench-book for misdemeanor judges got underway during Year 2, as the final adjustments were made to the draft Law on Misdemeanors, opening the opportunity for concrete planning for implementation of the provisions of the new Law. JRGA Component 1 staff, with assistance from two STTAs, began the planning process in late January 2013 by identifying key topical areas affected by changes to the Law on Misdemeanors, and consulting with selected MC judges on how the Bench-book should be structured to maximize its utility to judges in processing misdemeanor cases.

In early February, Judge Carolyn Temins of the Philadelphia Court of Common Pleas, and principal author of the long-standing Criminal Procedure Bench-book for Pennsylvania judges, worked with JRGA staff and experts to conduct an assessment of the new Law on Misdemeanors, and the other legal resources relevant to the work of misdemeanor judges. During her assignment, Judge Temins provided recommendations for the approach to constructing and maintaining a Bench-book.

JRGA further developed the anticipated structure and the specific outline of the content of the Bench-book, after consultation with judges who participated in the development of the revised Law on Misdemeanors. In view of the broad and varied jurisdiction of the misdemeanor courts, and the need for practical assistance to judges in implementing the changes envisioned by the new Law on Misdemeanors, the Bench-book will be developed to provide practical, "hands-on" instructions for conducting various components of the misdemeanor procedure. Sections of the Bench-book will be supplemented with standard forms and instructions, as well as checklists to ensure compliance with key provisions of the legal procedure, and colloquies that can be used or adapted for use by Misdemeanor Judges.

Access to Case Law: During Year 2, JRGA invested considerable time and human resources in fully feeding the Case Law Data Base of the Administrative Court with relevant files and information. Data entry for 2010, 2011, and 2012 was completed in June resulting in 46.620 cases, decisions and sentences uploaded into the data base.

In addition to this, approximately 1000 cases and decisions of precedential importance were redacted in line with the personal data protection requirements and uploaded into the data base as well. These decisions and cases will be made available to the general public and the judicial community through the Administrative Court's website which is undergoing a redesign and an upgrade as of June 2013 with JRGA support. Once the website is completed, the redacted sentences will be made available to the public, making the work of this court more transparent and more easily accessible for court users.

Initial training for the use of the data base was conducted for the staff of the Belgrade seat of the Administrative Court in November 2012 and since then the data base is in regular use by the judges from the AC seat in Belgrade. As of spring of 2013, the data base is in use by judges from the three court units in Novi Sad, Kragujevac and Nis.

The plan for full sustainability for the Case Law Data Base was agreed upon with the Administrative Court. As of May 2013, the court leadership appointed one full-time employee to maintain and feed the data base with new cases, with the help of two additional colleagues. This easily-searchable internal electronic register of court's decisions and legal opinions enable AC judges to draw upon model cases, sentences and legal opinions when making their rulings, as well as to streamline and unify their practices. After the court took over data entry for the Case law data Base, they have managed to upload another almost 10.000 cases and decisions until end of June 2013.

Since the data base has proven to be of great help to the work of the AC, in the last quarter of Year 2 JRGA also worked with the Higher Misdemeanor Court (HMC) on adjusting the data base application for the use by the HMC with the same core purpose – harmonizing and unifying the court practice between the HMC seat in Belgrade and units in Novi Sad, Kragujevac and Nis.

The initial part of this process will take place during the first quarter of Year 3 as the HMC will sort out their case decisions and select those that will be entered into the data base. In parallel, JRGA will adjust the software application to suit the needs of HMC. Data entry is planned to begin in the second quarter of Year 3.

1.7.4. Third-country Learning Opportunities

On May 27-31, 2013, the Project organized a study visit for seven representatives of the Serbian misdemeanor courts, the Administrative Court and the Supreme Court of Cassation to the judiciary institutions in the Netherlands and Ireland. The aim of the visit was to provide the participants with the opportunity of learning about best practices applied in courts of the two EU countries related to performance management, court administration, customer service and the application of technology in automation of court procedures in order to improve efficiency (*see Annex N for the full study tour agenda*).



Participants of the study tour in the Council for the Judiciary of the Netherlands in The Hague



Participants of the study tour in the Courts Service Head Quarters in Dublin, Ireland

Council for the Judiciary of the Netherlands in The Hague and Courts Service Head Quarters in Dublin were the host institutions for the visit. Established in 2002, the Council is widely regarded as a leader in the development and implementation of quality improvement in the administration of its courts. Its role is the development and allocation of the judicial budget, and the supervision of financial management, human resources policy, information technology, and facilities. It also supports the recruitment, selection and training of judicial and administrative personnel. A system of performance measurements that the Council has developed to promote the quality of justice was especially informative for the study participants.

The Courts Service in Ireland is an independent judicial administration office created in 1999. Since that time, the Courts Service has developed into a highly regarded model of modern court administration. With the support of the Courts Service, the Ireland judiciary has developed extensive customer service and public outreach programs, improving the credibility and transparency of the judiciary and improving access to the judicial system for all citizens. In addition, the judiciary has improved the efficiency of the judicial system, boasting the lowest ratio of judges to population in Europe.

Third-country training participants were selected due to their leadership positions within the judicial system, and their contribution to continued reform in support of openness, efficiency, and responsiveness of court operations. Trainees are expected to use the knowledge, skills, and attitude learned through participation in the training in their leadership of the misdemeanor and administrative court systems.

In addition, in October 2012, JRGA sponsored the participation of several members of the Association of Public Prosecutors and Deputy Public Prosecutors at the 17th Annual Conference of the International Association of Prosecutors (IAP) in Bangkok, Thailand. Serbian Prosecutors were among more than 400 prosecutors from around 70 countries that gathered to exchange views and experiences, particularly focusing on fighting transnational organized crime and corruption.

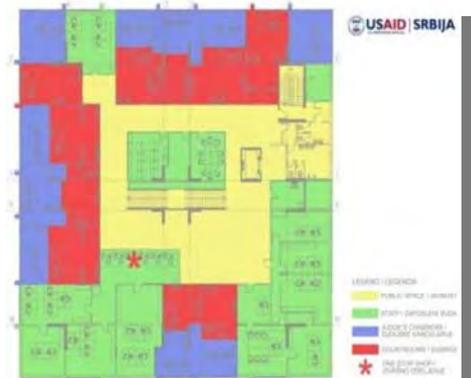
Impact: Training directly contributes to the task of increasing judicial competency, efficiency of the courts and enforcement of Independent Agency decisions. Wide participation in a range of capacity building opportunities offered by JRGA will have a multiplier effect on knowledge and experience sharing among all levels of the judiciary.

Task 1.8 Assist relevant official bodies and actors to develop practical and user-friendly information for court users about the operations of all the Administrative, Misdemeanor, and High Misdemeanor Courts and to inform the public about the availability of the information

During Year 2, JRGA increased the availability of user-friendly print and electronic information on court operation, services, and procedures. The Project drafted informational brochures and posters that are now available in all Misdemeanor Courts. Through the Court Assistance Program, JRGA assisted PCs in initiating the development of public information, communications, and outreach strategies and delivered training to provide judges and staff with critical customer service and outreach skills.

1.8.1. Access and Information

Facility Upgrade and Renovation: During Year 2, the Project continued to work with PCs undergoing renovation (Cf. Task 1.2) to promote accessible services and integrate informational signage and brochures. The facility upgrades implemented in Zrenjanin, Zajecar and Loznica MCs included the creation of ‘one-stop-shop’ information and intake areas allowing court users a single designated space for carrying out all administrative tasks and easy access to court services and relevant information, thus enhancing the transparency of court operations. In Zrenjanin, the privacy of judges’ chambers and court staff offices was also ensured so that public has no access to these areas, thus enabling optimal working conditions for the court.



1:1 ratio of courtrooms to judges (red) with separate courtrooms for each judge (blue) and court staff premises clearly separated from those parts of the Court open to the public (green)

Furthermore, with Zrenjanin being a multi-cultural and multi-confessional community, JRGA and the MC ensured that adequate signage clearly indicating the location of courtrooms, the intake and information area and other areas of the court is visibly displayed throughout the court building and in four official languages used in this local community.

Distribution of Print Information Materials: During Year 2, JRGA completed the country-wide

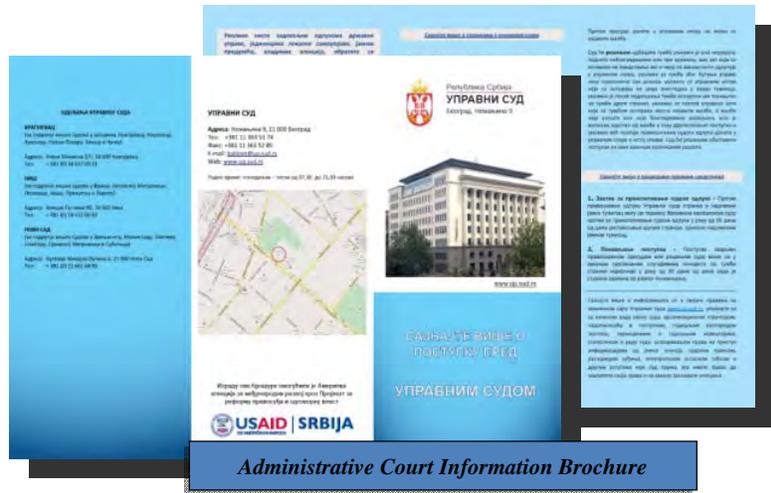
MC Information Brochures



distribution of 92.000 copies of seven different information brochures and three posters to all MCs in Serbia. Branded brochure holders were

also distributed to all MCs, enabling proper and easily accessible display for the printed information material. Several courts asked for more copies as there was great demand for brochures.

Furthermore, the Project received the request from the Administrative Court to support them with the development and printing of a new information brochure. It was designed in a user-friendly format and contains brief information on the court's services, jurisdiction, how to initiate a case and what legal remedies are at the disposal of court users, as well as basic contact information for the court seat and units.



Administrative Court Information Brochure

The brochure was printed in 50,000 copies and delivered to AC for further distribution. The brochure was also translated into English (*see Annex O*).

During Year 2, the Project completed data entry for the Case Law Data Base for all cases from 2010 - 2012, totaling in 46,620 cases currently in the application. In addition, JRGA interns completed the anonymization of approximately 1000 cases which will subsequently be made publicly available. In addition, JRGA has is assisting the Administrative Court with upgrading their official internet presentation. A Request for Proposals was launched in March seeking website development services and a vendor was selected.

The website will also serve as a platform for making AC cases, decisions and sentences of precedential importance, available to the general public, litigants and potential litigants, lawyers and other members of the judicial community. The website will also include the court's bulletin board, hearing schedule, operational statistics and its legally required information directories. The upgrade website will significantly increase the transparency of court's decision making and operations, and make relevant information easily accessible for all interested parties. The redesign and upgrade process is ongoing and the new AC website is expected to be finalized in September 2013.

Distribution of Court Information via Court Web Portals: Very few Misdemeanor Courts have their own web pages though which they can convey information to litigants and the public. In the 2nd quarter of Year 2, JRGA obtained agreement from the Higher Misdemeanor Court (HMC) Court President that the HMC would publish individual court directories on its website, to accommodate those courts without their own websites (“information directories” are legally required to be published and provide specific information on a court by court basis regarding the services of the court, procedures, working hours, contact information, etc.). All MC information directories are published on the HMC website or their own website (<http://www.bg.vp.sud.rs/informatiori.html>).

JRGA staff also arranged with HMC IT staff to publish court information brochures developed by JRGA in cooperation with Partner Courts on the HMC website. By February 2013, six of the seven court information brochures were available on the HMC website (the seventh brochure is customized on a court by court basis). Courts with their own websites, including the Belgrade, Niš, Kikinda and Pančevo MC's have also published all seven court brochures on their individual websites.

1.8.2. Outreach and Communications

Support to the MOJ in improving their public outreach and delivery of customer service: During the third quarter of Year 2, the Project received a request for support from the Ministry of Justice and Public Administration concerning their new internet presentation which was then under development. JRGA staff provided recommendations on how to organize the existing content. The proposed new website map was structured with the aim of facilitating access to information on legislative activity, courts, and legal professions for citizens. JRGA also provided support to the Ministry in translating the content of the web presentation in to English.

Furthermore, it was agreed with the Ministry to provide a two-week STTA Public Outreach and Customer Service Expert consultation in April 2013 in order to extend technical assistance to the Ministry leadership in re-engineering the “branding” of the Ministry in order to facilitate better outreach to and interaction with the public. The Expert provided specific on identifying key messages to be used in improving relationships with customers, and developing questions for public surveys regarding Ministry’s customer service and public service image.



Training was delivered by Ms. Jennifer Bruner who transferred her great experience in communicating with the public and the media. Between 2007, and 2011, Jennifer Bruner held a position of the Secretary of State of Ohio as the first woman secretary in office.

A training session on communication skills for employees of the Ministry of Justice and Public Administration ("*The Key Communicator*") was held on April 25, 2013 at the Judicial Academy in Belgrade. The training focused on key principles of communicating effectively with citizens, including responding to their inquiries and requests in a timely and positive manner.

Preparation of the training was preceded by a number of meetings that JRGA Expert held with the Assistant Ministers and the State Secretaries of the Ministry of Justice and Public Administration to discuss the current environment, the public perception of the Ministry. Ideas were exchanged regarding the development of a communication plan for the future.

The Ministry has indicated that the consultation and resulting training will be used to focus its increased efforts to improve communication with the public, and to developing internal communications system to ensure better and more effective intra-agency relationships (*see Annex P for the full report and materials*).

Partner Court Public Information, Communications and Outreach Strategies: In line with JRGA assistance to Belgrade MC and recommendations contained in the expert report prepared by the Project, this MC immediately displayed posters and court information brochures in its premises and requested additional material for other sites and other locations within the central courthouse. In addition, the court has developed an outreach plan to provide better information to the public, better services to litigants, and improve relations with the media. JRGA will work with the Belgrade MC in the upcoming period on implementing concrete actions from this plan.

Impact: Better information availability will reduce demands on court staff. User-friendly information will educate the public about their rights and court procedures. Increased availability of timely, accurate information will lead to increased trust in courts and the judiciary.

Task 1.9 Assist relevant official bodies and actors to improve the reputation of all the Misdemeanor and High Misdemeanor Courts among court users and the public

Until January 1, 2010, the MCs were executive branch agencies administered by the MOJ. In 2011, the MCs became part of Serbia's judiciary, under the High Court Council (HCC). Misdemeanor judges were appointed to three-year temporary judgeships under a reappointment process administered by the HCC in 2010. They must be confirmed in late 2012 and early 2013 to be granted life tenure.

Short-term priority for MC judges:
Confirmation of judgeships by late 2012 / beginning of 2013 and granting of life tenure

During Year 1, JRGA cooperated closely with the Association of Misdemeanor Judges (AMJ) - an umbrella organization gathering close to 600 (out of 708) misdemeanor judges in Serbia. JRGA recognized the added value of working with the AMJ to facilitate the participation of MC judges in project activities and create an additional vehicle for regulatory reform and best practice exchange.

The AMJ is, however, a fledgling association which lacks the organizational structure, processes, and capacity to operate as an advocate for the needs and promoter of the achievements of MC judges. JRGA therefore responded to a request of the AMJ for support in strengthening its capacity to improve the visibility and credibility of MCs and MC judges and assisted AMJ leadership in developing an initial organizational strategy and communications and outreach plan for implementation in Year 2. JRGA also supported strategic planning efforts for the AMJ in order to assist the Association to develop into an effective organization. The AMJ adopted its first strategic plan, "Strategic Plan for the Association of Misdemeanor Judges 2013-2018", in April, 2013.

1.9.1. Reputation Among Court Users

Facility Upgrade and Renovation: The Project continued to work with PCs undergoing renovation (*Cf.* Task 1.2) to promote accessible services and integrate informational signage and brochures. The renovation of the Zrenjanin, Zajecar and Loznica MCs included upgrades to areas where the Court interacts with the public. The new Court layout, renovated and refurbished courtrooms and a single information and administrative point in the Court's lobby contribute to efficient reengineering of business processes which in turn contributes to improved court user perception of the MCs.

With Project assistance, in the second quarter of Year 2, the staff of the Zrenjanin MC developed a questionnaire which court users performing any administrative task at the intake and information area are asked to fill in. The questionnaire was intended to gather information on the work of the 'one-stop-shop', its advantages, experiences of court users in dealing with court staff and general observations on the work of the court.

During quarter 3, with JRGA assistance, input collected was analyzed and recommendations for improving the functioning of the MC defined. JRGA staff attorney, Mirjana Samardzic and Zrenjanin Misdemeanor Court Secretary, Olivera Vilimonovic-Luzaic, presented the results of the survey during the working meeting of the Partner Courts in Zajecar in February. The results of the survey were remarkably positive as court users expressed their great

satisfaction at the possibility of accomplishing all administrative tasks in the court at one place in direct interaction with competent and kind court staff. Ms. Samardzic, in addition, provided guidelines for implementing customer service surveys, and provided Partner Courts with a template developed by JRGA that could be used by Partner courts in conducting their own surveys. Other Partner Courts committed to conducting surveys in their own jurisdictions.

A slightly adjusted questionnaire was utilized by the Kikinda MC. During one week in June 2013, this court conducted the user survey in the court seat, in Kikinda, and two court units, in Nova Crnja and Novi Knezevac. 118 court users completed the questionnaire. The court set up notices informing the court users on the availability of the questionnaire and set up designated spaces for filling it. Also, court staff was designated to provide all necessary information and assistance. The results of the survey show that court users have trust in the operations of the court that they deemed transparent and particularly positively assessed the work of court couriers with regard to service of process and enforcement (*see* Annex Q for the survey results). As noted previously, JRGA will implement this tool in other Partner Courts as well.

1.9.2. Reputation Among the General Public

Q2 General Support to the AMJ: Throughout Year 2, JRGA continued work on strengthening the AMJ and engaging its Board and members into defining a strategic direction for further development of this fledgling professional organization. The Project staff developed a briefing document outlining the approach to strategic planning for the Association of Misdemeanor Judges during 2013. Acting upon the recommendations from this paper, the AMJ Board formed the Strategic Planning Committee composed of acting presidents of Misdemeanor Courts from Belgrade, Subotica, Sombor, Zajecar and Novi Sad. An initial organizational meeting was held in December 2012.

At this preliminary meeting, a brief questionnaire was developed, based on a draft prepared by JRGA staff. Nearly 50% of the Association members responded to the survey. The survey results, which focused on key functions, goals, and values of the AMJ, informed the work of the planning committee at its meeting in January 2013.

In late February 2013, the Strategic Planning Committee gathered in Ivanjica for an intensive work session to review prior work and to identify strategic areas, goals, and action steps (prioritized as short, medium and long term). JRGA facilitated the deliberation of the Committee using a mix of small group and plenary exercises. The workshop resulted in agreement on all of the elements of the strategic plan. In addition, agreements were reached on next steps for approval of the strategic plan, and, importantly, the recommended process that would be used to implement, monitor and update the approved plan.

JRGA staff compiled the results of work completed in Ivanjica and during prior meetings into a Strategic Plan. The draft was reviewed at a final meeting of the Committee at JRGA offices on March 21, 2013. The AMJ Assembly adopted the five-year Strategic Plan on its extraordinary session held in April 2013.

Annual Conference of the AMJ: The Project provided organizational support and technical assistance for the Annual Conference of the AMJ that took place on November 5-7 in Kladovo. This three-day event was an opportunity for over 300 misdemeanor judges to gather and debate important topics such as the new draft Law on Misdemeanors and the new court network, as well as participate in streamlined discussions during workshops on traffic violations and public order and domestic violence.

The event was opened by the President of the Association and the acting president of the Higher Misdemeanor Court, Zoran Pasalic. The attending misdemeanor judges were then addressed by the Deputy President of the Supreme Court of Cassation, Stojan Jokic, Director



Annual Conference of the AMJ gathered almost 400 judges from across Serbia

of the Judicial Academy, Nenad Vujic, and USAID Mission Director, Susan Fritz.

The opening addresses were followed by the presentation of the work done by the Judicial Reform and Government Accountability project in the past year and a half by the Project's Chief of Party, Laurence T. Vetter. Mr. Vetter emphasized all

activities that were implemented in close partnership with misdemeanor courts and judges and thanked them for continuous support and readiness to cooperate on initiatives aimed at improving the efficiency, transparency and accessibility of misdemeanor courts.

The second day of the conference started with the presentation of the new draft Law on Misdemeanors and the most important changes to take effect after the Law will be adopted and enter into force. Guest speakers from Bosnia and Herzegovina and Montenegro presented their experience with the misdemeanor order and advantages and problems perceived during its implementation in practice. The misdemeanor judges also received presentations on specific issues such as the plea bargaining and expert witness evaluation in the misdemeanor procedure, and continued work in two workshops – on traffic violations and public order and domestic violence.

On the third day of the conference, the Judicial Academy presented the misdemeanor judges training program and the five modules which are currently being implemented in cooperation with JRGA, while the representatives of the Association and the project spoke about the initiative for collecting and systematizing courts' best practices.

The conference provided ample opportunity for debate and exchange of experience and best practices from everyday work of the courts as well as for paving the way for important changes ahead for the whole misdemeanor court system.

Following the technical assistance and recommendations provided by the Project to the Association of Misdemeanor Judges on how to improve their public outreach and communication efforts, the Association restructured and redesigned its official website in November 2012. It is now a modern, user-friendly webpage offering up-to-date information on all activities of this organization (<http://www.usudprek.org.rs>) aimed at both their membership and the general public.

Integrity Plans: During Year 2, the Project implemented cross-cutting activities in acting as a facilitator between the misdemeanor courts and the Anti-Corruption Agency for the preparation of Court Integrity Plans (*Cf.* Task [2.5](#)). Integrity Plans are a requirement under the Anti-Corruption Agency Act and are a tool for self-monitoring to assist agencies in combatting corruption. In coordination with the Higher Misdemeanor Court and the Anti-

Corruption Agency, JRGA facilitated one training session for the representatives of several MCs, outlining the content and the preparation of the integrity plans.

Furthermore, JRGA developed a template integrity plan in collaboration with a workgroup of MC judges and in coordination with ACA staff. The template is designed to assist the MC's in developing integrity plans, reducing redundant effort and ensuring standardization of the integrity plans where appropriate. The template and instructions were distributed to all MC's and the HMC in January 2013. Ongoing technical assistance was provided to MC's as they developed their integrity plans.

At the time of the deadline for submission of the integrity plans (end of March, 2013), 96% of the MC's and HMC seat and units had filed their integrity plans. Only MCs from Nis and Presevo failed to submit plans within the given deadline. However, the ACA decided to extend the deadline until April 12, 2013 due to technical difficulties with the integrity plans application on their website. With JRGA support, the two remaining MCs filed their plans within the new deadline.

The ACA had estimated that they expected 40% to 50% of government agencies would file the plans timely, in view of the fact that integrity plans are a new statutory requirement and that agencies had no prior experience in developing the plans. This confirms the success of JRGA coordination with the MCs in ensuring full compliance with the legal requirements for all courts.

Publication of Improvements: Throughout Year 2, JRGA worked with the MOJPA, the courts and the AMJ on publicizing efforts invested by both the Project and its counterparts on regulatory reform, business process improvements and facility upgrades. Official inaugurations of renovated premises in Zrenjanin and Zajecar garnered considerable media coverage (*see* Annex R for press clipping) in both national and local media making it an excellent high profile platform for increasing the visibility and credibility of the misdemeanor courts and judges both among the judicial community and with the general public.

The Project provided organizational and logistical support to the official Annual Meeting of the Judges' Association of Serbia on December 16. The meeting gathered 250 judges, including misdemeanor and administrative court judges, and involved discussions on regulatory changes affecting the organization of courts and the status of judges in the context of the impact of the need for reintegration of reinstated judges. Official guidelines and next steps related to further reforms in the judiciary were adopted at the meeting focusing on additional changes in the regulatory framework needed to strengthen the independence of the judiciary.

Impact: Strategic approach towards communicating with the public on the position of judges and the misdemeanor system within the judiciary shall help send out positive messages on their credibility and respectability thus improving their public image.

Task 1.10 Encourage reform of Serbia's judicial system by assisting local organizations supporting and advocating for improvement in the rule of law, the judicial sector, and the culture of personal responsibility/respect for the law through the provision of Grants under Contract, comparative information on substantive issues, and technical assistance on the institutional development of the organization

1.10.1. Grants Program

During Year 2, JRGA continued utilizing internal mechanisms for the administration of a grants program. The first Request for Applications (RFA) was published in Year 1 and contracts awarded in March 2012. All three grants awarded for projects falling into the subject-matter of Component 1 were completed in Year 2.

Furthermore, during Year 2, JRGA launched three more Requests for Applications resulting in 8 more grant awards for initiatives covering the treatment of victims of domestic and family violence in the judiciary, awareness raising on the varied and extensive jurisdiction of the Administrative Court, best practice collection and systematization to ensure harmonization and efficiency in the work of the courts, use of plea bargaining and promotion of the judicial reform efforts.

As for funds awarded, JRGA had to oblige with the contractual restriction that within first two years of the contract (from May 2011 to May 2013) the Project was to award not more than \$500,000 in grants. Complying with that restriction, under the first 3 RfA, JRGA awarded \$498,551.13 for a total of 18 grants. Out of that, 7 grants were awarded under Component 1, totaling \$196,569.32. Under the fourth RfA, launched in May 2013, four additional grants were awarded under Component 2 for the total amount of \$125,141.10. The full list of grantees and projects awarded funding in Year 2 is presented in the table below. An overview of completed grants is given as Appendix J, while all grantee reports and deliverables can be found in Appendix K.

Grantee	Project Title	Duration	Description
2nd Request for Applications			
APP	For better protection of domestic violence victims – implementing best practice in the judiciary – phase II	October 2012 - May 2013	Facilitate the establishment of networks and inter-institutional cooperation between police, public prosecutors, misdemeanor judges, judges, social services and victim support organizations to promote an integrated approach to addressing domestic violence.
AMJ	Strengthening of misdemeanor courts' efficiency through uniform case law and court practice	October 2012 - June 2013	Establishment of case law through the selection of representative decisions of the HMC and collection of existing best practices of misdemeanor courts that will be used as basis for then Best Practice Compendium.
CDS	The Manual for the Use of Administrative Court	October 2012 - February 2013	Introduce the role of the Administrative Court to interested parties through a publication which will be presented in major Serbian centers.
3rd Request for Applications			
CAFV	Justice is available to victims - here are your options	March 2013- August 2013	Issuing of the Handbook "Justice is available to victims-here are your options" in order to give opportunities and help victims of family violence
4th Request for Applications			
APP	Judiciary initiative for better protection of domestic violence victims	June 2013- March 2014	Improvement of domestic violence victims' protection through initiatives, support and promotion activities in order to establish networks and inter-institutional cooperation between all relevant stakeholders (police, public prosecutors, misdemeanor judges, judges, social services and victim support organizations).
AMJ	The Plea Agreement	June 2013- February	Improve the knowledge of the Misdemeanor Court judges about the importance, scope and methods of

		2014	<i>use of plea agreements in misdemeanor proceedings.</i>
JA	Enhancing integrity of courts in Serbia	September 2013- April 2014	<i>To assess results of reformed judicial system in Serbia in regard to implementation of anti-corruption laws while identifying weak spots in the system and influencing improvements to be made by developing and implementing court integrity plans.</i>
ALTERFACT	Tracking the ability of courts and independent bodies to sanction breaching of anticorruption laws	June 2013- January 2014	<i>By raising awareness among high/grammar school students in Belgrade, the project will develop knowledge and understanding with regard to the rule of Law, judicial organization, judicial professions, judicial procedures and bring closer the reform process as well as necessity of compliance to EU norms.</i>

Impact: Award of the grants marks the Project's concrete results in including civil society in judicial reform issues. Second, third and fourth round grant cycles have continued to yield high quality applications covering a broad array of judicial reform topics, reflecting continued and increased interest on the part of civil society organizations in meaningful involvement in judicial.

COMPONENT 2 – GOVERNMENT ACCOUNTABILITY



Good Governance Conference, February 2013



Anti-Corruption Agency and the Parliament roundtable, March 2013



Campaign Finance Oversight Conference, May 2013

The finalization and adoption of the Government's Anti-Corruption Strategy was a milestone capping a Project year in which JRGA supported major public events, provided high-profile expertise, and continued the well-received roundtable discussions that have become a project trademark.

JRGA has long been involved with behind-the-scenes support to the Anti-Corruption Agency (ACA), the Ministry of Justice and Public Administration (MOJPA), and the various working groups preparing the anti-corruption strategy. The project has given input on both the methodology and substance for the strategy and action plan, and has provided logistical support for meetings, discussions, and materials. JRGA worked with MOJPA and the ACA to support a public hearing for the draft Strategy and to ensure all comments were recorded and responded to. The Project further provided assistance in facilitating a wide stakeholder consultation process for the development of the Action Plan and assisted with its finalization and the formulation of relevant indicators. The Strategy was adopted by the Government in June 2013 and was adopted by the National Assembly July 1st.

The most notable change in Year 2 occurred in the Project's relations with the ACA. The Agency underwent personnel changes in its top positions – the Director was replaced in December 2012 (before time) and the Board members were replaced in the spring (on schedule). JRGA established excellent working relations with the new Director and Board members, making up for lost time and working intensively on a number of issues. During the second and third quarter of Year 2, JRGA brought several high-profile short-term experts to work on strengthening ACA's internal capacities and procedures in handling complaints, processing and presenting political finance data, and drafting annual reports for the National Assembly.

Working with the ACA, the project supported a conference on good governance in February 2013, headlined by two high-profile experts – Bertrand de Speville (former Director of the acclaimed Hong-Kong Independent Commission Against Corruption) and Mick Symons (former director of investigations at the New South Wales Independent Commission Against Corruption). The conference was attended by high level government officials, members of parliament, and civil society, and attracted national media attention. The experts also met privately with officials in the ACA, the government, and the donor community to give candid advice on anti-corruption approaches.

Two conferences on the subject of political party financing focusing on campaign spending during the 2012 general elections were organized with the support of JRGA in December 2012 and May 2013. These allowed the ACA to present the analysis of data gathered from more than 1,000 reports received from both the political parties and the network of field monitors that was tried and tested for the first time during last year's elections. JRGA also provided technical assistance to ACA leadership on formulating main messages to be communicated in their annual report to the National Assembly and provided guidance on the structure and layout of the report.

During the first quarter of Year 2, JRGA organized a visit by Lisa Sotto, one of the few world-renowned experts on data breaches. As the Project's STTA, Ms. Sotto worked with the staff of the CFI office on helping improve the legal framework and operational procedures and practices regarding personal data protection.

Also in support of the Commissioner for Information of Public Importance and Personal Data Protection (CfI), JRGA brought a worldwide authority on whistleblower protection, Tom Devine, to Serbia to discuss the American experience with incentives for whistleblowers. Mr. Devine worked with the drafting group established by the Commissioner and headed by the

Ombudsman, providing not only information on incentives, but comments on the draft whistleblower law the group prepared, and answering questions across a broad range of whistleblower-related subjects.

In order to assist the Ombudsman's staff with the ever increasing number of citizens' complaints that this independent agency is faced with, JRGA facilitated training on customer relations (especially in handling 'difficult' persons – those who become angry or have genuine, moving problems that are outside the Ombudsman's jurisdiction). The training was complemented with a series of on-the-job sessions that were extremely well received and well attended.

JRGA also worked with the Commissioner for Protection of Equality during Year 2, primarily with the aim of increasing the visibility of this independent agency and raising awareness among the general public of the important role it plays in the protection of vulnerable groups. The project assisted with designing, printing, and distributing an informative brochure outlining the scope of work of the Commissioner and assisted with redesigning and upgrading their website.

During Year 2, JRGA established its roundtables as a project trademark, bringing institutions together in informal surroundings to discuss joint issues, and, equally important, to build relationships and lines of future communication. In addition to coordination between the Independent Agencies and Misdemeanor Courts, the Project started a new series of roundtables between Independent Agencies and the National Assembly.

Task 2.1 Establish baselines for indicators in the Performance Monitoring Plan

2.1.1. Capture Progress Data and Update Targets

During Year 1, JRGA developed a Performance Monitoring Plan (PMP) to document project performance and monitor impact using indicators, baselines and targets to measure results achievement. During Year 2, the Project continued to collect data, monitor progress, and update results in line with the PMP.

Reporting against PMP indicators, as well as targets for Year 3, is presented in Annex B to this Report.

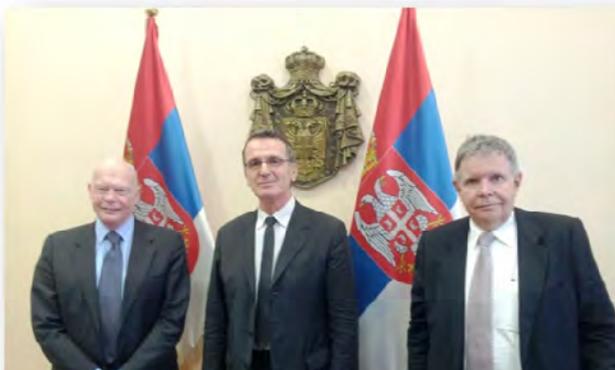
Task 2.2 Assist the Anti-Corruption Agency and its Board to:

- a) enforce conflict of interest and property registration provisions in the Anti-Corruption Agency Act;**
- b) detect violations of those provisions of the Act;**
- c) initiate and conduct proceedings to establish if violations of the Act have occurred; and**
- d) order measures under Article 51 of the Act as it read on January 2, 2010, when appropriate.**

Changes in ACA leadership in Year 2 allowed the project to renew its commitment to assisting the Agency with tasks related to conflict of interest, property registration, and complaints.

2.2.1. Institutional Capacity

Support to the ACA Board: The ACA was established in January 2010. In the three years since then, the Agency has grown considerably, taken on additional responsibilities, changed Directors (ahead of schedule), and changed part of its Board (on schedule). Taking all this into account, the Agency has considered whether changes to the law on the ACA would be appropriate based on its experience so far. In particular, the Agency has considered whether its role in investigation could usefully be expanded. After a UNDP-sponsored trip to New South Wales, Australia in fall 2012, the Agency exhibited a strong interest in adapting aspects of the New South Wales model to Serbia.



During their February 2013 visit, two JRGA experts, Bertrand de Speville and Mick Symons, held a series of meetings with the ACA management and Board, as well as with the Adviser to the Deputy Prime Minister, Dragan Djokovic, who is in charge of coordinating different bodies involved in the fight against corruption.

JRGA contributed to the discussion by providing the assistance of two well-known experts. Bertrand de Speville is the former director of the Hong Kong Independent Commission Against Corruption (ICAC), one of only three such agencies generally agreed to have been successful.¹ Mr. de Speville met with high level officials in the executive branch, and particularly with ACA officials and staff. He offered candid feedback on the ACA structure and approach, and

suggestions for improvement in the ACA law. While Serbia is not in the position to adopt (and Mr. de Speville did not advocate) a Hong Kong-style approach, Mr. de Speville offered a variety of lessons from the Hong Kong experience, and from his broad expertise with anti-corruption work.

In parallel with Mr. de Speville, JRGA also facilitated the assistance of Mick Symons, formerly the director of investigations for the New South Wales ICAC. During his first week, Mr. Symons similarly met with officials, commented on the draft law, and provided discreet but candid feedback on Serbia's anti-corruption efforts. He additionally spoke with the working group drafting the new national anti-corruption strategy, and offered an honest evaluation of what had worked in New South Wales, and which elements could be adapted to the Serbian context. Both Mr. de Speville and Mr. Symons also met with the Informal Donor Group on Anti-Corruption. The Agency and the anti-corruption strategy working group incorporated some input from both experts.

Workflow and Standard Procedures: General elections in Serbia were held in May 2012. During Year 1, JRGA supported the ACA in preparing for handling a large volume of COI and IAD forms filed as a result of elections. A 'Guide for New Officials' was developed with Project support and printed in 10,000 copies. In the first and second quarter of Year 2, JRGA supported the ACA in distributing the 'Guide' to over 500 representatives of the judiciary, public companies, local self-governments, provincial authorities, and administrative counties.

¹ These include the agencies in Hong Kong, New South Wales, and Singapore.

With Project assistance, representatives of the Agency visited 22 cities across Serbia during September and October, and trained more than 800 officials from a variety of institutions – including local self-government authorities, public enterprises, schools, health centers, and cultural and social care centers. ACA trainers from the Operations Sector and Conflict of Interest Office, together with representatives of the ACA’s Department of Education, Campaigns and Cooperation with CSOs, focused on outlining the existing legal requirements and deadlines for newly elected/appointed officials, while also giving participants the opportunity to obtain clarification and guidance from the Agency.

2.2.2. Anti-Corruption Strategy

Serbia adopted a five year anti-corruption strategy in 2005. The strategy is widely felt to have been ineffective, and since 2011, the country has been working on a replacement. The elections and change of government in 2012 caused substantial delay in the process, but a new working group was established in the latter half of the year. While there was little overlap with the previous experts, the new working group, set up under the auspices of the Ministry of Justice and Public Administration, produced several drafts, but essentially reverted to the February 2012 draft of the previous working group early in 2013.

A JRGA representative acted as an observer throughout the process. JRGA also provided the working group members with a range of supporting documents, including comments on the previous draft strategy, advice on particular issues, best practices in executive branch coordination of anti-corruption efforts, and a concept for the structure of the new strategy (taking into account the previous draft, EU priorities, the Croatian model favored by the MOJPA, and best practices).

During the third quarter of Year 2, activity of the working group sped up substantially. In this phase of the drafting process, JRGA continued to support the working group, providing both technical and logistical input. Two STTA experts, Bertrand de Speville and Mick Symons also provided information and advice on best practices and approaches. The Project particularly worked on developing a template for the action plan that will provide a detailed implementation scheme for the strategy.

Furthermore, the Project supported the working group in organizing the public hearing for the Strategy on March 21, 2013. Held in the Palace of Serbia, the event was attended by approximately 100 representatives of different government and public bodies, independent regulatory agencies, National Assembly, the civil society, international organizations, general public and the media. Nikola Selakovic, Minister of Justice and Public Administration, and Earle Litzenberger, Deputy Chief of Mission of the U.S. Embassy opened the event together with the representatives of the Delegation of the European Union, OSCE, and UNDP.

After the public hearing, the Ministry received 20 written comments on the draft Strategy from representatives of different institutions and civil society organizations. The Project provided technical assistance to the working group of the Ministry in incorporating the feedback received and finalizing the text of the Strategy.

Development of an Action Plan: Following this, from mid-April to mid-May, JRGA facilitated 10 workshops for the preparation of the Action Plan covering the following Strategy priority areas: media, police, political corruption, public finance, privatization, judiciary, sports and education, spatial planning, health-care and prevention. These served as a consultation platform for the working group gathering representatives of relevant stakeholder institutions and obtaining their input on concrete measures to be undertaken in each of the priority areas. JRGA also helped to structure and formulate indicators for the Action Plan.



The Project further facilitated the organization of a three-day intensive working session that took place on May 21-23, 2013 in Vrsac. The working group used this opportunity to finalize the text of the strategy, incorporating comments received during the public debates and the action planning process.

The draft Strategy was adopted by the Government on June 20 and put forward through an urgent procedure to the National Assembly. The Assembly adopted it on July 1, 2013. The Action Plan has not yet been discussed or adopted. It is expected that will take place in autumn.

2.2.3. Complaints process

Following his work on broader anti-corruption policy elements with Mr. de Speville in the third quarter of Year 2, Mr. Symons stayed for an additional two weeks to focus on the complaints department of the ACA. In this, he followed up on the 2012 visit of STTA Roger Vaughan. While the prior visit, due to ACA management issues, had little immediate impact, Mr. Symons was able, in the new environment, to make substantially more progress. His report offered concrete suggestions for re-organizing and reformulating the role of the Agency complaints department and particularly clearly separating the assessment process and the review process when handling complaints.

However, the actual implementation of recommendations for the complaints department have not yet taken place. The ACA's leadership were focused on finalizing their annual report and their assessment of the political campaign finance reports. JRGA will continue to advocate improvements to the complaints procedure in the Agency and to discuss with the ACA leadership how best to go about implementing them.

Task 2.3 Assist in developing and implementing investigative, monitoring and enforcement procedures governing the financing of political parties and election campaigns.

Political finance oversight was a major focus of Years 1 and 2 of the project, with national elections occurring late in Year 1. These May 2012 elections were the first opportunity for the ACA to implement the July 2011 Law on Oversight of Political Finance and to judge the effectiveness of Agency efforts in setting up a network of political finance monitors. After the last of the political entity reports were filed in mid 2012, the ACA was tasked with assimilating and comparing the data collected by its monitors with the data filed by political entities from throughout Serbia.

Throughout Year 2, the Project continued assisting the ACA with this post-election review as well in planning how best to release preliminary and final results of the analysis to the public. JRGA provided several experts during a period in which the Agency lost the head of its political finance section and changed Directors. While the Agency's reporting on the elections was substantially delayed, the Board and new management displayed a commendable desire to improve the Agency's reputation by producing reliable analysis. In accordance with project recommendations, the Agency released data in stages, including at a

national conference. With a final project-supported political finance conference in late May, the Agency wrapped up its analysis of the 2012 elections, and released a detailed report.

2.3.1. Institutional Capacity

Workflow and Standard Procedures: JRGA provided support to the Agency's political finance efforts on a variety of fronts, including before and after the elections, and in managing the various election finance reports. In late 2012, this led to a visit by STTA Mamak Ashtari to help the Agency organize its data. Early in the third quarter of Year 2, the project followed up with extensive review, formatting, and charting of the data, with the analysis and graphic presentation then returned to the Agency.

During 2012, the Agency also lost the head of its political finance department. The project followed up on the data analysis by also providing advisory services in the form of STTA Djordje Vukovic, a representative of the CeSID civil society organization (Center for Free Elections and Democracy), who was instrumental in writing the 2011 political finance law. Mr. Vukovic, over the course of two assignments during the third quarter of Year 2, worked closely with ACA staff in collating and analyzing data, and in determining the appropriate Agency response. From all these sources, the Agency discovered a number of anomalies or omissions, including a substantial number of reports not filed by political entities, and several cases where reported expenses greatly exceeded reported income.

2.3.2. Political Finance Oversight

Review of 2012 Election Political Finance Oversight: As provided by the law on oversight of political finance, the ACA received a large number of reports (>1,000) from political entities on both regular finance for 2011 and campaign finance for the 2012 elections. The Agency also received many reports from its network of 165 political finance monitors. Organizing and analyzing the high volume of data represented a significant challenge for the ACA. JRGA engaged short-term technical assistance expert Jennifer Brunner to advise the ACA on these issues, and to conduct a review of political finance oversight process during the elections.

The STTA held a series of meetings with ACA staff during her mission in July 2012. Input collected was formulated in a report whose main recommendations focused on the need for better coordination between the two relevant services of the ACA - the Oversight of Political Finance service and Public Relations service. The report also discussed review and analysis of the vast volume of data in order to produce a comprehensive administrative report as well as shorter reports that could present relevant information to the public. JRGA also emphasized the need for continuous training of both the ACA staff and the media to strengthen knowledge and understanding of how to make the data more available to the public, especially in a machine readable form.

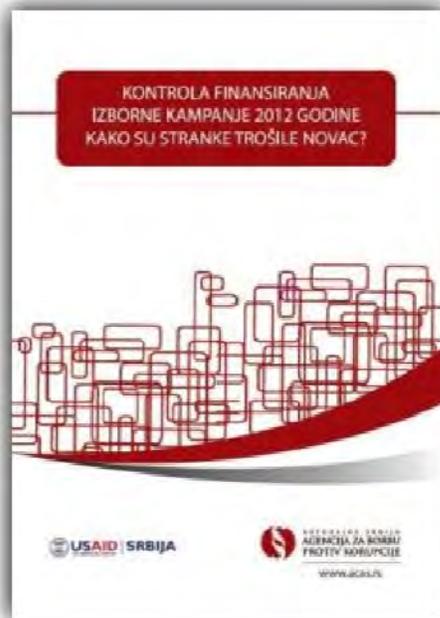
Data assimilation and analysis was slowed by IT difficulties. Organizing and analyzing the high volume of data represented a significant challenge for the ACA, but pressure mounted on the Agency to provide some analysis before the end of the year, as advised by Project STTA.

For this reason, and after changes at the helm of the Agency made it more amenable to technical assistance, the Project engaged a statistical expert and a political finance analyst to assist the ACA to analyze the data it held.

Two STTAs performed their assignment during November and December 2012. The ACA shared the data with the experts and was at hand to provide additional clarifications/documents. As a result of the work of JRGA STTAs, the ACA was able to

release the first results of the analysis of the political campaign financing during the conference titled the conference titled *'Election Campaign Oversight – How Did Political Entities Spend Their Money?'*

The conference was held on December 10 2012 (also marking International Anti-Corruption Day on December 9), with support from the Project. Around 80 representatives of the public administration, members of the Parliament, representatives of the Republic Electoral Committee, civil society organizations and the media gathered at the Palace of Serbia to discuss the mechanisms for monitoring the financing of political parties during the May 2012 elections, as well as challenges that the Agency faced when overseeing the campaign and analyzing the data.



Two expert panels covered topics related to a) the implementation of the Law on Financing of Political Activities and the compliance of political parties with its provisions and b) the influence of financial oversight on the media campaign during the 2012 elections. Proposals for improvement of the mechanisms and methodology for election campaign oversight were presented by JRGA's Government Accountability Advisor, Benjamin Allen.

The Agency presented the analysis of the political entities' compliance rate with the deadline for submitting proper reports as well as preliminary findings related to the sources of campaign funding, costs of media campaigns, election material, and campaign events. Further comparative analysis of data from reports filed to the Agency and actual findings of monitors that worked on the field were completed and presented in the first quarter of 2013.

Following JRGA advice on the scheduled release of data, the initial campaign finance conference was followed by another one held in May 2013. On this occasion, the Agency prepared a comprehensive analysis of campaign financing reports submitted both by the political entities and by the network of campaign monitors that was first tried and tested during the 2012 elections. The results of the analysis, as well as challenges that the ACA faced in campaign oversight and breaches of regulations were presented by ACA Director Tatjana Babić, ACA Board Chairman prof. dr. Branko Lubarda, ACA Board member prof. dr. Zoran Stojiljković, and Director of Transparency Serbia, prof. dr. Vladimir Goati.

JRGA's Government Accountability Advisor, Benjamin Allen, presented comparative practices in political finance monitoring with a particular emphasis on the role of the civil society in utilizing publicly available data to complement the official oversight mechanisms. The conference was attended by the representatives of the public administration, political parties, representatives of the civil society, and the media (*see Annex S for conference agenda and materials*).

These events, and an analytical publication issued by the ACA, concluded the oversight of 2012 general elections. JRGA will continue to work with the ACA in supporting the improvement of procedures and techniques for information management and analysis.

Task 2.4 Assist Independent Agencies to achieve more timely and stringent enforcement of their decisions and implementation of their recommendations by other government agencies, and to track the relevant processes

Task 2.5 Assist relevant official bodies and actors to develop and implement procedures to increase coordination between courts and relevant government agencies that reduce the processing times of selected administrative provisions and procedures

Task 2.6 Assist with improving ability of Independent Agencies to work with each other to monitor and improve administrative practices and other government operations

JRGA has found that, in practice, dealing with these three tasks in a consolidated manner provides an opportunity to leverage resources and address challenges of independent agencies in a holistic, systematic manner. Accordingly, during Year 2, the project addressed these three tasks together and focused on promoting dialogue between independent agencies and enforcement bodies, helping independent agencies and their counterparts to prepare and respond to independent agencies' recommendations, and addressing specific areas of government accountability.

2.X.1. Dialogue between Independent Agencies and Enforcement Bodies

Roundtables with MCs: JRGA continued building on a successful series of roundtables between the independent agencies and MCs established during Project Year 1. During Year 2, JRGA facilitated four roundtables with courts – two between the courts and Cfi and one each between the courts and SAI and courts and ACA.

In September 2012, the courts and the Commissioner discussed the legislative and regulatory framework for access to information of public importance in Serbia and the most common issues the courts are faced with when handling requests for information on cases and parties to court proceedings. The biggest obstacle for the courts is how to protect information for cases that are still in the procedure, while at the same time accommodating the requirements of the Law on Access to Information of Public Importance. Another roundtable for the same actors was organized in November 2012. This roundtable focused specifically on the topic of personal data protection. Representatives of the Commissioner's office presented personal data protection standards and the existing legislative framework, while MCs discussed open issues related to the Law on Personal Data Protection that they face in their work.

A roundtable between the State Audit Institution (SAI) and the courts (the fourth with these participants) was held on October 30, 2012. It focused on the practical issues faced by both the SAI and the MCs related to properly determining the responsible person(s) against whom a misdemeanor should be filed. All participants reached consensus on preparing a compendium of the most important discussions and conclusions reached during these meetings, as a practical tool for all judges and SAI staff to consult during their everyday work.

Support for a similar idea previously came from the participants of the 3rd Quarterly Meeting of Partner Courts held on October 3-4, 2012 in Zrenjanin. MC representatives deemed roundtables organized between the misdemeanor courts and different independent agencies as extremely useful and suggested that the recommendations discussed and formulated during

these meetings be distributed by JRGA to all Partner Courts and even the whole misdemeanor court network if possible.

The first roundtable between the MCs and the Anti-Corruption Agency took place on December 7, 2012. This signaled a remarkable turnaround in Agency policy, which previously did not prioritize inter-institutional cooperation. After the spring 2012 elections, the Agency received over 1,000 financial reports from political entities. This roundtable served as an opportunity to discuss modalities for close cooperation and processing of Agency's filings that stemmed from the analysis of campaign financing.

Anti-Corruption Agency and Public Prosecutors Roundtable: Working with the US Department of Justice, on January 17, 2013 JRGA organized a roundtable discussion between the ACA and prosecutors dealing with corruption-related cases. The first of its kind, the roundtable allowed both sides an opportunity to open communications, and for each institution to learn more about the other. Both institutions were able to ask and answer questions, and to exchange information about their procedures and requirements. Following the roundtable, the institutions have continued regular, self-initiated contacts to exchange information.

Understanding of Independent Agency Recommendations: Particular assistance provided under this activity during Year 2 concerned the obligation of the courts to develop Integrity Plans and deliver them within the envisaged timeframe to the Anti-Corruption Agency. Integrity Plans are a requirement for all public entities under the Anti-corruption Agency Act. They present an efficient means of self-monitoring for the institutions when it comes to their internal mechanisms for preventing and detecting corruption.

The first step in this process is preparing an assessment to be filed with the Agency, followed by delivery of a complete Integrity Plan. JRGA synchronized activities under Components 1 and 2 and in close cooperation with the ACA and the HMC to ensure that the MCs submit completed assessments. By the end of September 2012, the ACA informed JRGA that 90% of the MCs had created working groups to complete the initial assessments, and that this was by far the best response rate among the judiciary.

JRGA worked with the ACA to arrange MC access to ACA training on preparing Integrity Plans during September and October. Because not all misdemeanor courts participated in those training sessions, the Project in cooperation with the Agency, organized an additional one-day training session on October 29, 2012. This training session was followed up with the creation of the working group of select MC representatives to draft a plan template for the MCs.

The working group met several times during the second quarter of Year 2, finalizing the template in January 2013. The template was designed to assist the MCs in developing integrity plans, reducing redundant effort and ensuring standardization of the integrity plans where appropriate. The instructions contained recommendations covering eight sections of the integrity plans: a) institution management, b) financial management, c) public procurement management, d) documentation management, e) human resource management, f) safety, g) ethics and personal integrity, and h) case management. The template and instructions were distributed to all MC's and the HMC. Technical assistance was provided to MC's as they developed their integrity plans.

At the time of the deadline for submission of the integrity plans (March 31, 2013), 98% of the MC's and HMC seat and units had filed their integrity plans. By contrast, in view of the fact that integrity plans were a new statutory requirement and that agencies had no prior experience in developing the plans, the ACA had expected only 40% to 50% of government

agencies to file timely plans. After the ACA extended the deadline to April 12, 2013, due to technical difficulties with their on-line application for the submission of plans, all 100% on MCs filed their integrity plans with the Agency.

Training for Judges: Misdemeanor Courts are responsible for handling filings for initiating the misdemeanor procedure submitted by Independent Agencies. These cases are often complex and based on a set of relatively new Laws and regulations governing the work and mandate of independent regulatory bodies. It is for this reason that, in addition to continuous dialogue facilitated through the roundtable mechanism, JRGA engaged in preparing and delivering a training module for misdemeanor judges on cases filed by independent agencies.

The first set of training developed and delivered concerned the legislative and regulatory framework relevant for fighting corruption, and the cases filed by the Anti-Corruption Agency. The first training sessions took place in this quarter, starting February 2013, in close cooperation with the Judicial Academy. By the end of June 2013, 7 training sessions had been held for 109 misdemeanor judges. (Cf. Task 1.7).

Training for Independent Agency Staff: The number of Ombudsman's office contacts with citizens has grown rapidly in the past two years. Efficient, professional, and standardized communication with complainants and the public institutions to which complaints are related is of key importance.



Customer relations training for the Ombudsman staff

For this reason, in the second and third quarter of Year 2, the Project provided training on customer relations for the staff of Ombudsman's office. Two training sessions were held on November 26-27 and 29-30, 2012. Two Project short-term assistance experts (STTAs), who also developed the training materials, presented effective tools and mechanisms for working with citizens, dealing with complainants' unrealistic expectations, dealing with complainants with challenging behavior, as well as models for overcoming reluctance of public administration for cooperation. Around 30 staff from the Ombudsman's office went through this training exercise.

As a key part of this exercise, JRGA held five on-the-job continuing training exercises for participants from December 2012 until May 2013. The main aim was to help the Ombudsman's staff to apply

recommendations from the November training. Further concrete examples of efficient coping mechanisms for handling aggressive or emotional complainants were presented, as well as guidelines for recognizing the triggers for such behavior in clients. These meetings proved to be very beneficial for the Ombudsman's staff and were well received by them (*see* Annex T for the training follow-up recommendations).

During Year 2, JRGA also provided targeted support to the staff of the Ombudsman's office related to streamlining their internal processes and documentation used for handling complaints. JRGA's short-term expert, Susanna Reece, provided suggestions for improving

the internal procedures, including a proposal for new operational guidelines, report templates, and recommendation structures.

The same expert finalized her assignment with a two-day training session for the staff of the Ombudsperson's office on December 5-6, 2012. The expert presented recommendations on how to most effectively process complaints, establish eligibility and ownership, the most efficient techniques for investigating and writing reports, and identifying and reporting systemic issues.

One of the main goals of JRGA efforts on strengthening government accountability is to encourage implementation of independent agency recommendations. In the first quarter of Year 2, JRGA organized the visit of Lisa Sotto, who is among a few world-renowned experts in the field of data breach protection. As the Project's STTA, Ms. Sotto aimed to help improve the legal framework and operational procedures and practices regarding personal data protection.

Ms. Sotto held a two-day training session for the staff of the Serbia's Commissioner for Information of Public Importance and Personal Data Protection, as well as over 50 selected staff of different Serbian government bodies handling citizens' personal data in their daily work. The training focused on U.S. and EU data privacy and data security matters, with particular attention to data breach notification requirements in the U.S. and around the world.

In addition to the training, Ms. Sotto developed model regulations on data breach notification and security of personal data that could be used as a basis for further improvements to the existing Serbian legal framework, and to enable easier implementation of the commissioner's recommendations concerning this important area.

2.X.2. Response to Independent Agency Recommendations

Central and Local Government: A number of initiatives funded under JRGA grants program were focused on tracking the implementation of independent agencies' recommendation at the central and local government levels. A brief overview is given in the table below (also *cf.* Task [2.7](#)).

Grantee	Project Title	National / Local Level	Project Objective
<i>1st Request for Applications</i>			
EPC	Determining Conditions for Improvement of work of the State Audit Institution of Serbia	National (SAI)	To improve the implementation of a whole range of measures at disposal to SAI, as well as its ability to ensure continuous and credible monitoring of implementation
YUCOM	Strengthening Ombudsman's Role in Serbian Society	National and Local (Ombudsman)	Formulate criteria to effectively measure the implementation of Ombudsman's recommendations as well as produce a long-term effective mechanisms for the regular monitoring how well is the public informed of their status and results
<i>2nd Request for Applications</i>			
TS	Monitoring of pro-active access to information in Serbia	National (CfI/PDP)	To prevent corruption through improved pro-active publication of information by public authorities of Serbia, and improved work of the Commissioner for Information
PRAXIS	Testing the implementation of the Ombudsperson's recommendations regarding	National and Local (Ombudsman)	Enhanced sustainable mechanism for the monitoring of the Ombudsperson's recommendations regarding vulnerable groups, with increased capacities of the

	vulnerable persons		Ombudsman and CSOs in tracking implementation
<i>3rd Request for Applications</i>			
EPC	Increasing Citizens' Involvement in Achieving Government Accountability in Serbia	National and Local (SAI)	Ensure institutionalized forms of cooperation exist between the Serbian State Audit Institution and the civil society and citizens as its allies in the efforts to achieve accountability of government
<i>4th Request for Applications</i>			
CMS	Integrity Plans into Life	Local (Local self-government)	Support selected local governments in establishing practices of good governance and accountability by assisting them in carrying out identified measures defined in adopted integrity plans
TS	Tracking the ability of courts and independent bodies to sanction breaching of anticorruption laws	National (Courts, Independent Agencies)	Strengthening rule of law through strict sanctioning of breaching of anticorruption laws and improving the efficiency and independence of Serbian courts and Independent Agencies
<i>Sole Source Grant</i>			
PDC	Protection of Privacy - Assessment of Procedures and Policies in the field of Personal Data Protection	National and local	Improved protection of citizens' privacy, and full implementation of personal data protection legislation, in line with the highest international standards

Table 1: Grants awarded to projects with impact on monitoring the implementation of independent agencies' recommendations and government accountability

Report Presentation: Most Independent Agencies submit their annual reports to the National Assembly in early spring – the ACA, the Ombudsman, and both Commissioners. In the past, there has been little parliamentary action on IA reports. JRGA addressed this from several perspectives in Year 2. First, the project brought STTA Ellen Yount, a public outreach and media relations expert, to focus on the report of the ACA. Ms. Yount worked with all departments of the Agency, and particularly the media and prevention sections (tasked with compiling and editing the report). Ms. Yount led a series of discussions and training events focused on defining and conveying messages, and provided the Agency with a template for use in reporting. The template was also generalized and provided to other IAs for their use. The template emphasizes concision and clarity. While it saw only partial use for the 2012 reports, the project will continue to work with IAs during the coming year to help them improve their reporting formats and mechanisms

Parliament: Informal roundtable discussions between Independent Agencies and other bodies have become a trademark of JRGA's government accountability work. Building on substantial planning from 2012, the project started a series of roundtables including parliamentary committees and IAs. The work dovetails with support provided by OSCE's USAID-funded program, and with that of other donors.

JRGA agreed with the National Assembly on a full year's schedule of roundtables, involving the following committees: Constitutional and Legislative Matters, Judiciary, State Administration and Local Self-Government, Human and Minority Rights and Gender Equality, Finance, Republic Budget and Public Spending Control, Culture and Information, and others that join on an ad hoc basis.

The series began in February 2013, kicking off with a discussion between secretariat-level staff of the parliament and the IAs. Discussion was broad, but focused in part on the annual reports that most IAs were then in the process of drafting. Participants reached some tentative agreements, that JRGA will help the institutions to implement during the remainder of the year.

The second roundtable, held on March 8, 2013, focused on the Anti-Corruption Agency, and served as an introduction for both sides on expectations of the parliament, the role of the ACA, and communications between the two. JRGA provided summaries of the first roundtables to the OSCE, which is conducting a similar initiative focused on parliamentary review of ACA reports.

The third roundtable, held on March 20, focused on the Ombudsman. As with the ACA roundtable, participants included heads and members of key parliamentary committees, and the Director of the institution in question. All participants welcomed the idea and were eager for further roundtables. As one parliamentarian noted in the OMB roundtable, “We have never met in six months, and without this JRGA initiative, we might never have met”.

JRGA continued the series of roundtables with a meeting between the parliamentary committees and the Commissioner for the Protection of Equality held on April 10, 2013. A roundtable involving the Commissioner for Information and Personal Data Protection took place on June 20, 2013. Its main purpose was to ensure smooth communication and cooperation between the institutions as well as greater involvement of the Parliament in ensuring the implementation of recommendations issued by independent regulatory bodies. *See Annex U for roundtable meeting minutes.*

The series of introductory roundtables will end at the beginning of Year 3, with the representatives of SAI meeting with the members of the Parliament on July 3, 2013. After this final roundtable in the first series, JRGA will analyze the outcomes and explore new channels for further cooperation, likely continuing in a second series in the fall of 2013.

2.X.3. Government Accountability Interventions

Public Finance: JRGA started off Year 2 by establishing a good working relationship with the Association of Public Procurement Professionals (APPP), a budding professional organization. JRGA helped the APPP take steps to build its membership and recognition. The Association is a non-government organization dedicated to building the capacity of Serbia’s newly certified procurement professionals. JRGA assisted the Association with the preparation of an information brochure describing their mission and objectives. JRGA also helped APPP to organize a national conference allowing procurement stakeholders an opportunity to provide meaningful input on the new draft procurement law expected to be re-introduced in parliament and adopted during the upcoming quarter. The conference, entitled ‘*Promoting a More Efficient Public Procurement System*’ was held on September 10, 2012.

The conference offered the opportunity for the APPP, the Public Procurement Office, independent agencies (the State Audit Institution and the Anti-Corruption Agency), the judiciary, and professional and civil society organizations to use panel discussions to discuss the topics of oversight and combatting irregularities in the existing system of public procurement. Resolving these irregularities should bring savings in both time and money. Almost 100 participants partook in discussions on how to make improvements in the existing procedure in order to make it more efficient and introduce more severe sanctions for non-compliance.

The conference gave rise to several initiatives that were also facilitated by JRGA. The Project supported the organization of a roundtable gathering the representatives of the Public Procurement Office, the Public Prosecutors’ Association, the Judges’ Association, and the State Audit Institution to exchange views on the possibilities for amending the Criminal Code in order to ensure prosecution of malpractices in public procurements. The roundtable was held on October 11, 2012. Draft text of a proposed amendment to be introduced into the Criminal Code was prepared during the workshop and submitted to the working group of the

Ministry of Justice. The amendment expanded the responsibility for procurement offences to include the contracting authority as well the bidder. It was adopted by the working group, and incorporated into the text.

On October 23, the Project facilitated another roundtable discussion between the representatives of the State Audit Institution and the Association of Public Prosecutors. The main topic of discussions held was the key aspects of an efficient criminal procedure on the basis of filings submitted by the State Audit Institution. The prosecutors and auditors recognize need for learning more about specifics of each other's work, and how those affect the process of case preparation. As a direct outcome of these roundtables and the coordination established, the proposed amendment to the Criminal Code noted above was included in the draft Law submitted to the National Assembly in December.

Furthermore, Serbia adopted a new public procurement law at the start of 2013, to take effect on April 1, 2013. JRGA held a series of discussions with the Public Procurement Office (PPO), CSOs, and other donors, focused on how the new law will be implemented, and how procurement officers can be trained. On March 8-9, 2013, JRGA organized a two day retreat for PPO and select procurement professionals and practitioners to revise and finalize the draft implementing rules.

The group focused in particular on developing a by-law that will regulate the establishment of a 'civil monitor' for public procurement procedures with a value above 1 billion dinars. JRGA was able to assist the group by providing input on international comparative practice for the work of civil monitors prepared by the Toplica Center for Democracy and Human Rights and Institute for Comparative Law as part of their grant activities on the project titled 'Empowering civil society organizations in scrutinizing public procurement' that is funded by JRGA. A final version of the rules was submitted late in the quarter, for formal approval in time for the deadline. The project will continue to work with PPO and other donors to consider how best to provide training for Serbia's 1,200 public procurement professionals.

In a bid to ensure synergies among different USAID initiatives, in the last quarter of Year 2, JRGA coordinated with the Business Enabling Project (BEP) which is planning a study-visit to the States for their counterparts on the subject of 'Transparency and Accountability in Public Financial Management: Role of the Legislature and Independent Institutions' and agreed to facilitate the participation of the representatives of the State Audit Institution in the same study visit.

This activity is part of an effort to strengthen capacities of the SAI in overseeing transparency and accountability in managing public resources by allowing key officials to learn more about auditing to determine whether public funds are being spent efficiently and effectively; how to provide objective, fact-based, nonpartisan, non-ideological, fair, and balanced information; oversight and reporting mechanisms; perform policy analyses; how the executive and legislative branches of government can work together, provide checks and balances, and exchange information. The hosts of this visit are: the US Congressional Budget Office, the U.S. Office of Management and Budget, House and Senate Committees on the Budget, Appropriations Committees, and Finance Committee, and the U.S. Government Accountability Office. The study visit will take place in the second week of July 2013.

Vulnerable Groups: The Project worked throughout Year 2 on solidifying its working relationship established with the Commissioner for the Protection of Equality (CPE) as an independent agency protecting vulnerable groups, alongside the Ombudsman. In agreement with the Commissioner, JRGA focused its initial efforts in increasing the visibility and public awareness of the important work carried out by this body.

JRGA provided support for redesigning the style, structure, and content of the official CPE website. The redesigned website was officially launched in April 2013. It provides information on the newest activities of the Commissioner as well as on the jurisdiction of this independent body. The new website is more user-friendly as the content is organized so that it is easily searchable per category and different categories are interlinked. The website is also



optimized for the visually impaired. Readers can sign up for the newsletter as well as share relevant content easily through social media buttons. Since going live on April 16, 2013, the website had 23,149 visits.

JRGA also provided assistance in designing and printing a brochure containing essential information on the scope of work and assistance offered by CPE. This brochure contains a section of contact information in Braille for the blind and visually impaired. The brochure was printed in 13,000 and disseminated by JRGA to Misdemeanor Courts across Serbia.

information in Braille for the blind and visually impaired.



PRAXIS, a Serbian CSO was awarded grants funds under the 2nd RfA for a project concerning the monitoring of the implementation of Ombudsman's recommendations regarding vulnerable persons. The project implementation began in October 2012. In May 2013, Praxis developed the thematic report which analyzes the results of monitoring and testing of the implementation of the

Ombudsman's recommendations. The report was published in June 2013 and it consists of the following parts: Introduction, Institution of Ombudsperson, Methodology of the Monitoring of the Implementation of the Ombudsperson's Recommendations, Results of Monitoring of the Implementation of the Selected Ombudsperson's Recommendations, Analysis of the Results, Sustainable Mechanism for Monitoring of the Implementation of the Ombudsperson's Recommendations and Conclusions. Also in June, Praxis held two roundtables presenting the project and key conclusions of the report. Grant activities will be finalized in July 2013.

2.X.4. Information Management and Exchange

Information management and exchange have been weak points for several of the Project's key IA counterparts. During Year 2, the Project addressed this point in several ways. Roundtable dialogues encouraged IAs and their partners to discuss information sharing needs,

and consider how best to resolve them. Project STTA also provided feedback to IAs on how best to handle data. This input focused particularly on:

- Anti-Corruption Agency – management of political finance and complaints data.
- Ombudsman – internal processes, information handling, and information sharing between departments.
- Commissioner for the Protection of Equality – organization of information to be made available through the institution’s website.

Task 2.7 Encourage improvements in governance and official integrity, and to reduce corruption, to monitor political party financing (including financing of local and national elections), and to promote compliance with EU norms, through the provision of: Grants under Contract; comparative information on substantive issues, and technical assistance on the institutional development of the organizations.

2.7.1. Grants Program

During Year 2, JRGA continued its small grants program. The first Request for Applications (RFA) was published in Year 1 and contracts awarded in March 2012. Of the three grants awarded for projects related to Component 2, one was completed by the end of Year 1 (EPC, *Determining Conditions for Improvement of work of the State Audit Institution of Serbia*), while the remaining two finalized their implementation in Year 2 (BIRODI, *Preparation and implementation of mechanisms for mapping the risks of misuse of public funds for financing of political activities* and YUCOM, *Strengthening Ombudsman’s Role in Serbian Society*).

During Year 2, JRGA launched three more Requests for Applications resulting in 10 more grant awards for initiatives covering the monitoring of implementation of independent agencies’ recommendations, anti-corruption mechanisms on both the national and local level, and citizen and civil society participation in monitoring the public finance spending. In addition, two sole source grants were awarded to support initiatives with multiple-donor funding that directly contribute to Project’s long-term objectives.

The Project contract required JRGA to award not less than \$250,000, and not more than \$500,000 in grants within the first two years (from May 2011 to May 2013). Under the first 3 RfAs, the last of which closed in February 2013, JRGA awarded \$498,551.13 for a total of 18 grants. Out of that, 11 grants were awarded under Component 2, totaling \$301,981.81. Under the fourth RfA, launched in May 2013, four additional grants were awarded under Component 2 for the total amount of \$114,965.47. The full list of grantees and projects awarded funding in Year 2 is presented in the table below. An overview of completed grants is given as Appendix J, while all grantee reports and deliverables can be found in Appendix K.

Grantee	Project Title	Duration	Description
2nd Request for Applications			
TS	Monitoring of proactive access to information in Serbia	October 2012 - April 2013	The project reviewed availability and quality of ‘informators’ (information directories) in government actors in order to assess compliance with publication requirements, build awareness of the requirements, and provide a wider knowledge base to the Cfl/PDP.
PRAXIS	Testing the implementation of	October 2012 - July 2013	The project objective is to conduct interviews and tests to assess the implementation of Ombudsperson

	the Ombudsperson's recommendations regarding vulnerable persons		<i>recommendations regarding vulnerable persons in ten municipalities. This is a complement to an Ombudsperson-organized activity that will cover ten other municipalities.</i>
3rd Request for Applications			
CRTA	Map the Money!	March 2013- October 2013	<i>The overall project objective is to maintain and expand an effective and sustainable budget monitoring mechanism, and motivate citizens to actively participate in local budget implementation oversight in order to establish preconditions for preventing corruption in public finance. CRTA developed and launched the http://www.pratipare.rs/ online portal in August 2012 and activities in this Project will be built around this portal.</i>
EPC	Increasing Citizens' Involvement in Achieving Government Accountability in Serbia	March 2013 - August 2013	<i>The overall objective is to establish institutionalized forms of cooperation between SAI and civil society and citizens, as SAI's allies in the effort to achieve accountability of the government and to improve the management of citizens' requests for audit sent to the SAI.</i>
EUTOPIA	Mapping Corruption	March 2013 - October 2013	<i>The project objective is to engage citizens to track and map corruption in Serbia by receiving and publishing anonymous bribe reports. This would be achieved by creating a fact-based instrument to track and map corruption and bribery, engaging citizens by allowing them to post corruption tips and reports, creation of a map of corruption by using tips from citizens and by using social networks to share stories and engage with citizens.</i>
TDCHR	Empowering civil society organizations in scrutinizing public procurement	March 2013 - December 2013	<i>TCDHR together with their partner, Institute for Comparative Law (ICL), will identify good practice for involving representatives from civil society organizations and the wider public in monitoring public procurement as envisaged in the new Law on public procurement. The overall project goal is to empower the civil society organizations to scrutinize public procurement procedures at both state and local level.</i>
4th Request for Applications			
CESID	Towards More Efficient Work of Independent State Institutions: Step to More Successful Control of Financing of Political Parties	June 2013 - March 2014	<i>CeSID will organize meetings with 10 parliamentary caucuses and expert members of the public with the aim of defining recommendations for improvement of current practices and the legal and institutional framework in the area of control of political party financing, and improving the efficiency of independent state institutions.</i>
CMS	Integrity Plans into Life	June 2013 - November 2013	<i>Center of Modern Skills will be implementing a six-month project, 'Integrity Plans into Life', by supporting eight selected municipalities in the implementation the of recently adopted priority measures contained in their integrity plans.</i>
SOM	Zero Tolerance for corruption in Health Care Sector in Serbia	August 2013- January 2014	<i>SOM will work on creating five pilot Zero Tolerance health institutions and organize anti-corruption workshops in Belgrade, Uzice, Novi Sad, Nis, and Vranje in order to discuss the mechanisms for reducing opportunities for corruption, and improving public perception of corruption in the health care system in</i>

			<i>Serbia.</i>
TS	Tracking the ability of courts and independent bodies to sanction breaching of anticorruption laws	June 2013 - February 2014	<i>The project will identify weaknesses in the sanction system related to the work of independent agencies, and will propose/advocate for systemic remedies.</i>
<i>Sole Source</i>			
PDC	Protection of Privacy - Assessment of Procedures and Policies in the field of Personal Data Protection	October 2012 - March 2013	<i>The main aim of the six-month project was to work on improving the protection of citizens' privacy and full implementation of the personal data protection legislation, in line with the highest international standards.</i>
NPC	Prevention: An Effective Tool to Reduce Corruption	October 2012 - December 2013	<i>NPC trained 50 university students on corruption, the ACA will use 7 of them as interns, and NPC will encourage universities to adopt the course in their long-term curricula. JRGA's support leverages other donors' funds at a ratio of almost 1:3 making this a cost-effective grant.</i>

ADMINISTRATION AND PROJECT MANAGEMENT

During Year 2, JRGA continued to maintain all administration and project management mechanisms related to financial management, human resources management, and procurement. The project staffing list is presented as Annex C. JRGA also maintained a comprehensive reporting mechanism, submitting weekly, bi-weekly, monthly and quarterly reports accompanied by appropriate annexes.

JRGA ensured compliance with all applicable branding and related requirements, guidance, and instructions of USAID in the implementation of all project activities. In line with the branding strategy outlined in the contract, JRGA regularly updated the Project website (www.jrga.org) in order to describe JRGA and its current and planned activities and progress to date, including success stories, other noteworthy events and accomplishments, and lessons learned.