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

# JUDICIAL REFORM AND GOVERNMENT ACCOUNTABILITY PROJECT

## Annual Report – Year 3

### July 1 2013 – June 30 2014



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*On the cover (left to right): U.S. Ambassador to Serbia, Michael Kirby, and Serbian Minister of Justice, Nikola Selakovic, on the occasion of the launching of the promotional campaign 'Respect the Law, support the order' for the new Law on Misdemeanors, on May 7, 2014.*

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

Annual Report  
Year 3

## TABLE OF ACRONYMS

AC	Administrative Court
ACA	Anti-Corruption Agency
ACS	Anti-Corruption Strategy
AMC	Appellate Misdemeanor Court
AMJ	Association of Misdemeanor Judges
APP	Association of Public Prosecutors
CAFV	Counseling Against Family Violence
CeSID	Center for Free Elections and Democracy
Cfi/PDP	Commissioner for Information of Public Importance and Personal Data Protection
COI	Conflict of Interest
COP	Chief of Party
CSO	Civil Society Organization
DCOP	Deputy Chief of Party
EPC	European Policy Centre
GOS	Government of Serbia
HCC	High Court Council
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
MOJ	Ministry of Justice
NGO	Non-Governmental Organization
PC	Partner Court
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
TS	Transparency Serbia
USAID	United States Agency for International Development
Y3	Year 3
WP	Work Plan

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## EXECUTIVE SUMMARY

During Year 3, 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 3 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 ensuring the adoption and implementation of the new Law on Misdemeanors (LOM), preparing all stakeholders – the Ministry, the courts and the authorized petitioners for all procedural changes introduced with the new Law, initializing the implementation of court automation through development and use of one module of the overall Misdemeanor Court Case Management System (MCCMS) 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 3 PCs – Novi Sad, Prokuplje and Ruma. However, with the introduction of the software application supporting the work of two new registries set up under the new LOM – of sanctions and unpaid fines – JRGA reached out to all MCs in Serbia, providing direct, hands-on assistance and training to court staff responsible for data entry and updating, at the same time initiating a significant shift in the business operations of the courts. While moving towards the full court automation that will come with the roll out of the complete MCCMS, the Project is also moving towards a comprehensive mechanism of technical assistance targeting all MCs. During Year 3, 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. Facility upgrades in select courts that contribute to improved court accessibility and transparency were carried out in close cooperation with the MOJ 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. On the systemic level, JRGA worked

with the Ministry of Justice (MOJ)<sup>1</sup> and other stakeholders on developing the Anti-Corruption Strategy and accompanying Action Plan (adopted in the summer of 2013) as well as the implementation guidelines in order to streamline the work of designated responsible entities. The Project also provided direct technical assistance to the working group set up under the auspices of the MOJ for drafting the Law on Whistleblowers.

After a change at the helm of the Anti-Corruption Agency (ACA) in Quarter 2 of JRGA Year 2, the Project continued constructive relations with the new leadership and intensified direct technical assistance to this independent body. This resulted in helping the ACA leadership with a strategic planning exercise, carrying out a Needs Assessment identifying necessary changes to the legislative framework and the revision of ACA's internal procedures in order to increase responsiveness and efficiency. The Project supported the ACA with the development of strategic guidelines for an all-encompassing training plan for delivering anti-corruption training to civil servants. As was the case with the previous elections, JRGA helped the ACA with data processing in the aftermath of 2014 spring parliamentary and local elections.

The Project worked successfully throughout Year 3 with the State Audit Institution (SAI) providing its leadership and Performance Audit Team with tools on report writing and effective messaging, planning and matrix design for the next audits and introducing quality assurance methodology in line with the U.S. Government Accountability Office (GAO) principles in order to increase the accountability of their work.

In Year 3, 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 between the National Assembly and the IAs resulted in a joint conference that yielded recommendations for more efficient follow-up on IA reports and their conclusions. Cooperation between the courts and the IAs was particularly important on the preparations for the implementation of the new LOM as IAs are authorized petitioners in the misdemeanor proceedings.

As a result of several events that took place in 2014 – the introduction of the new court network as of January 1, the general elections held in March and the appointment of Misdemeanor Court Presidents in May 2014 - personnel changes occurred in some of the counterpart institutions. 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 continued 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

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<sup>1</sup> After the March 2014 elections, the Ministry of Justice and Public Administration was split into two separate ministries – Ministry of Justice and Ministry of Public Administration and Local self-Government.

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 third and fourth Request for Applications (RfA) that began in Year 2 successfully completed their activities in Year 3. Their results/deliverables were widely disseminated and utilized. One more Request for Applications was announced in Year 3. Details on grant activities in Year 2 are included under Task 1.10 and Task 2.7. and in Annexes K and L

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.

In October 2013, JRGA launched the fifth RfA which resulted in two grant awards in February 2014 for the total amount of \$67,272.00.

Year 3 also saw a shift in JRGA's grants selection and award process. The Project expanded the grant program to include long-term partnerships. These partnerships have multiple benefits – they will ensure the existence of strong, issue-focused civil society organizations (CSOs) that can continue to act on judicial reform and anti-corruption matters, and they will build the self-sustaining capacity of these organizations.

JRGA has selected partners based on their demonstrated commitment and capacity for growth. With each partner or set of partners, the project signed a long-term framework agreement. The agreement outlines the overall objective of the partnership, and the themes the partnership will focus on. The broad objectives fall into two categories. The first is work on substantive issues related to governance, and contributing to the goals of the JRGA project and USAID. The second is building the internal capacity of the organizations themselves.

To complement the framework agreements, JRGA and the partners will have task orders that will define specific activities leading to the objective outlined in the framework documents. The task orders will include details of activities, deliverables, and defined funding tranches. The framework agreements for three partnerships were signed on June 1, 2014 and the implementation of grant activities in full is expected to start in September 2014.

### Year 3 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 3 Work Plan. It also provides data and relevant annexes for JRGA activities carried out in Quarter 4 of Year 3. 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 4. Budget execution for Year 3, 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 3

### **Component 1: Judicial Reform**

#### **Partner Court Program:**

- Holistic support to courts in achieving systemic changes and improving the administration of justice provided to nine 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:**

- New LOM adopted in July 2013 and came into effect on March 1, 2014. This marked the successful culmination of joint efforts of the Ministry, the courts and the Project in providing mechanisms for more efficient and effective misdemeanor procedure.
- JRGA closely coordinated with the MOJ on enabling all regulatory preconditions for the implementation of all aspects of the law by supporting the finalization and adoption of required by-laws.
- In cooperation with the AMC and MCs, JRGA reached out to over 1700 bodies/institutions acting as authorized petitioners in the misdemeanor procedure throughout Serbia. In 27 roundtables, authorized petitioners were presented with all changes to be introduced in the misdemeanor procedure with the new LOM.

#### **Facility Upgrades and Renovations:**

- Facility upgrades completed in Ruma, Prokuplje and Novi Sad MCs, and AC Unit in Novi Sad with a view to ensuring optimal functional organization of the courts and enabling operational efficiencies, easier public access and safe and open hearings.
- Moot court and an additional training room renovated and equipped in the premises of the Judicial Academy.

#### **Court Automation:**

- One module of the full MCCMS developed supporting the work of registries of sanctions and unpaid fines. Work is ongoing on MCCMS development and programming.
- Large-scale computer hardware procurement for all misdemeanor court seats in Serbia carried out, significantly improving the operational and processing capacities of the courts.
- Through joint efforts with the Ministry, all MC seats provided with internet connectivity and access to the central server hosting the MCCMS application.
- Intensive training and on-the-job support provided to all the MCs in preparation for and with the use of the new software application.

#### **Misdemeanor Judges Training 2013-2014:**

- Misdemeanor judges and staff trained on topics covering the new LOM, enforcement, new law on Public Procurement, legal drafting, the role of the judge and courtroom management, and customer service and outreach in close cooperation with the HCC, the Ministry and the Judicial Academy.
- AC judges trained on the topic of the new Law on Public Procurement, Personal Data Protection and Law on the Prevention of Workplace Harassment.

## **Component 2: Government Accountability**

### **Strengthening Capacities of the Anti-Corruption Agency**

- JRGA supported a strategic planning session for the Agency's leadership and Board in order to define both mid- and long-term priority areas of action and the Agency's role in the implementation of the Anti-Corruption Strategy.
- Support was provided to the ACA's education department in reviewing and planning for a comprehensive training program on anti-corruption issues targeting civil servants. JRGA also assisted the ACA in carrying out a Needs Assessment Analysis yielding proposals for both internal and legislative framework changes that would further streamline the work of the Agency. Another STTA helped with reviewing and consolidating internal operational procedures of the ACA.
- The Project provided support with campaign financing data analysis and formulating preliminary findings after the March 2014 parliamentary and local elections.

### **Anti-Corruption Strategy Adoption and Implementation**

- National Assembly adopted the Anti-Corruption Strategy and the Action Plan for its implementation in summer of 2013. JRGA provided support to the MOJ throughout the process, in particular with defining the operational steps to implement the plan.

### **Whistleblower Protection**

- JRGA provided intensive technical assistance to the working group set up under the auspices of the MOJ on drafting the Law on Whistleblowers. Tom Devine, a project expert, advised the working group on international best practice solutions for protecting the whistleblowers as JRGA STTA. A draft law will be submitted for adoption by the Serbian Parliament in the summer.

### **Support to the State Audit Institution**

- In July 2013, JRGA organized a U.S. study tour for representatives of the State Audit Institution with the aim of providing insight into the work of key public audit institutions in the States.
- Building on the study trip experience, JRGA STTA (name of expert or expert title) expert provided support to SAI in preparing for the complex performance audit process, streamlining their reporting procedures and improving quality assurance in order to increase the accountability of their key messages.

### **Capacity Building for Ombudsperson's Staff**

- JRGA organized training sessions on the topic of human rights and good governance for the staff of the Ombudsman's office, gathering them all at one place for the first time in six years and enabling cross-training, dialogue, exchange of experience and knowledge.

### **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 continued between the MCs and the SAI and MCs and the Anti-Corruption Agency.

### **Coordination between the Independent Agencies and the Parliament**

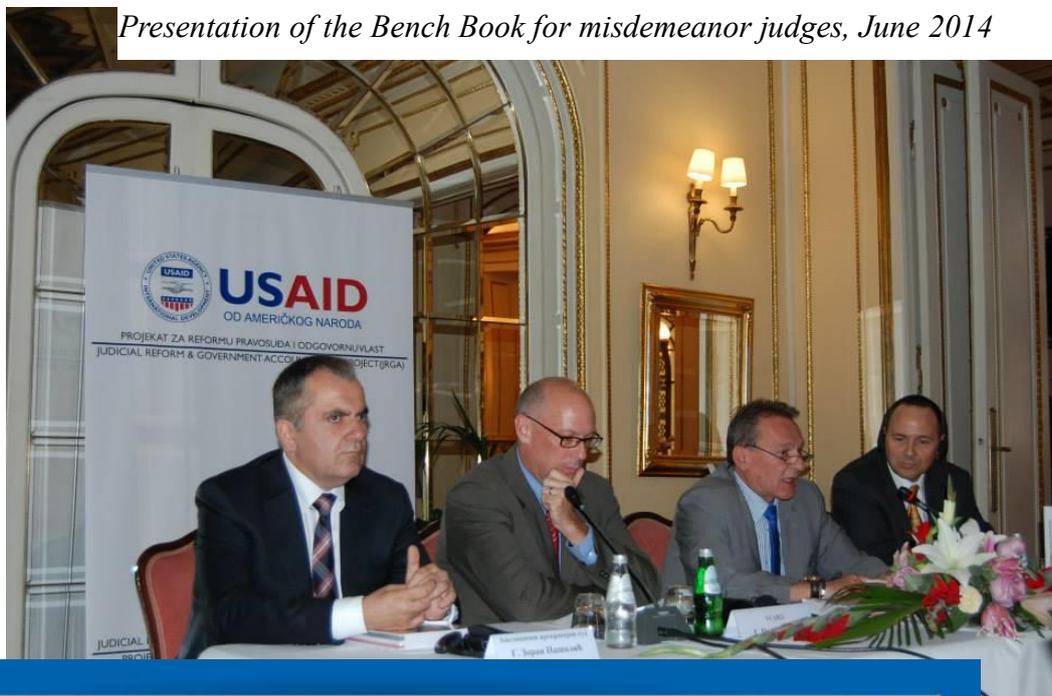
JRGA gathered over 60 members of the Parliament and representatives of all independent regulatory bodies for a joint roundtable in September 2013, defining the steps for closer cooperation and monitoring of the implementation of independent agency's recommendations.

**Grants Program:**

- All grant recipients for the third and fourth Request for Applications (RfA) successfully completed their activities which were widely disseminated and utilized. The fifth Request for Applications was conducted in Year 3.
- JRGA introduced a new concept of long-term grantee partnerships in Year 3. The partnership approach runs on two parallel tracks – CSOs are partnering in planning and implementing grant activities on the basis of framework agreements, while at the same time maintaining their partnership with the Project. This approach will contribute to building and reinforcing the sustainability of their efforts.

## COMPONENT 1 – JUDICIAL REFORM

*Presentation of the Bench Book for misdemeanor judges, June 2014*



*Logo of the LOM promotional campaign 'Respect the law, Support the Order'*



*Press conference on the occasion of launching the LOM media campaign, May 2014*

During Year 3, JRGA reinforced productive collaboration relationships with all counterparts. JRGA maintained regular contacts with project liaisons in the MOJ and the HCC for updates on project progress. Successes with the Ministry include the **adoption** and the beginning of **implementation** of the new Law on Misdemeanors (LOM), marking the completion of joint efforts on introducing more efficiency into the misdemeanor procedure. The period between the adoption of the Law (July 2013) and its coming into effect (March 1, 2014) was used by the Project to deliver a **training program** for the misdemeanor judges on the most important procedural changes introduced with the new legislative framework, as well as to **prepare the ground for implementation** by reaching out to over 1700 representatives of institutions/bodies from all over Serbia acting as authorized petitioners in the misdemeanor procedure. The initiative, facilitated by JRGA and spearheaded by the Appellate Misdemeanor Court<sup>2</sup> (AMC) and misdemeanor courts (MCs), received positive feedback from all involved, emphasizing the necessity of such a cooperation mechanism in order to ensure awareness of the changes and prepare all stakeholders for implementation.

**National-level interventions:**

- Policy and regulatory reform – new Law on Misdemeanors and requisite by-laws
- System-wide use of the first module of the Misdemeanor Court Case Management System (MCCMS)
- Capacity building and training

**Grassroots-level interventions:**

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

JRGA closely collaborated with the MOJ also on ensuring all **regulatory and technical prerequisites** for the new LOM were met in time for the March 1, 2014 deadline. The by-laws regulating the format and content of the misdemeanor order, the ownership and data management for the registries of sanctions and unpaid fines, as well as the new rulebook for the practical implementation of alternative sanctions were prepared with JRGA assistance. In parallel, JRGA worked on developing the **Misdemeanor Court Case Management System (MCCMS)** software application. One module, supporting the work of the registries of sanctions and unpaid fines which are set up as centralized electronic databases, was completed on time for the beginning of implementation of LOM and all MCs in Serbia connected to the central server housing the application in the MOJ Data Center in Belgrade. JRGA trained appointed data controllers in MCs for entering, updating and managing data in the application which contains over 86.000 cases to date.

JRGA also initiated an **intensive coordination** process with the Ministry of Interior and the Department of Payments in the Treasury Administration in order to agree on data exchange protocols and other policy issues vital for the proper functioning of the registries in line with all requirements of the new LOM. As a result, a rule book regulating the use of unique control numbers for all misdemeanor orders issued by authorized petitioners was prepared with JRGA assistance and adopted in June. This mechanism allows easier tracking of payments and their automatic clearing in the registry of unpaid fines. Coordination with external entities is proving to be crucial for the full and successful implementation of all procedural changes introduced with the new Law. This is also reflected in the intention of the MOJ to initiate stakeholder consultation across other line ministries which would result in

<sup>2</sup> After the new court network came into effect on January 1, 2014, the Higher Misdemeanor Court became the Appellate Misdemeanor Court, keeping the three units – in Novi Sad, Nis and Kragujevac.

legislative changes that would enable wide-spread use of the misdemeanor order for as many types of misdemeanors as possible.

In Year 3, JRGA continued with **facility upgrade interventions** on select MCs in cooperation and agreement with the MOJ. MCs in Loznica, Ruma, Prokuplje and Novi Sad were renovated with a view to achieving business process improvements through the functional reorganization of the premises, as well as better access to justice for court users by redefining courts' public spaces and installing 'one-stop-shop' intake and information counters. Spatial reorganization in the Novi Sad MC improved their archiving practices, enabled centralization of active records and most importantly allowed for the implementation of immediate case assignment principle making this second largest MC in Serbia and the first big MC to make this possible in practice. JRGA worked with the MOJ on planning for the consolidation of the operations of the Belgrade MC into a single building as opposed to 14 locations the court is currently functioning in. Concept design assistance, as well as expert advice on space optimization, consolidation of court services and plans for the relocation of staff and records once the move will take place, were provided to the MOJ and the MC by JRGA. Once the building envisaged for Belgrade MC consolidation will be made available for interventions, JRGA will provide facility upgrade assistance in cooperation with the MOJ. Works on renovating the MC premises in Sabac began in the last quarter of Year 3 and are expected to be finished in the first quarter of Year 4.

In parallel with the efforts on ensuring the smooth implementation of the new LOM, JRGA provided misdemeanor judges and staff with **legal resource tools** that help their everyday work and operations. A **Compendium of Best Practices** was prepared in collaboration with the Association of Misdemeanor Judges (AMJ) and distributed to all MCs as a guidance tool on most useful practical solutions applied by some of the MCs in e.g. service of process, enforcement, court records management and organization, etc. A **Judicial Bench Book**, the first of its kind in Serbia, developed by judges for judges with JRGA's technical assistance, was finalized in the last quarter of Year 3. This tool provides a combination of practical guidelines for conducting misdemeanor proceedings, with standardized forms, checklists, and process diagrams for use by judges in their everyday work.

JRGA implemented a **robust training program** during Year 3, delivering as many as 6891 person/days of training in total. Apart from training misdemeanor judges on the procedural novelties introduced by the LOM, JRGA developed and delivered training courses on enforcement, new Law on Public Procurement, legal drafting, the role of the judge and courtroom management, and customer service and outreach. Close cooperation with the Judicial Academy continued and JRGA provided material assistance with creating a **moot court space** in the Judicial Academy (JA) seat in Belgrade and additional training rooms. However, as JA changed premises in the last quarter of Project Year 3, it was agreed that JRGA will provide assistance to JA in Year 4 for optimizing the new space, reinstating the moot court facility and training rooms, as well as potentially looking into an application solution for better tracking of training delivered through the Academy.

Intensive **IT training and capacity building** for MC judges and staff for the use of basic computer software as well as the future MCCMS was delivered to all MCs through a combination of traditional classroom training and direct on-the-job assistance through elbow-training. This has proven to be a successful mix of training approaches that provides better results and will be further expanded in Year 4 to include also peer support by identifying 'super users' among MC staff who will then replicate their experience and knowledge among groups of their colleagues.

Effective collaborative relationships were also maintained with the AMC and AC for implementation of project tasks. JRGA assisted with the development of the **new internet presentation for the AC**, containing the electronic version of the court's bulletin board, hearing schedule, operational statistics and its legally required information directories. The website also serves 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. JRGA established automatic synchronization between the website content management system and the AC Case Law database previously delivered and populated by the Project so that the redacted versions of precedential decisions could be automatically displayed and browsed through the new website. JRGA also delivered training on the new Law on Public Procurement, Personal Data Protection and Law on the prevention of Workplace Harassment to AC judges and staff, as well as refurbished AC Court Units in Novi Sad and Kragujevac.

At the grassroots level, JRGA continued working with the Partner Courts (PCs) through an established **mechanism for reform dialogue and problem-solving at the court-level**. JRGA organized regular quarterly meetings at which PC leadership to identify problems, discuss solutions, exchange best practices, and recommend reforms. The voluntary collection initiative that originated also under the PC umbrella mechanism in Year 2 was complemented by a regular mail model project in Novi Sad in Year 3. Both initiatives showed positive results and increased voluntary compliance rate. The regular mail noticing mechanism was also implemented by the Belgrade MC in the last quarter of Year 3. Putting more emphasis on community outreach, JRGA established best practice guidelines for organizing **Open Court Days** for secondary school students in MCs. Taking the lead from Zajecar and Prokuplje, several other MCs followed suite and implemented these high-impact local community outreach events that add to raising the profile and image of MCs with their users.

In addition to regularly promoting efforts invested in facility upgrades and regulatory reform through successful cooperation with the MOJ and other counterparts, JRGA implemented a **media campaign** aimed at raising awareness of the general public of the changes and benefits brought about with the new LOM. Broadcast for over a month in state and local media, the campaign included promotional clips, infographics, posters and billboards, as well as a microsite and social media presence, and succeeded in bringing across the message that the new LOM would increase the efficiency of misdemeanor proceedings, accountability of both the courts and the citizens, enhance transparency and decrease opportunities for corruption.

## **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 3, 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 4, 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**

During Year 2, JRGA completed a full review of MC facilities that provided the MOJ decision-makers with an accurate picture of the legal and functional status of facilities. In Year 3, JRGA continued implementing facility upgrades in selected MCs, with the aim of reaching out to those courts which were deemed suitable for sustainable interventions (buildings owned by the MOJ) and which were in most need of upgrades. JRGA maximized the return on use of project funds, leveraging MOJ planned investments in the MCs. In addition, through the Court Assistance Program, JRGA worked with PCs to identify best practices to promote open hearings and fairness.

### **1.2.1 Facility Inventory, Upgrade and Renovation**

*Facility Inventory:* During Year 3, JRGA continued working on the *Assessment of the buildings of the Misdemeanor Courts in the territory of the Republic of Serbia*. Reports for those MCs which underwent facility upgrades in Year 2 and 3 (Loznica, Novi Sad, Ruma and Prokuplje) were updated with information on changes to the property ownership status and the new functional and spatial organization of the facilities (*see Annex H for updated reports*). JRGA will continue to update the document for all courts which will undergo facility interventions for the duration of the Project.

In cooperation with the World Bank, the MOJ organized a partners' forum meeting in December 2013. These meetings traditionally serve as an opportunity for the Ministry and the donor organizations active in the sector of the judiciary to present the results and achievements accomplished through joint efforts. The emphasis of this meeting was on the improvements to the working conditions in the courts and investment planning. JRGA was invited to present the work Project carried out in preparing the Assessment of Misdemeanor court Facilities as a unique fact-based planning tool for this segment of the Serbian judiciary. JRGA Chief of Party presented the methodology of the assessment and structure of this document, stressing how it directly contributes to the priorities and goals outlined in the National Judicial Reform Strategy and accompanying Action Plan, by providing a capital investment planning tool that can be consulted, reviewed and updated in order to provide the Ministry with an objective basis for planning facility upgrades.

*Facility Upgrades and Renovations:* During Year 3 JRGA continued implementing functional and organizational changes in selected 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 Ruma,

Prokuplje and Novi Sad, as planned, while work also began in the court in Sabac. 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 operational efficiencies 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 all their administrative tasks at one place and improve their perception of the treatment they get and the efficiency of the judiciary.

Intervention carried out in the Novi Sad MC was particularly successful, demonstrating the combined positive effects of direct JRGA technical assistance and space interventions. Taking advantage of the renovated archival records space and the reorganization of working areas on the ground floor of the facility, the court completed implementing recommendations previously delivered by JRGA STTA experts regarding centralizing active records. The renovation also permitted improvements in the information and intake area in the court's lobby and the adjacent registry office. Consolidation of the active records made possible radical changes to the business process for case intake, including immediate assignment of cases. The change automatically eliminates approximately a month from case processing time, and allows judges to gain early control of the case management process.

In the last quarter of Year 3, JRGA began with what will be the largest facility upgrade intervention for the Project thus far – the renovation of the premises of the Sabac MC. MOJ bought the building housing the court in the fall of 2013 and JRGA agreed to redo the space in order to improve the working conditions and the functional organization of the premises to fit the need of one of the larger MCs in the country. It is also worth noting that the Sabac MC was deemed as one of the two worst facilities in the JRGA facility inventory. Although purchase of the premises by the MOJ and JRGA's renovations will not resolve the lack of adequate space for judges and employees, the available space will be better organized and allow for better workflow and interaction with court users. It is expected that the work will be finalized in the first quarter of Year 4.

In agreement with the President of the Administrative Court, JRGA provided assistance with equipping the AC unit in Novi Sad. New, missing furniture was provided and organized in the existing space to best fit the needs of judges and staff. Similar assistance will be provided to the AC unit in Kragujevac in the first quarter of Year 4.

*Belgrade MC:* During a meeting with the MOJ in the first quarter of Year 3, the Ministry informed the Project that they have selected a location for consolidating the operations of the Belgrade Misdemeanor Court and asked for Project's assistance in this effort. JRGA was tasked with analyzing the proposed location and providing feedback on whether the operations of the biggest misdemeanor court in the country currently dispersed over 14 different locations could be organized within this facility. The space, currently housing the First Basic Court (better known as the Ustanicka building), was determined to be large enough to provide room for current judges and employees of the Belgrade MC.

As the feedback was positive, the Ministry asked JRGA to carry out a functional, organization and structural analysis of the facility and prepare a cost estimate for investments needed in order to adapt it to the use of the Belgrade MC. This initial functional analysis carried out by the Project Architect was reviewed by JRGA short-term technical assistance (STTA) experts on court organization who carried out a two-week assignment in October and

November 2013 in order to help with substantial planning needed to prepare for the organizational and physical transition of the court to the new premises. In the last quarter of Year 3, JRGA staff and another JRGA STTA also conducted a comparative analysis of the facility operations costs, presenting the costs of maintaining 14 different locations versus those of maintaining a single building. The analysis confirmed that maintaining a single facility would be significantly less expensive than maintaining the current scattered locations, even without taking into consideration anticipated improvements in judge and staff effectiveness and efficiency (*see* Annex I, Belgrade MC cost assessment).

It was agreed with the Ministry that the timing of any potential intervention on the building that will house the Belgrade MC will be planned and scheduled in accordance with the finalization of the works that the Ministry is to carry out on another building to which the First Basic Court will be relocated from the Ustanicka building. MOJ will be the leader in this capital relocation and renovation endeavor. Based on projections from the MOJ regarding that effort, it is anticipated that renovation of the Ustanicka building might begin in the second or third quarter of Year 4.

### 1.2.2. Partner Court Best Practices

Building on best practices on open hearings and public access developed by PCs in Years 1 and 2, JRGA continued to disseminate these both through training sessions and actual facility upgrade interventions. More than 30 court secretaries and administrative staff of seven misdemeanor courts who work at ‘one stop shop’ intake and information areas as registry clerks or enforcement officers and come into most frequent contact with the public underwent a Customer Service training in November 2013. Court staff received information on basic principles of communication, both external and internal, treatment of customers and especially difficult clients as well as methods for self-analysis and determining improvements in services provided by a court.

Furthermore, all facility upgrade efforts were complemented with installation of appropriate signage specifically designed for allowing easier navigation around the court for court users and clearly outlining the public spaces intended for interaction with the court users as opposed to more ‘private’ court functions such as individual offices and administrative parts of the court.

**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.

## YEAR 3 FACILITY UPGRADES

### Ruma Misdemeanor Court

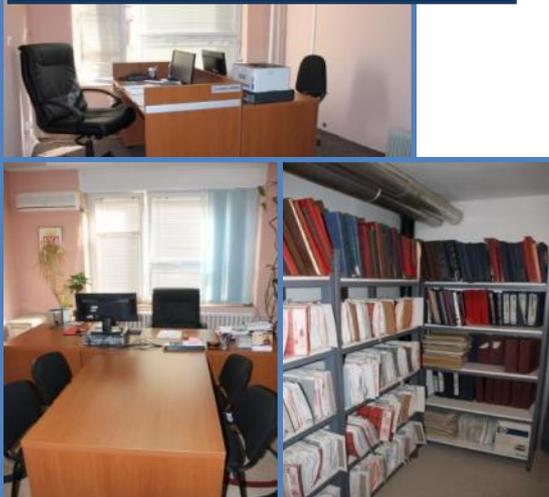


The **Ruma Court** underwent a facility upgrade intervention in July 2013. The court was provided with new furniture while the archive premises were fitted with new shelving allowing better organization of files.

The Local Area Network (LAN) was installed enabling computer connectivity within the court and internet access. Areas of the court where it mostly interacts with public were updated with ample seating and a one-stop-shop counter.

The facility upgrade efforts were coupled with JRGA's ongoing direct technical assistance on improving the operational procedures and efficiency.

### Prokuplje Misdemeanor Court



In October 2013, in the Misdemeanor Court in **Prokuplje**, the Project carried out a facility upgrade on a similar scale as in Ruma. The court premises were completely refurbished with new furniture and equipment.

A Local Area Network (LAN) was installed enabling computer connectivity. The court archives were inadequately located compromising court operations in the existing space. JRGA redid a basement room and installed adequate shelving so that the archives can be moved and leave more space for the court to function.

### Novi Sad Misdemeanor Court



JRGA completed a facility upgrade intervention in the **Novi Sad Misdemeanor Court** in January 2014. The 'one stop shop' intake and information counter was installed with a view to improve access to justice and communication with court users. The Registry office of the Novi Sad MC was also reorganized and refurbished so that it now allows for a more efficient workflow, consolidated records management and immediate case assignment, which could not be put into practice previously due to space constraints.

Coupled with JRGA's previous intervention on the court's archives as well as providing Novi Sad MC with new computer equipment, JRGA enabled better working conditions and procedural efficiencies for this court.

### **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**

The new Law on Misdemeanors was adopted by the National Assembly on July 25, 2013. This brought to fruition almost two years of efforts of the working group set up under the auspices of MOJ on drafting of the new Law which received significant technical assistance and material support from the Project. The new Law came into effect on March 1, 2014. JRGA used the intervening time to prepare the ground for the full implementation of all procedural novelties introduced by the new LOM. Necessary by-laws and regulations were prepared and adopted. In close cooperation with the MOJ, AMC, AMJ and the misdemeanor courts, the Project reached out to over 1700 representatives of institutions/agencies acting as authorized petitioners in the misdemeanor proceedings in order to prepare them for the changes stemming from the new LOM.

In parallel with the work on legislative and regulatory reform, the Project finalized the procurement and delivery of computer hardware for misdemeanor courts in July 2013 in order to enable basic conditions for future full automation of court procedures. The Project also finalized the first module of the future Misdemeanor Court Case Management System (MCCMS) that supports the work of the registries of sanctions and unpaid fines. This software application is in use by all misdemeanor courts and populated with over 86.000 cases to date. In close cooperation with MOJ, full internet connectivity was enabled for all MCs so that they were able to start using the application as of March 1, 2014.

JRGA continued with the Quarterly Partner Court meetings and with the formulation and dissemination of best practices related to case management, service of process and enforcement, as well as tailor-made direct technical assistance to select MCs.

#### **1.3.1. Regulatory Reform for Improved Case Processing**

*Law on Misdemeanors:* The adoption of the new Law on Misdemeanors in July 2013 and its implementation as of March 2014 represented a significant milestone for the Project and its counterparts in the MOJ, Appellate Misdemeanor Court and misdemeanor courts in Serbia. The misdemeanor order, the registries of sanctions and unpaid fines, the shift of the burden of proof to the petitioner and the defendant, new mechanisms for service of process and expansion of the jurisdiction of the courts so that they can carry out enforcement more efficiently are all set to reduce processing delays and improve the enforcement of sanctions, including the collection of fines and fees.

JRGA worked with counterparts throughout Year 3 to ensure all legislative, regulatory and technical preconditions for the full implementation of the new LOM were met for the Law coming into effect on March 1, 2014. By-laws necessary for the implementation of provisions concerning the misdemeanor order, the registries of sanctions and unpaid fines, as well as the application of alternative sanctions such as community service, were drafted with JRGA's technical support by the working group previously assigned with drafting the new Law and adopted by the Ministry.

It was originally envisaged that the same working group would work on an 'omnibus law' designed to increase the existence of fixed fines ensuring widespread implementation of the misdemeanor order for different types of misdemeanors and not just traffic offences. This work was abandoned by the MOJ as it required changing the type of fines and not just the amounts. However, after the dramatic impact the use of misdemeanor order had on voluntary compliance rate or traffic fines was demonstrated shortly after implementation, the MOJ

### Impact of the new LOM

The introduction of the misdemeanor order, particularly for traffic misdemeanors, resulted in a **50% increase in the collection rate** in the first four months of implementation as opposed to the same period last year.

With the misdemeanor order, the citizens are offered the possibility of paying only a half of their fine within 8 days after the order is issued, resulting in a **61% compliance rate** as opposed to only 30% that was the with the procedure under the old Law.

Citizens have the right to contest the misdemeanor order before the court. However, if they fail to comply with the 8-day deadline for voluntary compliance and do not contest the order, the case goes directly into the enforcement procedure.

All this is contributing also to **decreasing court costs** and the volume of cases that come for adjudication and enforcement into misdemeanor courts. This leaves **more time** to judges to work on the **quality of decisions**, the streamlining of court practice and tackling cases with more complex subject matter. At the same time, this allows the citizens to perceive **consistency and fairness** in the court proceedings.

informed the Project in the last quarter of Year 3 that the 'omnibus law' initiative may be revived in the coming period.

Work on the by-law regulating the ownership and operations of the two centralized electronic registries – of sanctions and unpaid fines – was of particular importance. The regulation governs the roles and responsibilities within the MOJ regarding ownership, establishment, management and maintenance of the registries, as well as duties and work of the data controllers in every misdemeanor court that are in charge of entering, handling and deleting registry data in a timely and accurate manner. The issue of public access to the registries and the type of information that would potentially be made publicly available was also discussed within the working group preparing the by-law. In the final implementing rule, the Ministry adopted a more simplified approach proposed by JRGA to access the information in the Registries than the one originally contemplated. The simplified approach will require less effort and resources to maintain, will be easier to sustain, and will continue to provide adequate privacy to individuals listed in the Registry. Using the personal identification number, citizens will be able to query the publicly available part of the database and obtain information regarding whether they are on the debtors list in the registry of unpaid fines.

Physical and legal entities with unpaid misdemeanor fines will be prevented from e.g. registering their car or their business if they are found on the registry of unpaid fines. Once they settle their debt they will, however, need to be promptly removed from the registry in order to be able to exercise their rights/continue with their business activities. All of this requires careful planning as to the functioning of the registry as well as streamlined coordination with external entities requiring information from and supplying information to the MCCMS database (the traffic police, the Business Registers Agency and the Treasury).

JRGA worked jointly with the MOJ and other stakeholders on initiating this coordination and establishing data exchange protocols with these third parties. Several meetings with the Ministry of Interior took place during Year 3 and agreement was made on the type and format of data to be

exchanged. In quarter 4, JRGA managed to ensure broad consensus among stakeholders – authorized petitioners, MOJ and Treasury – on the use of specific control numbers for the misdemeanor orders. Control numbers determined according to the methodology proposed by JRGA allow all authorized petitioners to identify a unique number for misdemeanor orders they issue, which in turn will allow automatic payment clearance in the registry of unpaid fines. This mechanism will make it easier for the courts to track when the payments were made and for the citizens to automatically be removed from the unpaid fines registry. The Ministry of Justice, the Treasury and the Ministry of Finance, with JRGA support, prepared a rule book regulating these control numbers which was finalized and adopted at the end of June 2014.

In September 2013, JRGA organized a roundtable with the representatives of the MOJ, the Appellate Misdemeanor Court and select misdemeanor judges in order to come up with proposed rules and procedures for streamlining the misdemeanor courts' operations in line with the new Law. In particular, changes to the registry books, format of the statistical reports required from misdemeanor courts, key forms that are used in misdemeanor proceedings (for example, new forms for summonses, the misdemeanor order), and provision of an authentication mechanism for electronic service of process and document submission, are necessary. A proposal was formulated and communicated to the wider working group set up under the auspices of the MOJ working on the changes to the Court Rules of Procedure for all courts. This work is still ongoing, although key provisions, such as key forms and changes in registry books have been adopted and implemented.

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 LOM implementation. Development of a four-module training course, covering the most important changes to be introduced with the new law, particularly with regard to enforcement, sanctions and treatment of minors, was completed in the first quarter of Year 3 and training delivery completed in quarter 3 (*cf.* Task [1.7](#)).

As much as training the judges and court staff was crucial in order to provide for the smooth implementation of the new Law, building the capacities of external agencies acting as authorized petitioners was considered equally important in order to ensure that measures related to improved case processing are implemented to the full effect. Given that the misdemeanor order is introduced and that the burden of proof is now with the petitioners and the defendants, JRGA supported the organization of roundtables and consultations with the representatives of different institutions – traffic police, independent agencies, administrative bodies and inspections, in order to inform them about the most important procedural changes.

The methodology for the roundtables was discussed and agreed upon during the annual conference of the Association of Misdemeanor Judges held on October 23-25, 2013 in Kopaonik. In order to cover as much ground as possible (the whole territory of Serbia preferably) and reach as many different bodies/institutions acting as petitioners as possible, it was agreed that JRGA will facilitate the organization of regional roundtables covering the territory of one or two districts (units of territorial organization in Serbia) depending on their size.

After the introductory roundtable held on October 31, 2013 in Belgrade for 60 representatives of different ministries, traffic police, independent agencies, different inspectorates, and the like, JRGA facilitated 25 events for 1761 authorized petitioners. Representatives attending the roundtables were provided with a handbook on the new LOM developed by JRGA (two thousand copies were printed). The roundtables were deemed a success by all stakeholders –

the Ministry, the Appellate Misdemeanor Court and the misdemeanor courts and received very positive feedback from the participants (*cf.* Task [1.6.3](#) and [1.7.2](#)).

In parallel with the regulatory preparation work, JRGA formed a working group consisting of misdemeanor judges to develop indicators for monitoring the implementation of the new Law. The monitoring will indicate whether the newly introduced novelties of the law are in fact contributing to making misdemeanor proceedings more efficient and effective. The working group agreed upon six indicators to measure the success of the LOM implementation: 1) the average length of proceedings, 2) percentage of stayed proceedings due to defendant being unreachable, 3) the manner of terminating the proceedings, 4) percentage of successful service attempts, 5) the success of the implementation of the misdemeanor order, and 6) the efficiency of enforcement. The working group also agreed to conduct direct monitoring of the implementation of the new law in four courts of first instance which are reflective of other misdemeanor courts in terms of size, geographic location, and types of misdemeanor subject matters covered. The final selection of pilot courts will be carried out in the first quarter of Year 4 and adequate mechanisms for tracking and collecting data will be established (*see* Annex J for the LOM monitoring plan).

### 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 throughout Year 3.

*Software development:* In the second quarter of Year 3, JRGA contracted the software development services with the selected vendor. In parallel with the contracting process, JRGA team worked on fine-tuning the requisite technical specification for the system and accompanying documentation describing the business processes in misdemeanor courts, their actors and their roles: the MCCMS functional description, the business process diagram, and the use cases. All documentation was aligned with the adopted Law on Misdemeanors, and incorporated streamlined business processes. JRGA identified the members of the expert and advisory groups consisting of misdemeanor judges and staff that would participate in the development of the software and provide indispensable practical and technical insights into the court operations. The work on software development began in November 2013.

Joint efforts of the vendor and the JRGA team ran in two parallel tracks during the second and third quarter of Year 3. On the one hand, overall system design was prepared together with detailed mapping of the first and second instance procedures in misdemeanor courts. This was translated into adequate documentation – database design and diagrams, functionality description and mock up screens as well as templates for forms to be generated by the system. This comprehensive documentation will serve as a basis for the next stage of software development – programming the application. This process was carried out through intensive cooperation between the vendor’s team and JRGA attorneys, IT staff and the STTA Court Technology Expert, as well as with intensive consultations with the expert and advisory groups.

Simultaneously, the software development team and JRGA staff were working against a tight deadline: one module of the MCCMS application, supporting the two registries envisaged under the new LOM – of sanctions and unpaid fines – had to be up and running in all misdemeanor courts as of March 1, 2014, the effective date of the new LOM. The design and functionalities of the registries were vetted with the expert groups consisting of select misdemeanor judges and staff. The application was presented to the participants of the Partner Court Quarterly Meeting held on February 14, 2014 in Novi Sad and their feedback on the functionalities was obtained. Court appointed data controllers (persons in charge of data entry, updating and deleting in the registries) were trained by JRGA before the registries

were put into production on March 2014, and were provided with a user manual detailing all functionalities and steps in using the application JRGA. The initial version of the application was rolled out for implementation on time. The software was installed on the central servers housed in the MOJPA Data Center and accessible by all misdemeanor courts as of March 1, 2014.

Data that are uploaded into the registries include data regarding defendants, charges, and the outcome of misdemeanor proceedings, once a case is closed and the sentence becomes final and enforceable. Therefore, the programming of this module of the MCCMS was highly complex, particularly with regard to the enforcement part of the procedure. JRGA supported both the

preparation and adoption of requisite by-laws regulating the operations and ownership of the registries, as well as the programming and roll out of the application, assigning user rights, providing training and hands-on help desk support to the users during the initial implementation of the application. Without intensive, multi-pronged technical assistance of the Project to the Ministry and other stakeholders, the timely implementation of the two registries on time would have been impossible.

JRGA organized a help desk for application users, with a single telephone help line manned by Project staff. Hands-on assistance with log on issues, incomplete information pertaining to a specific court, mistakes in data entry and bug reporting and resolution was particularly critical in this first month of application use. JRGA fielded 300 requests for assistance through the help desk in March alone. A total of 1268 support requests, both through the

## REGISTRIES IN NUMBERS



**86.000 cases entered into the Registries**



**14.000 persons in the Registry of Unpaid Fines**



**293 users of the application**



**1268 support requests handled by Help Desk**

designated phone line and e-mail account, were handled in the first four months of use (March 1 – June 30, 2014).

In order to ensure full implementation of the registry modules, JRGA formed an internal working group of IT, legal, and training staff to monitor the progress of data entry by courts into the MCCMS data base. The group reviews statistics reflecting the work of the courts on a weekly basis, and identifies courts that appear to be struggling with the application. Follow-up telephone contacts are made, and when needed, on-site visits are made by training and legal staff to provide additional personalized training and assistance in re-organizing business processes to ensure effective operation of the registries. This initiative has proven invaluable in providing a practical opportunity to provide technical assistance to courts to ensure that their business processes are efficient and aligned with the new Law on Misdemeanors, and to prepare for eventual implementation of the full MCCMS application.

The results of intensive implementation monitoring and support have become immediately apparent. Even though entries for the registry are not required until closure of cases initiated on or after March 1, 2014 (effective date of the new LOM), many courts have elected to enter case data at the initiation of the case. Ultimately, this will greatly assist in the transition to implementation of the full MCCMS application, since the majority of cases will be in the data base. As of the end of June, over 86,000 cases had been entered into the MCCMS database (excluding paid misdemeanor orders), and over 14,000 cases were listed on the registry of unpaid fines.

During the fourth quarter of Year 3, JRGA worked with the software vendor on correcting the bugs and mistakes in the application. Help desk assistance and interventions on the application – changes to the functionalities and bug fixes – were all recorded and monitored by JRGA staff and all geared toward reaching the stable version of the application that covers all user needs at this stage of court automation. An updated version was released for use in May 2014, enabling more options for data entry and management for the users.

An issue that proved to be particularly problematic was to the process for clearance of payments once court fees and fines are collected from the offender and subsequent removal of the person or entity from the registry of unpaid fines. Similarly, reducing the number of accounts that courts use for fines and fees payments and generating automatic control numbers for more timely and accurate tracking of payments, turned out to be equally challenging for both procedural guidance and programming. JRGA facilitated intensive consultations among all relevant parties - the Ministry, the Treasury, the Appellate Misdemeanor Court and representatives of misdemeanor courts, as well as authorized petitioners, in order to reach optimal solutions. The number of accounts for the payment of fees and fines was reduced from 86 to 19, and a rule book regulating the methodology for creating control numbers for payments of misdemeanor fines was adopted in June.

In parallel, during the last quarter of Year 3, detailed design was completed for the enforcement part of the procedure, as well as for those parts of the system that will be a critical to improving the efficiency and effectiveness of the work of the courts – the task and events module and the document generation module. Tasks, events and scheduling are the key interactive features of the MCCMS that will prompt the users into action – ensuring prompt action on key elements of the case management and enforcement processes, and prevent them from making errors and/or omissions in the procedures. The document management feature will provide the users with the possibility to generate all documents related to a case using the standardized forms and without redundant data entry.

JRGA will continue to work with the software vendor in Year 4 on finalizing the full MCCMS and testing the alpha and beta versions of the system. Close coordination with all other stakeholders, particularly the MOJ and the courts, will be necessary in order to ensure the system-wide roll out of the application.

*Hardware procurement:* In the last quarter of Year 2 JRGA contracted the procurement of goods and services for supply and delivery of computer hardware for all misdemeanor courts in Serbia. The delivery of over 2000 pieces of hardware – PCs, printers, multifunctional devices – was completed in July 2013. This logistically demanding task was completed in six weeks covering 44 locations of the seats of misdemeanor courts in Serbia. The procurement significantly advanced the situation in the courts with regard to hardware, satisfying approximately 70% of their overall needs. It also enabled the Project to gain an overall in-depth understanding of the courts’ IT needs and skill-level, as well as the technical support provided within the courts or through outsourcing. This information will be critical to fine-tuning the implementation strategy for the MCCMS.

In the second quarter of Year 3, JRGA procured all hardware and licenses necessary for enabling software development and setting up the MCCMS test and training environments. This provided technical conditions for testing the functionalities of the application before it was released on the production servers, as well as training the users prior to allowing them access to the application with live data. The production environment for the application was provided by the MOJ, which allowed the use of servers already available in their Data Center in Belgrade. JRGA procured all necessary software and licenses and together with the MCCMS vendor installed the production system on these servers in February.

In the last quarter of Year 3, JRGA carried out an assessment of computer equipment needs in the court units in order to be able to plan for further procurement of hardware necessary so that access to the MCCMS can be available to court units, in addition to court seats.

Following the mass flooding that hit Serbia in mid-May 2014, the Project contacted misdemeanor courts in affected areas to inquire about the situation with the court staff and buildings. It was determined that the court unit in Ub, under the jurisdiction of the Misdemeanor Court in Valjevo, sustained partial structural damage to the court building, and lost all of its equipment to floods. In consultation with the MOJ, JRGA agreed to assist the affected court unit with new computer equipment (desktop computers and multi-function devices), which was delivered in June. This restored the Ub court unit ability to return to normal working processes.

*Coordination with the MOJPA:* Throughout Year 3, JRGA continued closely consulting with the Ministry on all aspects of court automation – software development, hardware procurement and connectivity. In the first quarter of Year 3, JRGA established a good working relationship with the Head of the e-government department in the Ministry and engaged in intensive consultations regarding the architecture of the future MCCMS, the implementation of the registries and all technical prerequisites for enabling that and the future of all judiciary case management systems. Soon after, the same person was promoted to the position of Assistant Minister for e-governance. This demonstrated the awareness of the Ministry regarding the need to consolidate the operations and ownership over the many software applications and diverse hardware equipment functioning throughout the judicial sector. However, the unit operating under the new Assistant Minister does not have the capacity and resources to be able to efficiently respond to all needs.

JRGA worked closely with the MOJ on all issues related to the implementation of the registries of misdemeanor sanctions and unpaid fines to ensure that the registries could be

operational within the prescribed timeframe (March 1, 2014). The issue of adequate connectivity for misdemeanor courts was crucial. Through the second and third quarter of Year 3, JRGA held intensive consultations with the relevant representatives of the Ministry, including the State Secretary, the Assistant Minister for e-governance and the Assistant Minister for finance in order to discuss and agree on the most efficient solutions for these infrastructure issues.

JRGA provided the MOJ with the assessment of the situation with existing connectivity in misdemeanor courts, outlining which courts are located in Ministry-owned buildings together with other judiciary bodies, enabling implementation of both internal and external connectivity which was significantly easier than for those misdemeanor courts located in premises not owned by the Ministry. In line with this assessment, the Ministry worked with their internet service provider and enabled connectivity for all seats of misdemeanor courts in Serbia in time for the implementation of the registries. JRGA provided network equipment and cabling on a case-by-case basis for those courts where this was necessary. In this manner, misdemeanor courts' seats became connected to both the internet and the judiciary Wide Area Network (WAN) network in order to be able to access the centralized software application installed in the Ministry's Data Center in Belgrade.

This is, however, only the first phase in providing full connectivity for the misdemeanor courts that is necessary in order to support the functioning of the full MCCMS application. JRGA will continue to work with the Ministry on the connectivity for the misdemeanor court units, as well as enabling full WAN connections for both misdemeanor courts and units.

As already presented under 1.3.1, JRGA also participated in and facilitated extensive consultations between the MOJ, the misdemeanor courts, the Treasury and other authorized petitioners on data exchange protocols with relevant external entities, in order to ensure the full functionality of the registries.

*IT training:* As noted previously, JRGA delivered a large quantity of computer hardware to misdemeanor courts throughout Serbia. New computers came with the LibreOffice office suite (the current MOJ standard), which are new for the staff of the misdemeanor courts. Even though many judges and staff underwent LibreOffice training in May and June 2013, there were problems with the use of the new office software, particularly in those courts which have no IT support on staff. JRGA trainers went out to the field and provided elbow-training for seven misdemeanor courts during summer, and assisted with correcting software compatibility issues between the new equipment and older equipment previously in place.

In the second quarter of Year 3, JRGA completed the training on the use of LibreOffice software totaling 1298 person/days of training for misdemeanor judges and staff throughout Serbia. This classroom training was complemented by field visits and on the spot assistance with any issues encountered in use of computers and other equipment in daily work. JRGA trainers and interns visited 29 out of 44 misdemeanor courts in Serbia reinforcing knowledge gained in the classroom with elbow-training.

This intensive capacity building continued with training on the use of the application supporting the work of the registries. Two hundred seventy people were trained during 27 training sessions in the third and fourth quarter of Year 3. This was also supplemented with help desk support, and 12 field visits for direct assistance and elbow-training to those courts that had particular difficulties in using the application. The use of this initial module of the MCCMS represents a fundamental change in the everyday operating procedures in most of the courts and is paving the way for implementation of the of the full MCCMS application.

Trained staff in the courts is a necessary precondition for the successful implementation of both the registries and the full MCCMS (for more information on training *cf.* Task 1.7).

In addition to training the application users, JRGA also provided training to 40 persons either directly employed by the courts as their IT technicians/System Administrators or providing IT support as external resources during the third quarter of Year 3. This was done in order to enlist the support of people directly involved in everyday IT support for courts for the changes to be brought about with the introduction of the application and to prepare them for increased demands for their services as users get acquainted with the functioning of the application. JRGA's Systems Infrastructure/Software Manager organized two training sessions in February 2014 in Nis and Belgrade. He presented the application to the participants and briefed them on the changes in the courts' connectivity as well as what would be necessary in the coming period in order to enable the MCCMS to function fully. JRGA will continue to organize working meetings for courts' IT staff and additional training as the future versions of the application are issued and MCCMS rolled out.

### 1.3.3. Partner Court Best Practices

*Partner Court Meetings:* JRGA continued with the established practice of gathering representatives of partner courts and other MCs identified as potential partners in implementing and proliferating best operational practices improving the business processes in the courts. Two partner court meetings were held in Year 3 – in Ruma in September 2013 and in Novi Sad in February 2014.



Representatives of judicial leadership of nine and ten misdemeanor courts respectively gathered to discuss progress on a variety of court improvement topics. In Ruma, presentations were made on key elements in the newly adopted Law on Misdemeanors and efforts underway to prepare for implementation of the new law; an overview of the architecture of the planned Misdemeanor Court Case Management System, its impact on efficiency of court operations, and the approach for design and implementation of the system; and improved customer service and public outreach. In Novi Sad, the participants received a demonstration of the software application supporting the work of the two registries – of sanctions and unpaid fines, followed by the presentation of the judicial bench book. Chief Judges from Zajecar and Prokuplje showed footage of two successful Open Court Days they organized with JRGA support in their local communities for secondary school students. The Chief Judge from Kikinda related the experience of the group of six judges that participated in the JRGA-sponsored trip to the conference of the International Association of Court Administrations in December 2013. The meeting involved productive discussions and dialogue enabling JRGA Partner Courts to show ownership of initiatives they have implemented with the support from the Project.

On both occasions the participants had the opportunity to tour the premises of the MCs which had previously undergone facility upgrades with the assistance of JRGA. JRGA will continue

with the organization of such periodic meetings fostering court-to-court dialogue and exchange of knowledge and experience. JRGA will expand the circle of courts invited to participate to ensure the wide dissemination of valuable best practices identified for improving court operations, contributing to system-wide improvements and reforms.

*Process Reengineering and Case Management:* In Year 3, JRGA continued to refine the analysis of case flow practices in order to optimize current practices and to incorporate new provisions included in the revised Law on Misdemeanors. Optimized business practices were incorporated into documentation for development of the design of the MCCMS, and into the Bench-book, which contains practical guidelines for processing misdemeanor cases (*cf.* Task [1.7.3](#)). These optimized business practices have also contributed to technical assistance provided to courts in conjunction with implementation of the registry module of MCCMS.

In the first quarter of Year 3, JRGA completed work on the Compendium of Best Practices, which includes best practices in case flow management, records management, and other core business practices identified by Partner Courts and through regional roundtable conducted by the Association of Misdemeanor Judges under a grant from JRGA. The compendium was distributed during the Annual Conference of the Association of Misdemeanor Judges in October 2013 and at roundtables for authorized petitioners.

JRGA continued to work with Partner Courts on the development and proliferation of best practices designed to improve the business processes in MC's. Particular successes in this regard were achieved in Belgrade and Novi Sad MCs. The Belgrade court established a separate enforcement division, combining these services of the court previously dispersed in several court facilities and centralizing them in the current main location. The Novi Sad MC managed to achieve the centralization of active records and immediate case assignment. Centralizing the active records allowed for better control of case management, and supported the implementation of immediate case assignment.

*Forms Design and Management:* A cornerstone for the development of the case management system is the development of a comprehensive, standardized data dictionary. The data dictionary identifies key data elements required for storing and managing information regarding the work of the MC's, will allow for automated exchange of data between MC's and external justice partners (such as the police and other authorized agencies, the National Bank, and Treasury), and allows for automation of forms generation and delivery.

During Year 3, Project staff identified forms used in the current business processes, and collected samples of those forms from Partner Courts. Data elements used in those forms were identified and incorporated into a preliminary edition of a data dictionary, which will be continuously updated throughout the development of the MCCMS and as new forms and required data elements are identified or current forms and data elements are modified.

Furthermore, standard design elements were developed, including a form title block, signatory and authentication block, and forms numbering and dating protocols. Guidelines for drop down menus have been identified, and standardized language for commonly used information will be developed as individual forms continue to be developed and revised (for example, standardized language for referencing statutory provisions).

A forms design committee consisting of judges and staff of select MCs and the Appellate Misdemeanor Court was formed and met initially in November 2013 to review the data dictionary and the list of forms to be developed. Approximately 300 forms were identified for review and revision or re-design. Each committee member took responsibility for a block of forms. A second meeting was held in late December 2013 to discuss forms drafted to date.

Work on forms development continued, with priority given to some 100 new forms required by the new LOM, and those which were incorporated into the Bench-book.

In late February 2014, 102 forms were finalized after a two day meeting of the forms management working group. The majority of those forms were required for incorporation into the Bench book (*cf.* Task [1.7.3](#)). A compendium of the completed forms and copies of the forms themselves were circulated to all MCs for use in implementation of the revised Law on Misdemeanors. As new forms are developed, they will be added to the compendium. Updated versions of the forms compendium along with new or revised forms will be circulated to all courts periodically. In addition, a process for a permanent forms management program will be set up. The program will include procedures for requesting and securing new forms or revisions to existing forms, a methodology for tracking revisions, a scheme for forms numbering, and means for identifying forms for update as a result of revision of laws and other regulations.

*Service of Process:* Improvements were made in the Law on Misdemeanors to make service of process more effective and efficient. Provisions allowing for posting of process and service via responsible adults at the home or workplace are provided, and provisions relating to service by publication were clarified. These provisions have been emphasized in training being delivered in collaboration with the Judicial Academy, and have been highlighted in regional roundtables. However, the Post Office of Serbia has not been complying with the new provisions of the Law. This may potentially have a significant impact on the potential for improving case flow management under the new Law on Misdemeanors. Therefore, further cooperation among the stakeholders is necessary to make sure that all available tools for more efficient service of process are fully utilized.

*Backlog Reduction:* Throughout Year 3, work continued on optimization of business processes based on best practices identified in working with partner courts, and on incorporating efficiencies created in the Law on Misdemeanors. The optimized practices were incorporated in the design of the MCCMS. In addition, optimal practices for case management procedures have been included through practical step by step guides in the Bench book, which was completed in May and distributed in June 2014.

*Belgrade MC:* Throughout Year 3, the Project continued to work with the Belgrade Misdemeanor Court (Belgrade MC) as its Partner Court on improving core business processes and organizational structure, based on the recommendations stemming from the operational review conducted in September 2012, and an implementation plan developed by JRGA staff in the last quarter of Year 2.

A principal outcome of the Court's efforts to act upon the JRGA experts' recommendations and improve the business processes is the creation of a centralized enforcement division in the court. Five judges are now assigned to enforcement, and the most productive staff in outlying locations have been reassigned to the central facility to form the core of the enforcement department in the court. During the last quarter of Year 3, JRGA provided additional assistance to the Belgrade MC in improving its enforcement processes, incorporating a noticing process which has been shown to be effective in increasing compliance with financial sanctions. A new initiative to reach persons owing fines and costs was implemented in late May, and as of the end of June, over 8.5 million RSD in additional overdue fines and costs have been collected.

The outreach work group established in the summer of 2013 implemented a wide range of activities from conducting a customer service survey to working with a national organization for handicapped persons to develop a training program for judges and staff regarding the

needs of the handicapped population. Belgrade MC also agreed to partake in the Open Court Day initiative facilitated by JRGA. This will take place once the new school year starts in the first or second quarter of Year 4.

A key focus of JRGA assistance to the Court during Year 3 was on planning and preparing for the consolidation of court operations in a single location once the building identified by MOJ becomes available for the move. In anticipation of the relocation to the new facility, two STTA Court Management Experts reviewed the current status of the court's organization, staffing, and facilities, and made a series of recommendations regarding changes to functional organization of the court, the physical organization of the functional units of the court in the new proposed facility, and made recommendations for preparations to assist the court in transition. Furthermore, with the assistance of JRGA staff, Belgrade MC conducted a survey of customer contacts in order to assess customer service staffing needs in the new facility. The data will be analyzed by JRGA experts in preparation for implementing renovations of the new facility when it becomes available, and in preparation of staff for customer service and information functions. JRGA also assisted the court in preparing a comparative analysis of facility and operating (utility) costs for the Belgrade MC, upon the request of the Chief Judge (*see* Annex I). A decision was made to defer the planned records inventory, in order that the Belgrade MC staff can complete the annual purge of records prior to completion of the inventory. The inventory will be used to plan active and inactive records storage requirements in the new facility.

*Novi Sad MC:* During Year 2, JRGA conducted an analysis of the operations and management structure of the Novi Sad MC. The review resulted in a report with 66 recommendations for possible improvements. Throughout Year 3, JRGA staff continued to provide technical assistance to the Novi Sad acting chief judge and management staff in implementing the report's recommendations.

Taking advantage of JRGA renovation of archival records space and the reorganization of working areas on the ground floor of the facility, the court implemented recommendations regarding centralizing active records. The renovation also permitted improvements in the information and intake area in the court's lobby and the adjacent registry office.

In January 2014, acting on recommendations of JRGA experts, the court radically altered its business process for case intake, resulting in immediate assignment of cases. The change automatically eliminates approximately a month from case processing time, and allows judges to gain early control of case management. Early judicial control is a prerequisite to a sound case management process. Despite early concerns related to balancing of the workload among judges, the change has been accomplished without problems. Novi Sad is the first large MC in Serbia implementing the immediate case assignment principle prescribed in the Court Rules of Procedure.

JRGA also provided material assistance with enabling full LAN connectivity for the Novi Sad MC as well as purchased a server to allow for internal networking and file sharing. Particular hands-on assistance was provided to appointed data controllers to work on data entry for the two registries. The Novi Sad MC participated in the regular mail noticing pilot initiative implemented by the Project in several partner courts. JRGA's good working relationship with the court continued uninterrupted after the May 2014 change at the Court's helm – a new Chief Judge was appointed by the High Court Council and confirmed by the National Assembly.

*Administrative Staff Optimization:* In Year 2, JRGA began an initiative to assist the AMC in conducting an analysis of the deployment of administrative staff at the AMC. Given the

passage of the new Law on Misdemeanors, the caseload and associated functions of the administrative staff will undergo significant changes. In addition, the Chief Judge of the AMC was required to focus his attention and that of his senior staff on preparing for implementation of the new LOM. Therefore, further work on this initiative has been deferred pending the implementation of the new Law. Analysis of staff functions and deployment will be renewed in Year 4. The recommendations will focus on performance evaluation to ensure staff utilization is maximized and that performance reviews are linked to clear job descriptions.

**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**

JRGA efforts under this task during Year 3 were geared primarily towards ensuring all preconditions were met for the full implementation of the new LOM. In particular, JRGA coordinated with all relevant stakeholders so that two registries – of sanctions and unpaid fines – were operational as of March 1, 2014, the date the new LOM came into effect. The two registries are expected to improve tracking of enforcement as well as enhance the actual collection. The first results of the four months of the implementation of the new LOM are already visible as voluntary compliance rate has gone up to 61% for misdemeanor orders in comparison to 30% of compliance with mandatory fines under the old Law.

In addition to the voluntary collection pilot initiative through an SMS messaging service the implementation of which began in the last quarter of Year 2, JRGA started with the implementation of an additional, regular mailing pilot project in several courts in Year 3.

##### **1.4.1 Regulatory Reform for Improved Collection**

*Law on Misdemeanors:* The new LOM provides for significant new tools for improving collections, including garnishment of bank accounts and income, and the implementation of the register of unpaid fines. During Year 3, JRGA provided intensive technical assistance in the implementation of these provisions.

The registry of sanctions and registry of unpaid fines are incorporated as a module of the MCCMS. JRGA staff and the software vendor completed the programming of that one module of the MCCMS supporting the work of the two registries in the third quarter of Year 3. The registry module was launched on March 3, 2014 on the first business day after the effective date of the new LOM. All MCs are using the module and entering case information to the MCCMS data base. JRGA staff have provided intensive technical assistance to courts in the implementation of the registry module, both via telephone and on-site. On site assistance has permitted technical assistance on related business process issues, including enforcement. As many as 86.000 cases were entered into the application in the first four months of use while 14.000 persons were noted in the registry of unpaid fines. JRGA and the software vendor continue working on optimizing the business processes governing the functioning of the

registries as well as on providing direct technical assistance and training to data controllers in their everyday work on entering, updating and managing data.

Apart from the technical aspect of the functioning of the registries, JRGA also worked on drafting the regulations for the operation of registry of sanctions and registry of unpaid fines for consideration by the MOJ. These were finalized through consultations with all relevant stakeholders and adopted on time so that the registries could start operating with the new LOM coming into effect. JRGA also managed to ensure that the MOJ takes a less restrictive approach towards access to registry data and accept open access to limited registry information in order to facilitate its efficient and effective operation.

In collaboration with the MOJ, JRGA initiated discussions with the Ministry of Interior officials to enable data exchange capability that will allow import of data required for the registry, and access to the registry of unpaid fines for the traffic police in particular. Data exchange protocols were agreed upon and will be put into practice in the coming period. Agreement was reached by all stakeholders on automated clearance of payments using JRGA methodology for the creation of unique control numbers for misdemeanor orders and court fines. The methodology for unique control numbers which will enable automated payment clearance was made official through a rule book adopted by the Ministry of Finance in June 2014. Once put into practice, this will allow for electronic transmission of payment data, reducing data entry requirements and substantially increasing the timeliness of payment reporting. It will simplify tracking of collection for the courts, ensure timely updates of the MCCMS data base and the registry of unpaid fines, and allow for the generation of timely and accurate collections management information.

#### 1.4.2 Collection Monitoring and Information Tracking

*Tracking of Collection:* The AMC President identified tracking of collection as a priority in recognition of the potential importance of collections success to the overall revenue picture for the judiciary. The AMC President endorsed two voluntary collections improvement initiatives developed by JRGA for implementation in Partner Courts, and identified enforcement as a focus of AMC audits (“controls”) of MCs conducted in the first two quarters of Year 3.

The controls demonstrated the weakness of the enforcement process in a significant number of MC’s. The audits showed that MC’s were not, in some cases, conducting minimally required processes to ensure the success of enforcement. It was determined that MC’s needed to ensure greater accountability for the enforcement process, and that the courts’ administrative staff needed increased oversight and training. Finally, it was determined that a follow-up audit would be conducted, again with enforcement processes as a key focus. JRGA staff assisted with the development of an objective measurement tool that would provide information necessary to objectively evaluate MC performance in case processing and enforcement.

Furthermore, upon the request of the AMC, JRGA developed a new training curriculum, targeting enforcement officers in the misdemeanor courts. JRGA held the introductory meeting of the working group of judges and subject matter experts tasked with developing training materials on December 24, 2013. Two AMC judges, the Chief Judge from the Becej MC and the AMC registry chief prepared materials covering topics such as new provisions and modalities for enforcement under the new LOM, enforcement of non-financial penalties, etc. The materials were finalized in January 2014 and the training was delivered in March 2014. 336 enforcement officers from all misdemeanor courts in Serbia were trained during nine sessions.

*MCCMS*: During Year 2, JRGA utilized the assistance of an STTA Court Collection Expert to review the current enforcement practices and data reporting in misdemeanor courts. Based on the Expert's findings, JRGA staff, with assistance from the STTA Service of Process Expert, developed evaluation criteria for monitoring and evaluating two initiatives implemented during Year 3 for improving voluntary collections in Partner Courts. The evaluation criteria were also incorporated into the MCCMS design, in order to provide court presidents and policy makers at the national level with information regarding the success of enforcement efforts.

### 1.4.3 Partner Court Best Practices

*Implementation of Best Practices*: JRGA has continued to work with Partner Courts and other courts in implementing best practices for enforcement through periodic meetings with Partner Courts, and through technical assistance incidental to assistance provided in conjunction with the implementation of the registry module of the MCCMS. Based on the successful experience with payment due notices in several MC's (see *Promotion of Voluntary Payment*, below), JRGA began development of an addition to the Compendium of Best Practices, which will be completed and distributed to all MC's early in Year 4.

In anticipation of the availability of new enforcement remedies, JRGA began development of a model enforcement protocol, providing a guide for enforcement judges and staff to use in prioritizing enforcement remedies in order of cost effectiveness and using the least intrusive means of enforcement possible for successful procedure. The protocol will be finalized early in Year 4. Early in Year 4, the Nis MC will implement SMS noticing and will work with JRGA on implementing graduated enforcement remedies, utilizing income garnishment as a priority collection tool. The protocol will incorporate experience from work with the Nis MC and the Belgrade MC (see discussion of Belgrade MC enforcement protocol, below).

As a part of the voluntary collection initiative in the Belgrade MC (see below), JRGA provided technical assistance to the Belgrade MC to establish regular mail payment reminder notices as a part of the routine business process following expiration of the voluntary compliance period. The Belgrade MC has developed a process for automated generation of notices from its local automated case index. In addition, the Belgrade MC, with technical assistance from JRGA, has begun development of an enforcement protocol, which will prioritize the selection of enforcement remedies under the new Law on Misdemeanors. This protocol guide the selection of enforcement by judges to ensure – where possible given the circumstances of individual cases – that the most cost effective and least intrusive enforcement actions are used, leaving conversion to prison (the least cost effective and most intrusive) and as a last resort.

A potentially significant barrier to effective implementation of the new enforcement provisions of the Law on Misdemeanors is the apparent reluctance of the National Bank enforcement department to block bank accounts of physical persons owing misdemeanor fines (the National Bank routinely does so for legal entities). This may also affect development of enforcement processes within the MCCMS. JRGA has encouraged the AMC to establish collaboration with the National Bank to ensure implementation of this provision of the new Law, and will provide technical assistance to facilitate the development of necessary agreements to allow use of bank garnishments as a collection tool by the MC's

*Alternative Sanctions*: The ability of MC's to make use of community service as an alternative sanction has historically been severely limited due to the lack of authorized resources within the Ministry of Justice for supervision of community service, and the limits on the hours of service that could be ordered. The new Law on Misdemeanors liberalized

community service provisions, eliminating the limit of two hours per day in a community service order. JRGA provided technical assistance to the MOJ in promulgation of revised rules on community service, incorporating provisions relating to misdemeanants. Unfortunately, the availability of resources within the MOJ for supervision of community service remains a serious barrier to widespread implementation.

During Year 3, the Association of Misdemeanor Judges received a grant from the Embassy of the Netherlands to further test the use of community service, including for misdemeanors. JRGA deferred further activity directly with MC's, pending the outcome of this initiative, and instead coordinated with the Association to analyze the outcome of the project. Although the project was limited in scope, the results were informative – for cases involving misdemeanors, the vast majority of misdemeanants ordered to community service opted to pay the fine and costs instead of performing the service. This appears to be an indication that those who have claimed a lack of funds in fact have resources available to pay their fines.

In the final quarter of Year 3, as a part of technical assistance to the Belgrade MC, plans were made to use community service orders routinely in cases involving unpaid misdemeanor orders. This will begin in 2<sup>nd</sup> quarter of Year 4, after preparations are finalized by the MOJ Commissioner for the Belgrade area.

*Promotion of Voluntary Payment:* 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 selected Partner Courts. The 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.

The pilot was initially planned for testing in four courts (Kikinda, Arandjelovac, Zrenjanin and Belgrade (New Belgrade office)). The project was implemented in the first two quarters of Year 3 in Kikinda, Arandjelovac, and Belgrade; but due to delays in obtaining required equipment, a decision was made to defer testing in Zrenjanin at this time. The delayed start-up and low number of cases in which cell phone numbers were available have limited the available data to date regarding the impact of the pilot. JRGA staff conducted extensive consultations with 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.

During the third quarter of Year 3, JRGA staff worked with pilot court staff to collect and refine data to evaluate the results of the SMS project. Data was collected on enforcement results for cases where SMS texts were used for providing payment reminders, in comparison to other cases during the same time period, and comparisons to prior, “control” time periods.

As a complement to this initiative, JRGA developed and implemented an additional experimental collections improvement project in the Belgrade and Novi Sad MCs during the second quarter of Year 3. This project was designed to test the effectiveness of notices to offenders using regular mail immediately after expiration of the voluntary collection period (15 days after judgment) and before enforcement activity, and then after enforcement activity has begun. In collaboration with the Chief Judges and management staff of the two courts, JRGA designed a notice to offenders and identified groups of enforcement cases for which notices would be sent via regular mail, in addition to required personal service of enforcement decisions. JRGA provided assistance in the development of spreadsheets listing

enforcement cases selected to receive notices, and notices were automatically generated via mail merge pilot project.

In Novi Sad, over 500 notices were sent out for cases with a fine due, prior to notice of conversion to a sentence of imprisonment. In Belgrade, over 2,200 notices were sent (494 from the Topličin Venac location, and 1,707 from the Timočka location). For the Belgrade notices, 1,348 notices were sent for cases prior to notice of conversion to imprisonment and 853 notices were sent for cases after fines were converted to prison.

In addition to collecting objective quantitative data, JRGA facilitated a meeting of the participants of the pilot collection projects in late January 2014, to collect information regarding the lessons learned during the implementation of the noticing procedures. Given the positive evaluation of the use of SMS technology and regular mail for payment reminders, the information obtained during this session will be used in informing the development of options for payment reminder processes for incorporation into the MCCMS application.

Using the quantitative data collected from pilot courts and information gathered during the pilot court meeting in January 2014, an evaluation report regarding the noticing project was prepared by a JRGA Enforcement STTA expert. The report concluded that the use of payment reminders was an effective tool for enhancing voluntary collections and avoiding costly forced collection procedures, and that both approaches (regular mail and SMS text) were cost-effective.

During the pilot projects, over 10.5 million RSD in collections were made in 875 cases in all four courts, and time payment agreements were ordered in additional 779 cases. The study found that the investment (e.g., materials, services, labor, etc.) made for sending payment reminders via regular mail and SMS amounted to less than 1.5% of the total collected value. By sending payment reminders prior to commencing formal enforcement action, MCs can significantly increase *timely* collections of fines and fees, while avoiding costly and time consuming enforcement procedures for a significant number of cases.

The study also noted that use of payment reminder notices also serves the interests of persons owing fines, providing an additional reminder to either pay fines or make arrangements with the Court for a payment plan. Defendants responded at a high rate to the notices, many requesting arrangements for time payments. Many noted that SMS messages served as a useful reminder.

JRGA continued with the implementation of the Regular Mail Noticing project in Belgrade MC in June. Approximately 6,000 regular mail notices were sent out with JRGA assistance in mid-June to remind defendants that they have outstanding fees and fines with the court, including cases where the fine had already been converted to prison. As of the end of June, over 8.8 million RSD had been collected, and approximately 300 persons had contacted the court to request time payment arrangements. Regular mail notices reminding defendants to comply with their payment obligations have proven to be an effective, low-cost tool for misdemeanor courts to improve collection rates and increase revenue by raising the number of cases in which fees and fines are collected through voluntary payment in part or in full.

<p><b>Impact:</b> 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.</p>
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## **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. During Year 3, 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. JRGA also worked closely with the Association of Public Prosecutors and Counseling Against Family Violence on the implementation of their grant activities and realizing synergies with other project activities.

### **1.5.1. Partner Court Best Practices**

*Facility Upgrade and Renovation:* Facility limitations in many courts make it impossible to create physical separation between parties involved in family/domestic violence cases. In Year 1, JRGA formulated a set of recommendations for courts on safety protocols and continued to disseminate these among partner courts during Year 3.

*International Conference:* In May 2013, JRGA provided organizational support to the Department of State and the Department of Justice in implementing two-day training on the topic of justice system response to cases of family and domestic violence. As a continuation of this activity, JRGA provided organizational support to the Department of State and the Department of Justice in implementing another two-day training on October 16-17, 2013. It was a two-day workshop targeting judges and prosecutors, civil society organizations and the police. The workshop was facilitated by U.S. experts and included the multidisciplinary team simulations of case studies and guidelines on inter-service cooperation and communication. In agreement with USAID, JRGA provided material support to the organization of this follow-up workshop.

### **1.5.2. Cooperation with Safe Houses**

*Enhancing the Protection of Victims:* In Year 2, JRGA awarded a grant to the CSO Counseling Against Family Violence (CAFV) for developing a manual that provides concrete information and advice to victims to guide them through their role in the judicial process. In addition, the manual provides information on institutions and organizations working in the area of victim protection for all regions of the country, listing their available services and contact information.. This handbook was designed as a brief, easy to read reference for victims to understand their basic rights and to receive information on where they could turn for assistance to meet their needs and protect their rights. The handbook was finalized and published in July, 2013 with assistance from JRGA. Copies have been available to domestic violence shelters, courts, police stations and other locations around the country.

During Year 3, JRGA finalized work with the CAFV on developing a potential model for improving the delivery of legal assistance to victims of family violence. Several meetings were held with the management staff of the CAFV and an attorney now providing legal assistance at substantially reduced rates to CAFV shelter residents (women located in safe houses operated by CAFV) to develop potential legal assistance delivery models. These efforts yielded a proposal for building a network of legal aid providers for victims of family violence throughout Serbia. This network model was included by CAFV in a grant proposal submitted in response to JRGA's 5<sup>th</sup> Request for Applications (RfA).

This project proposal was approved in February 2014. It is a twelve-month project titled ‘Increasing Capacities for Provision of Legal Assistance and Access to Income Generation to Victims of Family Violence in Serbia’. The project intends to build capacities of interested junior lawyers to provide legal aid to victims, and to begin forming a network of free and low cost legal aid for family violence victims across Serbia. Through the same grant, CAFV will provide vocational training to persons using the services of their Counseling Center, in order to improve the economic independence of the victims.



CAV collaborated with the Serbian Bar Association in Belgrade and local Bar Associations in Požarevac, Kragujevac, Čačak, Nis, and Zaječar in March to identify potential candidates for providing legal support services. CAFV advertised for lawyers interested in undergoing training and received 56 applications during March from all parts of Serbia. Out of this number, CAFV selected 42 who met project criteria and organized two training sessions for them in April 2014. The legal network will consist of 40 lawyers completing the project training. The lawyers in the network have offices in: Kraljevo Kragujevac, Kučevo, Ljiga, Loznica, Mionica, Požarevac, Valjevo, Žabari, Velika Plana, Smederevska Palanka, Čačak, Šabac, Jagodina, Kruševac, Aleksinac, Vranje, Niš, Gamzigrad, Leskovac and Zaječar.

During May and June, CAFV lawyers provided legal advice to 15 women, drew up 5 law suits and pressed two criminal charges. In total, 23 women contacted CAFV seeking legal aid.

During April, CAFV signed the contract with ‘Bozidar Adzija’ University in order to begin selecting and sending women victims staying in safe houses to vocational training. During May, CAFV assigned 7 women to attend a course of their choice at the University (*see Annex K for grant reports and deliverables*).

### 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.

Both initiatives were focused at promoting the inter-agency cooperation model in cases of domestic and family violence that was first successfully implemented in Zrenjanin and implementing the model in other communities in Serbia. Another key objective of the projects was the development and dissemination of the ‘Methodology for a Sensitized Approach of Judges and Public Prosecutors to Victims of Family Violence.’

Building on the success of the first two phases of the project, JRGA continued to support the APP efforts to address the justice system response to family violence area through a grant awarded in June 2013. In this supplemental, third phase, APP facilitated and monitored the implementation of the inter-institutional cooperation model in jurisdictions, and is continuing technical assistance to develop the capacity of courts and prosecutors, as well as social service organizations and other CSOs, to meet the safety and service needs of domestic violence victims. This grant project was finalized in final quarter of Year 3 with a final conference held on March 31, 2014 (*see Annex L for the overview of completed grants*).

The Association engaged local actors in 12 municipalities across Serbia to discuss the potential for the implementation of the ‘Zrenjanin model.’ This resulted in seven memoranda on cooperation signed to date (Vranje (5.03.2013), Lajkovac (14.03.2013), Trgoviste (10.10.2013), Bosilegrad (11.10.2013), Jagodina (06.12.2013), Leskovac (23.01.2014) and Negotin (12.03.2014).



In 4 jurisdictions (Smederevo, Negotin, Sombor and Vranje) covered by the project, the number of cases filed for prosecution of family violence has increased by 10%. The Prosecutor in Smederevo began filing requests for protective measures for victims prior to the final verdict, increasing victims’ safety during the prosecution of charges. In Leskovac, after the signing of the memorandum, the Prosecutor’s office held several coordination meetings with the police and the social care center regarding new cases of domestic/family violence. As a result, the institutions signed a psychosocial therapy protocol warranting mandatory six-month psychosocial therapy for perpetrators of domestic/family violence. Similar coordination was also established in Negotin whereby an informal understanding was reached with the local hospital to enable both psycho-social therapy and alcohol addiction treatment for perpetrators in these cases.

An important part of grant activities carried out by the Association of Public Prosecutors is a public outreach campaign implemented on a local level throughout Serbia. Five TV debates on the topic of family violence were organized involving Vesna Stanojevic, coordinator of the Counseling Against Family Violence, professors of criminal pathology and public prosecutors. Issues concerning social implications of family abuse, difficulties associated with reporting cases, implementing adequate protection mechanisms and enabling conditions for victims to separate from abusers were central to the debates.

During the conference marking the finalization of project activities held in Belgrade on March 31, 2014, the Association noted the sharp rise of reported incidences of family violence in the last decade in Serbia, and emphasized the importance of continuing with efforts to implement a more coordinated approach towards cases of family and domestic

violence, as well as the need to monitor the impact of coordination in those jurisdictions where the inter-service cooperation is in place

During the implementation of the third phase of the project, the Association undertook evaluative research with public prosecutor's offices in those jurisdictions where they have been promoting the 'Zrenjanin model' to identify the results achieved of the inter-service cooperation model on cases of family/domestic violence. Through two questionnaires – one sent to 12 prosecutor's offices in June 2013 and the other one in March 2014, the Association determined that there has been an increase in the number of cases of family/domestic violence filed by victims and an increase in the number of protective measures pronounced by the courts and prosecutors in these cases.

Due to the new network of courts and prosecutor's offices which has been in place since January 1, 2014, the number of prosecutor's offices has now increased from 34 to 58. A number of cases have been re-distributed across this new network, which made tracking the statistics more challenging.

The APP points out that it took several years and strong commitment from all stakeholders to make the Zrenjanin model fully functional in that community, and noted that its successful implementation in other municipalities, despite signed cooperation memoranda, will require continued monitoring and ongoing work.

JRGA committed to continuing Project support to both the CAFV and the APP by entering into a Framework Agreement with the two organizations as of June 1, 2014. The new grantee partnership concept will encourage the grantees to develop a strategic partnership in order to capitalize on each other's skills and resources to achieve greater impact on the common goal of improved response to the problem of family violence. Another key objective of the partnership will be to capitalize on the strong organizational capacity of the APP to improve the organizational capacity and sustainability of the CAFV. The beginning of the implementation of a first set of activities under this grant with the first Task Order will begin in the first or second quarter of Year 4.

<p><b>Impact:</b> Dissemination of the inter-service cooperation model existing in Zrenjanin and improving access to legal aid for victims of domestic/family violence is contributing towards a reliable legal and judicial protection framework.</p>
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### **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 3, JRGA continued to support best practice exchanges and joint roundtables to facilitate MC dialogue and coordination with external stakeholders. Improved coordination of judicial handling of domestic and family violence cases was initiated through documentation of best practices in the Compendium of Best Practices, developed in collaboration with the Association of Misdemeanor Judges, and through a grant to the Association of Public Prosecutors and Deputy Public Prosecutors of Serbia. 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**

*Judicial Protection Framework:* JRGA continued to support the coordination of domestic and family violence cases through its grant program in Year 3. Through grant activities, the

Association of Public Prosecutors involved local actors in 12 municipalities across Serbia to discuss the potential for the implementation of the 'Zrenjanin model.' This resulted in seven memoranda on cooperation signed to date (Vranje (5.03.2013), Lajkovac (14.03.2013), Trgoviste (10.10.2013), Bosilegrad (11.10.2013), Jagodina (06.12.2013), Leskovac (23.01.2014) and Negotin (12.03.2014). The grant project was finalized in the third quarter of Year 3 with the final conference held on March 31, 2014. The Association assessed the situation with the implementation of the 'Zrenjanin model' in those jurisdictions that signed the memoranda on cooperation. It was concluded that while notable improvements occurred in those jurisdictions, this effort requires continued support over a period of years in order to show full benefits.

On June 1, 2014 the Project signed a Framework Agreement with the APP and CAFV that provides the basis for their joint efforts on ensuring a better judicial and institutional framework for victim protection through partnership and joint grant activities. This will include ongoing monitoring of inter institutional coordination. The implementation of task order(s) joint grant will begin in Year 4.

Best practices in coordination of the justice system response and services to family violence victims were also documented among other best practices in the Compendium of Best Practices, compiled and published by JRGA in collaboration with the Association of Misdemeanor Judges.

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

*Roundtables:* In keeping with the successful mechanism of bilateral roundtables established during Year 1, JRGA planned to continue a series of roundtable discussions between the MCs and the independent agencies (IAs) throughout Year 3. 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](#)).

However, due to other commitments of IAs and the preparation for the implementation of the new LOM, no roundtables involving the representatives of MCs and IAs were organized by the Project in Year 3. Representatives of all independent agencies, however, took part in the introductory roundtable for all bodies/institutions acting as authorized petitioners in the misdemeanor procedure that was organized in Belgrade on October 31, 2013, as well as in a separate roundtable particularly targeting the IAs held in February 2014. This event served as the opportunity for the agencies to get information on the procedural changes that were brought about with the new LOM as of March 1, 2014 (*cf.* [1.6.3](#)).

#### 1.6.3. Coordination of Other Cases

In September 2013, during the quarterly Partner Court meeting in Ruma, JRGA initiated talks with the misdemeanor courts on organizing roundtables and training sessions for different petitioners authorized to initiate the misdemeanor procedure. The methodology for the roundtables was further discussed and agreed during the annual conference of the Association of Misdemeanor Judges (AMJ) held on October 23-25, 2013 in Kopaonik. In order to cover as much ground as possible (the whole territory of Serbia) and reach as many different bodies/institutions acting as petitioners as possible, it was agreed that JRGA would facilitate the organization of regional roundtables covering the territory of one or two districts (units of territorial organization in Serbia) depending on their size.

After the introductory roundtable held on October 31, 2013 in Belgrade for 60 representatives of different ministries, traffic police, independent agencies, different inspectorates, and others, JRGA facilitated 25 roundtables throughout Serbia in the period December 2013 –

February 2014. Lecturers delivering four-module training on the new LOM to misdemeanor judges acted as presenters during the roundtables together with acting president judges from relevant territorial jurisdictions. The roundtables gathered 1761 representatives of authorized petitioners from all levels of government – central, regional, and local self-government.

JRGA also printed and distributed didactic material including the full text of the new LOM to all participants to serve as guidance when putting together their misdemeanor pleadings. All stakeholders recognized the importance of this activity in reaching out to stakeholder institutions in order to have them ready to meet their responsibilities in the implementation the new LOM, particularly in view of the dramatic changes affecting those institutions. Authorized agencies under the new Law are empowered to file charges through a new type of pleading – the Misdemeanor order. Authorized agencies also must now shoulder the burden of proof, a radical shift in responsibility between the court and the agencies. The roundtables also increased the visibility and credibility of misdemeanor courts on the local level, ensuring better coordination with the petitioners regarding submitted cases.

The promotion of the implementation of the plea agreement was another area of collaboration and coordination with justice system stakeholders. A grant project implemented by the AMJ and finalized the third quarter of Year 3 focused on facilitating the wider application of the plea agreement for cases before misdemeanor courts. It resulted in implementation of the first plea agreements by Misdemeanor Courts in Becej, Zajecar and Belgrade. The project employed roundtables between misdemeanor court judges and representatives of authorized agencies at the regional level to discuss the practical issues relating to implementing the practice. As a result of the roundtables, and post event coordination with the Tax Administration and Customs Bureau, those agencies and the Police are developing policies to encourage use of plea agreements as a means of case disposition.

JRGA will provide continued support to encourage use of plea agreements through a Framework Agreement grant with the AMJ and Alterfact.

<p><b>Impact:</b> 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.</p>
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### **Task 1.7 Assist relevant official bodies and actors to increase the competency of judges in all the Misdemeanor and High Misdemeanor Courts**

In Year 3, JRGA implemented a four-module training program for misdemeanor judges focused on the most important procedural changes brought about by the new Law on Misdemeanors. A specific training course targeting the enforcement officers was also delivered as a result of the need to unify and streamline enforcement procedures in misdemeanor courts. JRGA also delivered three training courses for AC judges during Year 3, covering topics concerning the new Law on Public Procurement, the Law on the prevention of workplace harassment and Personal Data Protection.

In parallel with this, JRGA delivered a robust IT training program, paving the way for the full court automation with the introduction of the MCCMS. This training was implemented with a multi-pronged approach, including traditional classroom training, on-the-job assistance and field visits for direct assistance in those courts that required most help. JRGA has effectively used opportunities for supplemental training through the Court Assistance Program and the JA, using STTA experts and staff to deliver targeted training in response to needs of MC staff

and judges in areas such as outreach and customer service, legal drafting and the role of the judge.

In Year 3, in cooperation with judges from the Belgrade MC and the AMC, JRGA developed an important legal resource for misdemeanor judges – a judicial bench book, the first of its kind in Serbia. This tool provides practical guidance on conducting all steps in the misdemeanor procedure and includes forms, checklists, and process diagrams, in addition to the text of the new Law.

### 1.7.1 Training of Trainers

*Train-the-trainers workshops:* As part of the preparations for the delivery of the training program for misdemeanor judges JRGA organized an orientation meeting for the 14 lecturers - judges and subject-matter experts – in September. JRGA team and trainers discussed the optimal training schedule, best practices and experience gained in delivering the previous training program and session organization methodology. The Project didn't repeat the 'training of trainers' workshop that was organized last September as this group of lecturers already underwent a ToT exercise and is composed of judges, professors and subject-matter experts with considerable experience in teaching training courses.

### 1.7.2. Training Curriculum Development and Delivery

*Misdemeanor Judges Curriculum Development and Delivery:* One of the most important Project activities in preparing the ground for the successful and smooth implementation of the new Law on Misdemeanors was training the misdemeanor judges across Serbia on the most important procedural changes to be introduced once the Law came into effect on March 1, 2014. JRGA developed the materials for a four-module training course covering the following topics:

- Introduction of the most important changes to be brought about with the new Law on Misdemeanors;
- Enforcement of Misdemeanor Sanctions in the new Law on Misdemeanors;
- Treatment of minors in the misdemeanor procedure; and
- New solutions for improvement of efficiency in the misdemeanor procedure.

After the Law was passed in the National Assembly in July 2013, JRGA staff attorneys and course lecturers worked on revising the materials in order to align them with the adopted version of the Law. The materials were finalized and printed in September 2013. Also in September, in cooperation with the Judicial Academy, JRGA developed a detailed training schedule for one-day training sessions that took place starting October in four training centers of the Judicial Academy and JRGA premises. By May 2014, provided over 990 person/days of training on the the new LOM.

Apart from preparing the misdemeanor judges for the implementation of the new Law, JRGA also reached out to institutions with authority as petitioners in the misdemeanor procedure and organized a series of roundtables throughout Serbia in order to raise their awareness of procedural changes that will come into force with the new LOM. After the introductory roundtable held in Belgrade on October 31, 2013, 27 roundtables were organized throughout Serbia for over 1700 representatives of different insitutions from all levels of government.

JRGA lecturers that provided training for misdemeanor judges presented during these roundtables as well, together with MC acting president judges for the relevant territorial jurisdictions. All stakeholders, the Appellate Misdemeanor Court and the Minsitry of Justice in particular, acknowledged the impact that these events have had on successful

implementation of the new Law. Uniformly positive feedback was also received from authorized petitioner agencies throughout Serbia.

In the final quarter of Year 3 quarter, JRGA collaborated with the Belgrade Chamber of Commerce on the organization of 10 roundtable sessions for their membership – representatives of different companies, primarily small and medium-sized businesses – on the topic of the new LOM. Materials developed for training the judges and authorized petitioners were adjusted in order to reflect the practical implications of the implementation of the new LOM for legal entities. The training sessions started in midApril and continued through the end of Project Year 3. Seven sessions were held for 235 members of the Chamber of Commerce. Three additional session will take place in July 2014.

*Administrative Judges Curriculum Development and Delivery:* In March and April 2013, the Project supported the development of training materials for the judges of the Administrative Court (AC) on the topic of the Law on Public Procurement. When the new Public Procurement Law entered into force as of April 1, 2013 it brought with it substantial changes to the existing procedure. It was of paramount importance for the judges of the Administrative Court, which has second instance jurisdiction over disputes arising from the Law on Procurement to be fully acquainted with the practical implications of these changes. Five training sessions were held in total – three in June and two in July, covering all judges of the Administrative Court in its seat in Belgrade and units in Novi Sad, Kragujevac and Nis.

After delivering the training on the new Law on Public Procurement for the judges of the Administrative Court (AC), upon the request of court's management, JRGA developed a new curriculum during summer on the topic of the Law on the prevention of harrasment at workplace. The Law on the Prevention of Workplace Harassment (mobbing) took effect in 2010. Given that it is one of the anti-discriminatory laws of the Republic of Serbia and that the provisions apply to the state bodies and institutions, the Administrative Court initiated the organization of this training in order to ensure that their judges and staff were aware of their rights and obligations under the Law.

Training was delivered during November for 142 AC judges and staff. Two expert lecturers, from the Ministry of Labor, Employment and Social Policy and the Republic Agency for Mediation in Labor Disputes respectively, presented main provisions of the Law and basic mechanisms for preventing, reporting, processing and sanctioning cases of workplace harrasment.

In the third quarter of Year 3, JRGA agreed with the court leadership to start with the development of a new training curriculum. In accordance with the request from the court, JRGA developed training materials covering the topic of Personal Data Protection. A group of two subject-matter experts and an AC judge developed the materials during March 2014. Three training sessions for 84 judges and judicial assistants were organized in April in Nis and Belgrade.

The training covered the following three broad topics: a) Introduction into the Law on Personal Data Protection (basic terms, legal grounds for data processing and principles of purposefulness and reciprocity), b) Commissioner – competencies, actions and practice (relationship between the right to access to information of public importance and the right to personal data protection, Commissioner's competencies, data protection measures), and c) Case Law (case law of Constitutional Court and Administrative Court, Misdemeanor Courts, and the European Court of Human Rights).

*IT Training:* In coordination with the procurement and delivery of IT equipment in the period from May to July 2013 (the new hardware was equipped with new office software –

LibreOffice instead of the Microsoft Office package to meet MoJ standards), JRGA organized and delivered 81 training sessions on the use of LibreOffice for 758 judges and staff from all misdemeanor courts in Serbia. This training continued in September and was finalized in November 2013 for an additional 540 judges and staff. In total, 1298 person/days of training on this topic were delivered.

In parallel with the classroom training effort, during the summer months of 2013, JRGA supplemented this formal training with field visits to 29 out of the 44 misdemeanor courts in Serbia and provided direct assistance to all employees. This on-site “elbow training” reinforced the knowledge gained in the classroom with practical support, and also helped resolve some of the computer use issues that courts were faced with in everyday work. JRGA trainers were able to build trust with misdemeanor court staff, and gain an improved understanding of the challenges that court staff face in doing their work. This insight has been invaluable to assessing computer literacy of judges and court staff, identifying effective approaches to assisting courts in integrating the use of computers in their business processes, and equipping JRGA to provide assistance more effectively via telephone when required.

During the following quarters of Year 3, JRGA focused IT training activities on preparing users – particularly court staff appointed as data controllers – for the use of the registry module of the MCCMS. JRGA training coordinators developed a user manual and held 8 training sessions in total for 117 data controllers from all misdemeanor courts in Serbia during the last two weeks of February in order to prepare them for the start of the registry operations on March 1, 2014. Coupled with intensive help-desk support during the first month of the use of the application, training provided the users with necessary skills for data entry and registry maintenance, spotting bugs and deficiencies in the application and for incorporating the management of the automated registry module in their daily work processes.

After initial launch of the registry, many courts expressed the need for more employees trained in the operation and use of the registry module. JRGA organized a second round of training in May and June. A total of 27 training sessions were held, and 270 persons were trained. The classroom training was coupled with 12 elbow-training sessions during field visits to the courts which demonstrated the need for additional, hands-on assistance. The use of this one module of the MCCMS represents a fundamental change in the everyday operating procedures in most of the courts and is paving the way for full court automation with the introduction of the complete MCCMS once it will be completed and rolled out.

In addition to training the application users, JRGA also provided training to 40 persons either directly employed by the courts as their IT technicians/System Administrators or providing IT support as external resources. This was done with a view to enlist the support of people directly involved in everyday court functioning for supporting the changes to be brought about in the way courts do their work with the introduction of the full MCCMS application, and to prepare them for increased demands for their services as users begin using the application. JRGA Systems Infrastructure/Software Manager organized two training sessions – in Nis and Belgrade - in February 2014 and presented the application to the participants. He also informed them of the changes in the courts’ connectivity as well as other changes that be necessary in order to enable the MCCMS to function fully. JRGA will continue to organize working meetings for courts’ IT staff and will provide additional training as the following versions of the application are issued and MCCMS rolled out.

*Other Topical Training:* All courts as public entities must follow public procurement procedures for obtaining any goods, works or services. The new Public Procurement Law came into force on April 1, 2013 and president judges of misdemeanor courts approached the

Project to request assistance in developing and organizing training on the practical application of the new Law. During the first quarter of Year 3, JRGA engaged experts from the Association of the Public Procurement Professionals to develop the training materials, focusing on the procedures most often conducted by the MCs (open procedures and low-value procedures). The first training session was held on September 25, 2013 in Kragujevac.

Four additional training sessions were delivered in October and November for 66 president judges and administrative staff in charge of public procurement procedures from all misdemeanor courts.

*New or Updated Curriculum Development and Delivery:* In collaboration with the Appellate Misdemeanor Court (AMC), JRGA initiated work on the development of a new training curriculum, targeting enforcement officers in the misdemeanor courts in the second quarter of Year 3. The AMC conducted a control (audit) of enforcement procedures in misdemeanor courts in the first half of 2013, which identified a number systemic problems in the manner in which courts were administering enforcement cases, stemming in large part from insufficiently trained enforcement staff. In order to strengthen the capacities of court staff working on enforcement, the AMC requested JRGA to provide technical and material assistance for the development and delivery of enforcement officer training.

JRGA held the introductory meeting of the working group of judges and subject matter experts tasked with developing training materials on December 24, 2013. Two AMC judges, the president judge from the Becej MC and the AMC registry chief worked on preparing materials for the following four topics:

1. Procedural novelties regarding enforcement in the new LOM, with particular emphasis on the enforcement of fines;
2. Case registering, creation and sorting in line with the deadlines in the enforcement procedure;
3. Enforcement of non-financial penalties;
4. Service of process and archiving of enforcement cases.

The working group finalized the materials in February. Nine training sessions were held in the training centers of the Judicial Academy (3 in Belgrade, and 2 in Kragujevac, Novi Sad and Nis each) for 336 enforcement officers from all misdemeanor courts in Serbia.

Also during the second quarter, JRGA engaged an STTA Court Communication Expert in order to create and deliver a customer service training for the staff of the misdemeanor courts. On November 18 and 19, 2013 the STTA held two training sessions for more than 30 court secretaries and administrative staff of seven misdemeanor courts who work at ‘one stop shop’ intake and information areas as registry clerks or enforcement officers and come into most frequent contact with the public. Court staff received information on basic principles of communication, both external and internal, treatment of customers and especially difficult clients as well as methods for self-analysis and determining improvements in services provided by a court.

A similar training session was also organized for the employees of the MOJ, including the staff of the future call center to be set up for handling requests for information from citizens (*cf.* Task [1.8.2](#)). The expert issued a report with recommendations on improving external communication for both the courts and the Ministry in order to enhance access to court services, public trust and confidence in the institutions and increase public understanding of their operations.



*Intensive legal drafting sessions for the Judicial Academy trainees with Judge Mize*

In addition, upon the request of the Assistant Minister for European Integration and International Projects in the Ministry of Justice and Public Administration, JRGA engaged an STTA expert to prepare and deliver the training on judicial logic and opinion writing, targeting the trainees of the Judicial Academy. JRGA engaged an STTA Legal Drafting Expert, Judge Gregory E. Mize, a retired judge of the Superior Court of the District of Columbia, to provide the judicial trainees with requisite legal analytical and writing skills in order to improve the professionalism of the judiciary and increasing the transparency of the judicial decision-making process.

During April 2014, JRGA organized a two-week visit for the legal drafting expert. The expert delivered three two-day training sessions on improving the written judgments to groups of Judicial Academy trainees coming from different classes. In addition, in April 14, JRGA expert delivered a ‘training of trainers’ session to five judges in order to provide them with guidance and methodology for becoming lecturers and delivering opinion writing training to Judicial Academy graduates from the first generation of trainees and are sitting as criminal, civil and misdemeanor judges. They held their first training session on April 15-16, 2014 with supervision from JRGA’s STTA (*see Annex N for the training materials and Annex P for STTA*

trip report and deliverables).

This training focused on methodology for analysis of facts, organization and written presentation of relevant facts, identifying the key components of a written decision, and best practices in the writing process and style. The Project intends to repeat this course in the coming quarter of Year 4 for misdemeanor judges and judicial assistants.

On May 20 and 21, 2014, JRGA short-term technical assistance (STTA) Judicial Expert, Judge D. Brooks Smith, federal judge on the United States Court of Appeals for the Third Circuit, delivered two training sessions for over 100 judges and judicial assistants of the Belgrade Misdemeanor Court and the Appellate Misdemeanor Court on the role of judges in a modern, independent judiciary. The training focused on courtroom management, judicial authority and case management. This was also used as a ‘training of the trainers’ opportunity as four Serbian judges will continue as lecturers on a similar course that will draw on U.S. best practices identified by Judge Smith and further adapt the recommendations to the circumstances in Serbian courts. The training will focus in particular on enabling the judges to use all procedural instruments granted to them with the new Law on Misdemeanors to ensure timely completion of the case and to ensure independence in decision making. JRGA

plans to implement this adapted training course during Year 4 (*see* Annex O for the training materials).

*Tracking of Training:* Late in Year 2, the Judicial Academy requested technical assistance from JRGA in upgrading the automation of its business processes for managing training logistics and tracking participation in training by judges and other trainees. The JA has used basic office management software tools such as word processing and spreadsheet software for these purposes. The tools are adequate for managing the logistics of specific training events, but are limited in providing comprehensive program management capability.

In response, JRGA Component 1 and IT staff interviewed the JA Director and selected key staff, including JA's IT manager, to determine functional requirements for training management software. Subsequently, based on assessment of functional requirements, during the last quarter of Year 2 and the first quarter of Year 3, JRGA evaluated the suitability of "off the shelf" training management software to meet the JA needs. There is substantial amount of such software available for training management which is readily adaptable to a judicial environment and inexpensive in terms of licensing and maintenance fees. The challenge was to identify software either currently offered in the Serbian language or which could be readily translated.

JRGA staff contacted several vendors of suitable software to address language and customization issues and identified a software package meeting the training management needs of the JA and where the vendor was amenable to translating the software screens to Serbian at no additional cost (with limited technical assistance from JRGA). After initial review with JA IT staff, the Judicial Academy expressed some concerns regarding the flexibility of an "off the shelf" software application to be expanded to address potential expansion of business requirements in the future.

Additional review of JA application software needs were deferred in light of other work underway with the JA focused on facility improvements, and in light of the need for JRGA IT staff to focus on ensuring that the automated registry application required by the new LOM was developed and implemented by the effective date of the Law. JRGA will update its analysis of JA software business requirement in collaboration with JA staff early in Year 4 in order to identify potential solutions for upgrading the JA business software applications.

*Moot Court:* In the third quarter of Year 2, JRGA agreed with the Judicial Academy to further improve the training capacities of its seat in Belgrade. After refurbishing and equipping an IT training room in 2012, JRGA started work on upgrading and refurbishing one of the existing rooms in the building occupied by the Academy into a moot courtroom. The moot court facility was designed with the aim of helping Academy's judicial trainees simulate court hearings and teach them the practical side of practicing law. The restoration work was completed in October and the new premises officially inaugurated in the presence of the Minister of Justice and the U.S. Ambassador to Serbia in December (*cf.* Task [1.9.2](#)).

The Moot courtroom accommodates up to 35 people. In addition to this, JRGA refurbished an adjacent room and transformed it into a training room with a flexible design allowing several potential seating arrangements, thereby expanding the options for training sessions in the Academy.

However, during the final quarter of Project Year 3, Judicial Academy was moved from its premises to a new location. The President of the JA ensured that all equipment and furniture provided with JRGA assistance was safely removed to a storage unit until the JA will receive additional space in which to organize the training rooms and the moot court. JRGA will provide assistance with the functional organization of the new premises, if requested.

*AMJ Annual Conference:* Replicating the successful experience of Years 1 and 2, JRGA again provided technical and material assistance to the Association of Misdemeanor Judges (AMJ) in organizing its annual conference. As was the case in the previous years, the event brought together almost 400 misdemeanor judges from across Serbia. The annual conference was held on October 23-25, 2013, in Kopaonik.

This year the conference focused on the most important procedural changes to be introduced with the new Law on Misdemeanors, particularly with regard to the misdemeanor order, changes to enforcement of misdemeanor sanctions, plea bargaining and community service. The conference also provided the opportunity to discuss the methodology for the organization of the roundtables for authorized petitioners and decide on locations in order to ensure national coverage and reach as many institutions on the central, district and local level as possible. JRGA and the AMJ also used this opportunity to distribute the compendium of best practices in the misdemeanor procedure compiled by JRGA based on data gathered by AMJ in a series of grant supported round tables.

The conference marked the 10 years anniversary of the AMJ. It enabled a valuable, open forum for dialogue and exchange of experience and knowledge for misdemeanor judges from all over Serbia.

### 1.7.3. Legal Resources

*Misdemeanor Judge Bench-book:* In Year 2, JRGA initiated work on the development of the bench book for misdemeanor judges. In the first quarter of Year 3, JRGA enlisted the help of the president judge of the Belgrade Misdemeanor Court and a judge of the Appellate Misdemeanor Court to finalize the outline of the bench book and begin drafting in order to have it ready in time for judges as a reference tool once the new Law comes into effect.



The draft of the publication was finalized in March 2014 and the bench book printed (in paper and CD format) and distributed to misdemeanor judges and judicial assistants throughout Serbia in June.

The Bench Book is the first guide book of its kind in the Serbian judiciary. It was prepared by judges with JRGA assistance for judges, combining practical guidelines for conducting misdemeanor proceedings, with the text of the Law, standardized forms, checklists, and process diagrams for use by judges in their everyday work.

The bench book is a collection of instructions intended to assist judges in

navigating the new Law, covering the whole course of a misdemeanor procedure - from case initiation to enforcement, and providing explanations of the most important principles governing the proceedings, as well as practical guidance for applying procedural rules. It is structured as a document to be used primarily in electronic format. Hyperlinks are embedded in the practical procedure guidelines, , which link quoted articles of the new Law, standardized forms for judicial decisions and orders, checklists and charts illustrating the work flow for that particular step in the procedure. The bench book is supplemented by 105 standardized and optimized forms for implementation of the new Law. The forms are the product of joint efforts of JRGA staff attorneys and the forms expert group (cf. Task 1.3).

The official presentation of the Bench Book was organized on June 11, 2014 in the premises of 'Aeroklub'. The event was opened by Dragomir Milojevic - President of the High Court Council and the Supreme Court of Cassation, Zoran Pasalic - President of the Appellate Misdemeanor Court, and Peter Wiebler - USAID Serbia Acting Mission Director. Following the opening remarks, JRGA Chief of Party, Laurence T. Vetter, presented the Project's achievements to date, placing specific emphasis on the automation of court proceedings through the development and use of case management software, as well as tools such as the electronic version of the Bench Book.

The Bench Book was presented by its authors, Milan Marinovic - President of the Belgrade Misdemeanor Court, Mijana Tukar - President of the Appellate Misdemeanor Court Unit in Novi Sad, and Branko Nikolic - JRGA Senior Staff Attorney. The second part of the event was organized for the misdemeanor court presidents in attendance in order to present and discuss different policy-level, organizational and implementation issue relating to the Misdemeanor Court Case Management System.

See Annex Q for the final version of the Bench Book.

*Compendium of Best Practices:* During the first quarter of Year 3, JRGA completed work on the Compendium of Best Practices. The publications includes best practices in case flow management, records management, and other core business practices identified by Partner Courts and collected through regional roundtable conducted by the Association of Misdemeanor Judges under a grant from JRGA. The compendium was distributed during the Annual Conference of the Association of Misdemeanor Judges in October 2013 and at roundtables for authorized petitioners conducted from December 2013 to February 2014 for introduction of the revised Law on Misdemeanors.

*Access to Case Law:* During Year 3, JRGA continued providing support to the Administrative Court (AC) on improving the functioning of the Case Law Data Base application developed with Project support in Year 1. Apart from regular maintenance support, JRGA enabled synchronization between the case law application and the content management platform of the redesigned AC official website, allowing for redacted versions of AC decisions of precedential importance to be automatically available in the designated area of the court's official webpage. Currently, there are 290 redacted court decisions available for the public. The Court is working on adding to publicly available decisions, so that up to 1000 decisions of precedential importance covering the varied jurisdiction of the AC will be available for public access. These efforts to improve access to case law is contributing to greater transparency of court decision-making and operations and will serve as a resource tool for lawyers and other litigants appearing before the AC.

#### 1.7.4. Third-country Learning Opportunities

*International Court Administration Conference:* From December 9 to 12, 2013, JRGA sponsored the participation of six misdemeanor court chief judges from Serbia in the

conference of the International Association of Court Administrations. The theme of the annual conference was ‘Court Excellence in a Changing World.’ The event provided an excellent opportunity for judicial organizations from all over the world to share knowledge about best practices, effective strategies for implementing positive change and successful examples of court efficiency.



Serbian delegation at the 6<sup>th</sup> Regional IACA conference

Presentations delivered focused on change management in courts particularly with the introduction of modern IT tools into everyday business operations of the judiciary, importance of strategic planning and performance management for improved efficiency, using technology to increase public confidence in judiciary, giving broader authority to court administrators, and organizing court work in the constantly shifting global economic environment and with decreasing budget funds available.

Serbian judges were especially interested to hear the experience of some of the countries of the region like Slovenia and Macedonia in facing and overcoming obstacles in the functioning of the courts similar to those faced by Serbia. Also relevant for Serbian participants are the experiences of larger judicial systems such as those in Turkey or Ukraine in achieving full integration and data sharing with other justice agencies and government entities.

The conference participants were also given a unique opportunity to visit the Dubai Courts and the Dubai International Financial Courts and gain insight into the strategic vision guiding the operations of these courts. The members of the Serbian delegation expressed great satisfaction with the knowledge and experience sharing that the conference enabled and have demonstrated their willingness to disseminate information to colleagues in other courts and incorporate lessons learned in their daily work.

**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 3, JRGA continued with the implementation of activities to increase the availability of user-friendly print and electronic information on court operations, services, and procedures. The promotional campaign for the new LOM yielded different information tools such as infographics, posters, video and radio clips that may be reused and further disseminated on the local level in order to reach as wide an audience as possible and raise awareness on the changes brought about by the new law. JRGA supported the development of a user-friendly webpage for the AC in Year 3, ensuring the connectivity between the Case Law Data Base previously developed by the Project and the website so that the general public

has access to anonymized decisions, sentences and opinions of this court of precedential importance.

### 1.8.1. Access and Information

*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 design for the facility upgrade of the Ruma and Prokuplje MCs included the creation of ‘one-stop-shop’ information and intake areas to make service to litigants and the public more accessible and efficient. The functional organization designs provided clear spatial separation between the administrative services of the courts and the judges’ chambers/courtrooms and were further reinforced by appropriate signage that JRGA provided to the courts together with new furniture.

The Novi Sad MC was provided with appropriate signage to supplement a facility upgrade intervention in January 2014. The information and intake area in the court’s lobby was reorganized and a ‘one stop shop’ counter was installed. This has proven to be a successful model applied in previously renovated misdemeanor courts, providing greater efficiency for court intake and public information functions, allowing easier litigant and public access to information, and generating consistently positive feedback from court users.

*Distribution of Print Information Materials:* Throughout Year 3, JRGA continued with the dissemination of different printed materials – brochures, booklets, posters, etc. – either produced by the Project or by other stakeholders such as JRGA grantees. The poster created by Alterfact under their grant ‘Understanding the Judiciary’ was distributed to secondary school children that took part in the Open Court Days held throughout Serbia. Outlining the basic information on the judiciary system in Serbia and describing different judicial professions, this didactic tool was designed to be user friendly and visually appealing to the target audience it was intended for. Over 9000 copies were printed and distributed.

JRGA also disseminated over 2000 copies of different reference materials and training booklets covering the topics related to the changes to be introduced with the new Law on Misdemeanors to MC judges, court staff, and to representatives of authorized agencies petitioners across the entire Republic of Serbia.

At the request of the High Court Council, in the second quarter of Year 3 JRGA provided technical assistance for designing and printing promotional materials. As a relatively new institution, the HCC has had little experience in developing public information material. As a key governance institution for the judiciary, it has a central role in judicial reform in Serbia. Because it is a new institution, and given the important role the HCC has in the judicial reform process, it is important to ensure that the public is well informed about the authority and responsibility of the HCC for governance of the judicial system, and its role in improving the performance of the judiciary. The Project engaged an STTA communication expert that worked with the staff of the HCC secretariat in defining the content and design for four brochures and a poster:

1. brochure on the competence and composition of the HCC,
2. brochure on the appointment procedure for judges,
3. brochure on the disciplinary procedure for judges,
4. brochure on the termination of office for judges, and
5. poster on the ethical code for the judges in the Republic of Serbia.

The brochures and the poster have been disseminated to all courts in Serbia and placed in accessible places convenient for the public to be able to learn more about the functioning of the High Court Council and the duties and responsibilities of the Serbian judges - and regarding the ethical standards to which judges are held in the performance of their official duties, and in their personal and professional behavior.

Upon the request of the Administrative Court, JRGA reprinted the publication ‘The Citizen’s Guide for Protecting their Rights before the Administrative Court’ in another 5000 copies in Year 3. The brochure was developed by Center for Development of Serbia as part of their activities in a project funded through JRGA’s grants program in Year 2. The publication outlines in detail basic information on the competences of the Administrative Court, provides information regarding the initiation and conduct of proceedings for litigants and the public, and access to information regarding court decisions and operations. The publication was made available to citizens via the AC seats in Belgrade and units in Novi Sad, Kragujevac and Nis.

*Court Information Directories:* All state institutions are required to prepare, regularly update and make publicly available their information directories (‘informators’). The intended content and organization of information bulletins is described in guidelines issued by the Commissioner for Information of Public Importance and Personal Data Protection. However, there are often significant variances between institutions in the level and structure of information provided. For Misdemeanor courts, information directories represent an opportunity for improving public understanding of court procedures and operations. However, these directories also present particular challenge. The environment of the courts changes more rapidly than that of other institutions due to more frequent changes in the many rules and regulations that govern court processes. Further, the requirement that each individual court create its own information directories means a substantial amount of redundant work, and inevitably, small variances in the level and detail of information provided across different courts. Accordingly, JRGA began development of a “model” directory that could be customized and adopted by individual courts. Through cross-component efforts, JRGA staff drafted a model court information directory that standardizes the information to be provided to the public, and taking into account recommendation made by Transparency Serbia in its review of information directories conducted pursuant to a JRGA grant.

However, due to the intensive preparations for the implementation of the new LOM that required full commitment of both the MCs and the Project, further activity on developing the template methodology for access to court directories was deferred to Year 4.

*AC Website:* In the first quarter of Year 3, the Project contracted the services for the development of the new website for the Administrative Court. Working together with the selected vendor and the Court, JRGA provided technical assistance in finding the best solution for an easily navigable, user-friendly website that will greatly contribute to increasing the transparency of the court’s operations and its decisions, and provide basic information on the varied jurisdiction of the Administrative Court.

The website re-design and the new content management platform were finalized in October 2013. After the Court created additional content, the website went on-line on November 22, 2013.

The website includes the electronic version of the court’s bulletin board, hearing schedule, operational statistics and its legally required information directories. It also serves 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. JRGA worked with the vendor on enabling automatic synchronization between the website content management system and the AC Case Law database previously delivered and populated by JRGA so that the redacted versions of precedential decisions could be automatically displayed and searched through the new website.



*The redesigned website of the Administrative Court is home to a wide variety of information for the general public and prospective or current litigants, allowing increased transparency of court operations and better access to justice*

Currently, there are 290 redacted court decisions available for the public. The Court is working on increasing the number of publicly available decisions 1000 decisions. These decisions include those of precedential importance that would

cover the varied subject-matter of cases that AC decides. The AC is also planning on enabling electronic filing of cases via the website. The AC intends to broaden its dissemination of relevant instructions for lawyers and litigants through additional promotional material – posters and leaflets – and directly through the new website. JRGA is providing technical assistance and material support in these efforts which are expected to be finalized in September 2014.

*Internet Presentations for MCs:* Out of 44 misdemeanor courts in Serbia, nine have official internet presentations. JRGA planned to develop a standardized layout and content structure for MC websites in order to make basic information on the courts and the misdemeanor procedure available to the public, in conjunction with its efforts to develop a template for information directories. As noted previously, completion of that effort was deferred to Year 4, due to the required focus on efforts to implement the new LOM. In addition, the majority of misdemeanor courts did not have access to the Internet, which would have hampered the ability to maintain current information on a website. The initiative to develop a standardized website template for misdemeanor courts was therefore deferred, and will be addressed in conjunction with renewed efforts to finalize and information directory template during Year 4.

### 1.8.2. Outreach and Communications

*Outreach Campaign for the New LOM:* In addition to efforts on educating the misdemeanor judges and staff on the changes brought about with the new Law and working with authorized petitioners on preparing them for changing their procedures in line with the new Law, during the second quarter of Year 3 JRGA also started planning for an outreach campaign aimed at raising awareness of the general public on the novelties of the Law, focusing in particular on those with a direct and noticeable impact on litigants, such as the misdemeanor order and the registries of sanctions and unpaid fines.



Official infographic for the LOM outreach campaign

JRG launched a Request for Proposals for media campaign services in February 2014 and selected a vendor in March. The Project created a working group consisting of the representatives of the MoJ, the High Court Council, the Appellate Misdemeanor Court and the Association of Misdemeanor Judges in order to ensure major stakeholder buy-in and agreement on the key messages and tools to be used in the campaign. The MoJ was identified as the official agency “endorser” of the campaign, enabling the use of free air time in all media with national coverage.

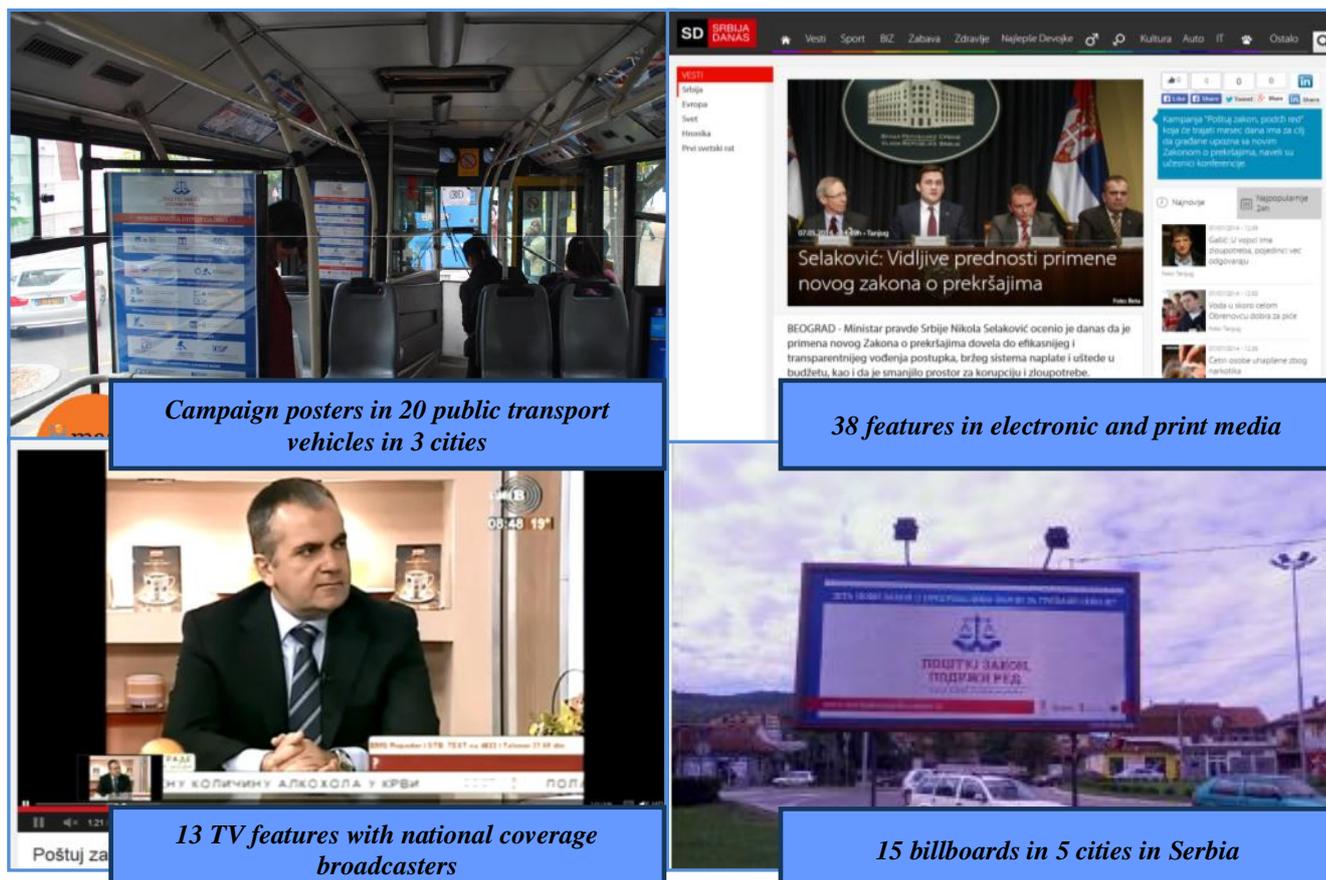
Together with the service provider and the consultative working group, the following campaign tools were developed in April:

- **Official slogan** for the campaign ‘*Respect the Law, Support the Order*’ (*Poštuj zakon, podrži red*);
- **Campaign logo** as the main visual identity for all promotional tools;
- **Infographic** containing key novelties introduced by the Law and illustrating how these contribute to more efficient misdemeanor proceedings, decreased court costs and increased collection and voluntary compliance, less opportunity for corruption and greater public confidence in the judiciary;
- **TV and radio clips**, both 30 second and 1 minute versions;
- **Billboard** graphics;
- **Microsite** complemented by a **YouTube channel** and **Facebook page** for the campaign;

The campaign started on May 1, 2014 and it was officially launched by a press conference held on May 7, 2014 in the press room of the Government of Serbia. Nikola Selakovic, the Minister of Justice, Michael Kirby, U.S. Ambassador to Serbia, Dragomir Milojevic, President of the High Court Council and the Supreme Court of Cassation, and Zoran Pasalic, President of the Appellate Misdemeanor Court, discussed the importance of raising public awareness about the benefits of the new Law and emphasized the need for informing citizens about their responsibilities stemming from the changes introduced by the Law. The event received excellent media coverage and served as a highly effective introduction to the

intensive outreach activities that were to ensue.

It was intended that the campaign would last for a month, until the end of May. However, due to the disastrous floods that hit Serbia mid May, the campaign was extended for two more weeks in June and officially ended on June 16, 2014. Floods coverage disrupted the planned quantity of air time in national and local media. However, the campaign yielded good results and generated significant positive coverage for the Law (*see Annex R for the full campaign report*).



*Training:* In the first quarter of Year 3, the Project received request for support from the then Ministry of Justice and Public Administration (MOJPA) for the development of a customer service and public outreach training targeting the administrative staff that will work in the Ministry's call center. The new call center will be the first point of contact for the general public. The customer service training provided call center staff with the skills necessary to properly interact with the public, answer their queries and improve the image of the Ministry.

JRGA engaged a short-term technical assistance (STTA) expert in external communications to create and deliver the customer relations training for selected staff of misdemeanor courts and MOJPA staff. The training for 31 Ministry staff took place on November 21, 2013 in the premises of the Judicial Academy in Belgrade. The following topics were covered during the training:

- a) general communications processes and their importance,
- b) nonverbal communication,
- b) telephone communication skills,
- c) advice on how to work with difficult clients,

- d) customer service in the 21<sup>st</sup> century,
- e) civil servant rights and responsibilities.

The expert also issued a report with recommendations specifically targeting the Ministry – developing and implementing a communication strategy that would counteract the possible negative public perception and improve public understanding by systematically informing them about MoJ activities. The communications strategy complements the already widespread use of social media by MOJPA for interactive communication with citizens.

*Partner Court Public Information, Communications and Outreach Strategies:* During Year 3, JRGA worked with different misdemeanor courts and the AMJ on implementing the concept of Open Court Days, which have been focused on secondary school students. Seven misdemeanor courts took part in this local community outreach activity – MCs from Zajecar, Prokuplje, Kikinda, Becej, Zrenjanin, Arandjelovac and Subotica – in Year 3.

The structure of the events was similar on all occasions – the first part of the activity included introductory addresses from the President Judge and the Court Secretary on the functioning and every-day operations of their misdemeanor court. It also included explanations of misdemeanor procedures, and specifically regarding treatment of the minors if they appear before a misdemeanor court. The second part of the activity was a simulation of a misdemeanor hearing covering the subject matter of public order violations, traffic offences or family/domestic violence cases. In most cases it was the students who were tasked with coming up with a misdemeanor case and devising roles for all participants in the proceedings and then presenting their case study in the court. In the Kikinda MC, however, the students witnessed a regular misdemeanor hearing that was scheduled for that day.

When possible, JRGA arranged for the representatives of the Traffic Safety committee to participate in these events and educate the students on the most frequent traffic violations committed by or affecting minors, as well as on the basic principles of safe conduct in traffic.

This model of communication and involvement of secondary-school students proved to be effective. JRGA developed the best practice guidelines for the organization of these events that were delivered to all partner courts. Misdemeanor Courts recognized that these events are an opportunity to introduce their local community to basic concepts of the role and importance of the judiciary, attract the interest of students in a career in the justice system and provide positive public exposure. All events received excellent local media coverage. More courts are interested to implement this activity as of the start of the new school year in September 2014, and have contacted JRGA for technical assistance in organizing events.

*AMJ Outreach:* Throughout Year 3, JRGA worked in partnership with the AMJ on implementing target activities included in its Outreach Plan that is part of the broader AMJ Strategy developed in Year 2. AMJ was engaged in intensive promotion of the new LOM both together with the Project and independently, as the driver of system-level changes that affect their membership. The Association was intensively involved in the implementation of the outreach campaign for the new LOM. AMJ organized promotional activities as part of their grant project on the wider use of plea bargaining in the misdemeanor procedure. AMJ Board members were among the most active judges in implementing the Open Court Day events that took place in Year 3, and in participating in interviews with local media regarding implementation of the new LOM.

The new joint partnership grant introduced by JRGA in Year 3 whereby AMJ entered into a long-term partnership with Alterfact is geared towards introducing court efficiency and raising the profile of misdemeanor courts and judges in line with the AMJ Strategic Plan and JRGA Program Objectives. AMJ's grant supported activities related to improving efficiency

in the misdemeanor procedure will be complemented with intensive outreach efforts in line with the AMJ's Outreach Plan. Alterfact will provide assistance in the widespread dissemination of the Open Court Days as well as other public education activities that contribute to raising the profile of misdemeanor judges and courts.

**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**

During Year 3, JRGA intensified efforts on improving the visibility of MCs within their local communities, as well as raising awareness on system-level changes, such as the new Law on Misdemeanors, among the general public. Results of customer service surveys conducted in Partner Courts provided useful guidance on how to improve interaction with court users and their perception of the treatment they received in the court. All facility upgrade activities, as well as field work on preparing the ground for the implementation of the new LOM through roundtables with authorized petitioners, were publicized with media on both the national and local level. JRGA, together with the AMJ, supported the organization of seven Open Court Days for secondary school students in MCs in various parts of Serbia as direct outreach reinforcing the profile and reputation of the courts among their local community. The Project also created a full-scale outreach and communication campaign for the promotion of the new Law on Misdemeanors among the general public and launched it in May 2014. The campaign was announced on a very successful press conference held in May 2014.

#### **1.9.1. Reputation Among Court Users**

*Facility Upgrade and Renovation:* Throughout Year 3, 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 of Ruma and Prokuplje 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 contribute to efficient reengineering of business processes which in turn contributes to improved court user perception of the MCs.

The renovation of the Novi Sad MC included upgrades to areas where the Court interacts with the public, namely the creation of a 'one-stop-shop' intake and information area in the court's lobby where court users and the general public can perform all administrative tasks and/or obtain necessary information at one place. The same approach to the functional organization of the space was implemented in designing the outline of the Sabac MC which is currently undergoing the facility upgrade.

*Customer Service Surveys:* During the first quarter of Year 3, building on the example of the Zrenjanin MC, and with Project assistance, the staff of the misdemeanor courts from Kikinda, Arandjelovac, Zajecar and Belgrade conducted customer service surveys in order to measure their performance in relations and outreach to the court users and the general public. The results of the surveys were presented during the quarterly Partner Court meeting held in Ruma in September 2013. Three courts that have undergone facility upgrades with the assistance of JRGA (Arandjelovac, Kikinda and Zajecar) reported positive feedback from the participants in the survey on the usefulness of one-stop-shops, information brochures, access

to information on their cases, and the treatment received in the courts. On the other hand, it was evident from the results of the survey conducted in four out of 14 different locations of the Belgrade MC that inadequate working conditions contribute to a poor perception of the court's operations and efficiency on the part of the court users.

### 1.9.2. Reputation Among the General Public

*Support to the Implementation of the AMJ Strategic Plan:* In Year 2, the AMJ Assembly adopted the five-year Strategic Plan on its extraordinary session held in April 2013. During Year 3, with JRGAs support, AMJ started working on the implementation of both mid-term and long-term goals outlined in the Strategy.

The AMJ was instrumental in engaging their membership in different activities related to the improvement of case processing efficiency and preparations for the implementation of the new LOM. Through grant activities, and with JRGAs support, the AMJ compiled best practices applied in MCs. JRGAs staff documented these best practices in the Compendium of Best Practices and distributed the guidebook during the Annual Conference organized in October 2013 at Kopaonik.

JRGAs supported and facilitated the organization of the Annual Conference of Misdemeanor Court Judges, recognizing its importance in reaching over 600 misdemeanor judges which are

members of the AMJ and communicating key messages related to system-level changes that affected the MCs with the introduction of the new Law. Another grant to the AMJ also completed in Year 3 was focused on introducing and expanding the use of plea agreements in the practice of misdemeanor courts as an alternative case resolution tool. The AMJ also engaged the members of its Board in the organization and dissemination of the practice of Open Court Days for secondary school students throughout Serbia.

JRGAs supported the AMJ with their move the new premises. In the first quarter of Year 3 the Project provided material assistance with equipment and furnishings so that it would be possible to organize meetings and training sessions in the new AMJ space.

The new grant concept of joint partnerships was introduced by JRGAs in Year 3. With guidance from JRGAs, AMJ entered into a long-term partnership with Alterfact which is geared towards introducing court efficiency and raising the profile of misdemeanor courts and judges in line with the AMJ Strategic Plan and JRGAs Program Objectives. Substantive and outreach activities that the two organizations will be implemented jointly throughout Serbia and the misdemeanor court system. These activities will be complemented



*Ribbon-cutting Ceremony in the Judicial Academy, December 2013*



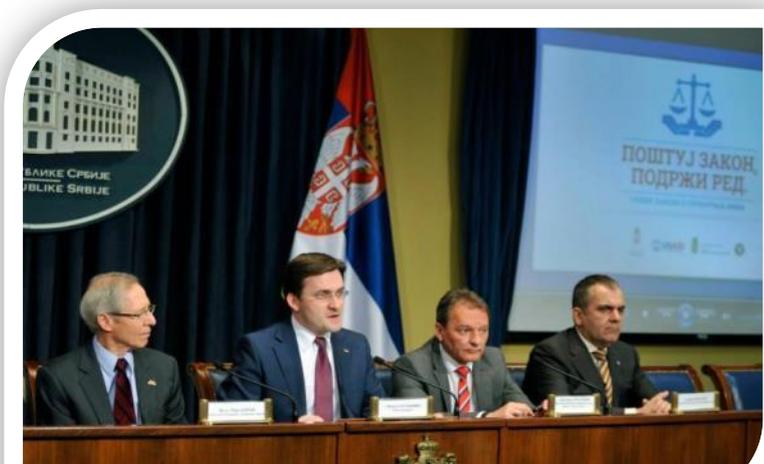
with institutional capacity building targeting the AMJ, and supported by Alterfact, with emphasis on improving the capacity of the fund-raising for member services and justice improvement activities; and establishing formal liaison with professional organizations in the field of justice in Serbia and in other countries (particularly countries within the Balkan region and EU member countries).

*Publication of Improvements:* With regard to significant technical and material assistance that JRGA provided to the Ministry, the Administrative Court, the Higher Misdemeanor Court and the misdemeanor courts in Serbia in 2013, JRGA assisted with the development of press advisories and conferences as appropriate to highlight achievements (delivery of considerable quantities of computer equipment was completed, facility upgrades carried out in the courts in Ruma, Prokuplje and Loznica, preparations initiated for planning for the consolidations of the operations of the Belgrade Misdemeanor Court, the new website for the Administrative Court allowing transparent access to information on court operations as well as anonymized decisions of precedential importance, and most importantly the new Law on Misdemeanors adopted after two years of joint efforts on the part of the working group set up under the auspices of the Ministry and the Project).

The Project marked the finalization of the renovation works in the Judicial Academy with an official press conference. The new training facilities – a ‘moot court’ and a multi-purpose training room – were presented during this event together with the results of the ongoing successful cooperation between the Project and the Judicial Academy. The press conference took place on December 4, 2013. Minister Selakovic and Ambassador Kirby officially

inaugurated the renovated training facilities with a ribbon cutting ceremony. The event received excellent coverage in national print and electronic media.

During the period leading up to the beginning of the implementation of the new Law, the Project and all its counterparts (the Ministry, Appellate Misdemeanor Court and misdemeanor courts, Association of Misdemeanor Judges) used every opportunity to raise awareness on the improvements to case processing and procedural efficiency that the new Law shall effect. The roundtables for authorized petitioners received considerable coverage in local media throughout Serbia, while the President of the Misdemeanor Appellate Court, Zoran Pasalic, and Acting Chief Judge of the Belgrade MC, Milan Marinovic, were



*New LOM Media Campaign press conference, May 7, 2014*



particularly active in TV appearances and interviews to print and electronic media explaining the most important novelties that were to be introduced with the new Law. There are almost 60 links for media coverage of the new Law in the period from October 2013 until March 1, 2014 (*see Annex S for press clipping*).

On February 19, 2014, JRGA organized the tour of the premises of the Novi Sad MC which previously underwent a facility upgrade intervention with Project funds. It was an opportunity for the United States Agency for International Development (USAID) and the Ministry to present the results of joint efforts to improve the working conditions in misdemeanor courts throughout Serbia and enhancing their operational effectiveness. During the opening and the tour of the court facilities, Minister Selakovic, USAID Mission Director Susan Fritz, High Court Council and Supreme Court of Cassation President Radomir Milojevic, and Misdemeanor Appellate Court President Zoran Pasalic addressed the media representatives, emphasizing the importance of improving the working conditions in the courts in order to improve their image with the public at large and improve their operations. Acting President of the Novi Sad MC, Dejana Djordjevic, provided a tour of the renovated intake and information area, the registry office and the archives., She explained how the physical reorganization of space led to the increased efficiency of the court procedures, and enabled greater control over the status of cases.

On February 28, 2014, in Media Center, the Association of Misdemeanor Judges (AMJ) organized the final event under their grant project on the wider implementation of the plea agreement. The then State Secretary in the Ministry of Justice and Public Administration, Danilo Nikolic, and President of the Misdemeanor Appellate Court and the AMJ, Zoran Pasalic, opened the event and took the opportunity to publicly commend the effort that went into developing and adopting the new Law on Misdemeanors, preparing the ground for its implementation and praised the support of USAID – JRGA in working with the Ministry and the Misdemeanor Courts to meet all the necessary legal and technical preconditions for its measures to have full effect. The speakers at the conference also emphasized the importance of putting into practice all key procedures contained in the Law – such as plea agreements - as appropriate to ensure that misdemeanor proceedings can be handled both effectively and efficiently. They indicated that widespread use of plea agreements in appropriate cases would result in more rapid disposition of caseload and yield significant savings in cost and time for the misdemeanor courts and litigants.

A particularly successful press conference was organized to launch the JRGA-supported media campaign to promote the new LOM. The press conference took place on May 7, 2014 in the media room of the Government of Serbia. It was the opportunity for both the Minister of Justice and the U.S. Ambassador to emphasize the significant effort invested on the part of all institutional counterparts, with important technical assistance and operational support from the Project, on adopting and implementing the new Law on Misdemeanors.

It was also an opportunity to present to the media and the wider public the first results of the implementation of the new LOM - particularly the significant positive impact of the new misdemeanor order had in the first two months of implementation. Minister Selakovic particularly praised the assistance provided by JRGA in ensuring that prerequisites for the successful implementation of the new LOM were addressed in a timely manner. All speakers agreed on the importance of raising public awareness about the benefits of the new Law – for litigants, for courts and institutional stakeholders, and the public - and stressed the need for informing citizens about their responsibilities stemming from the changes introduced by the LOM.

The media campaign ‘Respect the Law, Support the Order’ (*Postuj zakon, podrzi red*) was implemented in May and June and received good coverage in both national and local media. For more information on the campaign see Task [1.8](#).



Local media coverage of Open Court Days

Other activities supported by JRGA, such as the introduction of the practice of Open Court Days which were organized in seven misdemeanor courts this school year, received excellent coverage in the local media, increasing the value of these outreach activities towards raising the profile of MCs among their local communities.

JRGA will continue to work with Project counterparts on promoting joint achievements and raising awareness among the general public on the improvements to the functioning of the misdemeanor court system.

**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**

*Grant Administration:* During Year 3, JRGA continued the administration of a broad grants program, supporting the activities of civil service organizations in support of Project goals. JRGA monitored the finalization of the implementation of grants awarded previously under the third and fourth grant rounds.

The only grant project from the 4<sup>th</sup> RfA that was extended beyond the original deadline is the ‘Enhancing integrity of courts in Serbia’ initiative implemented by the Judges’ Association of Serbia. Due to different administrative reasons and the unavailability of some of the targeted courts and judges due to the catastrophic flooding that hit Serbia in May 2014, the Project is

now scheduled to end in September 2014. An overview of completed grants is provided in Annex L, while all grantee reports and deliverables can be found in Annex K.

*Competed and Direct Grants:* One additional, 5<sup>th</sup> grant round was launched through an RFA issued in September 2013 and grants awarded in February 2014. This resulted in one grant awarded under Component 1 to CAFV for a project aimed at establishing a network of affordable and readily available legal aid for victims of family and domestic violence as well as enabling vocational training for the victims so that they can gain financial independence (cf. Task [1.5](#) and Annex K for grantee reports and deliverables).

Year 3 also saw the introduction of a new concept of grant implementation and management. JRGA entered into long-term partnership relationships with select grantees. The partners were selected on the basis of their demonstrated commitment and capacity for improving sustainability and growth of the grantees. With each partner or a set of partners, the project signed a long-term framework agreement. These describe the overall objectives of the partnership, and the themes the partnership will focus on. The objectives fall in two categories:

- work on **substantive issues related to governance**, and contributing to the goals of the JRGA project and USAID;
- building the **internal capacity of the organizations** themselves.

The mechanism for the partnerships consists of the framework agreements, and individual task orders that define specific activities designed to achieve those objectives. The task orders will include details of activities, deliverables, and budgets.

After obtaining approval from USAID on the new grant concept and the proposed partnerships, the Framework Agreements were signed on June 1, 2014. This resulted in two partnerships under JRGA Component 1 objectives:

**1. Association of Misdemeanor Judges and Alterfact** join forces on the project titled '*Efficiency of Misdemeanor Courts*'. The main goal of the project is to improve efficiency and case management in misdemeanor courts by disseminating and supporting the widespread use of tools such as plea negotiations as an alternative means for resolution of cases, improvement in the efficiency of service of process, immediate assignment of cases, and improving the management of case records, as well as enhancing public trust and confidence in misdemeanor courts by implementing different community outreach activities. To complement this, grant activities will also be directed at their mutual collaboration, as well as close coordination with the Project, on increasing the institutional capacity of the grantees to sustain, in the long term, activities in support of the implementation of improved administration of justice in Serbia, with a focus on Misdemeanor Courts.

**2. Association of Public Prosecutors and Counselling Against Family Violence will work together on the project titled '*Handling Family Violence Cases*'.** The main aim of this initiative is to improve coordination of family and domestic violence cases by further dissemination of the 'Zrenjanin model' of inter-service coordination that APP is advocating for and increase availability of legal assistance to victims of family violence through continued expansion of the network currently being established by CAFV. Another important objective will be building the capacity of the CAFV as a sustainable institutional partner in the prevention of family violence and the delivery of safety and other services for victims.

As for funds awarded, under the 5<sup>th</sup> RfA CAFV was awarded \$41,232,00 while a cap of \$100,000 each was established for the two partnership initiatives under the Framework Agreements.

**Impact:** Award of the grants marks the Project’s concrete results in including civil society in judicial reform issues. Fourth and fifth 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. Long-term partnerships are expected to give rise to strong and sustainable local partners empowered in line with USAID objectives.

## COMPONENT 2 – GOVERNMENT ACCOUNTABILITY

*Serbia on the Move, final event for the project 'Zero Tolerance for Corruption in Health-Care', June 2014*



*'We don't take (bribes)', official poster of the Serbia on the Move anti-corruption campaign*



*Transparency Serbia, final event under the grant project looking into the financing of the Belgrade local elections, June 2014*

Year 3 of the project saw further solidification of the project's relationships with independent agencies. The greatest changes were with respect to the Anti-Corruption Agency (ACA), where JRGA continued a close and productive working relationship with the new leadership established early in 2013.

JRGA supported the ACA in carrying out a **strategic planning exercise**, helping the ACA leadership to focus on identifying both mid-term and long-term goals and the direction of growth and improvement for the Agency. This also yielded recommendations from JRGA STTA for changes to the legislative framework and the revision of ACA's internal procedures in order to increase responsiveness and efficiency. JRGA also provided STTA assistance with a **review of both written and unwritten internal procedures** and their consolidation in an operational manual aimed at reducing backlog and bridging deficiencies caused in the organization, as well as streamlining existing practices and communication channels. The Project supported the ACA with the development of strategic guidelines for developing an all-encompassing training plan for delivering anti-corruption training to civil servants, in line with the ACA's responsibility outlined in the National Anti-Corruption Strategy. As was the case with the previous elections, JRGA helped the ACA with data processing in the aftermath of 2014 spring parliamentary and local elections.

JRGA also collaborated closely with the MOJ on drafting the **National Anti-Corruption Strategy and the Action Plan** (adopted in June and August 2013 respectively), as well as ensuring coordination of issues related to the implementation of all measures and coordination of all bodies and institutions designated for different aspects of the Strategy and Action Plan. Further close cooperation with the MOJ was established through intensive technical assistance and logistical support to the process of drafting the **Law on Whistleblowers**. Advice of the JRGA STTA subject-matter expert and a world-renowned authority on the subject, Tom Devine, was instrumental throughout the process in reviewing and adapting best international practices related to whistleblower protection, prevention of retaliation, provision of temporary relief, and incentives for whistleblowers. JRGA also assisted with facilitating public commentary and public hearings for the draft Law and reviewing and incorporating input thereby obtained. The draft Law was again published for comment in June, and is expected to reach before Parliament for adoption during summer.

With the Business Enabling Project, JRGA organized and facilitated a **study trip to the U.S.** for the representatives of the **State Audit Institution (SAI)**, allowing them direct insight into the functioning of the Government Accountability Office (GAO) and its principles. As anticipated, this resulted in several STTA visits which have been very successful and well received. These were aimed at working with the SAI – with their Supreme Auditors and the Performance Audit Team, as well as the leadership and other staff – on improving their reporting, increasing the effectiveness of their key messages to Parliament and the general public in order to increase the accountability of their work, as well as providing for a high level of quality assurance in reporting. Particular assistance was provided to the Performance Audit Team with formulating and presenting the results of the first performance audit carried out in 2013, as well as identifying topics and preparing for the second one scheduled to take place later in 2014.

JRGA worked with the Ombudsperson's office on **human rights and good governance training**. It proved to be a very successful exercise, gathering all Ombudsperson's staff at one place for the first time in over six years and allowing a cross-training opportunity for both the newer and more experienced staff members. JRGA also continued a previously established project trademark –cross-cutting roundtables involving IA representatives and misdemeanor courts. Further work was also done on informing and educating the

Parliamentary committees' members on the jurisdiction and recommendations issued by IAs, as well as instructing the IAs on improving their reporting and messaging to adequately address MPs and trigger their follow up on IA reports.

## **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 3, 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 4, 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.**

Throughout Year 3, the Anti-Corruption Agency (ACA) took time during the year to internalize and begin implementation of assistance from the Project, especially regarding improvement of the Agency's complaints procedures, development of internal and external indicators, and the proposed organizational restructuring to improve overall work processes of the organization. Over the course of the reporting period, the Agency worked to implement some of the recommendations made by JRGA-supported STTAs, and considered what additional assistance may be needed.

### 2.2.1. Conflict of Interest and Income & Asset Disclosure

The Project has continued to discuss Conflict of Interest (COI) and Income & Asset Disclosure (IAD) issues with the Agency over Year 3. This has included promoting a view of COI that is much broader than the 'multiplicity of functions' approach that the ACA has focused on. A broader approach, considering a wider range of interests, would match better with international best practices, and is within the Agency's authority.

While progress toward such a change has been slow, there are indications that some actors within the ACA are supportive of such an approach, and that the Agency is considering widening its view. The Agency has been less open to assistance in dealing with its procedures for reviewing IADs and COIs, though at JRGA suggestion, it formed a successful task force that did away with a large backlog of complaints.

### 2.2.2. Complaints process

Towards the end of Year 2, two JRGA experts provided suggestions for improvement of the ACA's complaints process. During the first two quarters of Year 3, the ACA began implementing some of the recommendations made by those experts. Changes included the creation of an Agency task force that resolved the backlog of complaints from 2011 and

2012, establishment of a working group to draft revised complaints handling procedures, a proposed restructuring of the Complaints Department, and improved handling of complaints that should be handled by other bodies. During the second quarter, the Project continued to follow up with the ACA to help implement previous recommendations, and the Agency continued implementing some of the recommendations proposed by JRGA experts.

### 2.2.3. Workflow and standard procedures

Changes in the Agency's complaints process are expected to lead to changes in the handling of COI (multiple function) requests and IAD filings. The Project continued to follow up with the Agency as needs for streamlining and standardizing the internal operational procedures developed throughout Year 3.

One of the tasks under the national Anti-Corruption Action Plan is to review the capacities of independent agencies in order to determine the need for potentially expanding their legal competences, as well as furthering their capacities in terms of staffing, additional training, and current facilities. During the second quarter of Year 3, a JRGA STTA expert analyzed the organizational and structural aspects of the framework under which the Agency operates, and came up with a thorough needs assessment that also contains a set of recommendations for further action. The most important recommendations concern changing the Law on the Anti-Corruption Agency so as to revise the competencies of the ACA, as well as changing legislation governing COI and IAD so as to make the work of the Agency more streamlined and efficient. Furthermore, a range of recommendations concerns reorganizing the inner workings of the Agency so as to enable a more effective organization of the existing personnel, as well as employing new staff. The needs assessment ended with the recommendation to expand the office space of the Agency in the mid-term.

During the third quarter of Year 3, the Project also initiated discussions with the Agency about internal and external indicators, and about internal communications. JRGA staff had several meetings with Agency staff and former Board member Zlatko Minic, who previously conducted research about the Agency's use of statistics. The Project proposed several approaches to the question of how to internally assess Agency's impact. The Project also made concrete proposals for a mechanism for discussing communications among Agency senior staff, Board, and Agency leadership. The Agency decided to defer such discussions to another time.



During the third quarter, the Project also provided assistance to the Agency's Education Department, in the form of STTA expert Stuart Gilman. Because of Mr. Gilman's extensive background on corruption issues and with anti-corruption agencies, JRGA arranged for him to also hold discussions with the Agency's leadership and senior management. A presentation for senior management highlighted recent research on the factors that can lead to success or failure in anti-corruption agencies. Mr.

Gilman led a lively discussion of the topic, with reference to regional and local examples. He provided recommendations on internal changes the Agency could make in order to increase its likelihood of success in its mission.

As part of his education-related work, Mr. Gilman also met with staff from the conflict of interest and property registration teams. He provided suggestions on how to best link the work of these teams with the Education Department, to the benefit of all three, and of the Agency overall (*see also* under 2.7.3 below).

JRGA provided expert assistance to review all of the ACA's internal procedures and provide recommendations for improvement. Building on previous technical assistance, the STTA worked with ACA management to review all existing written and unwritten procedures, conduct a gap analysis on the current use of resources, and draft a manual/compendium of Agency internal procedures. The work included reviewing all existing written procedures, interviewing departments to discover unwritten procedures, and codifying or recommending procedures. AT ACA request, the STTA incorporated ISO 9001 management standards, and drew from the best practices and protocols established in the Slovenian Anti-Corruption Committee (KPK). The completed set of internal procedures will be completed in July, and the ACA is expected to adopt the manual in the first quarter of Year 4 (*see* Annex P for STTA report and deliverables).

### **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. During Year 2, the Agency struggled to cope with the flood of political finance data it received. In Year 3, it reported on the 2012 elections, and negotiated data-sharing agreements with several bodies.

Year 3 also brought with it new national elections in the spring of 2014. The Agency declined assistance in preparing for the elections, but accepted JRGA support in analyzing and organizing campaign finance data.

#### **2.3.1. Political Finance Oversight**

During the May 2012 general elections, JRGA provided technical and material assistance to the Agency in preparing for election monitoring, planning a press and communications strategy, analyzing data, preparing public reports, and organizing conferences and other fora for discussion. The 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. JRGA assisted the Agency in the post-election review - assimilating and comparing the data collected by its monitors with the data filed by the political entities from throughout Serbia.

The results of the aforementioned review process were presented in two conferences (December 2012 and February 2013). During the Strategic Planning retreat held in the second quarter of Year 3, the Agency asked for JRGA assistance in preparing a publication on the financing of political parties containing the main findings and conclusions presented at the two conferences, as well as the analysis of the cross comparison of reports filed by political parties and ACA findings from the field, articles by selected ACA Board members and other expert opinion on the subject.

The publication was finalized and presented during a conference organized to mark International Anti-Corruption Day on December 9, 2013. The International Anti-Corruption

Day conference focused on the oversight of political finance: “*Politics and Money: Financing of Political Activities in 2012*”. Held at the National Assembly and organized with the support of JRGA, the conference attracted around 80 participants ranging from Members of Parliament to civil society representatives. JRGA also assisted with preparation and printing of a guide containing ACA jurisprudence.

During the third quarter of Year 3, extraordinary parliamentary elections took place in Serbia on March 16, 2014, along with local elections for Belgrade. JRGA agreed to provide assistance in the post-election review, with the analysis of monitors’ reports and other political finance data.

Following the March 2014 elections, the focus of the Project’s support to the ACA in the last quarter of Year 3 was on the post-election review of finance reports. JRGA engaged local STTA expertise to continue building the ACA’s capacity to manage political finance data. The expert trained Agency staff through hands-on exercises using the actual data received regarding the 2014 elections. The STTA helped the ACA to develop a logical plan for analysis of data, including cross-referencing reported by political entities with data reported by ACA field monitors, and media monitoring data collected through other means. The expert helped ACA staff to work through and extend the data analysis plan, including statistical and direct comparison of data from previous elections, as well as in developing procedures and a methodology for oversight of regular and campaign financial statements of political entities. The STTA will finalize his work in the first quarter of Year 4.

**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 3, the project continued addressing 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

JRGA planned for a new series of roundtables promoting dialogue between the independent agencies and enforcement bodies throughout Year 3. These roundtables have become a Project trademark aiming to provide opportunities to establish or build relationships between key government accountability actors, and to agree on specific changes in process or procedure that can simplify the work of all involved and lead to better service to the public.

However, due to other commitments of IAs, the State Audit Institution (SAI) in particular, no roundtables between the IAs and the courts were organized in Year 3. Nevertheless, one of the roundtables for authorized petitioners on the procedural novelties under the new Law on Misdemeanors held in February 2014 specifically targeted the representatives of the independent agencies. It is worth noting that the Commissioner for Information of Public Importance and Personal Data Protection acknowledged the improved cooperation with misdemeanor courts stemming from the previously held bilateral roundtables in his Annual Report presented in May 2014.

In the last quarter of Year 3, JRGA revived the consultations with the IAs and agreed to initiate a new round of bilateral meetings as of July 2014. The Project will continue building smooth cooperation among the judiciary and independent regulatory bodies in Year 4.

## 2.X.2. Response to Independent Agency Recommendations

In Year 2 and during the first quarter of Year 3, the Project organized a series of roundtable discussions between different National Assembly (NA) committees and Independent Agencies. The series began with a joint roundtable for NA and IA staff, and was followed by individual roundtables for each IA and the committees interested in its work. Interest in the roundtables was substantial, with high level representation from almost all the parliamentary committees. During the summer of 2013, JRGA compiled and analyzed all the recommendations generated by the various roundtables. The result was a single document with twenty separate, concrete recommendations, grouped into several categories: communication and cooperation, report preparation, report consideration, plenary discussion, tracking/monitoring, and ‘other’ issues.

The list of recommendations was shared with the roundtable participants, and with other parliamentary support programs. After the summer vacation season, JRGA followed up with a visit by STTA Tomas Bridle, a parliamentary oversight expert with previous experience in Serbia. Mr. Bridle held consultations with most of the IAs to inform them about international best practices, and to hear their concerns directly. A similar but substantially larger consultation with the National Assembly attracted 40 MPs and 30 staff.

Mr. Bridle concluded his visit with a final workshop for IAs and parliamentarians. The heads of most of the IAs participated, and all were represented. Including parliamentarians, total participation was about 60 persons. Discussion focused on a few priority recommendations, and international best practices.

The visit and discussions resulted in a significant step forward. The National Assembly agreed to form a working group specifically focused on interaction with IAs, with the working group tentatively to be headed by an NA Deputy Secretary General, and composed of the Chairs and Secretaries of key committees. However, this was postponed due to the extraordinary parliamentary elections in Serbia that took place in March 2014.

The new MPs were sworn in after the elections in May 2014. In cooperation with other donor



*Brochure containing basic information on the work and priorities of the IAs, prepared by the Project for the MPs*

organizations, JRGA engaged in preparing a two-day orientation seminar for the new MPs in order to introduce them to the main aspects of jurisdiction and accountability of MPs, their legislative, oversight and representative roles and duties of different committees. As IAs report annually to the National Assembly, JRGA worked with the IAs on preparing presentations on their roles and their interaction with the MPs. JRGA also supported the development and printing of a pamphlet containing basic information on the work and priorities of the IAs (*see* Annex T for the publication). Due to the emergency situation in Serbia in the light of May floods that affected the whole country and the ensuing regular session of the National Assembly, the orientation seminar which was originally scheduled for the end of May was postponed to the beginning of July 2014.

### 2.X.3. Anti-Corruption Coordination

Serbia's new Anti-Corruption Strategy was adopted in the middle of 2013, with the corresponding Action Plan adopted early in the fall. The documents call for monitoring of implementation to a responsibility shared among the ACA, the MOJ, and the Anti-Corruption Council. The arrangement, and the slow growth of the MOJ anti-corruption coordination unit, has led to some confusion, with a large number of bodies unsure whom to report to. The ACA, despite extended deadlines, has received relatively few of the quarterly reports that are required under the strategy. The problem is exacerbated by poor relations between the MOJ and ACA, and the concomitant reluctance on both sides to work through the issue (*see more* below under 2.7.2).

During Year 3, JRGA has addressed the question on several fronts. Since fall of 2013, the Project has pushed for a simple implementation guide for responsible bodies, jointly issued by the ACA and MOJ. The Project has drafted several versions of such a guide for MOJ consideration, and made some progress on reaching a draft. Finalization of the guide has unfortunately been substantially delayed due to the MOJ's many other commitments. The Project has also encouraged direct interaction between MOJ and the ACA regarding the guide, reporting issues, and other coordination matters. While an initial meeting was congenial and useful, the two parties have been reluctant to take matters further. JRGA will continue to press for a harmonized solution that improves coordination and clarifies requirements for bodies implementing aspects of the Action Plan.

### 2.X.4. Government Accountability Topics

During the first quarter of Year 3, the MOJ began the process of establishing a working group for revision of the draft Law on Whistleblowers developed earlier in the year by a working group set up by the CfI and spearheaded by the Ombudsperson. This new MOJ working group began a series of weekly meetings in October 2013. JRGA facilitated the meetings and provided targeted technical assistance by again engaging Tom Devine, a world-renowned authority on whistleblowing, as an STTA expert. Mr. Devine and JRGA had supported the efforts of the first working group, and were thus in the position to encourage continuity between two initiatives.

During the first meeting, Mr. Devine introduced the new working group members to the content of the existing draft and updated previous suggestions for the draft law, including extensive references to recently finalized Council of Europe and other standards that the Ministry planned to rely on. Comments included reference to a complex Irish law the MOJ had considered, as well as explanation of a Kenyan model that was a simpler, better fit for Serbia's needs.

Mr. Devine continued to support the subsequent meetings of the working group by directly participating via Skype on some occasions and by commenting on meeting minutes and draft

versions of the law as it evolved. He also provided a memorandum on the temporary relief provision of the proposed law as well as the analysis of temporary relief provisions in U.S. Whistleblower laws.

The working group concluded a series of six meetings on November 14, 2013. This was followed by an intensive three-day working session that took place in Palic on December 2-4, 2013. Mr. Devine took part in this retreat, which resulted in finalizing 2/3 of the draft law's provisions. During a subsequent meeting in Belgrade on December 13, 2013 (at which JRGA staff presented Mr. Devine's latest comments), the first draft of the law was completed.

In January, the draft Law was posted on the website of the Ministry of Justice and was open for public commentary throughout the quarter. JRGA liaised with the whistleblower STTA expert Tom Devine, who assisted the working group throughout the drafting process. Mr. Devine in turn coordinated closely with other representatives of the international community to harmonize comments from JRGA, the Council of Europe expert, the US DOJ, and others.

JRGA supported the Ministry in reviewing comments as they arrived, as well as in the organization of the three public debates that took place in March 2014. The first was held in Novi Sad on March 5, followed by the one in Nis on March 14, and a final event in Belgrade on March 24, 2014. All debates generated significant interest from experts and the general public, gathering a total of over 150 participants.

On March 31, 2014, at the JRGA premises, the Project supported another meeting of the Whistleblower Law working group. The working group discussed comments received, and started to plan for activities for a three-day intensive working session that took place on April 3-5 in Novi Sad, also supported by the Project. At this event, the working group went through all feedback received and work on revising the draft Law. JRGA's international STTA expert, Tom Devine, also participated in the retreat.

In the last quarter of Year 3, JRGA supported further meetings of the working group and coordinated with other experts in order to reach the final draft of the Law. It was agreed that JRGA would facilitate another three-day intensive working session in July 2014, to be used as an opportunity to finalize both the text of the Law, implementing regulations, and a model corporate policy on whistleblowers. It is expected the MOJ will present the draft Law to the Government and the National Assembly during July 2014.

#### 2.X.5. Management and Exchange of Information

During the course of Year 3, the ACA signed a wide variety of data sharing agreements with executive branch and private sector bodies. The need for outside assistance has therefore declined. Independent Agencies have also made some gains in terms of infrastructure. The Cfi was assigned two floors in a government building next to the National Assembly, and finally has room for additional staff, but is unable to hire more due to a government-wide hiring freeze. The Ombudsperson has some new space due to the departure of the Cfi (to whom OMB was lending space). Most IAs, however, have put infrastructure needs on the back burner for the present, and the Project has therefore shifted its focus to match.

**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**

*Grant Administration:* During Year 3, JRGA continued the administration of a broad grants program, supporting the activities of civil service organizations in in line with Project goals. JRGA monitored the finalization of the implementation of grants awarded previously under the third and fourth grant rounds. An overview of completed grants is provided in Appendix L, while all grantee reports and deliverables can be found in Appendix K.

*Competed and Direct Grants:* One additional, 5<sup>th</sup> grant round was launched through an RFA issued in September 2013 and grants awarded in February 2014. This resulted in one grant awarded under Component 2 to Eutopia with the aim of establishing a special helpline for whistleblowers, who will be able to get expert advice from trained lawyers on how to properly report corruption and wrongdoing, and how to protect themselves from retaliation (*see Annex K for grant deliverables*).

Year 3 also saw the introduction of a new concept of grant implementation and management. JRGA entered into long-term partnership relationships with select grantees. The partners were selected on the basis of their demonstrated commitment and capacity for improving sustainability and growth of the grantees. With each partner or a set of partners, the project signed a long-term framework agreement. These describe the overall objectives of the partnership, and the themes the partnership will focus on. The objectives fall in two categories:

- work on **substantive issues related to governance**, and contributing to the goals of the JRGA project and USAID;
- building the **internal capacity of the organizations** themselves.

The mechanism for the partnerships consists of the framework agreements, and individual task orders that define specific activities designed to achieve those objectives. The task orders will include details of activities, deliverables, and budgets.

After obtaining approval from USAID on the new grant concept and the proposed partnerships, the Framework Agreements were signed on June 1, 2014. This resulted in one partnership under JRGA Component 1 objectives:

**1. Eutopia** will implement the project titled ‘*Whistleblower Resource Center*’. The main goal of the project is to provide immediate assistance to whistleblowers through the continuing provision of in-person and remote (telephone, e-mail) legal consultation to whistleblowers, drafting of guidance documents for them with pragmatic advice including on media relations and building public awareness on whistleblowing. In parallel, JRGA and Eutopia will work together on improving Eutopia’s internal capacity for fund-raising and management, helping Eutopia grow into a sound, sustainable civil society organization with a clear strategic plan and strong alliances in Serbia, the region and globally.

As for funds awarded, under the 5<sup>th</sup> RfA Eutopia was awarded \$26.040,00 while a cap of \$60.000 was established for the partnership initiative under the Framework Agreement.

### 2.7.2. Comparative Information – governance related policies and regulations

*Anti-Corruption Strategy – implementation.* Serbia's Anti-Corruption Strategy for 2013-2018 was adopted by the National Assembly on July 1, 2013, and the accompanying Action Plan was adopted on August 25, 2013. All Action Plan deadlines start running from the date of Official Gazette publication on September 6, 2013.

At the start of Year 3, the Project created a database of Action Plan activities to allow sorting by due date, responsible body, etc. JRGA also began discussion with the MOJ, responsible in part for coordinating implementation of the Action Plan, on providing support for a simple implementation guide for responsible bodies, including general information about the strategy and action plan, activities specific to each body, and a selection of forms and templates to ease implementation and encourage consistency. JRGA provided a model of such a document with initial instructions, frequently asked questions, forms and templates, and background information.

According to the ACA, there has been substantial confusion about reporting responsibilities and mechanisms, and one objective of the Guide was to clarify these requirements. Unfortunately, the Guide was slow to progress. The MOJ developed a draft Guide during the third quarter, which incorporated much of JRGA's input, though not all. The Project has encouraged MOJ to consult with the ACA on the contents of the Guide, and is waiting for final content from MOJ before going further.

*Open Government Partnership - implementation / development of action plan:* In the second quarter of Year 3, the Project continued its discussions with the then MOJPA<sup>3</sup> on Open Government Partnership (OGP) issues, and toward the end of the quarter, the Ministry proposed a concrete plan for working towards development of an OGP Action Plan, including collaboration with civil society. In response, JRGA agreed to help the Ministry to develop the plan through technical expertise and logistical support, including for the travel of two Ministry staff to the OGP Annual Conference in London in October 2013, in order to familiarize them with the OGP process and connect with other member countries. The State Secretary for Public Administration in the MOJPA, Gordana Stamenic spoke at the OGP Annual Conference, during the European Regional Caucus session, sharing Serbia's experience in the process of preparing the action plan necessary to formally join the initiative. Particular emphasis was given to the inclusion of civil society actors in the action planning process.

After the conference, it was agreed that the Project would participate as an observer in the MOJ's Action Plan working group. It was expected that the Ministry would complete and adopt the Action Plan by spring 2014, for formal accession to the OGP at the March/April 2014 OGP meeting. The process was thrown off course by the spring 2014 elections, and the subsequent restructuring of the Government. At present, it is unclear what the status of Serbia's OGP efforts is, and how much civil society was able to participate in development of a draft OGP action plan. The Project intends no further action towards OGP until there is a concrete and visible commitment of the counterparts to developing and implementing a plan according to OGP principles.

### 2.7.3. Technical Assistance – institutional development

*Anti-Corruption Agency:*

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<sup>3</sup> The Ministry of Justice and Public Administration was split into two after the March 2014 elections – the Ministry of Justice and the Ministry of Public Administration and Local Self-Government.

*Strategy and Management:* With EU support, the ACA held a brief management retreat in fall 2012. However, the Agency changed Directors late in 2012, and Acting Director Tatjana Babic was appointed as permanent Director early in 2013. Several members of the ACA Board also changed, including the President of the Board. Given the changes, JRGA offered to hold a strategic planning retreat in the fall of 2013 to help focus the Agency's goals, and to encourage new staff to work from a shared vision.

During the first quarter of Year 3, the Project organized a two-day strategic planning retreat in September 2013, with the participation of Goran Klemencic, the Director of the Slovenian Corruption Prevention Commission. The Slovenian Commission is highly respected in the region, and Mr. Klemencic proved to be a lively and engaging presenter who highlighted the successes of the Slovenian commission despite its limited staff and other resources. ACA staff and Board members were notably impressed, and drew on one of Mr. Klemencic's lessons (selection of a very few priorities) to establish the skeleton of a strategic focus for the ACA, with particular attention to health, education, and the justice sector.

*Reporting and Outreach:* Upon the request of the Anti-Corruption Agency, during Year 3, JRGA provided support for the translation of its 2012 and 2013 Annual Reports into English, in order to make the documents available for the broader donor community as well. JRGA also provided translated the content of the Agency's website into English in order to improve outreach efforts and support the development of materials that serve multiple purposes.

*Counterpart Capacity:* One of the ACA's responsibilities is to provide training on anti-corruption topics – a task carried out by a four person Education Department. The audience for this training was broadly defined to include public officials, civil servants, CSOs, and other interested parties. Topics of training have tended to be equally broad. Under the Anti-Corruption Strategy Action Plan adopted in the fall of 2013, the ACA's training responsibilities have grown even further, potentially encompassing as many as 750,000 civil servants. With this daunting task ahead, the ACA and JRGA discussed ways to address the task with limited resources.

During the third quarter of Year 3, the Project provided the ACA with the expertise of an anti-corruption training STTA expert, Stuart Gilman. Mr. Gilman has an abundance of experience on anti-corruption issues on a number of fronts. Among those was directing national training under the US Office of Government Ethics, responsible for training federal civil servants. Mr. Gilman spent three weeks working with the ACA's Education Department on a daily basis, beginning by helping them to think through their tasks, their resources, and what they can realistically achieve. The Education staff addressed the issues with commitment and dedication, eventually developing a mission statement for the Department, key principles and foci, and the framework of a realistic training plan.

One key result of Mr. Gilman's advice was a substantial narrowing of focus. Along with that focus, a restructuring of existing training into small, efficient modules will help the team to be more efficient. The Department also began the development of a distributed train-the-trainer approach, and planned some easy wins that can help to diffuse the pressure of its 750,000 person target. Mr. Gilman also met with other teams within the Agency to help the Education Department to find ways to collaborate, to better contribute to the Agency's overall objectives, and to better explain its own needs to other staff.

*State Audit Institution:*

*Strategy, Reporting and Counterpart Capacity.* In collaboration with USAID's Business Enabling Project, JRGA organized a study trip to the United States with a focus on budgetary issues in July 2013. Participants included MPs (including from the Finance Committee), SAI

staff, and executive branch staff. Meetings in the US included a workshop with former experts from the Government Accountability Office (GAO) as well as meetings with current staff on specific issues, and a meeting with the GAO Comptroller General. The visit also included meetings with the Congressional Budget Office, members of Congress, the Office of Management and Budget, budget-focused civil society organizations, and others. The trip was much lauded by Serbian participants, who returned with concrete ideas for replication in Serbia. JRGA followed up with a late fall visit by the American STTA who led the GAO-focused portion of the trip.

During his October/November 2013 visit, the expert, Joseph Christoff, previously a director of international affairs and trade at the US Government Accountability Office (GAO), worked with SAI on establishing comprehensive protocols for SAI's communication with the National Assembly (and its Committees) and with audit subjects, setting up internal indicators to measure SAI's effectiveness and efficiency, reviewing systems for monitoring audited subjects' progress in implementing the SAI's recommendations, and streamlining SAI's reporting procedures.

The STTA expert held a workshop on carrying out performance audits for the SAI's new performance audit team. At that moment, SAI was carrying out its first performance-related audit and the STTA outlined the basic principles and standards related to data collection, processing and output in performance audits. The STTA also held a working session with the Supreme Auditors on streamlining SAI's reporting procedures towards the Parliament and the public, preparing succinct and effective reports that are useful and communicative.

This STTA assignment was particularly well received by the SAI and gave rise to a request for further technical assistance in performance auditing. Assistance to the SAI on performance audit was responsive to the needs and desires of the SAI President, and is complementary to assistance provided by a long-term Dutch twinning project.

Later in February 2014, JRGA supported a three-week consultancy for Mr. Christoff and another STTA, Judy England-Joseph. The experts worked with the SAI staff on improving their reporting and outreach practices, as well as separately with the SAI's performance audit team on lessons learned from the first performance audit carried out earlier and on planning for future performance audits.

During the first week of their assignment, the experts held five one-day training sessions for approximately 125 SAI staff, including the institution's top management, on how to formulate and present coherent and easily understandable reports and frame out right messages for the SAI's direct audience – the National Assembly, other institutions, and the general public. The sessions were well received, with attendance exceeding the planned number of participants. The experts presented the GAO approach to report writing and effective messaging.

The experts also provided intensive five-day training for the SAI's performance audit team. The training covered the following topics related to carrying out performance audits in line with international best practice and GAO practice in particular:

- Identifying and selecting audit topics;
- Scoping, planning and designing a performance audit;
- Collecting and analyzing data;
- Assessing evidence for sufficiency and understanding the basic elements of an audit finding;
- Developing and writing a report message;
- Writing clearly, concisely and for the busy decision maker; and

- Assuring quality and accuracy of audit results and reporting.

The lecturers and trainees also discussed the issues and experiences of the SAI's team in the first performance audit carried out last year. The Supreme State Auditor for Performance Audits frequently mentioned the value of the course content to her team's work and immediately began to implement many of JRGA's suggestions. She also noted that she used material from the 5-day class to enhance and strengthen her presentations on future audit work before the SAI's Council.

During week three of the assignment, the experts held free-form consultation sessions with the members of the SAI's performance audit team and helped them plan two future performance audits. Using a design matrix approach, they guided the performance audit team in expanding each audit's researchable questions, the most important information needed to answer those questions, the proposed data collection techniques and analytical approaches, the potential data collection challenges they may encounter and the mitigations strategies, and the potential message based on the data obtained and the analyses conducted. The experts provided the SAI performance audit team with the tools to begin the planning process, as well as the strategies to ensure an effective project design.

In the fourth quarter of Year 3, another JRGA STTA expert, Bernice Steinhardt, arrived for a two-week assignment to work with the SAI senior staff on developing internal and external performance indicators to better guide the strategic direction and planning of the organization going forward. Through a series of meetings with SAI leadership and two one-day training sessions, the STTA transferred best practices of the U.S. Government Accountability Office (GAO) on developing strategic documents and setting performance measurement standards across the organizations, and directly worked with SAI leadership to develop internal and external performance indicators for the SAI. The STTA completed her assignment by proposing concrete recommendations to improve the SAI's internal and external performance indicators, which will be used by the SAI management team at their upcoming, mid-term review of the organization's five-year strategic plan (2013-2018) (*see* Annex P for STTA report and deliverables including training materials).

The JRGA-supported assistance was deemed very useful by SAI and agreements were made for follow-up assignments.

*Counterpart capacity – Ombudsperson's office.* In November 2013, JRGA organized four training sessions on the topic of human rights and good governance for the staff of the Ombudsperson's offices. This training was the first opportunity in six years to gather the staff of different offices of the Ombudsperson and enable direct dialogue and exchange of knowledge and experience. JRGA designed this training exercise as cross-training, using the expertise of the Ombudsperson's own staff (and a few external local experts) to train each other on basic concepts of governance and human rights. The training covered a total of 40 staff divided into two groups each of which underwent two two-day training sessions (October 31 – November 1 and November 7-8 for the first group, and November 14-15 and 21-22 for the second group).

The first training session involved theoretical presentations on the basic concepts of human rights as well as first-hand, real life experiences from representatives of vulnerable groups. For particular impact, JRGA decided to use the concept of living libraries, an innovative methodology of the Council of Europe designed for promoting dialogue, reducing prejudices and encouraging understanding.

This allowed individuals representing groups frequently confronted with prejudice and stereotypes, discrimination and social exclusion, to relate their stories in person. The post-

workshop evaluations confirmed this enabled much needed interaction, beyond theoretical expert presentations.

The second session focused on the principles of good governance and current practice of both the Ombudsperson's office and the Administrative Court in handling complaints or cases stemming from non-responsiveness of the public administration. The training participants recognized the need for more regular coordination meetings between the Ombudsperson's staff and the Administrative Court judges deciding in cases based upon the General Administrative Procedure Act in order to be able to dialogue and exchange first-hand experience which would in turn contribute to more efficient operations of both institutions.

## **ADMINISTRATION AND PROJECT MANAGEMENT**

During Year 3, 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](http://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.