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## SEPARATION OF POWERS PROGRAM

AID-I69-C-00-08-00102-00

FINAL REPORT

AUGUST 14, 2008 – DECEMBER 31, 2014

NOVEMBER 2014

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AUGUST 14, 2008 – DECEMBER 31, 2014

Prepared under the USAID's Separation of Powers Program in Serbia, Contract Number AID-I69-C-00-08-00102-00

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## INTRODUCTION AND PROJECT HISTORY

The Separation of Powers Program (SPP) in Serbia is funded by the United States Agency for International Development (USAID) through a contract with the East-West Management Institute, Inc. (EWMI). In general, SPP is designed to help Serbia move closer to European Union accession by strengthening the division of power and authority among Serbia's three branches of government. It is structured around three tasks:

1. **Judicial branch financial independence:** Developing the capacity of the Serbian judiciary to allocate, acquire, and manage its resources;
2. **Improved court administration:** Assisting the Serbian judiciary in making its administration of justice more efficient, transparent, and responsive to the needs of its users; and
3. **Legislative branch financial independence:** Building the financial capacity of Serbia's National Assembly (NA). The project was designed to provide support to the NA for only the first three years of implementation.

The original contract was signed in August 2008 and provided funding of \$9.49 million. There were nine modifications to the contract over the life of the project, most involving the obligation of funds or the designation of key personnel. Modification 8 extended the period of performance through December 2013, and Modification 9 provided an additional \$1.4 million and extended the project through December 31, 2014 (making it an over six year contract).

As required by Section F.5 of the Project Contract, this report covers the life of the project from August 14, 2008 through December 31, 2014.<sup>1</sup>

## ACHIEVEMENTS AND SUCCESS STORIES

Over the life of the project, SPP achieved many successes, despite encountering challenging political headwinds. Some of these key successes are summarized below, as are some of the challenges, in chronological order. Details are provided in the Report on Performance Objectives, but the most notable successes include:

- Improved efficiency and case processing times in partner courts;
- Automated collection and management of budget data in a newly established High Court Council (HCC) Budget Office leading to increased funding for the judiciary;
- National Plan for Backlog Reduction and a call for an 80% reduction in old cases nationwide within five years;
- Successful institutionalization of the position of Court Manager in the Serbian Judiciary;
- Introduction of Electronic Filing in Serbian courts.

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<sup>1</sup> Because the report is due 45 days before the end of the period of performance, a small amount of project activity will be unreported. In these cases, we describe planned activities.

During the first year of the project, SPP worked on establishing an organizational model for the budget office of the High Court Council (HCC), the Serbian agency charged with appointing and disciplining judges and managing the courts; began an advocacy campaign for the creation of the court manager position—a position that would be entirely new in Serbia; and started working with the National Assembly (NA) on budgeting and strategic planning.

The second year was marked by an extremely high level of political and functional disruption as the laws passed in December 2008 came into effect and the statutorily mandated “Judicial reform” was implemented. Additionally, national financial difficulties led to a shrinking of government; reduction of the number of judges and court staff, a hiring freeze and an inability to realize new programs. The court reform process also reduced the effectiveness of the HCC by immersing it in judicial elections, and exacerbated the situation in the courts with wholesale changes in leadership, size, and structure. Moreover, political support for the project within the NA was uneven, as the members were focused on the drafting, consideration and passage of a constant stream of new laws and procedures.

Despite these challenges, the second year of the project was marked by cooperation with the Ministry of Justice (MOJ), growth and structuring of constructive work with the HCC, expanded work with the courts, and steady progress with the NA. In particular, SPP signed a Memorandum of Understanding outlining work with HCC. The project also secured approval of the court manager position and helped to establish the Budget Office of the NA.

Work on Component 3, support to the NA, concluded as scheduled after three years. This was perhaps the most challenging part of the project, due mostly to uneven political support within the NA, but nevertheless, SPP was able to institutionalize the budget office and to create a website that provides a broad array of information about the workings and activity of the parliament, and which has been very well received by citizens, journalists and the donor community.

With regards to the judiciary, years 3 and 4 saw significant progress towards most of SPP’s performance objectives, as well as growth in relations and cooperation with courts, MOJ, and HCC. Progress was slowed, however, by the continuing of the judicial election process and a massive restructuring of the court network in 2010. Additionally, elections brought to power a new government intent on quickly changing many substantive, procedural, and judicial laws, as well as a constitutional challenge to the appointment of Nata Mesarovic as President of the Supreme Court and the failure to appoint permanent court presidents.

Nevertheless, SPP continued to develop capacity in the Financial Department of the HCC, and staff used software and other tools provided by the project to develop the 2013 budget request and to communicate the needs of the judiciary to the Ministry of Finance. SPP also helped the HCC to prepare and implement changes to operational procedures, to modify the budget software and to create reports and analysis to assist in budget preparation and advocacy. The project also helped HCC to prepare and adopt a Communications Strategy, and to prepare a promotional video documenting the recent achievements of the organization.

Under Task 2, SPP’s advocacy for the court manager position was rewarded by amendments to the Law on Court Organization requiring courts to engage court managers, passed in November 2013.

SPP also developed a National Plan for Backlog Reduction, which calls for an 80% reduction in old cases over the next five years. This proposal, which was based on successes achieved in SPP partner courts—a 50% reduction of civil case in Nis and a doubling of the clearance rate in Uzice for example<sup>2</sup>—was adopted by the Supreme Court and presented to the Strategic Implementation Commission of the National Judicial Reform Strategy in 2013.

In Year 6, SPP continued to work with the HCC on basic governance issues and to build capacity in the budget office to collect data from courts and to prepare needs-based budgets for the judiciary. This work was somewhat hindered by the uncertain status of the HCC, a reorganization of which was articulated in a draft law that was under consideration for most of the year. Highlights for Task 1 this year included the following:

- Developed and launched websites for the HCC and Supreme Court;
- Designed and implemented an Information Desk to receive visitors in the *Nemanjina 9* building, the home of five courts, including the Supreme Court;
- Designed and implemented software for centrally tracking basic personnel-related information about all judges in Serbia;
- Continued to develop capacity for the creation and management of budget operations in the judiciary.

SPP's Task 2, focus shifted to the development of national policies and programs inspired by past success in pilot courts. One of SPP's main successes over the life of the project—the institutionalization of the Court Manager position—was obstructed by the national hiring freeze on state employees. Highlights for Task 2 included the following:

- Creation of a Working Group to oversee the national backlog reduction effort and a call for local plans from all courts in Serbia;
- Implementation of a regulatory framework for electronic filing and the development of automated exchanges between lawyers and courts in five locations, with plans to expand to three additional sites;
- Development of a framework for the collection and dissemination of jurisprudence related to the harmonization of court practice, and support of five large events to facilitate the exchange of information among courts and judges.

In preparation for potential future direct support to be provided by USAID, SPP also completed capacity assessments of the HCC, the Judicial Academy, the NA, and the State Prosecutorial Council.

Detailed reports of Project activities are available in the Annual Reports. As called for in the Project Contract, the Final Report is structured as a high-level document assessing project achievements in comparison with a set of enumerated performance objectives.

## **SUMMARY OF PERFORMANCE OBJECTIVES**

A summary of contract performance objectives is set out below. Objectives 16-19 were added by Contract Modification 9 in December, 2013, and some other objectives were

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<sup>2</sup> See Objective "10 for more detail and other examples.

modified. Because of their overlap, this report addresses each objective under the Task to which it pertains and under which SPP has reported activity over the life of the project. The objectives are then grouped within that section as appropriate.

No.	PERFORMANCE OBJECTIVE	Task
1	After two years, a career track for court managers/administrators is in place, and the authorities have approved a plan for placement of court administrators throughout the court system.	2
2	After two years, the Assembly has done more thorough analysis of some pending legislation, and/or the Assembly's operations have become more transparent.	3
3	After three years, the Assembly Budget Office can support and implement all aspects of the parliamentary budget and finance process.	3
4	After three years, the Assembly produces five-year strategic and financial plans.	3
5	After three years, trained professional court administrators/managers are working in key positions.	2
6	After four years, additional trained court administrators/managers are working within the system.	2
7	After four years, the judiciary has adopted a five- year development plans.	1
8	After four years, the budget and finance office and judicial leaders prepare an integrated budget for all courts.	1
9	After four years, a significantly lower percentage of users of select courts report offering and paying bribes to the judiciary and court personnel.	2
10	After four years, the average number of cases pending for more than two years has been reduced, and the average number of cases pending for more than four years in select courts has been reduced.	2
11	After four years, and even more after five years, there is greater openness of court proceedings and information about court operations, increased support for judicial independence and reform, and reduced perception of corruption in the courts.	2
12	After five years, budget and finance staff and judicial leaders deal directly with the Ministry of Finance in budget preparations/negotiations.	1
13	After five years, all the positions identified in the plan for placement of court administrators have been filled.	2
14 <sup>3</sup>	After five years, substantial progress is noted for Factor 10 (Budgetary of the Judicial Reform Index).	1
14	After five years, substantial progress is noted for Factor 18 (Random assignment of Cases of the Judicial Reform Index).	2
14	After five years, substantial progress is noted for Factor 28 (improved case filing and tracking capacity) of the Judicial Reform Index.	2
15	After five years, the average case processing time in selected courts has been reduced.	2
16	After six years of implementation, HCC developed and utilized HR Software.	1
17	After six years of implementation, HCC identified, developed and adopted court standards.	1
18	After six years of implementation, the National Backlog Reduction Strategy is adopted and implemented.	2
19	After six years of implementation, local counterparts developed institutional capacity building plans. <sup>4</sup>	

<sup>3</sup> Because it contains 3 independent measures and was historically covered by reports under Tasks 1 and 2, the objective has been divided into three parts, corresponding to the individual factors on the Judicial Reform Index referenced in the Project Contract.

<sup>4</sup> Because it applies to 4 agencies, this objective is treated independently and appears at the end of the section.

## REPORT ON PERFORMANCE OBJECTIVES

USAID's evaluation of SPP in 2013 concluded that "SPP met virtually all of its performance objectives."<sup>5</sup> The Contractor Performance Assessment Report concluded that the project "performed above and beyond the SOW."<sup>6</sup>

### Task I

**Judicial branch financial independence:** Developing the capacity of the Serbian judiciary to allocate, acquire, and manage its resources;

Reports for the Performance Objectives related to Task I are set out below. Because they contain a considerable amount of overlapping detail, the reports for objectives 8 and 12 have been consolidated. In its overall assessment of the project in 2013, USAID concluded that "EWMI's assistance to increase judicial independence also exceeded its SOW and expectations."<sup>7</sup>

### 7. After four years, the judiciary has adopted a five-year development plan.<sup>8</sup>

#### Result

The HCC adopted a three year plan in 2011, and many of its members, including the President of the Supreme Court, were actively involved in creating a five year plan, the National Judicial Reform Strategy for 2013-2018.

Although the MOJ was involved in strategic planning for the judiciary in 2009, the HCC—focused on issues related to the re-election of judges—was not ready to engage in long-term planning. In Year 2, SPP made presentations to the HCC president and then the full Council on the organizational value of strategic planning. SPP conducted three planning retreats for HCC members, and the HCC officially adopted a three year plan in March, 2011. SPP developed a road map for updating the plan in March 2012 and SPP facilitated a three day retreat to review and revise the plan in December 2012. This activity was ultimately subsumed into the creation of the National Judicial Reform Strategy (NJRS), a five year document covering 2013-2018.

Progress in this area was hindered in part due to an initial lack of interest in the topic from HCC leadership, but also due to the involvement of many HCC members—including the President of the Supreme Court (and HCC President *ex officio*) in the adoption of the National Judicial Reform Strategy for 2013-2018. For example, the National Plan for Backlog Reduction (see Performance Objective 18) is a component of the NJRS, rather than part of the "development plan" for the judiciary envisioned by this objective. Moreover, as detailed in the Evaluation (see Annex 3), the frenzy of activity made it challenging, if not impossible, to look too far into the future:

<sup>5</sup> USAID/Serbia Separation of Powers Program Evaluation Final Report, May 2013, p. 7

<sup>6</sup> USAID, Contractor Performance Assessment Report (CPAR), 2013, p.2

<sup>7</sup> 2013 CPAR, p.3

<sup>8</sup> The objective of a ten-year plan was dropped by Modification 9 of the project contract in 2013.

At the same time, certain goals may have been unrealistic. While the HCC was properly encouraged to begin developing a future vision for the judicial branch, it was probably unnecessary to propose the establishment of a strategic plan more than a few years into the future, let alone a decade down the road.<sup>9</sup>

## **8. After four years, the budget and finance office and judicial leaders prepare an integrated budget for all courts.**

### **Result**

The HCC has prepared an integrated budget for the last 3 years, and is scheduled to assume complete budgetary responsibility for the judiciary in 2016.

## **12. After five years, budget and finance staff and judicial leaders deal directly with the Ministry of Finance in budget preparations/negotiations.**

### **Result**

Budget and finance staff and judicial leaders have dealt directly with the Ministry of Finance over the last two years, although some budget items remain the responsibility of the Ministry of Justice. SPP has trained the HCC on Budget Advocacy and given the judiciary tools to collect and analyze data.

The first two years of the project were dedicated to establishing the HCC Budget office, creating an operational framework and building the capacity of staff to prepare and execute the budget for the judiciary. Control over the budget and finances of the courts formally passed from the MOJ to the HCC on January 1, 2012. By the end of Year 4, HCC was fully staffed and had the capability to manage budget and financial operations.

In addition to systemic analysis of the budget process in 2009, SPP assisted in drafting the 2010 and 2011 budget for the HCC. SPP also created an IT assessment report and developed a training plan for employees scheduled to be transferred to the HCC from the Ministry of Justice. The Ministry of Justice prepared the budget for the judiciary.

In March 2010, the HCC appointed a new Secretary General, and, despite initial uncertainties, SPP helped the HCC develop a plan for a budget office, to be known as the “Material Financial Affairs Sector” (MFAS). Mainly due to the financial situation in the public sector, the HCC had not yet approved this plan at the end of Year 2.

In Year 3, SPP developed a Policy and Procedures Manual for the MFAS, as well as a “Future Budget Model for a Financially Independent Judiciary” to help with planning and operations. SPP also procured budgeting, accounting and human resources software for the HCC and trained court staff on how to provide the data for an integrated budget. Despite these advances, the budget office was still essentially unstaffed at the end of Year 3.

<sup>9</sup> See USAID/Serbia Separation of Powers Program Evaluation Final Report, May 2013, p. 8. The original Performance Objective included a 10 year development plan, which was removed in amendment 9. In any event, ten years is generally considered an overly long period for organizational planning, especially when the situation is dynamic, as it was with the judiciary in Serbia over the life of the project. See, for example [http://siteresources.worldbank.org/INTAFRREGTOPTEIA/Resources/mosaica\\_10\\_steps.pdf](http://siteresources.worldbank.org/INTAFRREGTOPTEIA/Resources/mosaica_10_steps.pdf); <http://www.cssp.com/CD0811a/StrategicPlanningHorizonHowFarOutDoYouPlan/>

Control over the budget and finances of the courts formally passed from MOJ to HCC on January 1, 2012, and by April, 10 of the 12 positions planned for the MFAS had been filled by experienced employees from the MOJ and the courts. MOJ retained responsibilities for capital expenditures, IT and administrative staff.

Working with the new office, SPP championed a new budget process for the judiciary. MFAS issued advance instructions to the courts, which submitted their budget requests to the new office using the software funded by SPP. MFAS then aggregated these requests and created an integrated 2013 budget for the judiciary.

This process was repeated the following year and SPP also funded enhancements to the budgeting software and provided additional training for MFAS staff. The tools allowed HCC to successfully negotiate with the Ministry of Finance for an additional 1 billion dinars (\$8.5 million). SPP assisted with data collection and prepared a number of detailed reports during the negotiations.

At the end of the project an operational model was in place and functioning for the judiciary to prepare integrated budgets for a significant part of court operations. The 2013 Law on Court Organization calls for shifting all responsibility to the HCC by 2016, and, although this may require additional staff, the organizational capacity has been solidly established.

The HCC also improved the budgeting process for the judiciary by collecting preliminary budgets from the courts and adjusting them after the Ministry of Finance provides instructions. This allowed for better planning and a more integrated budget.

In February 2013, the MOF asked government agencies for the first time to identify funding priorities. SPP worked with the MFAS to develop recommendations for the judiciary, and these were submitted directly to the Ministry of Finance.

Recognizing the need to use the new information, SPP engaged an expert to develop a budget advocacy training program. The program was finalized in 2013 and delivered to HCC Advisory Committee members and Budget Office staff. SPP also delivered the program to judge members of the HCC in February 2014 and prepared a set of recommendations, which were sent to the HCC President.

#### **14. After five years, substantial progress is noted for Factor 10 (Budgetary Input) of the Judicial Reform Index.**

##### Result

Achieved. Although the Judicial Reform Index was never updated, a USAID-sponsored program evaluation recommended that all three indicators be updated to “positive.”

The Judicial Reform Index (JRI) is a measurement tool implemented by ABA CEELI / ROLI. Factor 10 is: “The judiciary has a meaningful opportunity to influence the amount of money allocated to it by the legislative and/or executive branches, and, once funds are allocated to the judiciary, the judiciary has control over its own budget and how such funds are expended.” Information relevant to this objective is also contained in Performance Objectives 8 and 12.

The HCC was created in 2008 and assigned responsibility for the judicial budget. The President of the Supreme Court also serves as the President of the HCC *ex officio*, and six judges are elected members, out of a total of 11. SPP assisted in setting up the office in 2009, and worked with the donor community on issues related to the transfer of power from MOJ.

Control over part of the judiciary budget formally passed from the MOJ to the HCC on January 1, 2012, and by April, 10 of 12 positions were filled in the Budget Office, now called the Material and Financial Affairs Sector (MFAS). The MOJ retained budget authority over capital expenditures, IT and administrative staff, although the National Judicial Reform Strategy and the Law on Court Organization—both adopted in 2013—call for a complete transfer by 2016.

USAID commissioned a program evaluation of SPP in 2013 (attached as Annex 3). The Evaluation team recommended that the JRI rating for Serbia be increased from “negative” to “positive.” The report stated that “After five years of SPP/USAID support, the judicial budgeting environment has changed dramatically.”<sup>10</sup>

## **16. After six years of implementation, HCC developed and utilized HR Software.**

### **Result**

SPP developed HR software and installed it at HCC in October 2014. The project trained HCC and court staff, and data collection is scheduled to begin in November.

In July 2013, SPP donated a server from surplus inventory to host a human resources application at HCC. The project also began negotiations with the developer of BPMIS and the HR software for the National Assembly throughout 2014, but the developer was not willing to agree to an acceptable price. This recalcitrance, along with the proprietary nature of the solution, led SPP to seek alternatives in April. While this delayed implementation, it was the correct decision for the project and the judiciary.

SPP issued an RFP in May, and, after an evaluation of the four bids received, selected SBIN, a Belgrade firm, for development and implementation. Using an “Agile” development methodology, SBIN presented a first version of the software to HCC in July, and the final product was installed at the HCC for testing in September. The software fulfills the requirement of HCC to maintain personnel files for judges, and it also allows for search on a number of fields, including specialties, languages and training programs. SPP trained court staff on use of the system in November and data will be collected from the courts before the end of the year.

## **17. After six years of implementation, HCC identified, developed and adopted court standards.**

### **Result**

Preliminary data provided on numerous aspects of court resources. Supreme Court asked all courts for a 20% annual reduction in old cases.

<sup>10</sup> USAID Separation of Powers program Evaluation Final Report, May 2013, p.32

This objective was added to the contract in the December 2013 contract extension. SPP provided data to HCC from the court profile database developed by the project. The figures compared resources across courts in a variety of areas. SPP hoped to use the data to establish standards for various metrics (e.g. filings/judge, ratio of judicial assistants/judges, hearing rooms/judge, staff/judge ratios, disposition rates, etc.).

Although there were some questions about data integrity, the reports suggested a significant operating deficit in the courts, as well as a surplus of staff and judges in outlying courts. The data also suggested that there was an opportunity to establish national standards for disposition rates for judges and a recommended ratio of filings to judges.

The transition to a new network in 2014 and the uncertain legal status of HCC as a draft law reorganizing its structure was pending contributed to a lack of additional progress on this objective. Nevertheless, SPP has given the HCC the data and tools for the creation of a comprehensive set of court standards.

Additionally, as part of the National Judicial Reform Strategy, the Supreme Court called for courts to reduce the number of cases pending for more than two years by 20% annually over the period 2013-2018.

## **Task 2**

**Improved court administration:** Assisting the Serbian judiciary in making its administration of justice more efficient, transparent, and responsive to the needs of its users;

Reports for the Performance Objectives related to Task 2 are set out below. Because they contain a considerable amount of overlapping detail, the reports for objectives 5, 6 and 13 have been consolidated.

**1. After two years, a career track for court managers/administrators is in place, and the authorities have approved a plan for placement of court administrators throughout the court system.**

### Result

SPP developed an outline for the position, and it was approved by the MOJ in 2011.

**5. After three years, trained professional court administrators/managers are working in key positions.**

### Result

Seven courts hired court managers in 2011.

**6. After four years, additional trained court administrators/managers are working within the system.**

#### Result

The government ban on new public employees prevented additional courts from complying with the requirements and authorizations of the new law.

### **I3. After five years, all the positions identified in the plan for placement of court administrators have been filled.**

#### Result

The government ban on new public employees prevented additional courts from complying with the requirements and authorizations of the new law.

SPP began gathering information about court administration practices in 2008, and had discussions with MOJ and judicial leadership on the viability of a court administrator position. This work included three court visits and a questionnaire for court presidents, as well as a workshop in December 2008 for thirty stakeholders. After this, SPP invited some of the participants to join a working group focusing on the topic.

The working group met 4 times in the first four months of 2009, and discussions led to SPP's creation of a "skeleton" document on the introduction of the court administrator position in Serbia, now denominated as "court manager." The position was fully described in the "Position of Court Manager" paper, which the Working Group finalized in July 2009.

After a strategic retreat in May 2009, the Minister of Justice appointed SPP staff and Working Group members to work on necessary amendments to the Book of Court Rules, the 2009 edition of which was revised to include the position. SPP also developed a model recruitment plan and a training curriculum for court managers and initiated discussions with the Judicial Academy on its implementation. SPP also drafted a "Long-Range plan for Implementation of the Court Manager Position in Courts."

Implementation of the position was slowed in 2010 by bureaucratic impediments and the decision of the HCC that court managers should be appointed by permanent rather than acting court presidents.

In July 2011, the MOJ approved court manager positions in twelve courts, although the status of the position (salary/seniority) was not consistent.. Nevertheless, the Belgrade Higher Court hired the first court manager in Serbia in July 2011, and, within a year, seven courts had hired court managers and an additional six were making plans to do the same. Novi Sad Appellate Court hired a court manager in 2012. SPP trained all court managers, and the project also initiated several collaborative meeting in 2011 and 2012, and sent some of the new employees to visit federal and state courts in Florida in May 2012.

SPP also developed a court management program for court managers and presidents. The Project delivered a train-the-trainers program, and trained judges delivered the course to existing court managers in Year 3. The course was subsequently incorporated into the training curriculum of the Judicial Academy.

SPP also lobbied in 2012 to codify the position in an amendment to the Law on Court Organization, and the project submitted a long term staffing plan to the MOJ in an attempt to standardize the position. In June 2012, the Ministry of Finance adopted a staffing plan that

included some of the Project's recommendations, and the MOJ agreed to classify the position as the highest non-judicial position in the courts.

A draft law on Court Organization in September 2012 required that all republic level courts (the Supreme, Administrative, Commercial Appellate and Misdemeanor Appellate Courts) and those with more than 30 judges were required to have court managers. The law was passed in November 2013, but a state-imposed ban on hiring public employees prevented courts from fulfilling their obligations.

## **9. After four years, a significantly lower percentage of users of select courts report offering and paying bribes to the judiciary and court personnel.**

### Result

SPP pursued this objective through initiative related to increased transparency and efficiency. A substantial public opinion survey conducted in 2013 shows modest improvements.

SPP addressed this challenging objective through initiatives related to greater transparency and improved efficiency (See Objectives 11 and 15). SPP developed questions for planned USAID surveys in 2008 and 2009, but they were not included, so no baseline data was collected.

Limited baseline data was collected in 2010, and in 2013, SPP completed a public opinion survey focusing on five key areas: fairness; support for reform; access to information; perceived correction and; bribery. The data, which was presented in June 2013, shows slight improvement, as well as a high level of awareness of ongoing reform in the judiciary. The number of respondents who reported paying bribes in the courts dropped from 8% in 2010 to 5% in 2013.<sup>11</sup>

The Program Evaluation also commented on this objective:

Goals related to reducing bribery and corruption in the courts were inappropriate, inasmuch as SPP was not an anti-corruption project and its activities were not focused on either reduction of bribery or reduced public perception of corruption.<sup>12</sup>

## **10. After four years, the average number of cases pending for more than two years has been reduced, and the average number of cases pending for more than four years in select courts has been reduced.**

### Result

Partner courts reduced their backlogs by 50% from 2010

Using court visits and data from an earlier project, SPP began this effort by attempting to assess the scope of the problem. In January 2009, using caseload data from the Annual Report of the Supreme Court, SPP selected 15 courts, and sent follow-on questionnaires to

<sup>11</sup> IPSOS, Omnibus Survey, 2010, 2013.

<sup>12</sup> USAID Separation of Powers program Evaluation Final Report, May 2013, p.14

each. Based on the responses, SPP, USAID and the HCC agreed on seven courts to work with, and SPP made field visits to each location. After these visits and further data review, SPP decided not to work with one court (due to a change in leadership) and another decided not to participate. This left five partners for collaboration:

- 2<sup>nd</sup> Municipal Court, Belgrade;
- Nis Municipal Court;
- Vranje Municipal Court;
- Novi Pazar Distric Court;
- Subotica Municipal Court

SPP conducted an initial workshop on backlog reduction in May 2009 and courts submitted individual backlog reduction plans. At the request of the Assistant Minister of Justice, SPP submitted a report on the topic.

In Year 2, due to conversion to a new court network and changes in leadership and staff, some partner courts did not successfully reduce the backlog of old cases. All partner courts had shown progress in 2009. SPP developed tables and reporting templates to assist in tracking progress. SPP also obtained assurance from new court presidents in Nis, Novi Pazar, Subotica and Vranje that they wanted to continue collaboration. The 2<sup>nd</sup> Municipal Court in Belgrade was eliminated as part of the reorganization, and SPP ceased working with that court at the end of 2009.

Based on additional site visits and reports, SPP learned that courts were generally aware of the age of their pending caseload and that many court presidents lacked necessary case management skills. To expand the reach of the project, SPP set up a competitive process to expand the number of partner courts. After reviewing responses to a project questionnaire, SPP visited eleven courts, and selected 5 additional partners for backlog reduction and 5 more for backlog prevention. The courts were selected to ensure a variety of size, jurisdiction and location:

<b>Backlog Reduction Courts</b>	<b>Backlog Prevention Courts</b>
Nis Basic Court	Cacak Basic Court;
Subotica Basic Court	Sremska Mitrovica Basic Court;
Vranje Basic Court	Uzice Basic Court;
Belgrade Higher Court	Vrsac Basic Court;
Novi Pazar Higher Court	Subotica Higher Court

SPP conducted a workshop for these courts (as well as HCC, Judicial Academy and Ministry of Justice representatives) in May 2010 and the courts submitted action plans using the templates developed by SPP. SPP visited each court in July and four courts conducted case delay reduction workshops, using templates developed by SPP. SPP also assisted the Department of Justice in a 2 day training program on plea bargaining.

In Year 3, SPP partner courts began to show significant positive results:

- Uzice doubled its processing rate for criminal cases to 140%;
- Nis reduced its backlog of civil cases by 50% from September 2010;

- Subotica reduced its backlog of labor cases by 40%;
- Vrsac reduced its overall backlog by 26% and improved overall case processing rates from 85% to 98%.

Some courts were not as successful, and SPP held a series of workshops to discuss the reasons. SPP also held a roundtable for all partners in June 2011 and continued to build national support for the effort in the High Court Council and the Ministry of Justice. However, data collection continued to be a challenge: neither the HCC nor the MOJ released reports for 2009 after numerous court presidents refused to sign off on the data inherited from their predecessors, and both organizations produced reports with inconsistent case data. SPP relied on data from the courts themselves, which was also inconsistent with the other numbers.

SPP continued to refine a national backlog reduction strategy, and the project also worked to institutionalize best practices in the new civil and criminal procedure codes, as well as the Book of Court Rules. Although generally supportive of the concept, neither the HCC nor the Ministry of Justice was willing to take the lead on a national strategy.

The positive results continued in Year 4:

- The backlog reduction courts reduced their combined backlogs by 50% from 2010 (more than 10,000 cases);
- The clearance rate in the backlog prevention courts averaged 113%, significantly exceeding the initial target.

Five of SPP's six backlog courts achieved net backlog reductions from 2010 to 2012, including the Basic Court in Vrsac (from over 400 to less than 200 old cases), Basic Court in Subotica (from over 1,700 to less than 400), Basic Court in Vranje (from over 15,000 to less than 4,000), Basic Court in Nis (from nearly 2,500 to less than 2,400), and the Higher Court in Novi Pazar (from over 150 to 51). Only the Higher Court in Belgrade, with its large overall caseload and limited resources, experienced an increase in backlog since measurement began in 2010, from approximately 2,500 backlogged cases to nearly 4,000.

Despite its overall increase, Belgrade also experienced success. After watching its backlog swell to over 6,300 cases as of September 30, 2011, it utilized SPP's backlog reduction template and, at SPP's recommendation, created multiple backlog reduction teams to trim its backlog to less than 4,000 cases at the end of Year 4.

The courts achieved these impressive results through their dedication to justice and the application of various backlog reduction and prevention techniques provided by SPP and summarized in SPP's *Best Practices Guide: Backlog Prevention & Reduction Measures for Courts in Serbia*. Some of the more successful techniques applied are described below.

#### **Successful Backlog Reduction Techniques:**

- Establishing Backlog Reduction Teams
- Monitoring and Labelling Backlog Cases
- Improving Delivery and Service of Documents
- Improving the Work of Court Registry Offices

- Scheduling Court Hearings Efficiently
- Utilizing E-justice Measures
- Improving Cooperation with External Partners

At the end of year 4, the Backlog Prevention courts were enjoying their own success:

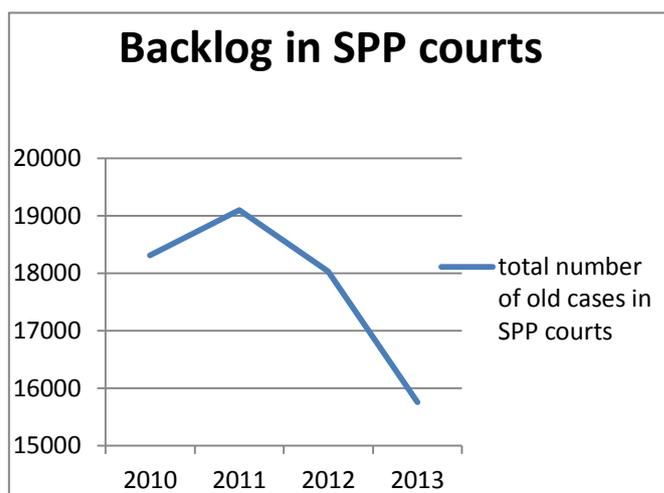
Backlog Prevention Court	Clearance rate
Cacak Basic Court;	133%
Sremska Mitrovica Basic Court;	104%
Uzice Basic Court;	115%
Vrsac Basic Court;	122%
Subotica Higher Court*	91%

\* Although Subotica was the only court below target, the court nearly eliminated its entire backlog. At the end of the year there were only 26 pending old cases.

SPP also worked with the court manager in the Belgrade first basic Court and Belgrade utility provider Infostan to remove 600,000 cases from the system.

SPP organized three peer-to-peer exchanges in Year 4 to share these results, and delivered copies of the Best Practices Guide—which was officially launched at a well attended press conference in July 2012—to all courts. The results were also presented at the annual Judges Conference, including a video, *Faster Access to Justice*, which was also aired on Serbian State television.

Courts showed further progress in 2012, and SPP met with each partner in December to discuss these results. The Supreme Court’s Annual Report, showed continued progress in the five partner courts:



The Project also conducted an initiative—“Spring Cleaning”—with the Nis Basic court in May, aimed at systematically examining the 50 cases pending in the court for more than 10 years. After a month, the court president announced at a press conference, that the court had successfully closed 20% of these cases, and shortly thereafter, the Supreme Court sent notice to all courts, asking them to try to close all cases older than five years by November 2014.

**11. After four years, and even more after five years, there is greater openness of court proceedings and information about court operations, increased support for judicial independence and reform, and reduced perception of corruption in the courts.**

There is significantly more openness of court proceedings and information about court operations as a result of project activities. SPP conducted numerous outreach events with courts. The project also helped courts develop Public Trust and Confidence Plans, developed websites for the HCC and the Supreme Court and installed an information desk in a building in central Belgrade serving four courts.

In 2009, SPP worked with other international organizations in attempts to develop a methodology for addressing this issue.

In Year 2, SPP worked to increase the profile of the HCC. The project signed a Memorandum of Understanding with the organization, and arranged for media coverage of the event. SPP also discussed increased transparency in conjunction with the development of a strategic plan for HCC.

SPP also conducted three regional focus group sessions with judges, lawyers and media representatives to elicit opinions about perceived corruption and transparency. The discussions suggested that the judiciary had significant credibility issues regarding corruption and fairness.

SPP also conducted media events with partner courts to raise awareness of backlog reduction efforts. These conferences received significant local media coverage. SPP also developed a short video on the subject, which it premiered at the annual judges conference in October 2011 and posted on its YouTube channel. Serbian State television also broadcast a report on the topic.

HCC made interviews with candidates for court president positions available to the public in November 2010, via equipment rented by SPP, and HCC hired a public relations officer in Year 3. SPP also continued to advocate for the development of a communications strategy. HCC formed a steering committee for this purpose in April 2012, and SPP facilitated a series of drafting sessions to speed formulation of the plan. SPP engaged an expert to help finalize the draft in February 2013, and the HCC adopted the document in May 2013. SPP organized a media training session for Chief Justice Milojevic and organized a workshop for Public relations Officers from 30 courts in January 2014.

As part of its outreach planning, SPP also funded the development of websites for the HCC and the Supreme Court. These sites, which provide significant information about the operations and responsibilities of each body, were officially launched in June and September 2014.

SPP also worked with the Supreme Court to develop and implement an information desk at the entrance to the court building, which the Supreme Court shares with three other courts. The design was completed in July 2014 and construction, including network connections and approved signage, was completed in August. US Ambassador Kirby and President Milojevic opened the Infodesk at a ceremony in September, and SPP provided customer service training to the 20 employees designated by the courts to staff the facility.

In conjunction with its Public Trust and Confidence plan (see #9) Novi Sad Basic Court conducted a workshop for 11 journalists. The court's PR team provided a simple overview of civil proceedings and presented an overview of the court's online services.

#### **14. After five years, substantial progress is noted for Factor 18 (Random assignment of Cases) of the Judicial Reform Index.**

##### **Result**

Achieved. Although the Judicial Reform Index was never updated, a USAID-sponsored program evaluation recommended that the indicator be updated to “positive.”

SPP established a Case Management Working Group in 2009, and the Group created a subgroup dedicated to case assignment. The Group provided recommendations for changes to the Book of Court Rules requiring an equal caseload for judges in September 2009. SPP also learned, through court visits, that the assignment module of the case management software was not working properly and cases were still being assigned manually in some courts.

The Program Evaluation Team in 2013 reported that problems with the automated systems had been fixed and court procedures had been changed to establish limited circumstances in which a court president can intervene in the assignment process. The Evaluation Team recommended that the JRI rating for Serbia be increased from “neutral” to “positive.”<sup>13</sup>

SPP also set up another Working Group to look at using “case weighting” in order to distribute workload more evenly. The Group met twice in Year 2, and several times in Year 3. In September 2011, the HCC approved a timekeeping exercise and selected approximately 400 judges from 37 courts to participate. The exercise was completed in February 2012 after 4 months. SPP entered the information from the daily logs into a database, and an expert analyzed the information and began work on developing a preliminary formula. A draft was presented to the working in September 2012 and to the HCC in December. The concept of case weighting was also mentioned in HCC’s Strategic Plan. SPP prepared an implementation plan in June, and all the material was presented to the new Supreme Court President in July 2013, and, after the European Union commented favorably on the concept, to Assistant Minister Backovic at the Ministry of Justice in May 2014.

#### **14. After five years, substantial progress is noted for Factor 28 (improved case filing and tracking capacity) of the Judicial Reform Index.**

##### **Result**

Achieved. Although the Judicial Reform Index was never updated, a USAID-sponsored program evaluation recommended that the indicator be updated to “positive.”

The Case Management Working Group also discussed this issue, waiting for the Ministry of Justice to finish installing new case management software in Basic and Higher courts. The Evaluation team recommended that the JRI rating for Serbia be increased from “neutral” to “positive.” The report stated assessed that the new case management systems had addressed this issue.<sup>14</sup>

<sup>13</sup> USAID Separation of Powers program Evaluation Final Report, May 2013, p.11.

<sup>14</sup> USAID Separation of Powers program Evaluation Final Report, May 2013, p.11, p.41.

This evaluation was completed before SPP developed a regulatory framework for electronic filing and implemented the official and secure exchange of documents between courts and attorneys via e-mail in 5 courts—2 Basic (Subotica, Uzice); 2 Higher (Kragujevac, Subotica); and 1 Commercial (Zajecar). Using electronic signature cards issued by the Post Office and dedicated court e-mail addresses, SPP completed a simple but effective first step in improving court exchanges. As the Project neared closing, courts around the country were beginning to express interest in following the examples mentioned earlier. SPP presented the project at the Judges Conference in October 2014, and also provided consulting advice to the Belgrade Higher Court, which was interested in independently pursuing a similar pilot initiative.

### 15. After five years, the average case processing time in selected courts has been reduced.

#### Result

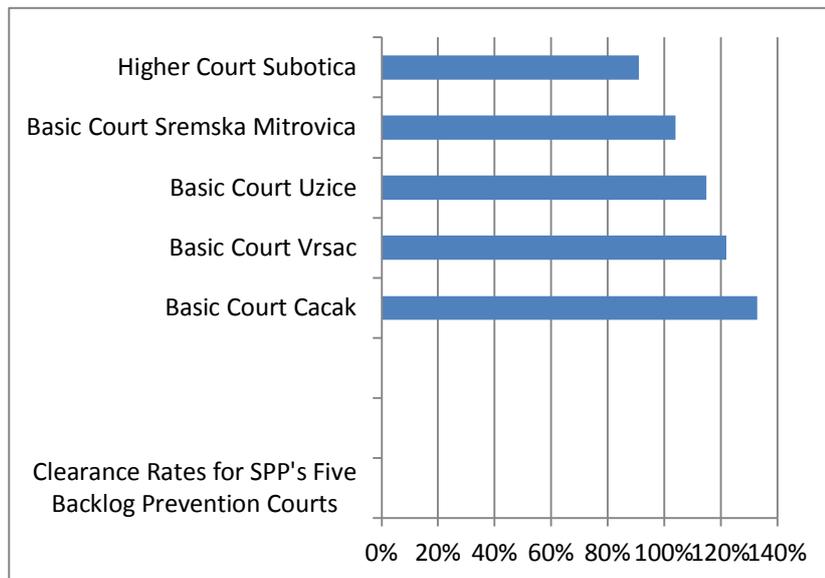
Significant improvements to clearance rates in partner courts

After the court reorganization, SPP selected 10 partner courts—5 to focus on backlog reduction and 5 on backlog prevention (See #10). SPP conducted training workshops for all courts in 2010. Case management working group members participated in a new draft of the Book of Court Rules, and many of their recommendations (such as improvements to case numbering, service of process and judge assignment) were incorporated into an updated version.

In Year 3, SPP developed case management training for judges and delivered a “train-the-trainers” program to judges selected by the Judicial Academy.

In Year 4, the average clearance rate in the backlog prevention

courts exceeded 113%, well above the target. BPG. These results continued in year 5 (see Annex 2). During the project extension, focused shifted to the national level (#18), although SPP also worked with several partner courts on electronic filing initiatives, which are expected to produce gains in court processing efficiency (see #14). In evaluating the effort, USAID concluded that “In increasing judicial efficiency, EWMI exceeded the targets mutually agreed on with USAID/Serbia.”<sup>15</sup>



<sup>15</sup> 2013 CPAR, p.3

## **18. After six years of implementation, the National Backlog Reduction Strategy is adopted and implemented.**

### Result

The Supreme Court adopted the National Backlog Reduction Plan in December, and Chief Justice Milojevic presented it to the Strategy Implementation Commission for the NJRS in December, and then to all court presidents in January 2014. He also established a Working Group to oversee the effort and called for courts to submit individual plans to reduce the number of old cases

As the Ministry of Justice continued to work on the National Judicial Reform Strategy (NJRS) for 2013-18, SPP, which was a member of the working group on the “efficiency pillar”, enlisted a consultant to develop a National Backlog Reduction Plan. The Plan, which was presented to key representatives of the HCC, the MOJ and the courts, calls for an 80% reduction of old cases over five years, a target based on the successes achieved in SPP partner courts.

The Supreme Court adopted the Plan in December, and Chief Justice Milojevic presented it to the Strategy Implementation Commission for the NJRS in December, and then to all court presidents in January 2014. He also established a Working Group to oversee the effort and to review the plans he asked each court to provide. Many of the Working Group members were chosen from SPP partner courts.

The Working Group met several times in 2014, but transition to a new court network (see Problems Encountered section) and a lack of planning therefor, meant that no reliable caseload data was available and the Working Group was unable to use the templates and tools developed by SPP for caseload monitoring.

Nevertheless, the issue continued to receive the attention of the Chief Justice and the media throughout the year, and the SCC plans on continuing the effort after the SPP project finishes in 2014.

### **Task 3**

**Legislative branch financial independence:** Building the financial capacity of Serbia’s National Assembly.

## **2. After two years, the Assembly has done more thorough analysis of some pending legislation, and/or the Assembly’s operations have become more transparent.**

### Result

SPP helped the Assembly draft and adopt a Communications Strategy and to develop a list of priorities for improving the transparency of operations. SPP also helped the Assembly with expert analysis on a number of draft laws.

Most significantly, SPP helped the Assembly create and maintain a website providing access to information about operations and access to a schedule of events and the text of pending and newly enacted laws.

SPP completed a workflow analysis and conducted a workshop on this subject in 2009 for senior staff from the Assembly and key MPs from both the coalition government and the opposition. This was followed by a visit of three consultants, who produced a report, “Outreach, Participation and Transparency in the National Assembly of the Republic of Serbia.” The report was presented in January 2010 and followed by a workshop in April. Assembly staff and members of Parliament agreed on six priority areas:

1. Improved access to information of public importance;
2. Improving the NA website;
3. Improved internal and external communications;
4. Increased public outreach;
5. Improving media relations; and
6. Improving the physical and participatory accessibility of the NA.

Following the report, the Assembly installed video monitors for the public and began displaying schedule information for committee hearings, plenary sessions and other events. The Assembly also created new space for media statements and interviews.

SPP also organized two workshops for the media, a study tour to Slovenia for nine NA delegates and a two-day workshop in July 2010 on possible improvements to the website.

Following the Study Tour, SPP assisted with the development of a Communications Strategy, which was formally adopted by the Assembly in July 2011.

Following the website workshop, SPP established a working group, and through competition, selected a developer for a new website. The developer migrated content from the old site and created a new interface, including a content management system. The new website ([www.parlament.rs](http://www.parlament.rs)) was launched in June 2011, and included a calendar of activities, a searchable database of laws and a host of information about the operations of the parliament. The website continues to be updated daily, and has been very well received by the local and international communities.

USAID extended Task 3 to December 2012, and in Year 4, SPP provided analysis on several acts related to staffing, internal organization and accreditation of journalists. SPP also provided training programs on media relations and website management.

In 2010, SPP assisted the Working Group on the Law on Parliament with an analysis of the law’s provisions related to budgeting, and many of SPP’s recommendations were reflected in the final language of the draft, which was passed in February 2010. This was followed by SPP’s assistance in drafting new Rules of Procedure.

**3. After three years, the Assembly Budget Office can support and implement all aspects of the parliamentary budget and finance process.**

### Result

SPP helped the Assembly establish a budget office and create rules and procedures for its operation. SPP also procured custom budget software and supporting IT equipment, and trained staff on its use.

The newly created Budget office was able to use this equipment and training to complete the 2012 Budget for the Assembly.

In 2009, SPP used a needs assessment and a strategic workshop to help create a blueprint for implementation of an operational plan for the Assembly Budget Office. SPP drafted a proposed staffing plan and provided advice on planning, procedures and bylaws. Progress was slow, partly due to the weakness of the office, but also due to proposed changes to the Law on Parliament, which were enacted in February 2010, followed by the drafting of a new staffing plan and Rules of Procedure. These were accomplished by the end of Year 2, but at that time the Budget Office had still not been established. Despite these obstacles, SPP was able to work with staff to assist in the development of the 2011 budget.

In 2010, SPP also conducted an assessment of IT needs for the Budget Office. After issuing a Request for Proposals and a USAID review of the proposal (ADS 548), SPP procured hardware and custom software from a local vendor. All systems were operational by July 2011 and SPP had also overseen training of all staff by this time.

In Year 3, SPP provided the Assembly with a set of Administrative Policies and Procedures and procured budgeting, accounting and human resources software. As of July 2011, the Assembly had the functionality to prepare budgets and to implement and monitor financial plans. SPP also provided staff with training to fulfill these functions.

In December 2010, the Assembly's Administrative Committee adopted a series of internal acts, and by January 2011, it had filled nearly all of the positions recommended by SPP for the Budget Office—formally known as the Sector for Financial and Material Affairs (SFMA).

SPP assisted in development of the 2012 budget plan and the 2012 budget.

## **4. After three years, the Assembly produces five-year strategic and financial plans.**

### Result

SPP helped the Assembly draft and approve a five year strategic plan in 2011. SPP also assisted in the drafting of a Financial Plan, but the resulting document was not adopted by the Assembly due to pessimism about available funding for planned initiatives.

SPP began pursuing this objective with a strategic planning workshop in 2009 for Assembly staff and key MPs. The workshop generated widespread support for the initiative, but progress was slow, and Assembly leaders were pessimistic about the likelihood of acquiring any additional funds to realize planned objectives. The newly passed Law on Parliament, however, included an obligation for strategic planning, and the Secretary General created a Strategic Planning Working Group in the summer of 2010. SPP organized a drafting retreat in September 2010, which led to a first draft of strategic and financial plans for the Assembly. The Secretary General approved adopted a five-year Strategic Plan in January

2011, as well as an implementation plan, but the financial plan was not formally approved due to the dire financial situation in the public sector.

## **Cross Cutting Objectives**

### **19. After six years of implementation, local counterparts developed institutional capacity building plans.**

#### **Result**

SPP created comprehensive capacity building plans for the HCC, Judicial Academy, National Assembly and State Prosecutorial Council. The project sent drafts of these assessments to local partners and incorporated their input into the final versions.

In 2014 SPP developed a template, based on USAID's Organizational Capacity Assessment Tool (OCAT). The project then used the OCAT to collect data through a series of interviews and project questionnaires. In addition to the capacity assessment, each document includes a set of findings and recommendations for future projects.

SPP presented initial drafts of the HCC, Judicial Academy and SPC capacity building plans to USAID and, after further revisions, the revised drafts were shared with local counterparts, whose input SPP incorporated into the final versions. Although the organizations were generally enthusiastic and supportive, the lack of resources and the hiring freeze in the public sector made implementation of the plans impossible without outside assistance.

Due to personnel changes and greater uncertainty, at the request of USAID, the work for the NA was restyled as a "needs" rather than a capacity assessment. SPP engaged a European expert to conduct a series of interviews with staff, and a draft report was circulated in November 2014. The report, which contains numerous recommendations for capacity building in the areas of Management, Human Resources, Research, Support and Outreach, will be shared with the Secretary General of the NA after it is finalized and translated.

## **PROBLEMS ENCOUNTERED IN ACHIEVEMENT OF PERFORMANCE OBJECTIVES**

As detailed below, an environment of rapid and substantial change was prevalent throughout the life of the project, from two major reorganizations of the court network to wholesale changes in judicial personnel and revisions to fundamental laws and procedures. Problems encountered included the following items:

#### **Task 1**

- The High Court Council (HCC)—a key partner—was established by law two months after the project began. The HCC membership was not complete until July 2010.

- The HCC Budget Office had essentially no staff and did not begin operating until 2012.
- The National Assembly removed the Supreme Court President—an important partner to the project and President of the HCC—in 2012. On the other hand, she had also been somewhat of an obstacle to the Project's success, not only because she was focused on other important matters such as judicial reappointments, but also because some of her decisions, such as refusing to allow acting court presidents to be trained in court administration lest that give them an unfair advantage in being appointed as permanent court presidents, ran counter to SPP goals. The new Supreme Court President, although also distracted by other important matters, proved to be a more open partner to the project.
- The MOJ did not transfer budget authority to HCC until 2012, and the authority transferred was not complete.
- The primary focus of the HCC in Year I was the re-election of judges, all of whom had to re-apply for their position after a major reorganization of the courts.
- The division of budget responsibilities between the HCC and the Ministry of Justice was operationally cumbersome and interfered with the creation of a clear picture of the financial situation of the judiciary.
- Despite considerable advocacy, SPP was unable to persuade the HCC to establish a Budget and Finance Committee.
- Despite being established in 2009, a draft law restructuring the High Court Council was under consideration by the parliament over the final two years of the project.
- The Secretary General of the HCC resigned in January 2010. Her replacement resigned in July 2011.

#### Impact/Mitigating Steps

The delays in establishing a governing body and engaging staff slowed the project initially and the failure of MOJ to transfer all budgetary responsibility to HCC created an unwieldy, bifurcated model for financial operations and planning. Mindful of the National Judicial Reform Strategy's call for full transfer of budgetary authority to the HCC by 2016, SPP worked to create an organizational and operational model that was capable and ready to assume these additional responsibilities.

Changes in the judiciary also contributed to a predominant focus of Council members on the selection and status of judges and court presidents, and the heterogeneous nature of the members hindered concerted action by the group. To address this issue, SPP worked to build a relationship with the Supreme Court President—also HCC president—and he proved a willing and able partner. It should be noted, however, that the new draft law changes the office of president: the president will be chosen by the HCC from among the judge members. Thus, the political capital built with President Milojevic over the last two years may diminish in value.

## **Task 2**

- A dynamic environment of changing laws and reorganized institutions over the life of the project created a pervasive climate of uncertainty and interfered with planning efforts.
- 95% of Court Presidents were replaced in 2010.
- In Year 2, budget information was not available for individual courts, which made technical assistance and planning more difficult.
- Changes to the court network in 2010 made statistics unavailable, and the new case management system installed by the Ministry of Justice in basic and higher courts required some modifications before it was fully operational. This also required a selection of new partner courts for collaboration.
- Funding constraints in the judiciary and a hiring freeze in the public sector impeded courts from complying with the 2013 law's requirement that they hire court managers. They also contributed to the judiciary's inability to hire needed professional IT and analytical staff.
- Transition to a 2<sup>nd</sup> new network in 2014 diverted attention from project efforts and a lack of planning by the Ministry of Justice—despite repeated reminders from SPP—made court statistics essentially unavailable in 2014.
- Although USAID had planned for it during the life of the project, the Judicial Reform Index was not updated.

## **Impact/Mitigating Steps**

SPP tried to focus on existing laws and current personnel in order to advance judicial independence and court efficiency. The uncertain status of court presidents and two massive

restructurings of the court network made the achievement of results more difficult and necessitated a reorganization of the Project's network of partner courts.

SPP continued work with partner courts, experimenting with electronic filing in successful partner courts in which the Presidents were not replaced. The Project also worked to establish national policies for case processing efficiency based on initial successes in the field. This was recognized in the 2014 Project evaluation, although the problems in statistical reporting caused by changes to the court network in 2014 interfered significantly with SPP's ability to track progress on the National Backlog Reduction Plan

### **Task 3**

- The National Assembly Budget Office was not established until 2011.
- A new Law on the Assembly—required by the 2006 constitution—was not passed until 2010.
- An SPP assessment in 2009 concluded that the unwieldy organization of the National Assembly (six vice presidents and 30 standing committees) impeded strategic planning, decision making and organizational capacity.
- USAID did not establish an official channel of collaboration with the National Assembly until the Summer of 2014, and the project liaison resigned in September. As a result, the Capacity Building Plan—although it was completed—was not available for sharing until after the Final Report was issued.

#### **Impact/Mitigating Steps**

The political nature and organizational problems of the National Assembly interfered with the achievement of project objectives. SPP focused on improving transparency through the development of the Assembly's internet site, and on the transfer of skills and tools to the Budget Office.

#### **Administrative**

- Delays in the European Union's planned justice efficiency project meant that there was no overlap with SPP and created a risk that past work erodes, is forgotten or abandoned.
- The size and breadth of the donor community and the range of ongoing and proposed projects seemed to overwhelm the limited resources of the HCC at times.

#### **Impact/Mitigating Steps**

Delays in the beginning of the EU's judicial efficiency project were undoubtedly a factor in USAID's decision to extend SPP for an additional year. However, even the extension did not ensure a smooth transition among donors as the EU project was again delayed, and it appears that there will be a significant hiatus between projects.

## OVERVIEW OF KEY PARTNERS

### **High Court Council (HCC)**

The HCC was established in 2009, and the text of relevant laws, as well as the *National Judicial Reform Strategy*, identify the organization playing a key role in the management of the courts. With the reappointment of many of the judges dismissed in 2010 and the adoption of the National Judicial Reform Strategy 2013-18, which calls for the transfer of all budget authority for the judiciary from the Ministry of Justice to the HCC by June 2016, the vision for the HCC to serve as the management body overseeing the operations of the judiciary is crystallizing.

Despite its recent formation, the government drafted a new law—which is currently under review by European Union experts—and it is important that the judiciary retain an authoritative voice in matters related to the management and budgets of the courts.

SPP completed a detailed organizational capacity assessment of the HCC in 2014. The vision and mission of the organization are clear, and the operational framework and human resources are developing into a workable model. Although there is still work to do, and the aforementioned transition may prove difficult, the HCC can be characterized as a working organization that is growing into its role.

Although the HCC needs to focus more closely on the financial resources and operations of individual courts, and to lobby more actively for needed resources, it has the basic tools and resources to fill this role, and although the current hiring freeze in the public sector will likely prevent the acquisition of needed human resources in the near-term future, the basic competences are in place, and the employees have the skills needed to provide the information that is required by the Council to make informed decisions about court operations.

The budgeting software installed by SPP in the courts and centrally managed by the Material and Financial Affairs Sector of the HCC works well, and employees have been well trained to use it, although the organization would benefit from more analytical and statistical expertise within its ranks.

The HCC has cooperated well with the donor community in the recent past, and there is every indication that a significant level of outside interest in supporting their activities will continue as EU accession talks continue.

The HCC has also shown an interest in public outreach, and this interest, along with the recent launch of an Internet presence offer opportunities for collaboration, as well as increased transparency.

Collaborative bodies with members from different organizations are often an operational challenge, and many judges in other countries who find themselves in similar roles are new to many issues related to finance and management, but the HCC shows every indication that it is on the correct path, and that it can develop into an effective organ for court management and oversight. Aside from budget operations, the HCC has been focused on the appointment and reinstatement of judges over the past few years, and this has interfered with SPP's attempts to develop its role as an administrator of court policy and administration. The newly constituted body—which will likely not have the Supreme Court president as its *ex officio* president—will not likely come into operation before the end of the project, but many members of the donor community are expecting it to play a significant role in the management of the courts in Serbia.

### **Supreme Court**

The project contract did not envision the Supreme Court as an implementing partner, beyond the fact that its president also serves, by virtue of the position, as the President of the HCC.

SPP dealt extensively with the President in the first few years of the project, and she demonstrated a reluctance to take on new projects and to involve the Council in additional case and financial management topics.

President Milojevic was appointed in 2013 and he showed himself as a more willing partner. Nevertheless, this could not be said of the full Council, which was more focused on the reappointment of dismissed judges and upgrading the status of court presidents from “acting” to “permanent.”

Moreover, the organization of the HCC was under review. A draft law changing the composition of the council has been under consideration during the entire tenure of President Milojevic, and the uncertain status of the organization has not helped SPP's advocacy for its assumption of a larger role.

This was particularly evident in the National Backlog Reduction Plan, for which neither the Ministry of Justice nor the HCC was willing to assume responsibility and assert leadership. In light of this, President Milojevic convinced the Supreme Court to do so, and he presented the plan to the Strategy Implementation Commission of the National Judicial Reform Strategy.

Moreover, this action ties in to the Supreme Court's responsibility for court statistics and SPP has been working with staff on that issue in the context of court efficiency and work with partner courts.

In the last year of the Project, SPP also helped the court develop a plan and methodology for harmonizing court practice and providing courts with guidance on contested issues. The Supreme Court has always had this responsibility, but it is only under President Milojevic that it has taken steps beyond the publication of its annual Bulletin.

These three projects (National Backlog Reduction Plan; court statistics; harmonization of court practice) are major drivers of improved efficiency, and it is worth considering additional work with the Supreme Court in the future directly, or in designing a system for

feeding the resulting data into the HCC when the reconstituted body comes into existence. This is particularly salient as the current draft law removes the Supreme Court President as the head of HCC, meaning that the relationship between the Supreme Court and the HCC may become more complicated in the future.

### **Partner Courts**

Although work with “selected courts” is identified in the performance objectives, it is mainly in the context of backlog reduction and increased court efficiency. SPP’s success working with individual courts should be singled out for reporting and should also serve to inform future projects, as detailed in the following section.

If there is one factor to be identified as critical to success in collaborating with a court, it is the leadership of the court president and the contribution of his or her staff. The most successful backlog reduction courts had motivated and dynamic leaders who were open to new approaches and pushed staff to change entrenched practices. For example, court presidents in the Subotica, Uzice and Vrsac basic courts were among the most successful courts in reducing backlogs, and it was to Subotica and Uzice (the Court President in Vrsac was summarily replaced in 2013) that SPP turned with the idea of a limited pilot of electronic filing. Both court presidents were enthusiastic and played a key role in the success of the initiative.

Court presidents in Nis and Novi Sad were also key partners, working with the project on targeted backlog reduction initiatives (see #10) and media outreach programs.

### **National Assembly**

SPP began work with the National Assembly in 2008. Task 3, which covers this collaboration, was closed in 2011, and reopened in January 2014, for the limited purpose of conducting a needs assessment.

SPP found working with the Assembly challenging at the outset. The organizational structure was not robust and its activities were further complicated by the ubiquitous politics of the institution.

The 2010 Law on Parliament codified the budget process, allowing the Assembly to work directly with the Ministry of Finance on budgeting. SPP gave staff the training and tools to fulfill this function.

SPP also worked with the Assembly on a website, which was launched in June 2011 and continues to be a very effective tool for information about the assembly, its calendar of activities, and new and pending laws.<sup>16</sup>

SPP found the situation somewhat changed in 2014, when Task 3 was reopened. There had been a parliamentary election in 2014, and as a result, many of the people in charge of various offices had changed. A needs assessment conducted by SPP in 2014 suggested the following areas were in need of assistance:

- Update to Strategic Plan;

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<sup>16</sup> <http://www.parlament.gov.rs>

- Improvements to Training and Recruiting;
- Develop capacity of Research Section;
- Shortage of IT infrastructure, staff and skills;

## RECOMMENDATIONS FOR FUTURE PROJECTS

SPP leaves three large projects active that offer excellent opportunities for future collaboration:

- National Backlog Reduction Plan
- Harmonization of Court Practice
- Electronic Filing

Two of these projects are being managed by the Supreme Court, which has assumed an increasingly prominent role in court management over the last two years. Despite this, the donor community continues to focus almost exclusively on the HCC for these issues. The Supreme Court has responsibility for statistical reporting and for the resolution of disputes among appellate regions. Both of these projects feed into the overall management responsibility of the HCC and offer opportunities to improve the normative framework for oversight of the judiciary in a way that builds organically on current laws and procedures.

SPP has worked with the Supreme Court to build a normative framework for statistical reporting and court practice. Efforts in the former have been hindered by data migration problems resulting from the transition to the new court network in 2014, and the positive momentum generated in the last two years may erode if the Supreme Court does not have assistance. Moreover, the Court lacks the technical skills necessary to manage the technology and data required to make the plan a success.

Electronic filing also offers an excellent opportunity for future work. In addition to improving service and efficiency it also creates the opportunity to gradually reduce court staff as the programs are implemented and become established. If data is automatically transferred from filings into the case management system, it can substantially reduce the work required in the registry office.

SPP has worked with the Supreme Court and the Ministry of Justice to establish the regulatory framework for electronic filing, and the “bottom-up” approach of working with individual courts on particular exchanges offers the chance to build the project incrementally in a more agile manner.

This approach also offers a lower risk “laboratory” for other experiments in improving court efficiency. There are many court presidents eager to experiment with operational improvements, and collaboration in the field builds goodwill and avoids many of the difficulties endemic to dealing with government agencies or centralized units of control.

## **LESSONS LEARNED**

The challenges faced over the life of the project, and the solutions or mitigation of the difficulties encountered appear throughout this report. A summary of “lessons learned,” along with a short description or example that makes each point is provided in this section:

### **Support of the Supreme Court President was key in the establishment of national policies**

The leadership of President Milojevic and the Supreme Court enabled the adoption and implementation of a meaningful National Plan for Backlog Reduction. Without his leadership the Plan would never have been presented to the Strategy Implementation Commission, nor would SPP been able to engage with court presidents.

### **The governance and operational structure of the HCC is inchoate**

The unsettled and diffuse nature of the High Court Council makes it difficult for the HCC to assert leadership. Its role in judicial elections over the life of the project also slowed capacity building initiatives in other areas. The pending reorganization of the HCC and the transfer of budgetary responsibilities called for in the National Judicial Reform Strategy are critical issues for Serbia in the next two years.

### **There is too much planning and many plans are overly optimistic about what is possible**

Although the National Judicial Reform Strategy contains many recommendations and planned improvements, there was limited evidence of their implementation, and limited activity beyond regular planning sessions. The formation of a working group is often a good start to a project, but it is only a start. The Strategy Implementation Commission does not appear to have done anything to advance the NJRS in the last 18 months. The government needs to do more to reform the judiciary without compromising judicial independence.

### **Experimentation at the local level contributes to the success of national plans**

Work with enthusiastic partners at the local level played a significant role in the success of backlog reduction efforts and the introduction of electronic filing. The government and the donor community should be encouraged to explore innovative solutions that can be replicated locally or adopted nationally.

### **Many judicial employees lack needed skills**

Many employees denominated as IT or analytical staff lacked the necessary skills to do their job. This can be addressed through additional hiring (which is difficult in the current environment) or training, perhaps with the Judicial Academy, which has a mandate to train staff, but has not done any such training to date.

### **The High Court Council is likely to have difficulty acting collaboratively**

A body like the High Court Council will have difficulty achieving consensus and acting quickly. Judges are always judges first, and often lack the skills necessary for court management and oversight. This can be mitigated to some extent by staff training and strong leadership, but the challenges are significant.

### **No matter how separate, there is still politics in the judiciary, and everything in the National Assembly is affected by politics**

Even when executive, legislative and judicial powers are separate, there will be elements of politics in the appointment of judges and the passage of laws. This is a fundamental part of democracy and should always be acknowledged. The single largest problem currently facing the judiciary is a lack of funds and, in the current environment, that seems unlikely to be improved.

### **If you want media coverage, you have to share your message**

Courts that want to share a message with the media or the public must work actively to do so. Journalists will not come to ask about your issue, but they will come and listen if you invite them. And, if you shape and present your position clearly, they will write about it. SPP received good coverage of outreach events, including electronic filing, the “Spring Cleaning” backlog reduction initiative in Nis and “Open Court Days.”

### **What gets measured gets managed**

Judges and courts pay attention to the numbers collected nationally, and a clear presentation of financial needs is a good way to secure needed funding. Better presentation of the financial situation in the judiciary and better tracking of court performance can be key tools for improvement.

### **Courts do the work of the judiciary**

SPP gained significant knowledge about project needs through frequent visits and collaboration with courts. It is difficult to understand the needs of the judiciary without intimate involvement in day-to-day operations.

### **People often oppose change for reasons unrelated to the quality of the proposal**

In many organizations, especially in the public sector, change is considered undesirable by many merely because a different way of doing something is suggested. Registry Office employees assigned to the Information Desk at the Supreme Court, for example, viewed it as punishment. This is to some extent, a failure of leadership, but it is also to be expected when new tasks are assigned to experienced staff.

### **Statistics in the courts are currently unreliable**

The new court network in 2014 made the statistics generated by the Supreme Court regarding old cases essentially meaningless. There is a tendency locally, and in the donor community, to give credence to data and reports, and to ignore potential problems with data quality. Moreover, the employment by the courts of multiple case management systems without a clear plan for going forward is a major impediment to improved operations.

### **Technology is not the answer to every problem**

Leadership and training are often better solutions than technology. Many staff and judges, for example, have no idea what they can do with the AVP case management system. Similarly, an active and involved court president can do more to improve court efficiency than any other proposed solution.

## ANNEX I – Financial Report

### East-West Management Institute, Inc.

Contract No: 169-C-00-08-00102-00

Separation of Powers Program (SPP) in Serbia

#### Financial Report

*This report includes all costs up to October 31<sup>st</sup>, 2014. The estimated costs for November and December 2014 are not included in this report.*

Period: August 14<sup>th</sup>, 2008 - October 31<sup>st</sup>, 2014

Category	Budget	Expended through Oct 31 2014
Staff Labor	3,787,191	3,573,138
Fringe Benefits	737,060	709,286
Consultant Labor	724,644	677,771
Travel, Transportation and Per Diem	535,561	511,769
Overseas Allowances	556,117	543,874
Subcontracts	1,948,404	1,889,669
Other Direct Costs	1,201,709	1,121,029
Equipment	0	0
Supplies	77,297	75,912
<b>Subtotal Direct Costs</b>	<b>\$ 9,567,983</b>	<b>\$ 9,102,447</b>
<i>Indirect Costs</i>	<i>2,279,576</i>	<i>2,175,559</i>
<i>Fixed Fee</i>	<i>0</i>	<i>0</i>
<b>TOTAL</b>	<b>\$ 11,847,559</b>	<b>\$ 11,278,005</b>



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# SEPARATION OF POWERS PROGRAM

## PERFORMANCE-BASED MONITORING PLAN (P-BMP)

November 2014

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**Submitted to:** USAID-Serbia as of November 15 , 2014

**Contractor:** The United States Agency for International Development Separation of Powers Program in Serbia is implemented by East-West Management Institute, Inc. under USAID contract number 169-C-00-08-00102-00.

**Disclaimer:** This report is made possible by the support of the American People through the United States Agency for International Development (USAID). The contents of this report are the sole responsibility of the East-West Management Institute, Inc. and do not necessarily reflect the views of USAID or the United States Government.

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**Separation of Powers Program  
Performance-Based Monitoring Plan (PBMP)  
for the Quarter Ended August 31, 2014**

Data Table Quarterly Reporting: September 2014											Separation of Powers Program		
No.	Objective	Unit Measure	Base Line Year	2010 Target	2010 Actual	2011 Target	2011 Actual	2012 Target	2012 Actual	2013 Target	2013 Actual 12/31/2013	2014 Target	2014 Actual 9/30/2014
1	Cases Pending for more than 2 years: all courts in Serbia*	Percent reduction					1,378,402		1,647,349		1.666.431	1.333.145	N/A
2	Progress on the Institutional Development Index (IDI)**	Percentage of mutually agreed upon objectives achieved	2008	30%	15%	50%	30%	75%	58%	90%	85%	100%	85%
3	Number of court managers filling positions	Number	2008	...	1	Key position filled	7	More court mgrs	8	13	8	13***	8

\* The data SPP obtained from the Supreme Court of Cassation. Data for 2014 is not available due to data migration issues caused as a result of transition to the new court network in January 2014.

\*\* 28/33 elements met. See Appendix B for details.

\*\*\* Although the law requires large courts to hire court managers and five additional courts have the position in their staffing plan, the government has declared a hiring freeze for public employees.

**Separation of Powers Program  
Performance-Based Monitoring Plan (PBMP)  
for the Quarter Ended September 30, 2014**

In April 2011 at the request of USAID, the Separation of Powers Program (SPP) developed revised baselines and targets for its performance indicators related to backlog reduction and prevention efforts. The baseline for each indicator was set as of December 31, 2010, a date selected because it occurred after two significant systemic changes impacting court operations and statistics – the 2009 judge election process and the 2010 restructuring of the court network. While the baseline reflects the new system within which SPP and the courts operate, questions remain about the reliability of the overall case data generated by the AVP electronic case management system used by Serbia's basic and higher courts, and the statistics formally reported by Serbia's Supreme Court of Cassation.

For the first indicator, the baseline (100%) is the average number of backlog cases pending at the close of 2010. SPP is targeting percentage decreases from such backlog in 2011 (to 95% of the baseline), 2012 (to 85%) and 2013 (to 80). Similarly, the baseline for the second indicator is the rate for case processing as of December 31, 2010 (100%). SPP targeted increases from such rate in 2011 (to 102% of the baseline), 2012 (104%), and 2013 (105%). We did not set a target for 2014, but continue to track partner courts individually and as part of the National Plan for Backlog Reduction

<b>Performance Indicator</b>	<b>Definition</b>	<b>Baseline</b>	<b>2011 Target</b>	<b>2011 Actual</b>	<b>2012 Target</b>	<b>2012 Actual</b>	<b>2013 Target</b>	<b>2013 Actual 12/31/2013</b>	<b>2014 Actual 9/30/2014</b>
1. The average number of cases pending in the 10 courts participating in SPP's backlog prevention and reduction programs	The percentage reduction in the average number of cases pending for more than two years (backlog) achieved in any given year will be determined by averaging the percentage reduction (increase) in backlog cases achieved by each of the 10 courts participating in SPP's backlog prevention and reduction programs, excluding execution of judgment cases.	Baseline is 100% as of 12/31/2010	95% of baseline	92.99%	85% of baseline	89.5%	80% of baseline	58.49%	Data not available
2. The average rate for case processing in the 10 courts participating in SPP's backlog prevention and reduction programs	Case processing rate: The number of cases closed in a calendar year divided by the number of cases open in that year, excluding execution of judgment cases. Cases closed are those cases reported as closed by the court during that year, without regard to the year the case was filed. Cases open includes all newly filed cases in that year. The percentage increase in case processing efficiency in any given year will be determined by averaging the percentage increase (decrease) in case processing rates achieved by each of the 10 courts participating in SPP's backlog prevention and reduction program.	Baseline is 100% as of 12/31/2010	102% of baseline	128.71%	104% of baseline	126.0%	105% of baseline	129.4%	Data not available

**Separation of Powers Program**

**Performance-Based Monitoring Plan (PBMP)  
for the Quarter Ended June 30, 2014**

Data Table Quarterly Reporting: 2014											Separation of Powers Program	
No.	Objective	Unit Measure	Base Line Year	2010 Target	2010 Actual	2011 Target	2011 Actual	2012 Target	2012 Actual 12/31/12	2013 Target	2013 Actual 12/31/2013	Comments
1.3												
1	Percentage of target court users satisfied with the judicial system	Percent Improvement	2009			Base-lines created			N/A	Final Appraisal	N/A	Completed Public Survey in May 2013 showing improvements to public perceptions. 86% of knowledgeable users support judicial reform efforts.
	Cases pending more than 2 years: 6 backlog reduction courts		2010	---	23,352	22,184	15,689	19,849	10,509		6,188	The 2013 actual number equals cases pending for more than two years as of December 31, 2013, based on reports obtained from the courts. SPP achieved a 75% reduction. Data not available for 2014 and SPP discontinued work with partner courts during project extension.
3	Case Processing rate in 5 backlog prevention courts	Percent increase	2010	---	87.96%	95%	99.4%	95%	104.5%	95%	108.96%	The 2013 actual number represents the average un-weighted case processing rates for 5 backlog prevention courts as of December 31, 2013, for all case types other than enforcement. Data not available for 2014.

The targets for SPP's backlog prevention and reduction courts were proposed in the Supplement to SPP's March 30, 2011 P-BMP. The original backlog reduction targets were a 10% reduction by 2010, a 15% reduction by 2011, and a 25-30% reduction by 2012. Since the 2008 baseline on which those targets were based was invalidated by the changed court network, SPP is maintaining the percentage reductions and using the 2010 data as the baseline. The previous targets were a 5% reduction between 2010 and 2011 (the difference between a 10% reduction and a 15% reduction), and a 15-20% reduction between 2010 and 2012, and those percentages have been applied to the 2010 data as the baseline. The previously approved measurement for SPP's backlog prevention courts was a percentage increase in the rate of closing cases from the 2008 baseline. The targets were a 10% increase by 2010, a 10% increase by 2011, and reaching and maintaining a 95% closure rate for 2012 and 2013. Since the 2008 baseline was invalidated by the changed court network, SPP is maintaining the percentage increases (up to 95%) and using the 2010 data as the baseline.

**Separation of Powers Program  
Performance-Based Monitoring Plan (PBMP)  
Closed Indicators (2014)**

Data Table Quarterly Reporting: June 2013												Separation of Powers Program
No	Objective	Unit Measure	Base Line Year	2010 Target	2010 Actual	2011 Target	2011 Actual	2012 Target	2012 Actual 9/30/12	2013 Target	2013 Actual	Comments
<b>Task 1 Develop Judiciary's Capacity to Allocate, Acquire, and Manage the Judiciary's Resources</b>												
2	The extent to which an integrated budget is prepared for all courts based on key standards	Percentage completion		---	No Data	---	---	100% of standards for good budgeting met	4 of 6 standards met (67% of target)	Budget staff and judicial leaders negotiate directly with MOF on regular basis	Complete	See Appendix C for details. The HCC's legislative authority over finances has been determined; a training curriculum on budget development and execution developed; and training on budget development delivered;
3	Adoption of medium and long term development plans	Narrative	2008	---	0	---	3 year strategic plan adopted	Adoption of 5 year and long term development plans	3 year strategic plan in place	100%	100%	The HCC adopted a three-year strategic plan on March 18, 2011. SPP and the HCC are working to extend the existing strategic plan to cover the five year mandate of the Council's judge members. Work on the extended plan is finished, but it has not been scheduled for consideration and approval by the Council.
4	Progress on improving budgetary input on the JRI	JRI Rating		---	N/A	---	N/A	---	N/A	Upward progress from negative	Substantial progress	As documented in June 2013 evaluation

**Separation of Powers Program  
Performance-Based Monitoring Plan (PBMP)  
Closed Indicators (2014)**

Data Table Quarterly Reporting:												Separation of Powers Program
No.	Objective	Unit Measure	Base Line Year	2010 Target	2010 Actual	2011 Target	2011 Actual	2012 Target	2012 Actual 12/31/12	2013 Target	2013 Actual	Comments
<b>Task 2 Assist the Judicial Branch in Making its Administration of Justice More Efficient, Transparent, and Responsive</b>												
1	Progress in establishing and implementing a staffing and recruitment plan and career track for court managers	Percentage completion	2008	Elements 1 and 2 achieved	7/21 on Staffing; 4/6 on Career Track	---	15/21 on Staffing; 5/6 on Career Track	All elements achieved (100%)	19/21 on Staffing; 6/6 on Career Track	N/A	N/A	See Appendix D for details. - 90% progress (19 of 21 points) on staffing and recruitment plan. - 100% progress (6 of 6 points) on career track for court administrators.  Position required by law
3	Progress on improving case filing and tracking systems on the JRI	Negative, Neutral, or Positive									Substantial improvement	As documented in June 2013 Evaluation (Annex 3).
a	Factor 18: Case Assignment		Neutral	---	N/A	---	N/A	---	N/A	Upward progress: neutral to positive	Substantial improvement	
b	Factor 28: Case Filing and Tracking		Negative	---	N/A	---	N/A	---	N/A	Upward progress: negative to neutral or positive	Substantial improvement	

**Separation of Powers Program  
Performance-Based Monitoring Plan (PBMP)  
Closed Indicators (2014)**

Data Table Quarterly Reporting: June 2013												Separation of Powers Program
No.	Objective	Unit Measure	Base Line Year	2010 Target	2010 Actual	2011 Target	2011 Actual	2012 Target	2012 Actual	2013 Target	2013 Actual /	Comments
<b>Cross-Cutting</b>												
1	The number of judicial branch individuals trained.	Number	FY 2008	200	291	650	369	490	273	100	474	.
	Number of women			116	162	390	277	294	189	55	297	
	Number of men			84	129	260	92	196	84	45	177	
	Number of Legal Institutions and Associations			25	120	131	131	131	127	33	153	Includes 27 courts and the Judicial Academy.

## APPENDIX B: THE INSTITUTIONAL DEVELOPMENT INDEX FOR THE HCC BUDGET OFFICE

Criteria for Each Progressive Stage					
Component	Founding (0)	Developing (1)	Operating (2)	Sustaining (3)	Score
<b>1. Organization</b>					
1.1 Rules Governing Work and Administration	No rules adopted by HCC that govern administrative functioning of the budget office.	Rules governing work and administration developed.	Rules governing work and administration developed, adopted and followed.	Rules governing work and administration followed and systematic mechanisms for improvement in place.	<b>3</b> – Procedures for creating the HCC’s financial plan, directives on financial operations, directives on budget accounting and financial reporting, directives on maintaining the inventory of financial assets and obligations of the HCC, and directives on internal financial controls and internal audit have been developed and formally adopted.
1.2 Administrative Structure	Administrative structure not in accordance with competencies of HCC as defined in the law creating the HCC.	Administrative structure defined in accordance with competencies.	Key positions in Administrative structure in accordance with competencies partially staffed.	Key positions are staffed appropriately and remaining positions at least partially staffed.	<b>3</b> - A systemization plan sets forth the administrative structure for HCC finances, which includes 12 financial positions in the MFAS. By April 2012, 10 out of 12 budget and finance positions had been filled, including key positions.
1.3 Staff building	No strategic skill building	Training needs assessment conducted.	Staff development and training program developed.	Training program implemented and periodically reviewed.	<b>2</b> – Training programs have been developed and implemented in conjunction with the budget planning software (e.g., budget preparation and execution) and related analytical tools (court profile and status of funds report). A training program has been developed for the Budget and Accounting Policies and Procedures Manual and will be delivered once the manual is adopted.
1.4 Anti-corruption	No ongoing institutional capacity to address corruption	Institutional methodologies to address corruption exist.	Institutional methodologies exist and anti-corruption plan developed.	Institution regularly applies anti-corruption plan and reviews and updates the plan at least annually.	<b>3</b> – Revised public procurement procedures have been adopted and implemented.
1.5 Facility	Not provided.	Structure provided but not adequate.	Structure and furnishings adequate for current needs.	Currently adequate plus current and future facility requirements incorporated into planning and budgeting on a systematic basis.	<b>3</b> – The MFAS has adequate facilities and furnishings, including computer equipment provided by SPP.
<b>2. Communications and Outreach</b>					
2.1 Stakeholder	No mechanisms for	Mechanism for engaging	Plan for improving	Mechanisms and Plan for	<b>3</b> - A communications strategy has been adopted

Criteria for Each Progressive Stage					
Component	Founding (0)	Developing (1)	Operating (2)	Sustaining (3)	Score
and Public Relations	communications and coordination with stakeholders and the public.	stakeholders and the public partially used.	communications developed and partially implemented.	engaging stakeholders and the public used systematically.	by the Council in June 2013. HCC is developing a website (with SPP) and has worked directly with courts on public relations.
2.2. Legislative Outreach	No strategy in place to build legislative support or evaluate legislative impact.	Legislative strategy developed.	Legislative strategy followed; capacity to assess legislative impact developed, and legislative impact assessments conducted occasionally.	Mechanism for gaining legislative support in place and used systematically. Legislative impact assessments conducted on a regular basis.	<b>1</b> – A legislative strategy is outlined in the HCC’s strategic plan. The concept was also part of budget advocacy training in 2014.
<b>3. Management</b>					
3.1 Automation	No plan for automating or supporting courts and administrative offices in place.	Plan for automating and supporting courts and administrative offices in place.	Plan for automating and supporting courts and administrative offices partially implemented.	A system for assessing, planning, and improving automation systems in place.	<b>3</b> - SPP procured budget software for the MFAS and courts and trained financial staff on its use. A system for assessing and planning “technology refresh” was built into the court profile, which includes information on the type and age of IT equipment and computer software in each court. SPP also developed and installed HR software for tracking judges in September 2014..
3.2 Statistics	No statistics collected.	Statistical reporting plan to obtain required statistics from all organizations developed, reporting protocol with courts developed.	Statistical reporting plan partially implemented.	Statistical reporting plan fully implemented. System to obtain statistics reviewed and modified as appropriate. Statistics used as a management tool.	<b>3</b> – Courts are required to submit three month, semi-annual, and annual statistical reports to the HCC. The court profile module included in the budget software is being used to collect information on caseload, staffing, IT items, equipment and facilities. The status of funds report is now used to monitor over- and under-spending courts, as well as arrearages.
<b>4. Budgeting and Strategic Planning</b>					
4.1 Budgeting	Either A) No strategic financial plan or B) Budgets are not linked to the financial strategy and not used as a management tool.	Plan for linking budget to strategy and improving budget analysis developed.	Partial implementation of financial plan and at least partial staffing of budgeting office.	Capacity exists for effective budgeting, linked to strategic objectives and goals.	<b>3</b> - The HCC officially adopted a three-year strategic plan on March 18, 2011. The organization uses data from the courts to produce an integrated budget for the judiciary and negotiated directly with MOF in 2013.

Criteria for Each Progressive Stage					
Component	Founding (0)	Developing (1)	Operating (2)	Sustaining (3)	Score
<b>5. Auditing</b>					
5.1 Auditing	No auditing procedures in place; spending controlled on largely ad hoc basis	Auditing procedures developed but not fully functional.	Auditing process partially functional.	Auditing process fully functional and spending controls in place	1 – Directives on internal audit have been drafted but not adopted. An auditor position was included in the HCC's systematization plan but remains vacant.
					<b>Total Score</b>
					<b>28</b>

Scoring:

1. Total possible points = 33 (11 components x 3, if all are fully sustaining).
2. Any supporting documentation on the rationale for scoring is maintained in the files.

Indicator: Number of points earned / total number points possible (based on mutually agreed upon objectives) = % completion

Targets:

2009 20%

2010 30%

2011 50%

2012 75%

2013 90% (at least)

### APPENDIX C: Budget Analysis Checklist

Budget Elements	Planned Date for Completion	Completion Date	Comments
1. Extent of the HCC's legislative authority determined with respect to the formulation and execution of budgets for all organizational elements of the Judiciary.	May 2010	January 2012	The HCC formally assumed its financial powers on January 1, 2012. The HCC controls the budget for judges, lay judges, expert witnesses, ex officio attorneys, and the operating expenses of the courts. The MOJ continues to control the budget for capital expenditures, IT, and administrative staff. The draft Law on Organization of Courts contains a transfer of financial responsibilities to the HCC in 2016.
2. Budget formulation and execution curriculum finalized.	May 2010	Budget formulation curriculum completed in June 2012	The curriculum is finalized, and budget formulation training was provided to MFAS and court financial staff in June 2012. Certain portions of the curriculum are incorporated into SPP's orientation curricula in court management for court managers and court presidents. These are high-level trainings on budget formulation and execution.
3. Pilot courts trained utilizing the training curriculum; curriculum modified as appropriate to reflect lessons learned.	June 2010	June 2012	Court and MFAS financial staff were trained on budget formulation in June 2012. Court managers were trained in May 2011. The MFAS currently believes that the curriculum requires no modification.
4. Budget baseline established for all courts, providing a standard quality level for court facilities (e.g., space, furniture, and equipment), and for automation and communications packages.	Ongoing	August 2013	In August 2012, SPP developed a court profile for each court as part of the budget development process. Data collected through the profile assisted the HCC in analyzing and prioritizing budget requests from each court and led to a budget increase for the judiciary in 2014.
5. Baseline standards become part of the Judiciary's budget guidance to the courts and are reflected in the budget allocations provided to the courts by the HCC.	Ongoing	August 2013	Comparison data provided to HCC and incorporated into budget planning process.
6. The HCC justifies and advocates on behalf of the judiciary's budget directly with the Ministry of Finance and the National Assembly.	Ongoing	Already taking place and continuing	SPP previously aided the HCC in budget advocacy efforts by helping to draft a formal request through which the HCC requested that the MOF reconsider its 2011, 2012 and 2013 budget allocations for HCC operations. It has also developed a budget advocacy curriculum for the HCC which includes the elements of a successful advocacy program. In March 2013, the MFAS developed and submitted to the MOF a priority funding request in which, to the extent possible given the restrictions of process and format, it requested the funds needed to implement the HCC's strategic plan and communications strategy, as well as to maintain the financial software licenses originally procured by SPP, for the next three fiscal years.

## APPENDIX D: Staffing Plan and Career Track

<b>Progress in Establishing and Implementing a Staffing and Recruitment Plan and Career Track for Court Administrators</b>					
Element	0- Non-existent	1- In progress or developing	2- 50% or more completed	3- Fully Operational	Comments
<b>Career Track</b>					
1. Career track for court administrators is developed.				3	The Court Administrator Working Group's career track report describes the status of court managers when hired and their advancement and salary opportunities, as determined by law. As the report explains, the legislative framework effectively determines the career track of court managers.
2. Career track has been adopted.				3	See above. While the report cannot be formally adopted, it effectively establishes the career track for court managers.
<b>Staffing and Recruitment Plan</b>					
3. Staffing and recruitment plan is developed with key objectives.				3	SPP developed a detailed recruitment and hiring plan in March 2011 and also finalized a long-term staffing plan setting forth the conditions under which courts can apply for court managers. Proposed amendments to the Law on Court Organization will require all republic level courts and courts with more than 30 judges to engage court managers. As such, the amended law will supplant the long-term plan for identifying courts that should engage court managers.
4. The plan addresses compliance with gender issue laws (such as prohibitions on sexual harassment).				3	The Law on Discrimination, adopted on March 26, 2009 and effective April 3, 2009 is the relevant gender issue law. 6 of 8 court administrators hired to date are female.
5. Plan includes budget and long term financing plan.				3	Based on the long-term staffing plan, the MOJ recognized approved court managers as "higher advisors" - the highest paid non-judicial position in the courts - in its future staffing plans for the judiciary. The overall staffing plan for 2013 has been approved.
6. Staffing and recruitment plan is approved.				3	The MOJ supports the staffing and recruitment plans described above.
7. Staff are identified to implement the plan.			2		SPP is developing two induction packages – one for courts/court presidents and the other for court managers - with guidelines on how to recruit, hire, and utilize court managers.
8. Budget is allocated to implement the plan.				3	Approved court administrators positions have been funded.
9. Plan is implemented			2		Initial courts have been identified and 8 court managers have been hired; additional hiring is in process.
<b>Total Scores</b>					<b>Career track: 6/6 = 100%</b> <b>Staffing &amp; Recruiting Plan: 19/21 = 90%</b> <b>Overall: 25/27 = 93%</b>



**USAID** | SEPARATION OF  
POWERS PROGRAM  
FROM THE AMERICAN PEOPLE

# USAID/SERBIA SEPARATION OF POWERS PROGRAM EVALUATION FINAL REPORT

## USAID's SEPARATION OF POWERS PROGRAM (SPP) 2008 – 2013

### FINAL EVALUATION: EXECUTIVE SUMMARY

In 2008, USAID awarded a contract to East-West Management Institute (EWMI) to implement the Separation of Powers Program (SPP), a five year project designed “to help Serbia move closer to EU accession by strengthening the division of power and authority among Serbia’s three branches of government.” The three SPP tasks were to: 1) Develop the judiciary’s capacity to allocate, acquire, and manage its own resources by strengthening its ability to engage in strategic planning and budgeting; 2) Assist the judicial branch in making the administration of justice more efficient, transparent and responsive to the needs of users by introducing professional court managers and reducing backlogs in selected courts; and 3) Develop the capacity of the National Assembly of the Republic of Serbia (NARS) by assisting it in acquiring, allocating and managing its own resources through improved strategic planning and budgeting. The work of the third component ended after three years. The following summarizes the results of a final outside evaluation conducted in June 2013:

- I. The goal of enhancing judicial branch financial independence has been substantially achieved. The High Court Council (HCC) now prepares and implements an integrated budget for the entire judicial branch, pursuant to the terms of the judiciary’s five year strategic plan, and the capacity of its Material and Financial Affairs Sector (MFAS) has been greatly enhanced by the provision of IT software, equipment and training. Overall budget authority, however, remains split between the executive and judicial branches and still needs to be consolidated.
- II. The objective of improving court administration has been achieved. The new position of a professional court manager has been established, although it remains to be enshrined in statute, and court managers have been appointed and trained. The goal of reducing court backlogs and preventing case processing delays in targeted courts has been achieved. For example, the backlog of cases over two years of age in six pilot courts was reduced by 55%, from 23,352 in 2010 to 10,509 in 2012. Roll-out of backlog reduction strategies to courts throughout the country remains to be accomplished. Polling and focus group discussions indicate that the goal of increasing public trust and confidence has also been substantially achieved. Further success in this area could be had with the establishment of local and national court public information officers.
- III. The NARS has been strengthened. Its Budget Office now prepares and implements all aspects of the parliamentary budget and financial processes, based on the Assembly’s five year strategic and financial plans. This achievement could be consolidated with additional training for the NARS Budget and Finance Sector staff and additional IT support. The transparency of the NARS has also been improved through a new website that was designed by the project.

SPP has largely achieved the goals that USAID set out for it despite a challenging implementing environment where its primary counterpart, the HCC, has been focused on the highly politicized process of appointing new judges. While the above results seem sustainable, much will depend on the commitment of the Serbian government and people to the continued strengthening of these two other branches of power.

# **USAID/SERBIA SEPARATION OF POWERS FINAL PROGRAM EVALUATION**

## **FINAL REPORT**

**THIS DOCUMENT IS SUBMITTED TO USAID UNDER CONTRACT NO.  
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**JUNE, 2013**

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## ACRONYMS

<b>ABA/CEELI</b>	AMERICAN BAR ASSOCIATION/CENTRAL EUROPEAN AND EURASIAN LAW INSTITUTE
<b>BLP</b>	BACKLOG PREVENTION
<b>BLR</b>	BACKLOG REDUCTION
<b>COP</b>	CHIEF OF PARTY
<b>COR</b>	CONTRACT OFFICER'S REPRESENTATIVE
<b>DCOP</b>	DEPUTY CHIEF OF PARTY
<b>EU</b>	EUROPEAN UNION
<b>EWMI</b>	EAST-WEST MANAGEMENT INSTITUTE
<b>HCC</b>	HIGH COURT COUNCIL
<b>IACA</b>	INTERNATIONAL ASSOCIATION FOR COURT ADMINISTRATION
<b>IPA</b>	INSTRUMENT FOR PREACCESSION ASSISTANCE
<b>JA</b>	JUDICIAL ACADEMY
<b>JRI</b>	JUDICIAL REFORM INDEX
<b>MDTF</b>	MULTI-DONOR TRUST FUND
<b>MFAS</b>	MATERIAL AND FINANCIAL AFFAIRS SECTOR
<b>MOF</b>	MINISTRY OF FINANCE
<b>MOJPA</b>	MINISTRY OF JUSTICE AND PUBLIC ADMINISTRATION
<b>NARS</b>	NATIONAL ASSEMBLY OF THE REPUBLIC OF SERBIA
<b>NJRS</b>	NATIONAL JUDICIAL REFORM STRATEGY
<b>OSCE</b>	ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE
<b>PMP</b>	PERFORMANCE MANAGEMENT PLAN
<b>PBMP</b>	PERFORMANCE BASED MONITORING PLAN
<b>ROL</b>	RULE OF LAW
<b>SAA</b>	STABILIZATION AND ASSOCIATION AGREEMENT
<b>SPP</b>	SEPARATION OF POWERS PROGRAM
<b>TIGCB</b>	TRANSPARENCY INTERNATIONAL GLOBAL CORRUPTION BAROMETER
<b>USAID</b>	UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
<b>WB</b>	WORLD BANK

## **SUMMARY OF FINDINGS AND RECOMMENDATIONS**

### Introduction

In 2008, USAID awarded a contract to East-West Management Institute (EWMI) to conduct the Separation of Powers Program (SPP), a five year project “designed to help Serbia move closer to European Union (EU) accession by strengthening the division of power and authority among Serbia’s three branches of government. Anticipated results included a more independent budget process and greater control over funding for both the judicial and legislative branches.” (Appendix A, Scope of Work).

The project had three components: (1) Enhance Judicial Branch Financial Independence; (2) Improve Court Administration; and (3) Strengthen Legislative Branch Financial Independence.

EWMI agreed to achieve 15 performance objectives (see Appendix B, Performance Objectives); progress was to be measured according to EWMI’s compliance with a series of selected Performance Measures (see Appendix C, Performance-Based Monitoring Plan (PBMP)).

USAID also required separate quantitative and qualitative mid-term evaluations of (a) Task 3 (conducted in August 2010); and (b) Tasks 1 and 2 (conducted in December 2011); as well as a final evaluation of the overall project to be conducted during the fifth year of the project prior to the project termination and to be incorporated into the project’s Final Report.

The report that follows is that final evaluation. The assessment section (IV) of the report is organized by Goal, i.e., Task 1, 2 and 3. For each goal, the project’s performance against each of the 15 performance objectives specified in the USAID/EWMI contract is evaluated according to both qualitative and quantitative measures established for the Project, particularly the PMP criteria established by USAID. Overall performance for each task is then evaluated as to the appropriateness of each goal and the sustainability of solutions developed for each project objective, followed by responses to three specific issues raised by USAID in the Scope of Work:

- How did SPP assistance directly impact counterparts;
- What other legislative or policy changes were due to SPP assistance; and
- What kinds of follow-on projects should USAID consider supporting?

These findings are followed by task-specific recommendations; and all conclusions and recommendations are then summarized in Sec. V.

### Overview

SPP met virtually all of its performance objectives, including implementation of its judicial branch budget preparation and execution objectives previously thought to be at risk given the HCC’s concentration on re-electing judges, in part as a result of the level of cooperation engendered by SPP staff with counterparts. Courts responded favorably to appreciation shown by SPP and USAID. Judges and staff feelings of confidence in their abilities to resolve any management problem were palpable. Although SPP encountered significant challenges due to changes in the judiciary (new court network, re-election of judges, new judicial package and political change), SPP contributed to improvement of the efficiency of the judiciary, establishment of judicial independence and strengthening of the legislative budget process.

## TASK 1 FINDINGS

### Were Task 1 Goals Achieved?

SPP substantially achieved Task 1 Performance Objectives to Develop the Judiciary's capacity to allocate, acquire and manage the judiciary's resources. Task 1 Performance Objectives and Results include:

- **After four years, the judiciary has adopted five and ten year development plans: Five Year Plan Achieved: Ten Year Plan Not Achieved:** The HCC adopted a three year plan in 2011 and is currently considering adoption of a two-year extension. A ten year plan may have been unnecessary given the fragility of the governmental structure and the initial implementation of the HCC. At the same time, a ten year plan was deemed by the judge members to be beyond the scope of their five year terms of office.
- **After four years, the budget and finance office and judicial leaders prepare an integrated budget for all courts: Achieved: An integrated budget was first prepared for the 2013 fiscal year in 2012 and is currently in process for 2014.** Achievement of this goal was a direct result of the organizational guidance, policy development assistance and budget toolkit development and training assistance provided by SPP.
- **After five years, budget and finance staff and judicial leaders deal directly with the MOF in budget preparations/negotiations for the next year: Achieved:** With implementation of court profiles and status of funds reporting in 2013, HCC will be able to effectively begin budget negotiations with MOF by the end of this year; and
- **After five years, substantial progress is noted for Factor 10 (Budgetary Input) of the Judicial Reform Index: Achieved: Substantial progress has been made toward achievement of Factor 10 objectives, including:**  
Responsibility for the judicial component of the judiciary's budget is now vested in the HCC. Responsibility for the non-judicial component—staff salaries and expenses, IT and facilities expenditure budgets--remain with MOJPA, but language in the HCC's revised strategic plan and the draft five year National Judicial Reform Strategy recognize that transfer of budget authority for all judicial branch expenditures from MOJPA to HCC is a governmental priority. That NJRS allows for this possibility is a reflection of the widespread recognition of the substantially increased capacity of the judicial branch to better estimate budgetary needs and manage allocations as a result of the establishment of the HCC, the implementation of the MFAS office, the collection and analysis by the courts of reliable data through implementation of an automated system provided by SPP, and the development and implementation of the court profile and status of funds tools that will enable HCC to accurately and realistically determine needs and monitor compliance with budgetary limitations. SPP procured budgeting, accounting, and human resources software for the HCC, and also procured budget software for the courts. Financial staff from each court was trained on using the software to develop budgets. Nonetheless, some at the MOJPA continue to maintain that centralized control of IT, capital improvements and court staff expenditures will result in economies of scale for the entire justice system; and that the MOJPA is better qualified than the HCC to manage judicial branch resources because the MOJPA manages these resources for all other state (executive branch) agencies in this sector.

### Were Task 1 Goals Appropriate?

The principal goal of Task 1 was to develop judiciary financial independence. That goal reflected priorities established by the EU and documented in the 2006 National Judicial Reform Strategy. Judicial independence was one of the main pillars of the 2006 NJRS. Judicial financial independence is a critical element in establishing judicial independence. Task 1 Program Objectives listed below were thus appropriate for the reasons stated:

- **Strategic Planning:** While the HCC should have been encouraged to begin promoting a future vision for the judicial branch, the fragility of the judicial branch environment and the recent establishment of the HCC combined to limit the HCC's capacity to develop a strategic plan more than a few years into the future, let alone a decade down the road. In any event, the ten year strategic plan goal could not have been achieved in part because the judicial members of the HCC were disinclined to assume responsibility for activities scheduled to occur after the expiration of the initial permanent appointees' five year terms.
- **Integrated Budget:** The first step in achieving judicial branch financial independence requires the establishment of an integrated branch budget. According to the Action Plan of the National judicial Reform Strategy 2013-2018 the MoJPA will transfer complete budget responsibility to HCC from July 2016. Additional budget responsibility for capital investments, IT and non-judicial staff will require the recruitment and training of expert staff as well as policy orientation for HCC members since budget planning, advocacy and budget execution will be exclusive competence and accountability of HCC.
- **Direct Negotiations with MOF:** Only after HCC had developed and submitted its initial integrated budget could HCC begin to effectively manage the budget advocacy and budget execution functions, since accountability is currently split between HCC and MoJPA. MoJPA as part of executive branch still has the leading role in budget advocacy in execution of this competence.
- **Budgetary Impact (JRI Factor 10):** The JRI Budgetary Input Factor recognized the critical importance of the judicial branch developing a budget which reflects the needs of the courts. As noted above, SPP's assistance to the HCC in the development of their first integrated budget enabled the Serbian Judiciary to dramatically improve its performance under one of the few JRI factors to have been rated Negative in 2005.

### Are Task 1 Achievements Sustainable?

SPP has provided the judiciary with the resources needed to manage the judiciary's finances, specifically organizational staffing alternatives, a road map of policy decisions to be addressed and resolved and court profile and status of funds report tools. SPP's methodology and lessons learned will be preserved in a legacy document to be produced by SPP by the close of the project term. The keys to sustainability remain the development of budget leadership capacity in the HCC, institutionalization of the budgeting process and procedures introduced by the SPP, reinforcement of SPP capacity building activities, deepening institutional memory within the MFAS, vesting of greater authority in the judiciary over judicial branch funds and increased judicial branch authority over the judicial selection process. Central to the concept of increased capacity is the identification of a judicial leader who is authorized and willing to serve as a

**champion of judicial branch financial independence. Task 1 Achievements listed below were thus sustainable for the reasons stated:**

- **Establish Budget and Financial Functions** SPP has provided the judiciary with the tools needed to manage the judiciary's finances; SPP's methodology and lessons learned will be preserved in a legacy document and master plan to be produced by SPP by the close of the project term.
- **Assist other agencies in transferring strategic and financial planning functions to the Judiciary:** The NJRS recognizes that the HCC is responsible for strategic and financial planning for the Judicial Branch.
- **Assist the Judicial Branch to develop its own vision and strategic plan:** SPP assisted the HCC in developing a five year strategic plan and has provided the HCC/MFAS with a road map for considering and deciding the full range of policy issues essential to successful implementation of budget management.
- **Assist the Executive Branch in strategic development of transferring integrated budget to HCC:** SPP assisted the MoJPA in development of National Judicial Reform Strategy where it is envisaged that HCC will take over competence over whole judicial budget (including capital investments, IT and non-judicial staff) by July 2016. Success of transition/preparation for transfer of integrated budget will depend on further support provided by the EU after closure of SPP project.

**What changes to the HCC and the courts were due to SPP assistance? What was the impact of these changes?**

- SPP provided HCC with alternative organizational models to help establish a program budgeting structure.
- Capacities of the HCC MFAS department are increased based on the trainings provided by the SPP.
- The Prosecutorial Council has indicated a willingness to adopt the same organizational structure and methodologies as adopted by the HCC.

**What other legislative/policy changes can be credited to SPP?**

- The MOJPA has indicated a willingness to adopt the same information databases as developed for HCC to include court profiles and status of funds reports, to thereby enable the MOJPA to develop standards for court personnel in order to produce desired outcomes.
- Transfer of judicial budget operational responsibility from MOJPA to HCC.

**What additional projects should USAID consider based on the results of SPP?**

- Projects to strengthen the leadership capacity of the HCC and to enhance the substantive expertise of the Judicial Academy to enhance sustainability of training programs developed by SPP.

## **TASK 1 RECOMMENDATIONS:**

**SPP/USAID should consider supporting the following actions directly and/or indirectly through EU follow-on assistance:**

- The HCC should develop a budget for the entire judicial branch, including expenses currently controlled by the MOJPA.
- The current draft of amendments to the Law on Court Organization should be revised to eliminate transfer of existing budget authority for maintenance and repairs from the HCC back to the MOJPA; and authority should be established to transfer the balance of judicial branch budget expenditures in the MOJPA to the HCC. The HCC should also actively propose the case for transfer of these funds before the EU Commission/Work Group etc. looking into the matter.
- On April 19, 2013 the EU brokered an agreement between the Governments of Serbia and Kosovo that allowed Serbia to avoid a two-year delay in the EU accession process. In particular, the agreement vests judicial authority in and around Mitrovica to the Kosovo judiciary and provides that Serbia will no longer operate a parallel judicial system in Northern Kosovo. This agreement will presumably be recognized in the revised National Judicial Reform Strategy. It is recommended that USAID and/or the EU Commission provide technical assistance to the HCC to facilitate budgetary implementation of this reorganization.

## **TASK 2 FINDINGS**

### **Were Task 2 Goals Achieved?**

**SPP substantially achieved Task 2 Objectives to assist the judicial branch in making the administration of justice more efficient, transparent and responsive to the needs of its users. The court manager career track developed by SPP was completed in September 2011; the long-term plan for court manager placement developed by SPP is expected to be enshrined in law the adoption of amendments to the Law on Court Organization later this year; the successful demonstration of backlog reduction and prevention policies in ten pilot courts has been integrated into the annual management plans of all courts and the methodology included in both the EU IPA Efficiency Improvement plan and in the pending strategic plans of both the NJRS and the HCC. These methodologies have led to substantial improvements in how case assignment and case management systems are evaluated under the JRI assessment system.**

**Task 2 Performance Objectives and Results include:**

- **After two years, a career track for court managers is in place: Achieved:** A career track framework was completed in September 2011. It details the professional development and advancement of court managers when hired and their advancement and salary opportunities. It also addresses regulations impacting the status and position of court managers. The court manager position was formally established through the Book of Court Rules in 2009 and was subsequently approved in court staffing plans.
- **After three years, professional court managers trained by SPP are working in key positions: Achieved:** Seven court managers were in place by 2011.

- **After four years, additional court managers are in place: Achieved:** Five additional court manager positions were approved and will be filled during 2013.
- **After five years, all positions for court managers identified in the plan for the placement of court managers have been filled: Achieved:** The five approved but vacant positions as well as an estimated seven new positions to be created in courts with more than 30 judges will be filled following implementation of the new court network. Although SPP developed a long-term plan identifying the courts that should engage court managers, the Law on Court Organization, once amended, will supplant the long-term plan. At the same time, pending changes to the court network scheduled to take effect on July 1, 2013 have had a chilling effect on the engagement of additional court managers.
- **After four years, the average number of cases pending for more than two years and four years in selected courts have been significantly reduced: Achieved:** The backlog of cases over two years of age in six SPP BLR (Backlog Reduction) pilot courts was reduced by 55%, from 23,352 in 2010 to 10,509 in 2012; whereas the backlog of all cases in all ten pilot courts was reduced by 35.98% over the same period. Similar results were reported for reductions in backlogs of cases older than five years.
- **After five years, the average case processing rate in selected courts has been reduced significantly: Achieved:** Clearance rates in all 10 pilot courts improved in 2012 to 126% of the 2010 baseline rate; clearance rates for the five pilot BLP courts increased from 87.9% in 2010 to 104.5% in 2012.
- **Improved system of random assignment of cases (JRI 18): Achieved:** The evaluation team believes the JRI rating for Factor 18 should be increased from Neutral to Positive. The JRI rated the judicial case assignment system as neutral in 2005, due to the need for additional safeguards to limit the potential for system manipulation of the system and measures to avoid overburdening judges. Since that time, automated random assignment without human interference has been established throughout the system, amendments to court policies and procedures have been adopted to establish limited circumstances in which a court president can intervene in an assignment and weighted caseload standards will soon be available to provide judges with more reliable data on which to assess individual judges' caseload burdens.
- **Improved case filing and tracking capacity (JRI 28): Achieved:** The JRI rating for Factor 28 should be raised from Neutral to Positive. The neutral rating assigned to case filing and tracking capacity (Factor 28) in JRI's 2005 assessment reflected their understanding at that time that Serbian courts were just beginning to implement automated case tracking systems. Through implementation of automated case tracking systems in all courts throughout Serbia since that time, Serbian courts now have the tools, staffing and training needed to track cases throughout the case process and to measure court performance and case processing rates.

**Were Task 2 Goals Appropriate?**

**Improving the efficiency of case management was the second goal under the Judicial Accountability Pillar of the 2006 NJRS and has been carried forward under both the draft NJRS plan for 2013 – 2018 as well as the 2012 update of the IPA plan of the European Union. The establishment of the court manager position under the Court Book of Rules and the Law on**

**Court Organization underscore the importance of court management to and the commitment of the Serbian government to institutionalization of the concept. Through case management automation, revised scheduling procedures and new professional positions, judges and court presidents will have greater time to focus on their adjudicatory functions. Court administration tasks will be performed by an increasingly professional cadre of court administrators and new judicial staff. Task 2 Program Objectives listed below were thus appropriate for the reasons stated:**

- **Court Manager Career Track Established:** The establishment of the career track provided the foundation for implementation of the provision establishing the position.
- **Court managers in place:** Placement of court managers in seven of the most visible courts in the judicial system provided real world examples of how the position could enhance the courts' management, allowed court presidents to delegate a significant portion of their administrative responsibilities to professional staff and served as a laboratory for testing the components of the career track developed for this new position.
- **Additional Court Managers in place:** The next step was recruitment and placement of the additional court managers proposed in the original plan. These additional managers are expected to be in place this year. Their placement reflects the successes achieved by the original managers and the judiciary's as well as the MOJPA's recognition of the importance and value of the position.
- **All court managers in place:** Complete implementation of the program will occur later this year with the establishment and placement of an estimated five additional court managers, with a currently unknown number of additional court managers to be hired in 2014 for courts with 30 or more judges following implementation of the new court network. That the judicial, executive and legislative branches recognize that establishment and filling of these additional positions is as much a requirement for implementation of the new court network as are judges and other non-judicial staff demonstrates that the position has now been fully integrated into the court system's management structure.
- **Reduction of backlog of cases older than two years and four years:** By demonstrating that a variety of pilot courts could reduce their backlogs, SPP was able to help the courts learn that case management is within the courts' control, that setting goals and tracking progress are essential to case management, that a methodology (including preparatory documents, backlog reduction teams, improved cooperation with other agencies, etc.) to enable courts to improve caseload management is available and easily adaptable to different court structures, that caseload management responsibilities can be delegated to court managers, and that backlog reduction is a critical measure in improving the public's confidence in the courts.
- **Case processing time reduced:** As with backlog reduction, SPP's assistance to the pilot courts in improving case processing was a critical factor in the project's success. SPP's methodology taught that reducing average case processing time requires that clearance rate improvement be a goal, that courts track the progress of their performance against those goals, that improved cooperation with external parties can improve efficiency and backlog reduction and that improvement in case processing time may be the most important measure the justice

system can provide to the public, for whom “justice delayed is justice denied” has become an increasingly popular basis of criticism of the courts.

- **Case Tracking Systems (JRI Factor 28):** Automated court case processing was deemed essential to the future of the judicial system by the JRI in 2005, when only a handful of courts had begun to use computers to manage their caseloads. Implementation of automated case tracking systems in all trial and appellate courts over the past 8 years has transformed the courts’ information management system from a manual system where judges, staff and the public were unable to track the processing of individual cases to a system in which the courts and the public now have the ability to track all cases electronically.
- **Random assignment of cases (JRI Factor 18):** The JRI rated the Serbian courts “Neutral” on this factor in 2006, not because of any reported evidence of assignment abuse but because of the potential for manipulation of a system in which cases were assigned manually and the court president had virtually unlimited authority to override individual assignments. Automation of the random assignment of cases and clarification and narrowing of the instances in which the court president can re-assign cases have largely eliminated any of the reasons cited in 2005 for Serbia’s neutral rating in this area. Again, evidence of the courts universal adoption of random assignment and of other instances of transparent processes are closely correlated with reported increases in the level of the public’ satisfaction with the judiciary.

#### **Are Task 2 Achievements Sustainable?**

**Development of the AVP system advanced the JRI Factor 28 measure of the need to establish automated case management systems throughout the court system; The draft of the NJRS 2013-2018 calls for continuing work on backlog reduction, case weighting, court managers, a national backlog reduction strategy, communications and judicial training, all areas in which SPP has played a leading role. Similar support for continued use of methodologies and resources developed by SPP are included in the IPA 2012 Judicial Efficiency Project, currently in the tender process; SPP methodology and tools, including case management reports and statistical measures, have been integrated into training programs for staff and president judges being developed and presented by the Judicial Academy. These methodologies and tools are being documented in a legacy document to be delivered by SPP to counterparts and for future advisors. This will consist of a series of publications currently being developed by SPP for publication prior to the end of the project term for training, continuity and related purposes. Task 2 Achievements listed below were thus sustainable for the reasons stated:**

- **Court Manager Career Track:** Development of the court manager career track provided the foundation for implementation of the position introduced into the Court Book of Rules. Pending amendments to the Law on Court Organization will strengthen the establishment of the position by incorporating the position into law.
- **Court Manager Training:** Court managers have been trained and curricula have been delivered to the Judicial Academy and adopted by the Program Council of the JA. Development and implementation of training programs developed by SPP have established minimum standards for the position and a basis for measuring court manager performance.

- **Court managers in place:** Implementation of the court manager position in key courts has resulted in widespread commitment to the support of this position by the judiciary as well as by the executive and legislative branches responsible for determining the basic requirements for court system management and for providing the funding required to support these positions.
- **Backlog reduction and case processing improvements:** Backlog reduction methodology developed by the SPP team is introduced in the draft of the NJRS 2013-2018 (and accompanying action plans), as well as in the IPA 2012 Judicial efficiency Project currently in the tender process. These programs have demonstrated the cost effectiveness of case management and have increased the public's confidence in the courts as the publication of results has strengthened the courts reputation for transparent and efficient operations.

**What changes to the HCC and the courts were due to SPP assistance? What was the impact of these changes?**

- SPP introduced backlog reduction and prevention methodologies in pilot courts that have since been adopted by courts throughout the system, including the development of annual backlog reduction strategic plans in many courts.
- SPP's assistance in implementing the court manager position throughout the system has resulted in the establishment of court management as a profession in Serbia and has expanded the scope of court support from filing and records management activities to caseload management and resource allocation.

**What other legislative/policy changes are can be credited to SPP?**

- SPP supported the revision of the Book of Court rules to incorporate the position of court manager, which will be made more permanent through the amendment to the Law on Court Organization, expected to be adopted later this year.

**What additional projects should USAID consider based on the results of SPP?**

- Caseload management is the heart of court administration. Programs to train court managers and judicial leaders will significantly enhance the management capacity of court system leaders and alleviate much of the administrative burdens currently borne by court presidents.

**TASK 2 RECOMMENDATIONS:**

Pending amendments to the Law on Court Organization will permanently establish the position of court manager, and the judiciary will then be responsible for the development of a set of specific competences for the position. A Working Group will presumably be established to implement the legislation. It is recommended that the HCC and court managers coordinate efforts to participate in such a Working Group to assure that the court manager position description to be developed under the statutory provision specify the delegation of caseload management responsibilities from the court president to the court manager, under such circumstances as may be deemed appropriate. The Working Group and/or the HCC should also consider bringing court managers from other countries in the region to Belgrade to discuss their systems; and arrange for delegations of judges and managers to attend future IACA or other regional court management conferences to find out how other

jurisdictions deal with this and other core competences in order to better understand the benefits/risks associated with such delegation.

## TASK 1 & 2 FINDINGS

### *Were Public Trust and Confidence Goals Achieved?*

**It is unclear to what extent SPP achieved its Task 1 & 2 Objectives to increase the judiciary's credibility, in part because SPP was not an anti-corruption project and did not conduct activities designed to directly impact the level or incidence of bribery and corruption in the courts. SPP's principal activity in building public trust and confidence was in facilitating the development of HCC's and partner courts' strategic and communications plans. Despite widespread praise for the quality and quantity of SPP's assistance in this area, the HCC failed to take the lead on the adoption of these plans, both of which remain pending at this time, although most of the activities in these plans have been implemented. A number of the pilot courts, in particular, have actively developed and implemented communications and outreach activities that the court presidents indicated had significantly increased the level of trust the public seemed to have in the court system, including:**

- The HCC adopted changes to their procedural rules recognizing the value of open meetings.<sup>1</sup>
- All courts now have websites, although of varying quality and functionality. Some allow the public to download forms and court documents.
- The MOJPA developed a web portal that allows the public to track cases.

**Despite the lack of initiative by the HCC, there is at least anecdotal evidence to indicate that over the course of the project there was an observable increase in the level of public perception of the judiciary's credibility. The results of an omnibus survey of the public and of a separate series of face-to-face exit questionnaires administered to court users during 2013 by Ipsos Strategic Marketing and made available to the evaluation team in early May 2013 allow limited inferences to be drawn from data reported to the effect that the public is less skeptical about the government in general and the judiciary in particular as regards perceptions of possible judicial corruption. That data suggest the following about the two transparency-related performance objectives:**

- **After four years, a significantly lower percentage of select courts report offering and paying bribes to the judiciary and court personnel:** The omnibus survey reported a drop (from 8%<sup>2</sup> in 2010 to 5%<sup>3</sup> or 2%<sup>4</sup> in 2013) among anonymous survey respondents willing to report paying a bribe to someone in the judiciary.
- **After four years, and even more after five years, there is greater openness of court proceedings and information about court operations, increased support for judicial independence and reform and reduced perception of corruption in the courts:** The omnibus survey conducted in April 2013 found substantial increases in the percentage of

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<sup>1</sup> Article 10 provides that meetings of the Council may be open or closed. Article 11 provides that the Council may decide whether to work in open session, based on the proposal of the Council President or a Council Member.

<sup>2</sup> Transparency International Global Corruption Barometer (TIGCB) 2009

<sup>3</sup> 2013 Omnibus Survey

<sup>4</sup> 2013 Exit Poll Survey – Knowledgeable Users

persons who believe judges will decide cases fairly<sup>5</sup>, a lower percentage of the public who assume the legal system is inherently corrupt<sup>6</sup> and both a decrease<sup>7</sup> and an increase<sup>8</sup> among respondents who support reforms that will make the judicial system and courts more independent. (Even the decrease in this last measure can arguably be attributed at least in part to a public information campaign in recent months blaming the courts for justice system problems). Both surveys reported that respondents believed it was now easier to get information about court procedures and court cases than it had been in 2008.<sup>9</sup>

### **Were Task 1 & 2 Goals appropriate?**

**Goals related to reducing bribery and corruption in the courts were inappropriate, inasmuch as SPP was not an anti-corruption project and its activities were not focused on either reduction of bribery or reduced public perception of corruption. While increasing support for judicial independence and reform (including encouraging open meetings), were desirable outcomes of SPP's efforts to strengthen judicial financial independence and improve court management systems, they were at best indirect measures of the project's ability to help the courts and HCC develop Communications Plans and encourage the courts to expand court information system functionality. Specifically Task 1 & 2 Public Confidence in the Courts Performance Objectives listed below were inappropriate for the reasons stated:**

- **Reduction in percentage of court users reporting offering and paying bribes to the judiciary and court personnel:** Although regaining the public's trust in the judicial system was deemed to be a fundamental goal of the 2006 NJRS, SPP was not an anti-corruption project and its activities were not focused on reduction of bribery.
- **Greater openness of court proceedings and information about court operations, increased support for judicial independence and reform and reduced perception of corruption in the courts:** A key pillar of the NJRS was Transparency, including providing appropriate public access to court proceedings and enhanced public outreach and participation. As noted above, SPP's principal activity in building public trust and confidence was in facilitating the development of HCC's and partner courts' strategic and communications plans. Despite widespread praise for the quality and quantity of SPP's assistance in this area, the HCC failed to take the lead on the adoption of these plans, both of which remain pending at this time, although most of the activities in these plans have been implemented.

### **Are Task 1 and 2 Solutions Sustainable?**

**Develop Communications Plan to increase Public Trust and Confidence in the Courts:** Although both the two year strategic plan extension and the HCC Communications Plan remain pending, many of the activities in these plans have been implemented, particularly by the pilot courts, whose acting court presidents and court managers advised the evaluation team without exception that communications and outreach activities developed with SPP assistance have significantly increased the level of trust the public seems to have in the court system. There is at least anecdotal evidence that the courts and HCC's communications and outreach activities have resulted in increased public

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<sup>5</sup> Increase from 24% baseline (2008 USAID/IPSOS baseline) to 34% and 50% of 2013 omnibus survey and exit poll respondents, respectively

<sup>6</sup> Decrease from 63% baseline (TIGCB) to 53% and 39% of 2013 omnibus survey and exit poll survey respondents, respectively

<sup>7</sup> From 74% baseline (USAID/IPSWOS Omnibus Survey 2010) to 57% on 2013 Omnibus Survey

<sup>8</sup> From the 74% baseline on the 2010 Omnibus Survey to 86% on the 2013 Exit Pull survey

<sup>9</sup> Increases reported from 15% in 2008 baseline survey to 17% in 2013 omnibus survey and 54% in face-to-face (exit poll) survey.

confidence in the courts. According to a face-to-face exit survey of court users conducted in 2013, the percentage of knowledgeable persons who believe that judges will handle cases fairly has more than doubled since 2008; the percentage of court users who believe that it is easy to get information about court cases and procedures has more than tripled; and the percentage of users who believe the court system is corrupt has declined by nearly 50%.<sup>10</sup> In addition, rules of procedure of the High Court Council now recognize that it may be appropriate for the HCC to meet in public session.

- All courts have web sites, and some allow the public to download court documents;
- MOJPA developed a web portal that allows the public to track cases;
- Most courts have established information desks and routinely distribute free brochures, both in hard copy and online, to facilitate public access to court information and to assist the public in preparing basic court documents.

**What changes to the HCC and the courts were due to SPP assistance? What was the impact of these changes?**

- HCC and courts adoption of strategic and communications plans.
- More open HCC and court proceedings, with more information made available to the public.

**What other legislative/policy changes are can be credited to SPP?**

- Adoption of revision to Book of Rules to permit HCC to meet in open session.

**What additional projects should USAID consider based on the results of SPP?**

- Implementation of strategic and communications plans.
- Train members of judiciary, judiciary staff, HCC members and Administrative office staff in order to increase their awareness and capacities in communications.

**TASK 1 & 2 RECOMMENDATIONS:**

- Establishment of national court public information and public relations office and regional court information offices to facilitate outreach at the local levels.
- HCC and the courts need to decide whether responsibility for Communications Policy in a given court depends on whether the PR function is deemed to be owned by judicial or non-judicial staff.

**TASK 3 FINDINGS**

**Were Task 3 Goals Achieved?**

**SPP substantially achieved Task 3 Objectives to strengthen Legislative Branch Financial Independence, including:**

- **After two years of implementation, the Assembly has done more thorough analysis of some pending legislation, and/or the Assembly's operations have become more transparent: Achieved.** The Assembly has been honored three straight years by the Commissioner for Free Access to Information of Public Interest as the most transparent national institution, based on Public Relations initiatives of the Assembly developed with SPP

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<sup>10</sup> 2013 IPSOS Exit Poll Survey of Knowledgeable Users—see Appendix G

assistance, including: a Communications Plan that addresses internal, external and crisis communications; a new website and a web portal that will provide E-Parliament functionality to the public; and reorganization of its information services office and outreach to the media.

- **After three years of implementation the Assembly Budget Office can support and implement all aspects of parliamentary budget and finance process: Achieved.** By 2011, the Assembly budget office was preparing and submitting its first operating budget based on committee and administrative office program requirements. SPP restructured the budget office and helped recruit staff with budget expertise to assist in budget preparation, advocacy, monitoring and execution; and staff were able to formulate budgets, operating plans and financial plans using budgeting, accounting and HR software provided by SPP. However, spending controls and internal audit capacity remained weak.
- **After three years of implementation the Assembly produces five-year strategic and financial plans: Achieved.** The Assembly adopted a five year strategic plan and related implementation plan in 2011. MPS and Secretariat staff were trained on updating the plan and identification of priorities. Some departments such as Public Relations have implemented the strategic plan but not all departments are on board. Adoption of a financial plan is not considered feasible as MPs do not believe they can bind their successors, although the Assembly's annual budget is, in effect, a one year financial plan.

#### **Were Task 3 Goals appropriate?**

**Goals relating to Task 3 were appropriate. The EU Accession Progress Report in 2006 found that a principal issue for the Serbian Parliament was a lack of transparency. According to a public opinion poll conducted by Strategic Marketing in November 2008, only 8% of citizens had a positive opinion about Parliament, as compared to a 10% positive rating for the judiciary and a 13% rating for the government overall. And a June 2009 assessment by Transparency International found that only 2% of Serbian citizens believed that Parliament was not corrupt. Task 3 focused on building the National Assembly's capacity to manage its own budget and resources, to plan strategically for its own institutional development, and to enhance its transparency by communicating its work to the public more effectively. Specifically Task 3 Performance Objectives listed below were appropriate for the reasons stated:**

- **More thorough analysis of some pending legislation, and/or Assembly operations have become more transparent:** The widespread public perception regarding corruption in Parliament more than justified a program to provide assistance to strengthen integrity within the legislative branch while seeking to improve the Parliament's public image. The SPP focus on developing an overall Communications Plan properly included the development of Parliament's website as well as projects to increase public access to legislative information. Other donors may have been responsible for development of related programs to increase anti-corruption efforts and to increase legislative ethics and disciplinary projects the existence and results of which would presumably have been critical to the successful implementation of a program to improve the Parliament's public image.
- **The Assembly Budget Office can support and implement all aspects of the parliamentary budget and finance process:** Prior to SPP, the Assembly allowed the government to determine the Assembly's budget needs and to allocate resources for the Assembly. As a

result, the Assembly lacked budget development and execution expertise and did not routinely seek to elicit the programmatic requirements of its departments, committees or functional offices. Lack of financial independence inevitably led the legislative branch to abdicate its financial responsibility and authority to determine its needs and resources to the Ministry of Finance. Despite its need to improve its public image, the Assembly lacked the resources to conduct public outreach regarding the operations of the legislative branch or to assist the public in accessing legislative information. Independence of the legislative branch as well as financial independence on which to build its independent foundation more than justified the need for a project to help build legislative budget capacity.

- **Strategic and Financial Planning:** In order to begin to assume responsibility for its own needs and resources, the first step required was for the Assembly to determine what its needs, figure out how to address those needs, and to then develop the capacity to achieve those objectives, including identifying internal and external resources with the expertise to help the Assembly achieve its goals. SPP's expertise in strategic planning was precisely what the Assembly needed to establish its financial independence.

#### *Were Task 3 Achievements sustainable?*

**Two years after the end of SPP Task 3 activities, professional staff in the Parliament as well as MPs who were actively involved in project activities advise that without SPP assistance and support transparency, budget capacity and strategic planning would not have been improved in the Parliament. In daily operations, Parliament staff still rely on SPP advice and remain in contact with the SPP project team.**

- **Transparency:** SPP helped develop the Assembly's first Communications Plan and the development of a website that has increased the public's confidence in the legislature by providing access to Assembly operational information and the ability to track legislation. Revisions to Assembly procedures recommended by SPP have resulted in the adoption of open meetings. These activities have been integrated into the Parliament's operating budget.
- **Strengthen Budget Office Capacity:** Law on the Assembly also established that Parliament shall have budgetary autonomy. SPP developed a budget management staffing plan for the Assembly that has subsequently been implemented.
- **Strategic and Financial Planning:** Strategic Planning was established as a formal institutional requirement in the Law on the Assembly adopted in 2010. SPP assisted the Assembly in developing its first five year strategic plan and provided training to budget staff and MPs.

#### *What changes to the National Assembly were due to SPP assistance? What was the impact of these changes?*

- Introduction of strategic planning.
- Improvement in budget planning process.

#### *What other legislative/policy changes are can be credited to SPP?*

- Development of program budgeting capacity and coordination of operational requirements of committees and support functions.

### What additional projects should USAID consider based on the results of SPP?

- There is a need for additional capacity building of the NARS Budget and finance sector staff as well as for further development of IT support to the Budget office.

### TASK 3 RECOMMENDATIONS

There is a need for additional capacity building of the NARS Budget and finance sector staff as well as for further development of IT support to the Budget office.

### CONCLUSIONS AND RECOMMENDATIONS

**SPP/USAID should consider supporting the following actions directly and/or indirectly through EU follow-on assistance:**

**1. Judicial Financial Independence:** The MOJPA continues to control 67% of the judiciary's budget (court staff, IT and capital investments). Despite widespread support for transfer of these functions to the judiciary, including in the MOJPA's own National Judicial Reform Strategy as well as at the top of the EU's priority list for negotiation and implementation of Chapter 23, the current draft of the Law on Court Organization remains silent on the issue.

**Recommendation:** The HCC needs a champion to lead implementation of its Strategic Plan, beginning with transfer to the HCC of authority over all judicial branch expenditures currently under the control of the MOJPA.

**2. Project Design:** The project design as to HCC may have been unduly narrow. The design intentionally limited the scope of the project to two substantive areas of assistance, i.e., financial independence and court management, based on the assumption that the HCC would have had the leadership capacity needed to have allowed it to lead planning, development and implementation of these projects. The HCC, however, had not yet developed the capacity needed to exercise policy leadership in the judiciary, even as the need to re-elect the entire judiciary distracted the HCC's attention away from the SPP projects.

At the same time, the reasons for combining Assembly and HCC financial management development efforts is unclear. While both branches required assistance in the development of budget management capacity to increase their financial independence from the executive branch, as well as assistance in the development of transparency and public outreach, their differences seem more significant than their common requirements.

**Recommendation:** Allow greater flexibility in design of scope of ROL project activities to accommodate structural, organizational or political changes in the beneficiary's environment by allowing contractors and donors to shift their focus to other priority activities that are consistent with program principles. It is not uncommon for the counterpart environment to change dramatically at the outset or shortly after the inception of an ROL project. Design alternatives to allow flexibility could include: (A) Proposing alternative scenarios, such as: (A) if HCC is in a position to exercise judicial system leadership, undertake activities 1-3; (B) If HCC is unprepared or unwilling, conduct activities 4-6, etc.; or (B) proposing

development of a particular product for multiple beneficiaries, e.g., a uniform budgeting system for the judiciary, the Assembly and the MOJPA to facilitate the cost of development and the potential for integration. Changes in the availability of one counterpart would not preclude moving forward on development of the system with the others.

**3. HCC and Judicial Academy Capacity Development:** The HCC and the Judicial Academy both lack the capacity needed to assume judicial system leadership.

**Recommendation:** Capacity building for both HCC and the Judicial Academy should be priorities for the future, both for the government and for donors. While the EU is planning to carry forward on many of the court management initiatives developed under the SPP, USAID may wish to consider supporting programs to help the HCC develop its policy-making and budget and legislative advocacy capacities. Capacity of the Administrative Office to provide policy advisory assistance to the HCC likewise needs to be strengthened. The capacity of the Judicial Academy to develop and deliver strategic planning training should be considered as well, in order to enhance sustainability of training programs developed by SPP.

**4. Court Manager Competences:** Court Manager competences do not yet include caseload management. Despite the judiciary's support for adoption of reforms to transfer non-judicial duties from president judges to court administrative staff, the judiciary remains reluctant to delegate caseload management responsibilities to court managers, viewing case assignment, calendaring, delay reduction and the like as essentially judicial functions. SPP has prepared two court manager profiles—one in which the court manager is responsible for administration; and another in which the court manager is also responsible for caseload management; and caseload management is an integral component of the new court manager training developed for and by the Judicial Academy. Nonetheless, there is little momentum for judges to cede this authority or for managers to advocate for delegation of this responsibility to them.

**Recommendation:** Establish a Working Group to implement the court manager position under pending amendments to the Law on Court Organization to include delegation of caseload management to court managers, bring court managers from other jurisdictions to Serbia and send a delegation of judges and managers to IACA or other regional court management conferences to find out how other jurisdictions deal with this and the benefits/risks associated with such delegation.

**5. Legislative budget:** SPP helped re-structure the National Assembly's budget and finance office, developed procedural rules to govern the operations of the budgeting process and helped implement budgeting and accounting software provided by SPP. While staff has been trained in the use of the software and implementation of the new procedures, additional administrative and operational capacity need to be developed.

**Recommendation:** There is a need for additional capacity building of the NARS Budget and finance sector staff as well as for further development of budgeting and accounting software.

## **I. PURPOSES OF THE EVALUATION**

The purposes of the final evaluation as specified in the evaluation team's Scope of Work (Appendix A) were to determine:

- 1.1 If Project goals were met;
- 1.2 If Project goals were appropriate;
- 1.3 If the results of the project are sustainable; and
- 1.4 Lessons learned from the project's design and implementation

In addition, the assessment team was to determine progress made against Factor 10 (Budgetary Impact), Factor 18 (Case Assignment) and Factor 28 (Case Filing and Tracking Systems) of the Judicial Reform Index conducted by ABA/CEELI in 2005. Progress made under each of these factors is included within the assessment of those Tasks that impacted conditions measured by those factors, i.e., JRI Factor 10 is assessed under task 1; and JRI factors 18 and 28 are assessed under Task 2.

## **II. METHODOLOGY**

EWMI engaged an independent court management consultant from the US, Francis Bremson (see Appendix F) to serve as Project Assessment Specialist; and Serbian attorney and Rule of Law expert Marina Matic (see Appendix F), to assist Mr. Bremson in the evaluation.

The evaluation team designed a methodology based on the Project Scope of Work (Appendix A) that specified that SPP activities were to be measured according to Performance Objectives (Appendix B) set forth in the USAID/EWMI contract (see Appendix B), as further quantified in the Project's Performance Based Management Plan (PBMP, Appendix C). Progress against Performance Objectives was to be determined within the context of the judicial and legislative branch environments and challenges presented by changes in those environments (see below, Sec. III) during the course of the Project. In addition, the team was expected to assess the extent to which the Project Goals were determined to have been appropriate; to what extent the team determined that project achievements were sustainable; and to propose conclusions that could be drawn regarding the extent to which the project design facilitated or limited the effectiveness of project efforts.

To address these questions, the team initially reviewed all relevant documents (Appendix D) during March 2013, prior to conducting a series of onsite interviews of all key project participants, including counterparts, USAID officials, SPP staff and others (Appendix E) during April to determine the extent to which SPP had achieved its Performance Objectives. The team focused in particular on activities conducted after the dates of the prior mid-term evaluations conducted of SPP's performance on Task 3 (report dated August 2010); and the mid-term evaluation conducted in 2011 of the SPP's performance on Tasks 1 and 2 (report dated January 2012).

The team met with USAID Mission representatives on April 26, 2013 to discuss preliminary findings and then prepared a draft report for EWMI to review during the first week in May. Following feedback from EWMI, the team prepared an initial draft to be submitted to USAID for review and comment, prior to the final draft being prepared for incorporation in the SPP Final Report, to be submitted to USAID following project termination currently scheduled for December 2013.

### **III. JUDICIAL AND LEGISLATIVE REFORM ENVIRONMENT**

#### **A. JUDICIAL REFORM ENVIRONMENT**

In May 2006 the National Judicial Reform Strategy (NJRS) was adopted and later in 2006 the new Constitution of the Republic of Serbia was adopted, reinforcing the concept of judicial independence. In 2008, a series of new laws was passed to implement the provisions of the new Constitution, including: the Law on judges, the Law on Public Prosecution, the Law on the High Court Council, the Law on the State Prosecutorial Council, the Law on Organization of Courts, and the Law on Seats and Territorial Jurisdiction of Courts and Public Prosecutors Offices. In 2009 the Law on the Judicial Academy was adopted in Parliament that introduced initial training of judges and prosecutors. In late 2012, the Ministry of Justice and Public Administration prepared draft amendments to the Law on judges, Law on Public Prosecution, Law on Organization of Courts and Law on Seats and Territorial Jurisdiction of Courts and Public Prosecutors Offices. Parliament also adopted amendments to the Criminal Procedure Code, Civil Procedure Code and Law on Enforcement.

In 2009 the two new institutions envisaged in the NJRS - the High Court Council (HCC) and the State Prosecutorial Council (SPC) – were established and their members provisionally appointed. In the same year, the two Councils, following a procedure of re-election of the whole Judiciary (judges and prosecutors) envisaged by the constitutional law, decided to dismiss (not to re-elect) around 1000 judges and prosecutors (almost 30% of all judges and prosecutors). In spring 2011 a new election for the members of the two Councils was held and “permanent” Councils were elected. In compliance with the amendments to the Law on Judges and the Law on Public Prosecution, as well as the Constitutional Court decisions, the Permanent Composition of the two councils reviewed the decisions of the first of the two councils to terminate the office of non-elected judges and prosecutors in the course of the well-known procedure of re-appointment of judges and prosecutors; and the reinstatement of the non-elected judges and prosecutors after the judgments of the Constitutional Court that annulled the decisions taken by the Permanent Composition of the two councils during the review process.

The Law on the HCC and the Law on Judges prescribe that the Permanent Composition of the HCC, within 90 days from its election, shall issue the regulations envisaged by the law. This task is mandatory. Those regulations include: Criteria and standards for the periodic performance evaluation of in-service judges (Article 32 of the Law on Judges); criteria and standards for the election of candidates to judicial functions, including first time elected judges and appointment of the latter to a permanent function (Articles 45 and 52 of the Law on Judges); and criteria for the election of presidents of courts (Article 69 of the Law on Judges). The HCC failed to adopt any of these regulations.

The HCC and SPC rejected most applications filed by dismissed (not re-elected) judges and prosecutors for their reinstatement. In July 2012 the Constitutional Court of Serbia annulled the decisions of the two Councils to dismiss and to refuse the reinstatement of dismissed (not re-elected) judges and prosecutors and ordered their reinstatement. In the following months 500 dismissed (not re-elected) judges and 100 prosecutors were reinstated in the system.

In 2009 the High Court Council adopted the Rulebook on Work for the Council and the Decision on Establishment and work of the Administrative Office. At the end of October 2009 the first secretary of the Administrative Office of the HCC was hired. The first order of business for the new General

Secretary at that time was the establishment of the judicial budget office (MFAS) and the recruitment, hiring and training of MFAS staff.

The Law on Courts passed in 2008 introduced changes in the types of courts: instead of municipal, district and Supreme Court, the Basic, Higher and Appellate courts and the Supreme Court of Cassation were introduced as courts of general jurisdiction. The Law further authorized the establishment of the commercial court, appellate commercial court, misdemeanor and higher misdemeanor court and the administrative court as courts of special jurisdiction. Upon changing the legislative framework on 1.1.2010, a new judicial network started operating. The unanimous opinion regarding the new court network is that it proved to be inefficient and expensive. The main reason for that seems to be that the abolished Municipal Courts were in fact replaced by Court Units (around 100) of the Basic Courts. As a consequence, the reduction of the number of courts did not bring any improvement because judges are now obliged to travel from the seat of their Basic Court to the Court Units at additional costs.

The Ministry of Justice and Public Administration prepared draft amendment to the Law on Court Seats in order to increase the total number of Basic Courts from 34 to 67, while decreasing the total number of court units from 100 to 12. Among the criteria established to determine the final number of Basic Courts were number of inhabitants, distance among Basic Court locations and workload, as well as the distance from the border, the presence of ethnic minorities and the traditional presence of a court of justice in the location.

As of 1 January 2010 civil and criminal cases that were pending before the abolished courts (mainly Municipal and District Courts) were transferred to the newly established Basic and Higher Courts; cases pending before the Supreme Court were divided between the new Appellate Courts and the Supreme Court of Cassation according to their nature, appeals or protections of legality.

The total number of judges was also reduced and determined precisely for each court. The reduction rate was about 20/25 % namely, from 2.300 judges to around 1.838 judges plus 615 misdemeanor judges, who were not part of the Judiciary before (2.453 judges in total). However, after reinstatement in the system of non-re-elected judges the total number of judges increased by more than 600 to a total of about 3000.

In 2012, the Ministry of Justice and Public Administration (MOJPA) started the process of drafting the new five-year 2013-2018 National Judicial Reform Strategy (NJRS). The task was assigned to the “Working Group for drafting the new five-year National Judicial Reform Strategy and Action Plan”. The National Judicial Reform Strategy was adopted in the Parliament on July 1, 2013.

### **How these events affected project design and implementation**

For the Separation of Powers Program’s priorities, many of the environmental pre-conditions for progress were present at SPP’s inception in 2008. However the repercussions of the implementation of the court reorganization created considerable challenges for SPP. Similarly, difficulties encountered in the reappointment process and the attendant controversy created even greater challenges for SPP in supporting the implementation of the HCC’s new budgeting responsibilities. In recognition of the delays in project progress due to the reappointment process, SPP opted to proceed with product development so that the project would be ready to move ahead as soon as the HCC indicated it was prepared to do so. For example, instead of focusing initially on HCC/MFAS budget development capacity, SPP provided direct technical assistance to HCC and MOJ in preparing the HCC budget for

2010, based on the MOJ's 2009 and 2010 Annual Operations Plans. While these activities delayed achievement of certain program objectives, they enabled SPP to accelerate implementation activities during the second half of the project so that program objectives could be fully achieved. Other challenges overcome by the team included the narrow scope of the project design that limited SPP activities to two substantive areas of development as well as the assumption in the project design that the HCC would have been better prepared to assume judicial branch leadership by the time the SPP was ready to begin project activities. That turned out to be a flawed assumption that affected the project's ability to assist the HCC in planning and implementation activities throughout the project.

## **B. LEGISLATIVE REFORM ENVIRONMENT**

The new Parliament was constituted in June 2008, ahead of the legal deadline, and a speaker and six deputy speakers were elected. Standing committees were constituted, including the Committee on European Integration. Several committees are chaired by members of opposition parties. Ethnic minority lists continue to be represented in the parliament. The new parliament ratified the Stabilization and Association Agreement (SAA) in September 2008 and has begun work on a legislative package intended to address key political priorities.

Following a prolonged period of obstruction, amendments to the Parliament's Rules of Procedure were adopted in February 2009, providing for more efficient Parliamentary debates. This has led to improvements in the functioning of the Parliament including the passage of laws through the legislature. The conditions for MPs to invoke procedural violations, the main source of the previous practice of obstruction, were limited. The agenda and timing of plenary debates have been streamlined. Parliament activated the existing, but previously rarely used, instrument for exercising oversight of the executive, namely the possibility for MPs to ask both written and oral questions and for organizing debates on specific topics proposed by MPs.

In February 2010, parliament adopted the Law on the National Assembly, required by the Constitution. The law establishes parliamentary budgetary autonomy through a separate budget as opposed to the previous practice of government-decided allocations and rules on the transparency of parliamentary bodies. It also provides for procedural innovations, in particular the establishment of a parliamentary collegium which formalizes the earlier *ad hoc* practice of consultations between the Speaker and the heads of political groups in the parliament. New parliamentary rules of procedure were also adopted.

The first autonomous budget was approved in December 2010; an office for budget planning and analysis was established and an internal auditor was appointed in April 2011. The rules of procedure adopted in 2010 clarified the legislative procedures, introduced public hearings and enhanced the existing instruments of control over the executive. Under these rules the number of standing committees in the next legislative session will be reduced from 30 to 19.

The functioning of the committees remains largely reactive and their effectiveness varies significantly. There is a lack of adequate expert and support staff to assist the committees. This hampers the ability of Parliament to scrutinize draft legislation in depth, including its financial implications, and to monitor the implementation of legislation.

Parliamentary business has run more smoothly and effectively under the current legislature than previously. According to the Assistant Secretary General of the Parliament, part-time contractual staff

(previously engaged for certain tasks or for specific periods of time) have since been replaced by more qualified employees who now serve for indefinite terms. Since 2008, Parliament engaged in extensive legislative activity aimed at establishing a systemic legal framework in line with European standards.

### **How these events affected project design and implementation**

The lack of professional budget and financial staff at the Parliament presented the main challenge for the SPP project team and delays occurred while SPP worked with the Parliament to recruit and train qualified staff. In addition, administrative staff at the Assembly may have been less familiar than their counterparts in the executive and judicial branches in obtaining technical assistance to improve operations from international donors. The staff's prior experience in working with donors had been limited to participation in bilateral/multilateral networks to share comparative experiences.

Additionally, due to turnover in Parliamentary leadership, the policy leadership lacked institutional memory. MPs have different profiles, background and education and not many of them had previous experience in technical assistance projects. To overcome these barriers, the SPP project team began to conduct a series of ongoing communications to begin to build trust with their counterparts. Although this process initially resulted in delays in achievement of project objectives, once MPs and staff had been trained and began to actively participate in the planning and implementation of project activities, the counterparts became quite enthusiastic and committed to achievement of project objectives, actively continuing to implement strategic planning activities after the termination of Task 3 and continuing to the present. Given the difficulty of establishing trust in working with an organization as highly political as the Parliament, a longer start-up period may need to be included in design of future projects to provide technical assistance or to develop leadership capacity to such organizations.

#### IV. ASSESSMENT

SPP has substantially met virtually all of its performance objectives, including implementation of its judicial branch budget preparation and execution objectives previously thought to be at risk given the HCC’s concentration on re-electing judges, in part as a result of the level of cooperation engendered by SPP staff with counterparts. Courts responded favorably to appreciation shown by SPP and USAID. Judges and staff feelings of confidence in their abilities to resolve any management problem were palpable. Although SPP encountered significant challenges due to changes in the judiciary (new court network, re-election of judges, new judicial package and political change), SPP contributed to improvement of the efficiency of the judiciary, establishment of judicial independence and strengthening of the legislative budget process.

In the following section, each of the SPP Project’s three Tasks is presented by title, followed by a summary of the principal activities conducted to achieve each goal, followed by a listing of the performance objectives established for each activity. Each Performance Objective is then reviewed, to determine the extent to which each performance objective was achieved, including an analysis of whether the project goals were appropriate and if the results achieved are sustainable.

**Task 1 Goals: Judicial Financial Independence:** Develop the judiciary’s Financial Independence.

##### Task 1 Activities

- Assist the judicial branch to acquire, allocate and manage resources through the establishment of a budget and finance function
- Assist other agencies to transfer finance and strategic planning functions to the judiciary
- Assist the judicial branch to develop and implement its own vision and strategic plan

**Task 1 Performance Objectives** 7, 8, 12 and 14 (JRI Factor 10) (numerical references are to list of objectives in USAID contract—See Appendix B):

No.	PERFORMANCE OBJECTIVE
7	Strategic Planning: After four years, the judiciary has adopted five- and 10-year development plans.
8	Integrated Budget: After four years, the budget and finance office and judicial leaders prepare an integrated budget for all courts.
12	Budget Advocacy: After five years, budget and finance staff and judicial leaders deal directly with the Ministry of Finance in budget preparations/negotiations.
14	After five years, substantial progress is noted for Factor 10 (Budgetary Input) of the Judicial Reform Index.

##### Were Task 1 Goals Achieved?

SPP substantially achieved Task 1 Performance Objectives to Develop the Judiciary’s capacity to allocate, acquire and manage the judiciary’s resources.

**Performance Objectives:** After four years of implementation, the judiciary has adopted five and ten year development plans **Five Year Strategic Plan: Substantially achieved.**

- **Five Year Strategic Plan: Substantially achieved:** Although the SPP developed a road map

of policy issues for the HCC to address, the HCC deferred action on most of these issues in order to focus attention on the reelection of judges. Nonetheless, once the reelection process was concluded, the HCC adopted a three year strategic plan and is currently considering adoption of a two year extension. The HCC officially adopted a three-year strategic plan on March 18, 2011. The plan set out the Council's priorities, mission, vision statement, and short-term goals. SPP assisted HCC in preparing a draft update to extend the current plan to cover the five year mandate of the Council's current judge members. That draft two year extension is currently pending approval by the HCC. It has reportedly been approved by the judge members of the HCC but non-judicial members have apparently not seen and/or have not yet approved the revision. One goal of the review is to assure that the HCC strategy is consistent with the new draft NJRS five year (2013-2018) strategy. Coordination with the NJRS is a requirement of the EU. The NJRS is envisaged by all relevant stakeholders as the umbrella document for the judicial branch. The EU evaluation team apparently had concerns about the NJRS drafting process, however, questioning the manner in which organizational representatives appointed to the NJRS Working Group to represent affected stakeholders had been selected. The HCC is reviewing its own strategic plan to assure that it is more specific than the NJRS plan.

- **Ten Year Plan: Not Achieved:** The HCC declined to develop a ten year plan, based on its conclusion that it lacked the authority to bind the successors of the judicial members appointed to five year terms. EWMI has requested USAID contract modification in April 2012 to delete the 10 year objective.

**After four years, the budget and finance office and judicial leaders prepare an integrated budget for all courts: Achieved.**

- An integrated budget was first prepared for the 2013 fiscal year in 2012 and is currently in process for 2014. The submission of this integrated budget to the MOF was the culmination of SPP efforts to facilitate the staffing and training of HCC staff and leadership and the implementation of the court system's automated budgeting and accounting system.
- Control over the budget and finances of the courts formally passed from the Ministry of Justice and Public Administration (MOJPA) to the HCC on January 1, 2012, although the HCC formally decided to request that MOJPA continue to provide financial and budget services for the courts through March 2012. The HCC now controls the budget for judges, lay judges, expert witnesses, ex officio attorneys, and the operating expenses of the courts, while the MOJPA controls the budget for capital expenditures, information technology (IT), and administrative staff.
- SPP assisted the HCC in developing and implementing a systemization (staffing) plan for HCC's Material and Financial Affairs Sector (MFAS), which was adopted by the HCC in December 2010. The systemization plan initially included positions for 12 financial and budgeting experts and four internal audit and accounting staff, although the HCC ultimately decided that only one internal audit position was needed. 10 of the 12 MFAS positions for financial and budgeting experts were eventually filled, mostly through transfer of budget staff from the MOJPA to the HCC. The one internal auditor position remains vacant.

- SPP assistance was critical to this achievement by facilitating the reorganization of the MFAS to determine judicial system needs on a programmatic basis in lieu of the functional organizational structure previously in place. Previously, judicial budgeting was simply an incremental process—a “last year + inflation” calculation, with the MOJPA taking budget instructions from the Ministry of Finance (MOF) and forwarding them to the courts with little guidance. SPP prepared an organizational analysis comparing budget organizations in other countries in the region, ultimately recommending that HCC consider adopting the program budgeting model used in Croatia. Adoption of that model reorganized MFAS staff by program rather than by (budget preparation and budget execution) functions, thereby assuring that all staff were proficient in both aspects of budget management. Following SPP’s recommendation, the MFAS now issues preliminary budget instructions to the courts; the courts submit preliminary budgets to the MFAS; the MFAS aggregates and analyzes their budget submissions and makes preliminary allocation decisions; and these preliminary budgets and allocations are reviewed and adjusted after MOF instructions are issued. MFAS staff are now better prepared to transition to the program budgeting model scheduled to be rolled out to the courts in 2014. MFAS staff were thus better able to anticipate the kinds of information that would be required once the MOF instructions arrived as they did, typically just days before the court system’s response was due.
- SPP also facilitated implementation of this structure by developing a complete list of budget management policy decisions that needed to be made by HCC in implementing management systems. While HCC deferred consideration of most of these policy questions, this list provided HCC with a road map for implementation at such time in the future as HCC is prepared to move forward on implementation.
- The PMP measure for this objective (see Budget Analysis Check list Annex to Appendix C) was to achieve 6 of 6 budget analysis checklist elements. Four elements have been achieved to date: HCC budget authority established; budget formulation and execution curriculum developed; court and MFAS staff trained; and HCC advocates budget with MOF (see below Objective 12); and the two remaining elements are on track to be completed by the end of the project term (budget baseline standards established and standards integrated into the budget development process), through collection of court profile data and completion of status of funds reports. MFAS recently sent out court profile forms to all courts that will be entered into the HCC’s database this month. A local consultant has been engaged to analyze the data during May and produce a series of draft facility and equipment standards to be used to guide the court budgeting process.

**After five years, budget and finance staff and judicial leaders deal directly with the Ministry of Finance in budget preparations/negotiations: Achieved.**

- The HCC will deal directly with the MOF on budget preparations/negotiations for the 2014 budget cycle. Automated tools provided by SPP, including budget software, a court profile database, and a status of funds report, have substantially improved the budgeting process by allowing the HCC to automate the routine collection of court budget information, freeing MFAS staff to perform budget analysis functions and elevate the budget development process to a needs-based budget approach.
- As noted above, MFAS staff had previously been organized by function, i.e., some staff with

budget planning expertise and others with budget execution expertise. SPP assisted the staff to reorganize according to a program budgeting model, so as to align staff with the program budget model about to be rolled out by MOF, but also to provide greater flexibility within the staff as well as to enable MFAS to develop budgets based on the program needs and priorities of the courts. SPP also prepared a series of budgeting policy issues to be considered by the HCC in developing its financial management capacity. Although HCC felt it was premature to attempt to address the entire list of issues, they were able to identify priority issues and reserve other issues for future consideration.

- The two new financial management reports (court profiles and status of funds) developed by SPP and implemented by MFAS during 2013 for the 2014 budget development process provide HCC with the information it needs to negotiate with MOF on behalf of all courts regarding the court system's needs as defined in the HCC integrated budget, although the Law on Court Organization continues to require that HCC consult with MOJPA before formally submitting its budget to the Ministry of Finance.
- SPP delivered a "Future Budget Model for a Financially Independent Judiciary" report to the HCC that provides a series of recommendations to strengthen the budget management infrastructure of the HCC and courts, maximize the use of available resources, and further the goal of financial independence. The goal of this effort is to create standards, based on court profile information, based upon which the courts will be able to determine the minimum and maximum levels of sq. ft., number of staff, caseload per court, etc.
- SPP also developed a Budget and Accounting Policy Procedures Manual and drafted seven internal operating procedures for the MFAS that, once adopted, will provide baseline organizational and operating procedures for the MFAS and court financial staff. The World Bank MDTF has advised SPP that they wish to adapt this Manual for the State Prosecutorial Council and thus replicate SPP's methodology.
- PMP measurements tracked the development of the operational capacity of HCC/MFAS to effectively own and manage the budgeting process, establishing a target of achieving 29 of 33 (90%) organizational development elements by the close of the project term (See IDI Status Report insert Annex to Appendix C). As of March 31, 2013, 20 of 33 (58% of total or 80% of Year Four targeted elements had been achieved, with the prospects that the SPP may be able to reach its 90% target for 2013 through implementation of the internal audit function, integration by HCC of its Budget and Strategic plan and adoption and implementation by HCC of its Communication Plan.

**After five years, substantial progress is noted for Factor 10 (Budgetary Input) of the Judicial Reform Index: Achieved.**

- The evaluation team recommends that JRI Factor 10 rating for Serbia be increased from Negative to Positive. Factor 10 of the American Bar Association's Judicial Reform Index (JRI) measures whether "the judiciary has a meaningful opportunity to influence the amount of money allocated to it by the legislative and/or executive branches, and, once funds are allocated to the judiciary, whether the judiciary has control over its own budget and how such funds are expended". The JRI's negative assessment in 2005 of the Serbian Judiciary's Budgetary Impact was based on the fact that all budget input for the judicial branch received

at that time by the MOF came from the MOJPA as part of its overall justice system budget (based, to a certain extent, on input received by the MOJPA from Court Presidents); and the MOJPA subsequently controlled the allocation of funds to the courts.

- After five years of SSP/USAID support, the judicial budgeting environment has changed dramatically. Although not completely accomplished, substantial progress has been made toward achievement of Factor 10 objectives, including: Responsibility for the judicial component of the judiciary's budget is now vested in the HCC. Responsibility for the non-judicial component—staff salaries and expenses, IT and facilities expenditure budgets remain with MOJPA, but language in the HCC's revised strategic plan and the draft five year National Judicial Reform Strategy recognize that transfer of budget authority for all judicial branch expenditures from MOJ to HCC is a governmental priority. Nonetheless, language in the draft amendment to the Law on Court Organization effecting that transfer was apparently removed from the draft during MOJPA normative review so the current draft is silent on this matter. That NJRS allows for this possibility is a reflection of the widespread recognition of the substantially increased capacity of the judicial branch to better estimate budgetary needs and manage allocations as a result of the establishment of the HCC, the implementation of the MFAS office, the collection and analysis by the courts of reliable data through implementation of its automated system, and the development and implementation of the court profile and status of funds tools that will enable HCC to accurately and realistically determine needs and monitor compliance with budgetary limitations. Nonetheless, some at the MOJPA continue to maintain that centralized control of IT, capital improvements and court staff expenditures will result in economies of scale for the entire justice system; and that the MOJPA is better qualified than the HCC to manage judicial branch resources because the MOJPA manages these resources for all other state (executive branch) agencies in this sector. SPP procured and installed a financial management system in the HCC in 2011 to support the new judicial budgeting process. The system includes budget, accounting, and human resources software. In addition to supporting a direct budget beneficiary (the HCC) and indirect budget beneficiaries (the courts), the software supports budget development based on predetermined budget targets, budget development without predetermined targets, and program budgeting. SPP re-evaluated the financial system's functionality in 2012 to determine if any software modifications were required to improve its use. Accordingly, SPP entered into a subcontract with SRC (selected company) in July 2012, pursuant to which SRC modified the budget software to allow for: (1) the consolidation of the status of funds report information by court type and for all courts; and (2) the preparation of standard reports developed by SPP from court profile information. The work was substantially completed in September 2012.

### **Were Task 1 Goals Appropriate?**

**The principal goal of Task 1 was to develop judiciary financial independence. That goal reflected priorities established by the EU and documented in the 2006 National Judicial Reform Strategy. Judicial independence was one of the main pillars of the 2006 NJRS. Judicial financial independence is a critical element in establishing judicial independence, to assure that judicial resources are under the control of the judicial branch and not under the control of the executive branch that could weaken the independence of the judiciary by allowing another branch of government to base requests for judicial branch resources on competing executive branch priorities or reduce essential judicial branch requirements in retaliation for judicial branch**

**decisions with which the executive branch disagrees. Task 1 Program Objectives listed below were thus appropriate for the reasons stated:**

- **Strategic Planning:** While the HCC should have been encouraged to begin promoting a future vision for the judicial branch, the fragility of the judicial branch environment and the recent establishment of the HCC combined to limit the HCC's capacity to develop a strategic plan more than a few years into the future, let alone a decade down the road. In any event, the ten year strategic plan goal could not have been achieved in part because the judicial members of the HCC were disinclined to assume responsibility for activities scheduled to occur after the expiration of the initial permanent appointees' five year terms.
- **Integrated Budget:** The first step in achieving judicial branch financial independence requires the establishment of an integrated branch budget. According to the Action Plan of the National Judicial Reform Strategy 2013-2018 the MoJPA will transfer complete budget responsibility to HCC from July 2016. Additional budget responsibility for capital investments, IT and non-judicial staff will require the recruitment and training of expert staff as well as policy orientation for HCC members since budget planning, advocacy and budget execution will be exclusive competence and accountability of HCC.
- **Direct Negotiations with MOF:** Only after HCC had developed and submitted its initial integrated budget could HCC begin to effectively manage the budget advocacy and budget execution functions, since accountability is currently split between HCC and MoJPA. MoJPA as part of executive branch still has the leading role in budget advocacy in execution of this competence.
- **Budgetary Impact (JRI Factor 10):** The JRI Budgetary Input Factor recognized the critical importance of the judicial branch developing a budget which reflects the needs of the courts. As noted above, SPP's assistance to the HCC in the development of their first integrated budget enabled the Serbian Judiciary to dramatically improve its performance under one of the few JRI factors to have been rated Negative in 2005.

**Are Task 1 Achievements Sustainable?**

**SPP has provided the judiciary with the resources needed to manage the judiciary's finances, specifically organizational staffing alternatives, a road map of policy decisions to be addressed and resolved and court profile and status of funds report tools. SPP's methodology and lessons learned will be preserved in a legacy document to be produced by SPP by the close of the project term. The keys to sustainability remain the development of budget leadership capacity in the HCC, institutionalization of the budgeting process and procedures introduced by the SPP, reinforcement of SPP capacity building activities, deepening institutional memory within the MFAS, vesting of greater authority in the judiciary over judicial branch funds and increased judicial branch authority over the judicial selection process. Central to the concept of increased capacity is the identification of a judicial leader who is authorized and willing to serve as a champion of judicial branch financial independence. Task 1 Achievements listed below were thus sustainable for the reasons stated:**

- **Establish Budget and Financial Functions:** SPP has provided the judiciary with the resources needed to manage the judiciary's finances, specifically organizational staffing alternatives, a road map of policy decisions to be addressed and resolved and court profile and

status of funds report tools. SPP's methodology and lessons learned will be preserved in a legacy document and master plan to be produced by SPP by the close of the project term.

- **Assist other agencies in transferring strategic and financial planning functions to the Judiciary:** The NJRS recognizes that the HCC is responsible for strategic and financial planning for the Judicial Branch.
- **Assist the Judicial Branch to develop its own vision and strategic plan:** SPP assisted the HCC in developing a five year strategic plan and has provided the HCC/MFAS with a road map for considering and deciding the full range of policy issues essential to successful implementation of budget management.

**What changes to the HCC and the courts were due to SPP assistance? What was the impact of these changes?**

- SPP provided HCC with alternative organizational models to help establish a program budgeting structure.
- Capacities of the HCC MFAS department are increased based on procedures and trainings provided by the SPP.
- The Prosecutorial Council has indicated a willingness to adopt the same organizational structure as adopted by the HCC.

**What other legislative/policy changes are can be credited to SPP?**

- The MOJPA has indicated a willingness to adopt the same information databases as developed for HCC to include court profiles and status of funds reports, to thereby enable the MOJPA to develop standards for court personnel in order to produce desired outcomes.
- Transfer of judicial budget operational responsibility from MOJPA to HCC.

**What additional projects should USAID consider based on the results of SPP?**

- Projects to strengthen the leadership capacity of the HCC and to enhance the substantive expertise of the Judicial Academy to enhance sustainability of training programs developed by SPP.

**TASK 1 RECOMMENDATIONS:**

**SPP/USAID should consider supporting the following actions directly and/or indirectly through EU follow-on assistance:**

- The HCC should develop a budget for the entire judicial branch, including expenses currently controlled by the MOJPA.
- The current draft of amendments to the Law on Court Organization should be revised to eliminate transfer of existing budget authority for maintenance and repairs from the HCC back to the MOJPA; and authority should be established to transfer the balance of judicial branch budget expenditures in the MOJPA to the HCC. The HCC should also actively propose the case for transfer of these funds before the EU Commission/Work Group etc. looking into the matter.

- On April 19, 2013 the EU brokered an agreement between the Governments of Serbia and Kosovo that allowed Serbia to avoid a two-year delay in the EU accession process. In particular, the agreement vests judicial authority in and around Mitrovica to the Kosovo judiciary and provides that Serbia will no longer operate a parallel judicial system in Northern Kosovo. This agreement will presumably be recognized in the revised National Judicial Reform Strategy. It is recommended that USAID and/or the EU Commission provide technical assistance to the HCC to facilitate budgetary implementation of this reorganization.

**Task 2 Goals: Improve Court Administration:** Assist the judicial branch in making the administration of justice more efficient, transparent and responsive to the needs of its users.

**Task 2 Activities**

- Establish a career track for court managers
- Establish a training program that will equip the judiciary to manage courts efficiently, transparently, and responsively
- Trained court managers work throughout the judicial system
- Reduce backlogs and improve case processing times

**Task 2 Performance Objectives** 1, 5, 6, 10, 13, 14 (JRI Factors 18 and 28), 15 (numerical references are to list of objectives in USAID contract—See Appendix B):

No.	PERFORMANCE OBJECTIVE
1	After two years, a career track for court managers/administrators is in place, including qualifications for the different levels of responsibility, and the appropriate authorities have approved a plan for placement of court administrators throughout the court system.
5	After three years, trained professional court administrators/managers are working in key positions.
6	After four years, additional trained court administrators/managers are working within the system.
13	After five years, all the positions identified in the plan for placement of court administrators have been filled.
10	After four years, the average number of cases pending for more than two years has been reduced, and the average number of cases pending for more than four years in select courts has been reduced.
15	After five years, the average case processing time in selected courts has been reduced.
14	After five years, substantial progress is noted for Factor 28 (Case filing and tracking systems) of the Judicial Reform Index.
14	After five years, substantial progress is noted for Factor 18 (Case Assignment) of the Judicial Reform Index.

**Were Task 2 Goals Achieved?**

**SPP substantially achieved Task 2 Objectives to assist the judicial branch in making the administration of justice more efficient, transparent and responsive to the needs of its users. The court manager career track developed by SPP was completed in September 2011; the long-term plan for court manager placement developed by SPP will be enshrined in law with the adoption**

of amendments to the Law on Court Organization later this year; the successful demonstration of backlog reduction and prevention policies in ten pilot courts has been integrated into the annual management plans of all courts and the methodology included in both the EU IPA Efficiency Improvement plan and in the pending strategic plans of both the NJRS and the HCC. These methodologies have led to substantial improvements in how case assignment and case management systems are evaluated under the JRI assessment system.

**Task 2 Performance Objectives:**

*Performance Objectives 1, 5, 6, 13 – Court Managers*

**Performance Objective No. 1: After two years, a career track for court managers/administrators is in place, including qualifications for the different levels of responsibility, and the appropriate authorities have approved a plan for placement of court administrators throughout the court system: Achieved.**

- A career track framework was completed in September 2011. It details the professional development and advancement of court managers when hired and their advancement and salary opportunities, according to current legislation. It also addressed regulations impacting the status and position of court managers. The court manager position was formally established through the Book of Court Rules in 2009 and was subsequently approved in court staffing plans.
- SPP developed a model recruitment, hiring and performance evaluation plan for court managers. However, neither the judicial nor the executive branch has assumed responsibility for non-judicial staff performance evaluation.
  - While technically, as civil servants, court managers' performance are supposed to be evaluated by the Human Resources Administration, the HRA has indicated it does not plan to take over responsibility for judicial branch staff evaluations. At the same time, the HCC has been unwilling to evaluate staff for which it lacks financial responsibility. Further, the HCC believes that each court should evaluate its court managers but no system is as yet in place nor do sanctions exist for failure to conduct evaluations, nor has training been provided to court presidents or others on performance evaluation due to lack of judicial academy resources.

**Performance Objective No. 5: After three years, trained professional court administrators/managers are working in key positions: Achieved.**

- After three years, seven court managers were in place:
  - Belgrade Higher, Misdemeanor and High Misdemeanor Courts
  - Novi Sad Appellate and Basic Courts
  - Nis Higher and Commercial Courts

**Performance Objective No. 6: After four years, additional trained court administrators/managers are working within the system: Achieved**

- In June 2012, the MOF adopted an overall staffing plan for the judiciary, which included elements of the long-term staffing plan developed by SPP, including placement of court managers in 13 courts. The MOJPA agreed to treat all court managers as higher advisors, the highest non-judicial position in the court system, consistent with the hiring plan.

- Of the 13 authorized court manager positions in the staffing plan, seven are filled (see above, Performance Objective 5) and six additional positions have been approved but remain vacant due, in part, to the delay in appointing permanent court presidents:
  - Appellate Courts in Belgrade, Nis, Kragujevac and the Commercial Court
  - The Administrative Court
  - The Supreme Court of Cassation

**Performance Objective No. 13: After five years, all the positions identified in the plan for placement of court administrators have been filled. Achieved:**

- Complete implementation of the program will occur later this year with the placement of five additional court managers to fill vacancies in republic level courts and in 2014 with the establishment and placement of an unknown number of court managers in new basic courts with 30 or more judges based upon requirements of the new court network. Although SPP developed a long-term plan identifying the courts that should engage court managers, the Law on Court Organization, once amended, will supplant the long-term plan. At the same time, pending changes to the court network to take effect on July 1, 2013 have had a chilling effect on the engagement of additional court managers.
- Full implementation of a nationwide staffing plan, however, remains a function of the limited availability of governmental resources to fund salaries of court managers as well as to provide training for new managers and administrators. Likewise, implementation may require possible transfer of some non-judicial personnel from the civil service to the judicial branch personnel system and/or legislative change to professionalize court secretary and judicial assistant positions.
- Amendment to the Law on Court Organization, based on SPP's long-term staffing plan produced by HCC's Court Administration Working Group, that will become effective on July 1, 2013 require that all five republic level courts (High Misdemeanor Court, Commercial Appellate Court, Administrative Court, Supreme Court of Cassation and Special Court) and every court providing material, financial, and technical support for more than 30 judges must have court managers.
  - SPP advisor Cheryl Loesch will conduct a workshop in Spring/Summer 2013 to assist courts that will have 30 or more judges after the court network reorganization scheduled to occur on July 1 determine how to go about staffing these courts. SPP will develop by the end of June induction package and court manager's manual to support courts in introduction and operational functioning of court managers.
  - Training of new managers will be provided by the judicial academy, based on materials developed by SPP and scheduled to be updated by May 2013. SPP will also conduct train the trainer programs to strengthen judicial academy faculty competences.
  - Whereas court secretaries historically were selected by the Court President from among the court's judicial assistants, and typically served as the court's senior non-judicial staff member (before being appointed to the judiciary), the pool of future judges has shifted to the graduates of the Judicial Academy, while at the same time the management responsibilities of court secretaries have been assigned to court managers. While the judicial secretary position is established by statute, it is not defined by statute. The National Judicial Reform Strategy Working Group is

recommending that the court secretary and judicial assistant positions be professionalized. In the meantime, in those courts where both a court manager and a court secretary are in place, SPP and MOJPA are reportedly encouraging them to work together with the Court President as a management team. SPP training plans proposed that court manager training programs be open to both court managers and judicial secretaries and assistants on the theory that judicial secretaries would be responsible for court administration in courts without court managers, such as courts with less than 30 judges. However, until the Judicial Academy is able to obtain the resources it needs to fund management training programs, the likelihood of large numbers of managers being trained to fill court manager positions remains low.

### ***Performance Objectives 10, 15 and 14: Backlog Reduction and Case Processing Efficiency***

**Performance Objective No. 10: After four years, the average number of cases pending for more than two years has been reduced, and the average number of cases pending for more than four years in select courts has been reduced. Achieved:**

- Backlogs have been reduced in all ten pilot courts. The 10 courts participating in SPP's backlog reduction program reported a 35.84% reduction in all aged case categories of backlogged cases between the 2010 baseline year total of 28,111 cases and the 2012 year-end total of 18,034 cases. The six original BLR pilot courts reported a 55% reduction in cases over two years from 23,352 in 2010 to 10,509 in 2012. The PMP goal was reduction by 2013 to 80% of baseline year backlog cases over two years, to be calculated by averaging the percentage increase or decrease experienced by the ten pilot courts. The average percentage for 2012 was 89,5% slightly less than 2012 target of 85%. Average percentage for all ten courts reflected the participating courts' emphasis throughout implementation on eliminating the oldest cases on the courts' dockets. Based on SPP's recommendations, several court presidents advised that their highest priority had been elimination of all cases over ten years, then all cases over five years, etc. believing that the court's obligation to the public to be to resolve the oldest cases first, and organized their backlog reduction plans to achieve that objective.
- Although not required as a performance objective, in an effort to expand delay reduction practices nationally, SPP developed a national strategy submitted to MOJPA in 2009 and to HCC in 2010. HCC included the annual plan template as well as analytical tools developed by SPP in HCC's Best Practices Guide (see below) distributed throughout the court system. Subsequently MOJPA recommended that all Serbian courts use the SPP template for backlog reduction planning and each court began preparing and submitting annual backlog reduction plans in 2012. MOJPA also recently proposed inclusion of a backlog reduction strategy in MOJPA's draft five year National Judicial Reform Strategy, under its Efficiency Pillar. SPP contracted with delay reduction expert Pim Albers to draft that strategy in June 2013.
- SPP successfully worked with court managers to reduce the enforcement backlog. At the

*The Separation of Powers Program (SPP) efforts to reduce case backlogs and improve court administration in Serbian courts were praised by several panelists at the 5th International Conference of the International Association for Court Administration (IACA) June 13-16, 2012.*

Belgrade First Basic Court, Infostan, the largest utility, entered into payment agreements with 80,000 debtors with multiple enforcement actions against them, resulting in the removal of 600,000 cases from the system.

- As part of its efforts to chronicle and publicize the successes of its case management efforts, SPP in July 2012 published the *Best Practices Guide: Backlog Prevention & Reduction Measures for Courts in Serbia*. The guide provides practical techniques and guidance for improving case and court management, and chronicles the lessons learned and successes achieved by SPP's 10 partner courts in their backlog reduction efforts.
- SPP and the HCC's case weighting working group analyzed proposed standards for defining case complexity and the amount of judicial time that should be allocated to each case event, and developed case weights that can be used to effectively allocate human and material resources within the judiciary. SPP prepared the final report on the case weighting methodology, which the working group submitted to the HCC in December 2012 during Year 5. An HCC Working Group has been developing an implementation plan for the methodology for the past several months.
- SPP has developed orientation and advanced training programs in court management for court presidents, court managers, and other professionals. The orientation training program was formally adopted by the Judicial Academy Program Council as part of its annual curriculum. Provided the Judicial Academy is able to obtain the funds needed to conduct these trainings, SPP are confident that all 115 court presidents and all new court managers to be hired during 2013 will receive initial court management orientation training.
- Several of SPP's recommended backlog reduction and prevention techniques were incorporated into the new civil and criminal procedure codes, including the use of preparatory hearings to set case schedules and hearings, and improvements to service of process and delivery of court documents. During Year 4, SPP updated its individual case management training materials to reflect those changes in the civil and criminal procedure codes, conducted a four day train-the-trainers session, and drafted additional training manuals. The trainers began delivering the training for Basic court judges in Year 5. The first round of trainings for the initial target groups of 20 judges per training began to be held in the seats of Appeal Courts in April and May 2013; the staff believe they will be able to facilitate this training for all 160 targeted judges (20 judges X 4 Civil and 20 judges X 4 Criminal court trainings).

**Performance Objective No. 15: After five years, the average case processing rate in selected courts has been reduced. Achieved:**

- Clearance rates in all 10 pilot courts improved in 2012 to 126% of the 2010 baseline rate, per the proposed PMP; clearance rates for the five pilot BLP courts increased from 87.9% in 2010 to 104.5% in 2012, per the approved PMP. Improvement in case processing rate was defined as the average of the clearance rates of the five (or ten) pilot courts.

**Performance Objective No. 14: After five years, substantial progress is noted for Factor 18 (Case Assignment) of the Judicial Reform Index. Achieved: The evaluation team recommends that the JRI rating for Factor 18 should be increased from Neutral to Positive.**

- The evaluation team believes the JRI rating for Factor 18 should be increased from Neutral to Positive. Factor 18 of the American Bar Association’s Judicial Reform Index (JRI) measures transparency in case assignment procedures, to-wit, “Judges are assigned to cases by an objective method, such as by lottery, or according to their specific areas of expertise, and they may be removed only for good cause, such as a conflict of interest or an unduly heavy workload.” The JRI’s neutral assessment of this factor for Serbia in 2005 reflected the fact that while random assignment was found to be preferred, the president judge had the discretion to re-direct assignments based on judges’ subject matter expertise or to relieve judges of excessive caseloads—reasonable criteria but nonetheless subject to manipulation. Likewise, the court president may transfer cases to other judges if the caseload of the assigned judge is problematic, or if the court president determines the judge assigned to the case has a conflict of interest. In other words, because the court president had such broad discretion to override the case assignment system, the JRI team concluded there would always be the potential for improper assignment of cases by a court president so inclined. As a result, JRI rated the system “neutral” and recommended adoption of “additional safeguards against manipulation, as well as measures...” to avoid overburdening some judges with excessive numbers of cases or with more complex cases.
- After five years of SPP/USAID support and broad commitment to principles of transparency in case assignment and implementation of random assignment functionality by the judiciary and the Ministry of Justice through implementation of the automated case management program, the trend toward transparency continues to be positive, with the Court President’s authority to authorize caseload relief only in narrowly specified circumstances. Other than one reported instance in which one court opted to implement a consecutive assignment module for two special case types, random assignment now appears to be the norm throughout the system. The Book of Court Rules was revised in 2009 to authorize courts to categorize cases into three levels of complexity and to balance caseloads accordingly. Currently, however, neither the automated nor the manual systems account for case complexity in the assignment process. Implementation of the weighted caseload methodology developed by SPP will provide the court presidents with better data on the relative size and complexity of a particular judge’s caseload to allow the president judges to better determine a judge’s need for caseload relief. Any other manipulation of the assignment system is prohibited by law. Thus, the status of Factor 18 should be changed from Neutral to Positive to reflect the widespread and accepted system of random assignment and the adoption of additional safeguards to prevent manipulations of the system.

*The highest clearance rate percentages reported in 2012 were for Basic Courts in Zajecar (72.96%), Subotica (65.04%), Pozarevac (60.65% and Vrsac (60.46%). (Annual Report –Analysis of Courts Work, Supreme Court of Cassation.*

**Performance Objective No. 14: After five years, substantial progress is noted for Factor 28 (Case filing and tracking systems) of the Judicial Reform Index. Achieved:**

- The JRI rating for Factor 28 should be raised from Neutral to Positive. Factor 28 of the American Bar Association’s Judicial Reform Index (JRI) measures the ability of the court system’s case filing and tracking system to assure that “cases are heard in a reasonably efficient manner” The JRI’s neutral assessment of this factor for Serbia in 2005 reflected the fact that while most courts’ tracking systems were “rudimentary and inefficient”, some progress in case processing had been achieved through implementation of computerization of case processing in some courts supported by international donors.
- After five years of SPP/USAID assistance to improve case management through implementation of court manager positions, implementation of automated case processing systems in all courts, and adoption of case backlog reduction and prevention efforts, the judicial system’s ability to meet the Factor 28 objective is positive. Integration of the weighted caseload system, currently pending before the HCC, into the software will strengthen its utility. Most court managers have been trained in the fundamentals of court management as set forth in the Court Managers Orientation and Training Curriculum developed by SPP. In addition, STTA David Egar is currently assisting SPP in the development of a Manual on Court Statistics that will provide guidance to court managers on how to effectively use court reports and statistical data to make court management decisions. The manual is intended for use not only by court presidents and court managers, but also by judges, heads of departments and registries. The manual will be transferred to the Judicial Academy for future use in organization of trainings on statistics.
- Nonetheless, the judiciary faces some daunting technological challenges:
  - Although AVP automated case processing system implemented in all general jurisdiction (Basic and Higher) courts in 2011, that software supports operations from filing to disposition in a given court but does not track case processing vertically, i.e., from court to court throughout the appeal process, whereas the judiciary is required by rule to track backlogs both within each court as well as from the date of the initiating event. The EU implemented SAPS, a vertical tracking system in the appellate courts in 2010 that is currently being pilot tested in two first instance (Higher and Basic) courts in Sremska Mitrovica. Although AVP upgraded its software package in 2011-2012, most courts lack the hardware needed to run the upgraded software. The MDTF/World Bank project supported organization of trainings for judicial staff of Basic and Higher courts on AVP software that will allow users to track cases across multiple platforms.
  - MOJPA developed a web portal for external users and interested citizens so that the public can now track is the progress of a specific case through the system, including knowing when the next hearing is scheduled. While MOJPA continues to own responsibility for IT functions in the courts, reportedly neither MOJPA nor HCC has the staff capacity or has access to the training needed to analyze the management reports being generated by these automated systems.

**Were Task 2 Goals Appropriate?**

**Improving the efficiency of case management was the second goal under the Judicial Accountability Pillar of the 2006 NJRS and has been carried forward under both the draft NJRS plan for 2013 – 2018 as well as the 2012 update of the IPA plan of the European Union. The establishment of the court manager position under the Court Book of Rules and the Law on**

**Court Organization underscore the importance of court management to and the commitment of the Serbian government to institutionalization of the concept. Through case management automation, revised scheduling procedures and new professional positions, judges and court presidents will have greater time to focus on their adjudicatory functions. Court administration tasks will be performed by an increasingly professional cadre of court administrators and new judicial staff. Task 2 Program Objectives listed below were thus appropriate for the reasons stated:**

- **Court Manager Career Track Established:** The establishment of the career track provided the foundation for implementation of the provision establishing the position.
- **Court managers in place:** Placement of court managers in seven of the most visible courts in the judicial system provided real world examples of how the position could enhance the courts' management, allowed court presidents to delegate a significant portion of their administrative responsibilities to professional staff and served as a laboratory for testing the components of the career track developed for this new position.
- **Additional Court Managers in place:** The next step was recruitment and placement of the additional court managers proposed in the original plan. These additional managers are expected to be in place this year. Their placement reflects the successes achieved by the original managers and the judiciary's as well as the MOJPA's recognition of the importance and value of the position.
- **All court managers in place:** Complete implementation of the program will occur later this year with the placement of an estimated five additional court managers to fill vacancies in republic level courts and in 2014 with the establishment and placement of an as yet undetermined number of new court managers in basic courts with 30 or more judges following implementation of the new court network. That the judicial, executive and legislative branches recognize that establishment and filling of these additional positions is as much a requirement for implementation of the new court network as are judges and other non-judicial staff demonstrates that the position has now been fully integrated into the court system's management structure.
- **Reduction of backlog of cases older than two years and four years:** By demonstrating that a variety of pilot courts could reduce their backlogs, SPP was able to help the courts learn that case management is within the courts' control, that setting goals and tracking progress are essential to case management, that a methodology (including preparatory documents, backlog reduction teams, improved cooperation with other agencies, etc.) to enable courts to improve caseload management is available and easily adaptable to different court structures, that caseload management responsibilities can be delegated to court managers, and that backlog reduction is a critical measure in improving the public's confidence in the courts.
- **Case processing time reduced:** As with backlog reduction, SPP's assistance to the pilot courts in improving case processing was a critical factor in the project's success. SPP's methodology taught that reducing average case processing time requires that clearance rate improvement be a goal, that courts track the progress of their performance against those goals, that improved cooperation with external parties can improve efficiency and backlog reduction, and that improvement in case processing time may be the most important measure the justice system can

provide to the public, for whom “justice delayed is justice denied” has become an increasingly popular basis of criticism of the courts.

- **Case Tracking Systems (JRI Factor 28):** Automated court case processing was deemed essential to the future of the judicial system by the JRI in 2005, when only a handful of courts had begun to use computers to manage their caseloads. Implementation of automated case tracking systems in all trial and appellate courts over the past 8 years has transformed the courts’ information management system from a manual system where judges, staff and the public were unable to track the processing of individual cases to a system in which the courts and the public now have the ability to track all cases electronically.
- **Random assignment of cases (JRI Factor 18):** The JRI rated the Serbian courts “Neutral” on this factor in 2006, not because of any reported evidence of assignment abuse but because of the potential for manipulation of a system in which cases were assigned manually and the court president had virtually unlimited authority to override individual assignments. Automation of the random assignment of cases and clarification and narrowing of the instances in which the court president can re-assign cases have largely eliminated any of the reasons cited in 2005 for Serbia’s neutral rating in this area. Again, evidence of the courts universal adoption of random assignment and of other instances of transparent processes are closely correlated with reported increases in the level of the public’ satisfaction with the judiciary.

#### **Are Task 2 Achievements Sustainable?**

**Development of the AVP system advanced the JRI Factor 28 measure of the need to establish automated case management systems throughout the court system. The draft of the NJRS 2013-2018 calls for continuing work on backlog reduction, case weighting, court managers, a national backlog reduction strategy, communications and judicial training, all areas in which SPP has played a leading role. Similar support for continued use of methodologies and resources developed by SPP are included in the IPA 2012 Judicial Efficiency Project, currently in the tender process; SPP methodology and tools, including case management reports and statistical measures have been integrated into training programs for staff and president judges being developed and presented by the Judicial Academy. Many courts now routinely organize meetings with other institutions without SPP assistance and are conducting court-to-court meetings to share best practices. These methodologies and tools are being documented in a Case Management Master Plan for counterparts and for future advisors currently series of publications currently being developed by SPP for publication prior to the end of the project term for training, continuity and related purposes. Task 2 Achievements listed below were thus sustainable for the reasons stated:**

- **Court Manager Career Track:** Development of the court manager career track provided the foundation for implementation of the position introduced into the Court Book of Rules. Pending amendments to the Law on Court Organization will strengthen the establishment of the position by requiring governmental and parliamentary action.
- **Court Manager Training:** Court managers have been trained and curricula have been delivered to the Judicial Academy and adopted by the Program Council of the JA. Development and implementation of training developed by SPP have established minimum standards for the position and a basis for measuring court manager performance.

- **Court managers in place:** Implementation of the court manager position in key courts has resulted in widespread commitment to the support of this position by the judiciary as well as by the executive and legislative branches responsible for determining the basic requirements for court system management and for providing the funding required to support these positions.
- **Backlog reduction and case processing improvements:** Backlog reduction methodology developed by the SPP team is introduced in the draft of the NJRS 2013-2018 as well as in the IPA 2012 Judicial efficiency Project currently in the tender process. These programs have demonstrated the cost effectiveness of case management and have increased the public's confidence in the courts as the publication of results have strengthened the courts reputation for transparent and efficient operations.

**What changes to the HCC and the courts were due to SPP assistance? What was the impact of these changes?**

- SPP introduced backlog reduction and prevention methodologies in pilot courts that have since been adopted by courts throughout the system, including the development of annual backlog reduction strategic plans in every court.
- SPP's assistance in implementing the court manager position throughout the system has resulted in the establishment of court management as a profession in Serbia and has expanded the scope of court support from filing and records management activities to caseload management and resource allocation.

**What other legislative/policy changes are can be credited to SPP?**

- The court manager position will be made more permanent through the amendment to the Law on Court Organization. According to the Action Plan of the new National Judicial Reform Strategy, this provision is expected to be adopted in the last quarter of 2013.

**What additional projects should USAID consider based on the results of SPP?**

- Caseload management is the heart of court administration. Programs to train court managers and judicial leaders will significantly enhance the management capacity of court system leaders and alleviate much of the administrative burdens currently borne by court presidents.

**TASK 2 RECOMMENDATIONS:**

Pending amendments to the Law on Court Organization will permanently establish the position of court manager, and the judiciary will then be responsible for the development of a set of specific competences for the position. A Working Group will presumably be established to implement the legislation. It is recommended that the HCC and court managers coordinate efforts to participate in the Working Group to assure that the court manager position description to be developed under the statutory provision specify the delegation of caseload management responsibilities from the court president to the court manager, under such circumstances as may be deemed appropriate. The Working Group and/or the HCC should also consider bringing court managers from other countries in the region to Belgrade to discuss their systems; and arrange for delegations of judges and managers to attend future IACA or other regional court management conferences to find out how other jurisdictions deal with this and other core competences in order to better understand the benefits/risks associated with such delegation.

## Task 1 & 2 Goals: Increased Public Trust and Confidence in the Courts

### Task 1 & 2 Activities:

- Develop Communications Plan to increase Public Trust and Confidence in the Courts

### Task 1 & 2 Performance Objectives

No.	PERFORMANCE OBJECTIVES
9	After four years, a significantly lower percentage of users of select courts report offering and paying bribes to the judiciary and court personnel.
11	After four years, and even more after five years, there is greater openness of court proceedings and information about court operations, increased support for judicial independence and reform, and reduced perception of corruption in the courts.

### Were Task 1 & 2 Public Confidence in the Courts Goals Achieved?

**It is unclear to what extent SPP achieved its Task 1 & 2 Objectives to Increase the judiciary's credibility, in part because SPP was not an anti-corruption project and did not conduct activities designed to impact the level or incidence of bribery and corruption in the courts. SPP's principal activity in building public trust and confidence was in facilitating the development of HCC's and partner courts' strategic and communications plans. Despite widespread praise for the quality and quantity of SPP's assistance in this area, the HCC failed to take the lead on the adoption of these plans, both of which remain pending at this time, although most of the activities in these plans have been implemented. The HCC as well as a number of pilot courts have actively developed and implemented communications and outreach activities that have significantly increased the level of trust the public seems to have in the court system, including:**

- The HCC adopted changes to their procedural rules recognizing the value of open meetings.<sup>11</sup>
- All courts now have websites, although of varying quality and functionality. Some allow the public to download forms and court documents.
- The MOJPA developed a web portal that allows the public to track cases.
- SPP is assisting MFAS in Year Five in developing a public procurement plan for all courts to conform to the requirements of new legislation adopted in April 2013.
- SPP is assisting MFAS in 2013 in developing an internal auditor position in the HCC Systematization Plan. HCC will be contracting with a financial procedures expert to train MFAS audit staff in May 2013.
- Integrity plans required by the Anti-Corruption Agency were to have been submitted to MOJ by March 31, 2013. Some courts and HCC staff reportedly attended Integrity Plan preparation training but it is not known if HCC has developed or will be developing a plan on behalf of the judiciary.

**Despite the lack of initiative by the HCC, there is at least anecdotal evidence to indicate that over the course of the project there was an observable increase in the level of public perception of the judiciary's credibility. The results of an omnibus survey of the public and of a separate series of face-to-face exit questionnaires administered to court users during 2013 by Ipsos Strategic Marketing and made available to the evaluation team in early May 2013 allow limited**

<sup>11</sup> Article 10 provides that meetings of the Council may be open or closed. Article 11 provides that the Council may decide whether to work in open session based on the proposal of the Council President or a Council Member.

**inferences to be drawn from data reported to the effect that the public is less skeptical about the government in general and the judiciary in particular as regards perceptions of possible judicial corruption. That data suggest the following about the two transparency-related performance objectives:**

**Performance Objective No. 9: After four years, a significantly lower percentage of users of select courts report offering and paying bribes to the judiciary and court personnel as compared to the baseline year report:** The omnibus survey reported a drop (from 8%<sup>12</sup> in 2010 to 5%<sup>13</sup> or 2%<sup>14</sup> in 2013) among anonymous survey respondents willing to report paying a bribe to someone in the judiciary.

**Performance Objective No. 11: After four years, and even more after five years, there is greater openness of court proceedings and information about court operations, increased support for judicial independence and reform, and reduced perception of corruption in the courts**

- The omnibus survey conducted in April 2013 found substantial increases in the percentage of persons who believe judges will decide cases fairly<sup>15</sup>, a lower percentage of the public who assume the legal system is inherently corrupt<sup>16</sup> and both a decrease<sup>17</sup> and an increase<sup>18</sup> among respondents who support reforms that will make the judicial system and courts more independent. (Even the decrease in this last measure can arguably be attributed at least in part to a public information campaign in recent months blaming the courts for justice system problems). Both surveys reported that respondents believed it was now easier to get information about court procedures and court cases than it had been in 2008.<sup>19</sup>

#### **Were Public Trust and Confidence Goals Appropriate?**

**Goals related to reducing bribery and corruption in the courts were inappropriate, inasmuch as SPP was not an anti-corruption project and its activities were not focused on either reduction of bribery or reduced public perception of corruption. While increasing support for judicial independence and reform (including encouraging open meetings), were desirable outcomes of SPP's efforts to strengthen judicial financial independence and improve court management systems, they were at best indirect measures of the project's ability to help the courts and HCC develop Communications Plans and encourage the courts to expand court information system functionality. Specifically Task 1 & 2 Public Confidence in the Courts Performance Objectives listed below were inappropriate for the reasons stated:**

- **Reduction in percentage of court users reporting offering and paying bribes to the judiciary and court personnel:** Although regaining the public's trust in the judicial system was deemed to be a fundamental goal of the 2006 NJRS, SPP was not an anti-corruption project and its activities were not focused on reduction of bribery. SPP's principal activity in building public trust and confidence was in facilitating the development of HCC's and partner courts' strategic and communications plans.

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<sup>12</sup> Transparency International Global Corruption Barometer (TIGCB) 2009

<sup>13</sup> 2013 Omnibus Survey

<sup>14</sup> 2013 Exit Poll Survey – Knowledgeable Users

<sup>15</sup> Increase from 24% baseline (2008 USAID/IPSOS baseline) to 34% and 50% of 2013 omnibus survey and exit poll respondents, respectively

<sup>16</sup> Decrease from 63% baseline (TIGCB) to 53% and 39% of 2013 omnibus survey and exit poll survey respondents, respectively

<sup>17</sup> From 74% baseline (USAID/IPSOS Omnibus Survey 2010 to 57% on 2013 Omnibus Survey

<sup>18</sup> From the 74% baseline on the 2010 Omnibus Survey to 86% on the 2013 Exit Poll survey

<sup>19</sup> Increases reported from 15% in 2008 baseline survey to 17% in 2013 omnibus survey and 54% in face-to-face (exit poll) survey.

- **Greater openness of court proceedings and information about court operations, increased support for judicial independence and reform and reduced perception of corruption in the courts:** A key pillar of the NJRS was Transparency, including providing appropriate public access to court proceedings and enhanced public outreach and participation. As noted above, SPP's principal activity in building public trust and confidence was in facilitating the development of HCC's and partner courts' strategic and communications plans. Despite widespread praise for the quality and quantity of SPP's assistance in this area, the HCC failed to take the lead on the adoption of these plans, both of which remain pending at this time, although most of the activities in these plans have been implemented.

**Are Public Trust and Confidence Achievements Sustainable?**

**Develop Communications Plan to increase Public Trust and Confidence in the Courts:** Although both the two year strategic plan extension and the HCC Communications Plan remain pending, many of the activities in these plans have been implemented, particularly by the pilot courts, whose acting court presidents and court managers advised the evaluation team that communications and outreach activities developed with SPP assistance have significantly increased the level of trust the public seems to have in the court system including the following:

- Rules of procedure of the High Court Council now recognize that it may be appropriate for the HCC to meet in public session;
- All courts have web sites, and some allow the public to download court documents;
- MOJPA developed a web portal that allows the public to track cases;
- Most courts have established information desks and routinely distribute free brochures to facilitate public access to court information and to assist the public in preparing basic court documents.

**What changes to the HCC and the courts were due to SPP assistance? What was the impact of these changes?**

- HCC and courts adoption of strategic and communications planning and revision of the Rules of Procedure to allow the HCC to meet in public sessions.

**What other legislative/policy changes are can be credited to SPP?**

- Adoption of revision to the Book of Rules to allow HCC to meet in public session.

**What additional projects should USAID consider based on the results of SPP?**

- Implementation of strategic and communications plans.
- Train members of judiciary, judiciary staff, HCC members and Administrative office staff in order to increase their awareness and capacities in communications.

**TASK 1 & 2 RECOMMENDATIONS:**

- Establishment of national court public information and public relations office and regional court information offices to facilitate outreach at the local levels.
- HCC and the courts need to decide whether responsibility for Communications Policy in a given court depends on whether the PR function is deemed to be owned by judicial or non-judicial staff.

**Task 3 Goals: Legislative Financial Independence:** Develop the capacity of the National Assembly to become a truly deliberative body capable of acting in the public interest, and conducting oversight/monitoring all government operations

**Task 3 Activities**

- Assist Assembly staff and leaders to learn how to acquire, allocate and manage resources.
- Assist Assembly staff and leadership to develop and implement strategic and organizational budget and financial plans.
- Establish a training program for Assembly staff and leadership so they can generate multi-year strategic and financial plans.
- Provide local experts to advise the Assembly and/or make the Assembly’s operations more transparent.

**Task 3 Performance Objectives Nos. 2, 3 & 4**

Task 3 focused on building the National Assembly’s capacity to manage its own budget and resources, to plan strategically for its own institutional development, and to enhance its transparency by communicating its work to the public more effectively. It was implemented largely through a EWMI subcontract with the Center for International Development of the State University of New York (SUNY). The contractual performance objectives for Task 3 were:

No.	PERFORMANCE OBJECTIVE
2	After two years, the Assembly has done more thorough analysis of some pending legislation, and/or the Assembly’s operations have become more transparent.
3	After three years, the Assembly Budget Office can support and implement all aspects of the parliamentary budget and finance process.
4	After three years, the Assembly produces five-year strategic and financial plans.

**Were Task 3 Goals Achieved?**

**By the end of Year 3, SPP had achieved all three performance objectives. A brief summary of progress made on each performance objective by the end of Year 3 as well as since completion of Task 3 activities follows:**

**Performance Objective No. 2 – After two years, the Assembly’s Operations have become more Transparent: Achieved**

- SPP provided expert review and analytical assistance to the National Assembly on the Act regulating the Staffing of the Assembly, the Internal Organization Act, and the Act on the Accreditation of Journalists.
- The Assembly drafted and adopted a communications plan addressing internal, external, and crisis communications with SPP’s guidance and assistance. SPP also provided related training on communications matters, including a study visit to Slovenia for staff from the Assembly’s public relations office.
- SPP assisted the Assembly in developing a new parliamentary website. The website, launched in June 2011, significantly increases the transparency and openness of the Assembly by providing the public with more information about Assembly events and operations. The

Assembly is currently integrating E-Parliament functionality through its website to provide legislative tracking capacity to the public.

- Training programs were provided in the areas of media relations, information services operations, and website management.
- Communication plan was adopted in July 2011.
- Information services office was reorganized and recognized by journalists.
- As a result of these initiatives, the Assembly has been honored for the past three years as the most transparent agency in government by the Commissioner for Free Access to Information of Public Interest.
- According to the P-BMP report from December 2011 transparency agreement objectives based on Agreement with the NARS are 100% completed.

**Performance Objective No. 3 – After three years, the Assembly Budget Office can support and implement all aspects of the parliamentary budget and finance process: Achieved.**

The Assembly can now formulate its budget utilizing appropriate procedures. SPP provided the Assembly with a set of administrative policies and procedures required for effective and transparent financial operations. An Assembly working group harmonized the draft policies and procedures that were adopted in late 2011. Among the provisions are that committee meetings are now open to the public.

- The Assembly can now formulate its budget utilizing modern tools. SPP procured budgeting, accounting, and human resources software for the Assembly. As of July 2011, the Assembly had the functionality needed to prepare all required budgets, operating plans, and financial plans, as well as the accounting application needed to implement and monitor financial plans and budget execution. The Assembly has changed its budgeting methodology. No longer does one person control and perform the process. Instead, each committee, caucus, and other beneficiary of funds participates in the budget preparation process. The budget office is now able to obtain budget input from committees and prepare a program budget to submit to the MOF. Assembly staff has been trained on issues relating to budget development, execution, monitoring, and advocacy, as well as on financial management. It now analyzes projected versus actual expenditures and uses the results to inform future budget cycles.
- The Assembly is providing more information about its expenditures, and expenditures can be more readily tracked through a new accounting system. Spending controls remain weak, however, and cash payments still need to be curtailed. Internal audit capacity remains weak.

*A special award and a statuette for the greatest contribution to affirmation of the right to free access to information of public importance and transparency of work in the category of all public authorities was presented to the National Assembly of the Republic of Serbia (28 September 2012)*

- According to the P-BMP report from December 2011 progress in demonstrating that the Budget Office can support and implement all aspects of budget and finance are 73,3% completed. Reasons for not fully implementation of objective are: Plan for strengthening the Budget office is completed but not fully operational by the end of 2011; key staff were trained however is not fully operational by the end of 2011; and related to the Office strengthening plan implementation is in the progress and it has to be fully operational.

#### **Performance Objective No. 4 – Strategic and Financial Planning: Achieved**

- A five-year strategic plan was adopted in January 2011. Its mission and vision statements are well-defined and useful for the future. Some strategic goals identified in the plan are really operational goals, but these are easier to implement and do not require significant financial resources. Key activities are to the point, but in many cases it is unclear how they will be implemented.
- The first annual (2011) implementation plan related to the strategic plan was drafted and approved.
- Adoption of a financial plan is not feasible in the current environment. The lack of a financial plan diminishes the ability to use the strategic plan as a practical guide for future planning since the costs associated with various activities remain undisclosed and/or unknown.
- Assembly staff and MPs have been trained on drafting financial plans.
- According to the P-BMP report from December 2011 improvement in 5 year strategic and financial planning is 85,6% completed. Reasons for not fully implementation of objective are: appropriate resources (staff and budget) are allocated in Assembly's budget for 2011 to implement the plan however it was not fully operation in December 2011; key staff is trained in management, strategic planning, and financial planning however it was not fully operational in December 2011; Examples of changes in operations are evident since SPP drafted bylaws, internal procedures and budget templates and Assembly has formed a working group to review and adopt such procedures (it is not fully operational).

#### **Were Task 3 Goals Appropriate?**

**Goals relating to Task 3 were appropriate. The EU Accession Progress Report in 2006 found that a principal issue for the Serbian Parliament was a lack of transparency. According to a public opinion poll conducted by Strategic Marketing in November 2008, only 8% of citizens had a positive opinion about Parliament, as compared to a 10% positive rating for the judiciary and a 13% rating for the government overall. And a June 2009 assessment by Transparency International found that only 2% of Serbian citizens believed that Parliament was not corrupt. Task 3 focused on building the National Assembly's capacity to manage its own budget and resources, to plan strategically for its own institutional development, and to enhance its transparency by communicating its work to the public more effectively. Specifically Task 3 Performance Objectives listed below were appropriate for the reasons stated:**

- **More thorough analysis of some pending legislation, and/or Assembly operations have become more transparent:** The widespread public perception regarding corruption in Parliament more than justified a program to provide assistance to strengthen integrity within the legislative branch while seeking to improve the Parliament's public image. The SPP focus

on developing an overall Communications Plan properly included the development of Parliament's website as well as projects to increase public access to legislative information. Other donors may have been responsible for development of related programs to increase anti-corruption efforts and to increase legislative ethics and disciplinary projects the existence and results of which would presumably have been critical to the successful implementation of a program to improve the Parliament's public image.

- **The Assembly Budget Office can support and implement all aspects of the parliamentary budget and finance process:** Prior to SPP, the Assembly allowed the government to determine the Assembly's budget needs and to allocate resources for the Assembly. As a result, the Assembly lacked a budget development and execution expertise and did not routinely seek to elicit the programmatic requirements of its departments, committees or functional offices. Lack of financial independence inevitably led the legislative branch to abdicate its financial responsibility and authority to determine its needs and resources to the Ministry of Finance. Despite its need to improve its public image, the Assembly lacked the resources to conduct public outreach regarding the operations of the legislative branch or to assist the public in accessing legislative information. Independence of the legislative branch as well as financial independence on which to build its independent foundation more than justified the need for a project to help build legislative budget capacity.
- **Strategic and Financial Planning:** In order to begin to assume responsibility for its own needs and resources, the first step required was for the Assembly to determine what its needs, figure out how to address those needs, and to then develop the capacity to achieve those objectives, including identifying internal and external resources with the expertise to help the Assembly achieve its goals. SPP's expertise in strategic planning was precisely what the Assembly needed to establish its financial independence.

### *Are Task 3 Achievements Sustainable?*

**Two years after the end of SPP Task 3 activities, professional staff in the Parliament as well as MPs who were actively involved in project activities advise that without SPP assistance and support transparency, budget capacity and strategic planning would not have been improved in the Parliament. In daily operations, Parliament staff still rely on SPP advice and remain in contact with the SPP project team.**

- **Transparency:** SPP helped develop the Assembly's first Communications Plan and the development of a website that has increased the public's confidence in the legislature by providing access to Assembly operational information and the ability to track legislation. Revisions to Assembly procedures recommended by SPP have resulted in the adoption of open meetings. These activities have been integrated into the Parliament's operating budget.
- **Strengthen Budget Office Capacity:** Law on the Assembly also established that Parliament shall have budgetary autonomy. SPP developed a budget management staffing plan for the Assembly that has subsequently been implemented.
- **Strategic and Financial Planning:** Strategic Planning was established as a formal institutional requirement in the Law on the Assembly adopted in 2010. SPP assisted the Assembly in developing its first five year strategic plan and provided training to budget staff and MPs.

**What changes to the National Assembly were due to SPP assistance? What was the impact of these changes?**

- Introduction of strategic planning.
- Improvement in budget planning process.

**What other legislative/policy changes are can be credited to SPP?**

- Development of program budgeting capacity and coordination of operational requirements of committees and support functions

**What additional projects should USAID consider based on the results of SPP?**

- There is a need for additional capacity building of the NARS Budget and finance sector staff as well as for further development of IT support to the Budget office.

**TASK 3 RECOMMENDATIONS:**

There is a need for additional strategic planning capacity building and expanded IT support for the NARS Budget and Finance sector office.

## V. CONCLUSIONS AND RECOMMENDATIONS

SPP met project goals by successfully achieving performance objectives.

SPP met virtually all of its performance objectives, including implementation of its judicial branch budget preparation and execution objectives previously thought to be at risk given the HCC's concentration on reelecting judges. Sustainability of Project results remains a function of judicial and legislative branch will. Courts respond favorably to appreciation shown by SPP, USAID, HCC, and MOJ. Judges and staff feelings of confidence in their abilities to resolve any management problem is palpable. Although there were significant changes in the judiciary (new court network, reelection of judges, new judicial package) and political changes, SPP contributed to improvement of efficiency of judiciary, establishment of independent judiciary and legislative budget.

SPP achieved success despite having to meet and overcome significant environmental challenges. For the Separation of Powers Program many environmental preconditions were present at the SPP's inception in 2008. The NJRS from 2006 expressed the need for an independent judicial budget and judiciary management of its own financial resources. The NJRS also identified the management of caseload, accountability, transparency, performance management and the improvement of court administrations as goals. Legislation enacted in late 2008 enable the emergence of a strong role for the HCC in budget planning and execution.

However, consequences of the new court network that entered into force on January 1, 2010 created challenges for SPP as well as re-election of judges. During 2009-2011 all capacities of the HCC were focused on the re-election process and afterwards on review of the process. The Administrative Office of the HCC was staffed with few persons capable of providing meaningful assistance to the HCC in the reelection process. The MFAS office was fully staffed in 2012 and only then was the HCC able to take over budget competences from the MOJPA. All court presidents in the country were acting during SPP implementation. This level of uncertainty also provided challenges to the SPP team. The prohibition of the Chief Justice against SPP training Acting Court Presidents was a significant inhibitor to greater success.

Adoption of the new Law on the National Assembly in 2010 created further problems for the SPP. Only after adoption of the new Law and establishment of the NARS budget office was SPP able to work comprehensively on developing Assembly staff budget and finance capacity. According to the EU Progress reports, NARS was lacking qualified permanent staff up to that time and SPP needed to help recruit and train budget office staff in budget preparation and execution practices to facilitate the Assembly's transition to program budgeting that is to be rolled out by MOF in 2014.

**SPP/USAID should consider supporting the following actions directly and/or indirectly through EU follow-on assistance:**

- 1. Judicial Financial Independence:** Authority over the judiciary's 200 million euro annual budget is split between the MOJ (2/3) and the HCC (1/3). The HCC controls funding for judicial salaries, operating expenses, and selected fees for witnesses, experts, etc. The MOJPA has budget authority over non-judicial staff (about 70%) of the total MOJ portion of the judicial budget), information and communications technology and capital expenditures. Despite language in the NJRS and HCC strategic plans calling USAID, HCC, MOJPA. Judges and staff feelings of confidence in their

abilities to resolve any for the transfer of authority over judicial branch funds from the Ministry of Justice to the High Court Council (transfer of budget authority over the rest of the judiciary's budget from the MOJPA to the HCC is reportedly also the highest priority on the agenda of the EU [Working group on EU accession looking at Ch. 23 as well), neither the HCC nor the MOJPA have actively sought to advance this goal. Transfer of this authority would require an amendment to the Law on Court Organization. The HCC did not advocate for a change in the Law on Court Organization to transfer this authority to the judicial branch during recent hearings to expand the National Judicial Reform Strategy, despite SPP's inclusion in its proposed HCC budget preparation process policies and procedures to do so. Although transfer language appeared in an early version of the draft amendments, the latest version of the proposed amendment as submitted by the MOJPA to the Parliament is silent on the matter. Indeed, the current draft proposed by MOJPA actually proposes to transfer existing budget authority of the HCC over the judiciary's maintenance and repair budget back to the MOJPA.

**Recommendation:** The current draft of amendments to the Law on Court Organization should be revised to eliminate transfer of existing budget authority for maintenance and repairs from the HCC back to the MOJPA; and authority should be established to transfer the balance of judicial branch budget expenditures in the MOJPA to the HCC. HCC needs to advocate for amendment to the Law on Court Organization to require transfer of authority over judicial branch budget from MOJ to the Judicial Branch. The HCC should also actively propose the case for transfer of these funds before the EU Commission/Work Group etc. looking into the matter. On April 19, 2013 the EU brokered an agreement between the Governments of Serbia and Kosovo that allowed Serbia to avoid a two-year delay in the EU accession process. In particular, the agreement vests judicial authority in and around Mitrovica to the Kosovo judiciary and provides that Serbia will no longer operate a parallel judicial system in Northern Kosovo. This agreement will presumably be recognized in the revised National Judicial Reform Strategy. It is recommended that USAID and/or the EU Commission provide technical assistance to the HCC to facilitate budgetary implementation of this reorganization.

- 2. Project Design:** The project design as to HCC may have been unduly narrow. The design specifically limited the scope of the project to two specific areas of assistance, i.e., financial independence of the judicial and legislative branches and improvement of management of the courts, based on the assumption that the HCC and the Assembly were both ready to move forward on specific project implementation. The HCC, however, had not yet developed the capacity needed to exercise leadership in the judiciary; and its need to re-elect the entire judiciary distracted the HCC's attention away from the SPP projects. At the outset of the project, it became apparent to SPP that the HCC lacked capacity to serve as a policy advisory board. The project design appears to have assumed that a separate EU capacity building project underway at the time SPP began would have facilitated that development so that SPP could focus on working with the HCC on developing and implementation project-specific budget management and case management projects. However, the EU effort was reportedly undermined by its shift in focus to assisting the Ministry of justice in the development of EU accession plans so that its capacity development training efforts were deferred. And the attention of the HCC was diverted away from development and implementation of SPP project priorities for two years while it devoted its efforts full time to election and then re-election of the entire Serbian judiciary, an exercise, as has been documented elsewhere, in futility. It is not uncommon in an ROL project for the counterpart environment to change substantially at the outset or after project initiation. ROL project design should be broad

enough to allow the donor and contractors to shift their focus from one counterpart or activity to another to allow the project to move forward to achieve program objectives without sacrificing project principles.

At the same time, the reasons for combining Assembly and HCC financial management development efforts is unclear. While both branches required assistance in the development of budget management capacity to increase their financial independence from the executive branch, as well as assistance in the development of transparency and public outreach, their differences seem more significant than their common requirements.

**Recommendation:** Allow greater flexibility in design of scope of ROL project activities to accommodate structural, organizational or political changes in the beneficiary's environment to enable the contractor and donor to shift their focus to other priority activities that are consistent with project principles. For example, the design might have considered development of uniform budget management systems in NARS, MOJ and HCC at the same time, thereby encouraging the organizations to cooperate and collaborate on financial solutions as well as benefit from economy of scale development. The design could include alternative scenarios, such as: (A) if HCC is in a position to exercise judicial system leadership, undertake activities 1-3; (B) If HCC is unprepared or unwilling, conduct activities 4-6, etc. In the alternative, the design could propose development of a particular product or products for multiple beneficiaries, e.g., a uniform budgeting system for the judiciary, the Assembly and the MOJ, to avoid stovepipe efforts that could result in incompatible systems, to benefit from economies of scale and to enhance the potential for integration. Changes in the availability or willingness of one or another counterpart to move forward on a system-wide design would not preclude moving forward on development of the system with the other beneficiaries.

- 3. HCC and Judicial Academy Capacity Development:** The HCC and the Judicial Academy both lack the capacity needed to assume judicial system leadership.

**Recommendation:** Capacity building for both HCC and the Judicial Academy should be priorities for the future, both for the government and for donors. While the EU is planning to carry forward on many of the court management initiatives developed under the SPP, USAID may wish to consider supporting programs to help the HCC develop its policy-making and budget and legislative advocacy capacities. Capacity of the Administrative Office to provide policy advisory assistance to the HCC likewise needs to be strengthened. The capacity of the Judicial Academy to develop and deliver strategic planning training should be considered as well to enhance sustainability of training programs developed by SPP.

- 4. Court Manager Competences:** Serbian Court Manager competences do not yet formally include caseload management. Despite the judiciary's support for adoption of reforms to transfer non-judicial duties from court president judges to court administrative staff to alleviate the administrative burdens on the judges and to allow judges to devote greater time and attention to judicial decision-making, the judiciary remains reluctant to delegate caseload management responsibilities to court managers, viewing case assignment, calendaring, delay reduction and the like as essentially Judicial functions. SPP has prepared two court manager profiles—one in which

the court manager is responsible for administration; and another in which the court manager is also responsible for caseload management. SPP and the Judicial Academy have likewise assured that caseload management is an integral component of the new court manager training developed for court managers, judicial secretaries and judicial assistants as well as court presidents. Nonetheless, there is little momentum for judges to delegate this authority or for managers to advocate for assignment of this responsibility to them.

**Recommendation:** Pending amendments to the Law on Court Organization will formally enshrine the position of court manager into law, and the judiciary will then be responsible for the development of a set of specific competences for the position. A Working group will presumably be established to implement the legislation. It is recommended that the HCC and court managers coordinate efforts to participate in the Working Group to assure that the court manager position description to be developed under the statutory provision specify the delegation of caseload management responsibilities from the court president to the court manager, under such circumstances as may be deemed appropriate. The Working Group and/or the HCC should also consider bringing court managers from other countries in the region to Belgrade to discuss their systems; arranging for delegations of judges and managers to attend future IACA or other regional court management conferences to find out how other jurisdictions deal with this and other core competences in order to better understand the benefits/risks associated with such delegation.

- 5. Legislative budget:** SPP helped re-structure , the National Assembly's budget and finance office, developed procedural rules to govern the operations of the budgeting process and helped implement budgeting and accounting software provided by SPP. While staff has been trained in the use of the software and implementation of the new procedures, additional administrative and operational capacity need to be developed.

**Recommendation:** There is a need for additional strategic planning capacity building and expanded IT support for the NARS Budget and Finance sector office.

## APPENDIX A: EVALUATION STATEMENT OF WORK

Team will carry out the following tasks:

- Review and analyze project documents and conduct interviews to determine:
  - Whether SPP met its contractual goals;
  - If the contractual goals set for SPP were appropriate;
  - Whether project successes and accomplishments are sustainable; and
  - Lessons learned from the project's design and implementation.
- Determine progress made against Factor 10 (Budgetary Input), Factor 18 (Case Assignment), and Factor 28 (Case Filing and Tracking Systems) of the Judicial Reform Index conducted by ABA/CEELI in 2005.
- Draft an assessment report summarizing the team's findings.
  - Where EWMI accomplished the expected results, the report should describe what key factors contributed to the success, what obstacles were overcome and how, and relevant success stories or lessons learned.
  - Where goals were not achieved, the report should provide a description of why they were not, including issues such as false assumptions in project design, political factors, and performance factors.
- Questions to be asked and addressed in the assessment report may include the following:
  - How much progress towards its Performance Objectives and Results under Tasks 1, 2, and 3 did SPP achieve as of the date of assessment?
  - Which of its Tasks 1 and 2 Performance Objectives and Results will SPP not achieve by August 2013? Why not?
  - Which of its Task 3 Performance Objectives and Results did SPP not achieve by December 2011? Why not?
  - Were the Performance Objectives and Results under Tasks 1, 2, and 3 achievable in light of changes in the implementation environment in the period between project design and implementation?
  - What challenges did the project encounter in seeking to achieve its Performance Objectives and Results? How did these challenges impact performance?
  - What are the project's effects and impacts?
  - Are the project's achievements sustainable? What steps should be taken to sustain the project's achievements, and what is the level of Serbian commitment to sustaining them?
  - What legislative and policy environment existed at program inception? Has the environment changed as of the date of the assessment (or as of December 2011 for purposes of Task 3)? If so, how, and how has it impacted performance?
  - What changes to the functioning of Serbia's National Assembly, High Court Council, and courts have occurred due to assistance provided by SPP? What has been the impact of these changes?
  - What other legislative or policy reforms can reasonably be credited to SPP?
  - What additional projects/activities should USAID consider based on SPP's work?
- After the draft assessment report is submitted to EWMI, EWMI will provide comments to the assessment team within five business days, after which the Assessment Team will make final revisions to its report within an additional five business days.

## **APPENDIX B: PERFORMANCE OBJECTIVES**

**Contract No. 169-C-00-08-00102-00**

### **VII. Performance Objectives and Results**

- (1) After two years of implementation, a career track for court managers/administrators is in place, including qualifications for the different levels of responsibility, and the appropriate authorities have approved a plan to placement of court administrators through the Serbian court system.
- (2) After two years of implementation, the Assembly has done more thorough analysis of some pending legislation, and/or the Assembly's operations have become more transparent.
- (3) After three years of implementation the Assembly Budget Office can support and implement all aspects of parliamentary budget and finance process.
- (4) After three years of implementation the Assembly produces five-year strategic and financial plans.
- (5) After three years of implementation, professional court administrators/ managers trained with the assistance of SPP are working in key positions within the system to improve the efficiency of court operations: the location of the first set of administrators to be place will be determined by the Performance-Based Monitoring Plan (P-BMP) discussed in more details in Section F.S below.
- (6) After four years of implementation, additional professional court administrators/managers trained with the assistance of SPP are working within the system to improve the efficiency of court operations: the location of the additional administrators to be place will be determined by the Performance-Based Monitoring Plan (P-BMP) discussed in more details in Section F.S below.
- (7) After four years of implementation, the judiciary has adopted five- and 10-year developments plans prepared by judicial leaders and court managers/administrators who have completed the training developed with the assistance of SPP.
- (8) After four years of implementation the budget and finance office and judicial leaders prepares an integrated budget for all courts.
- (9) After four years of implementation, a significantly lower percentage of users of select courts report offering and paying bribes to the judiciary and court personnel: the value to be assigned to "a significantly lower percentage" and the identity of the select courts will be determined by the Performance-Based Monitoring Plan (P-BMP) discussed in more details in Section F.S below.
- (10) After four years of implementation, the average number of cases pending for more than two years has been reduced by a significant per cent and the average number of cases pending for more than four years in a significant number of select courts which had not previously been assisted by NCSC or the CCASA project has been reduced by a significant per cent: the value to be assigned to "a significant per cent" and the identity of the select courts will be determined by the Performance-Based Monitoring Plan (P-BMP) discussed in more detail in Section F.S below.

(11) After four years of implementation, and to an even greater extent after five years of implementation, there is greater openness of court proceedings and information about court operations available to the public, increased support for judicial independence and reform among court users and the public, and reduced perception of corruption in the courts among court users and the public. Targets will be contained in the Performance-Based Monitoring Plan (P-BMP), discussed in more detail in Section F.5 below.

(12) After five years of implementation, budget and finance staff and judicial leaders deal directly with the Ministry of Finance in budget preparations/negotiations for the next fiscal year.

(13) After five years of implementation, all the positions identified in the plan for placement of court administrators throughout the Serbian court system have been filled with individuals trained through the system developed with the assistance of SPP.

(14) After five years of implementation, substantial progress is noted for Factors 10, 18 and 28 of the Judicial Reform Index published by ABA-CEELI compared to the JRI conducted in late 2005, or by a similar measure.

(15) After five years of implementation, the average case processing time in a significant number of selected courts which had not been assisted by the CCASA project has been reduced by a significant per cent or time period: the value to be assigned to "a significant per cent" and the identity of the select courts will be determined by the Performance-Based Monitoring Plan (PBMP) discussed in more detail in Section F.5 below.

**APPENDIX C: PERFORMANCE BASED MONITORING PLANS**

**TASK 3**

**SEPARATION OF POWERS PROGRAM (SPP)  
PERFORMANCE-BASED  
MONITORING PLAN (P-BMP)**

**Report as of  
December 31, 2011**

**Submitted to:** USAID-Serbia on January 15, 2012

**Contractor:** The United States Agency for International Development Separation of Powers Program in Serbia is implemented by East-West Management Institute, Inc. under USAID contract number 169-C-00-08-00102-00.

**Disclaimer:** This report is made possible by the support of the American People through the United States Agency for International Development (USAID). The contents of this report are the sole responsibility of the East-West Management Institute, Inc. and do not necessarily reflect the views of USAID or the United States Government.

Data Table Quarterly Reporting: December 2011							Separation of Powers Program	
Task 3 Develop the Capacity of the National Assembly to Become a Truly Deliberative Body Capable of Acting in the Public Interest, and Conducting Oversight/ Monitoring of All Government Operations								
No.	Objective	Unit Measure	Base Line Year	2010 Target	2010 Actual	2011 Target	2011 Actual	Comments
1	Progress on a milestone scale demonstrating that the budget office can support all aspects of the budget and finance process	Percentage Completion – target is to complete 9 of 15 elements; progress is measured against completion of 9 elements.	2008	6 of 15 elements completed (75% of target of 9 elements completed)	3 of 15 elements completed (33% of target of 9 elements completed)	9 of 15 elements completed (=100%)	11 of 15 elements completed (100% of target of 9 elements completed)	See PMBP Appendix F for details.
2	Improvement in the 5 year strategic and financial plan	Percentage Completion	2008	16 of 21 elements completed (75%)	14 of 21 elements completed (66.7%)	21 of 21 elements completed (100%)	18 of 21 elements completed (85%)	A five year strategic plan was adopted by the National Assembly in January 2011. The strategic plan has not been linked to a financial plan despite SPP's requests; it is unlikely that a financial plan is feasible in the current environment. See Appendix G for details.
3	The Assembly's operations result in a more thorough analysis of pending legislation and/or have become more transparent							
a	Number of bills or reports	Number	FY 2008	---	2 bills	---	---	
b	Percent of met objectives in the transparency agreement	Percent	2008	---	0%	90% of objectives achieved	100% completed	4 of the 4 transparency objectives established by the Task 3 Advisory Committee have been completed. See Appendix E for details.
c	Number of visits to the NA website	Number	2008	---	No data	---	171,926	The Assembly's old website did not track website visits. From June 16 – December 31, 2011, the new website recorded 353,996 visits, an average of 1,779 visits each day. The number of visits per day increased by 11% since it was last measured in September (1,600 visits per day).

Data Table Quarterly Reporting: December 2011										
No.	Objective	Unit Measure	Base Line Year	2010 Target	2010 Actual	2011 Target	2011 Actual	2012 Target	2013 Target	Comments
<b>Cross-Cutting</b>										
1	The number of judicial branch individuals trained.	Number	FY 2008	200	291	650	369	490	100	Additional trainings from October – December 2011 included a court administration study visit to the Netherlands. SPP fell below its target because training programs involving acting court presidents, such as advanced training in court management, were not allowed to proceed by the HCC. These trainings will be held in 2012 after permanent court presidents are appointed.
	Number of women			116	162	390	277	294	55	
	Number of men			84	129	260	92	196	45	
	Number of Legal Institutions and Associations			25	120	131	131	131	33	
2	The number of National Assembly individuals trained.	Number	FY 2008	54	87	50	88	---	---	No additional training was conducted from October – December 2011.
	Number of women			29	49	28	35	---	---	
	Number of men			25	38	22	53	---	---	

<b>APPENDIX E:</b>			
<b>Transparency Agreement Objectives (Based on Agreement with the National Assembly)</b>	<b>Planned Date of Completion</b>	<b>Completed Date</b>	<b>Comments</b>
1. Assist the National Assembly leadership and departmental staff to plan, organize and implement activities aimed at improving the National Assembly's transparency and outreach.	June 2011	June 2011	The National Assembly launched its new website on June 16, 2011. The website increases the transparency and outreach of the Assembly by providing the public with more information about Assembly events and operations. It includes a calendar of Assembly activities; a schedule of plenary sessions and meetings of the Assembly's working bodies; content to better acquaint the public with the Assembly's work; a searchable database of laws and other acts; an automated newsletter for interested users; and explanations about the adoption of laws and budget and election cycles. See <a href="http://www.parlament.rs">www.parlament.rs</a> .
2. Assist and support the organization and implementation of seminars, workshops and study tours, and implementation of action plans resulting from study tours, workshops and seminars.	May 2011	Study tour and action plans completed in April 2011; communications plan adopted in July 2011	Training on transparency matters was completed when SPP sent nine delegates from the Assembly on a study tour to Slovenia April 10 <sup>th</sup> -14 <sup>th</sup> , where they worked on transparency and outreach matters. Following the training, participants developed internal, external, and crisis communications plans for the Assembly, which were adopted by the Secretary General in July 2011.
3. Assist with the organization and implementation of a training program for National Assembly staff and MPs in the areas of public relations, media relations, and Internet-based website presentation management.	May 2011	July 2011	Training on the website's content management system was completed in July 2011. Public and media relations training and mentoring were previously provided.
4. Assist with development of the National Assembly's new Internet website presentation.	June 2011	June 2011	See item 1 above.

**APPENDIX F:**

<b>Progress in Demonstrating that the Budget Office can Support and Implement All Aspects of Budget and Finance</b>					
<b>Element</b>	<b>0- Nonexistent</b>	<b>1- In progress or developing</b>	<b>2- 50% or more completed</b>	<b>3- Fully Operational</b>	<b>Comments</b>
1. A plan for strengthening the budget office is developed.	Baseline		2		A plan for strengthening the budget office has been drafted and is being implemented.
2. The budget office has a minimal number of staff to implement all aspects of budget and finance.	Baseline			3	The National Assembly previously adopted an amendment to its act on internal organization and systematization of posts, pursuant to which it re-established its material and financial affairs sector substantially along the lines of SPP's recommendations. All staff are now in place, including the head of the budget office and internal auditor.
3. Key staff are trained and aware of international best practices.	Baseline		2		SPP delivered a five day training program on budget basics for 10 members of the Assembly's budget office and 23 representatives from Assembly caucuses and committees. The training covered topics such as budget preparation, budget execution, accounting, financial reporting, and auditing. SPP has supplemented the training with hands-on mentoring for budget office staff on related matters.
4. The Budget Office has the necessary hardware and software to implement all aspects of budgeting and finance.	Baseline			3	In July 2011, SPP installed budget, accounting, and human resources software in the National Assembly and trained staff on its use. The Assembly now has the functionality needed to prepare all required budgets, operating plans, and financial plans, as well as the accounting application needed to implement and monitor financial plans and budget execution.
5. Office strengthening plan is implemented.	Baseline	1			A plan for strengthening the budget office has been developed and is being implemented.
<b>Total Score</b>		<b>1</b>	<b>4</b>	<b>6</b>	<b>11/15 = 73.3% of all elements completed</b> <b>100% of target of 9 of 15 elements completed</b>

A=Actual

T=Target

Indicator: Number of elements fully operational/ total number of elements = % completed

Target is that by 2011, 9 of the 15 elements, in aggregate, are completed

**APPENDIX G:**

<b>Improvement in the 5 Year Strategic and Financial Plan</b>					
<b>Element</b>	<b>0- Nonexistent</b>	<b>1- In progress or developing</b>	<b>2- 50% or more completed</b>	<b>3- Fully Operational</b>	<b>Comments</b>
1. Weaknesses in the current strategic and financial planning process are identified.	Baseline			3	Weaknesses in the process were identified and addressed in the consultation and drafting process of the strategic plan for the National Assembly, which was completed in December 2010. No further action was required.
2. A strategic plan, containing specific objectives and addressing those weaknesses is developed.	Baseline			3	A draft strategic plan was finalized in December 2010 and submitted by SPP to the Secretary General. No further action was required.
3. The plan is adopted by the National Assembly (or relevant body or person).	Baseline			3	The strategic plan was approved by the Secretary General of the National Assembly in January 2011. It was not linked to a financial plan.
4. Appropriate resources (staff and budget) are allocated to implement the plan.	Baseline		2		Appropriate resources to implement the strategic plan are included in the Assembly's budget for 2011, which SPP helped draft.
5. Key staff is trained in management, strategic planning, and financial planning.	Baseline		2		Relevant staff received training on strategic planning, budget preparation, and advocacy. Training on budget process was provided in February 2011 for key Secretariat staff and MPs. Additional financial training was delivered in June 2011.
6. Data from the financial plan are reflected in the strategic plan.	Baseline			3	The National Assembly has not developed a separate financial plan due, in part, to the Assembly's reluctance to disclose financial information internally and externally (i.e., a lack of transparency), as well as its view that it cannot financially bind future Assemblies. Data from the Assembly's budget is, however, reflected in the strategic plan.
7. Examples of changes in operations (such as purchasing, personnel management, oversight, etc.) are evident).	Baseline		2		SPP drafted bylaws, internal procedures and budget templates to govern the functioning of Assembly's budget office and financial management processes. The Assembly has formed a working group to review and adopt such procedures.
<b>Total Score</b>			6	12	<b>18/21 = 85.6%</b>

## TASKS 1 & 2

# SEPARATION OF POWERS PROGRAM PERFORMANCE-BASED MONITORING PLAN (P-BMP)

**Report as of  
March 31, 2013**

**Submitted to:** USAID-Serbia as of April 15, 2013

**Contractor:** The United States Agency for International Development Separation of Powers Program in Serbia is implemented by East-West Management Institute, Inc. under USAID contract number 169-C-00-08-00102-00.

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**Separation of Powers Program  
Performance-Based Monitoring Plan (PBMP)  
for the Quarter Ended  
March 31, 2013**

Data Table Quarterly Reporting: March 2013											Separation of Powers Program
No.	Objective	Unit Measure	Base Line Year	2010 Target	2010 Actual	2011 Target	2011 Actual	2012 Target	2012 Actual 12/31/12	2013 Target	Comments
<b>1.3</b>											
1	Percentage of target court users satisfied with the judicial system	Percent Improvement	2009			Base-lines created			N/A	Final Appraisal	Baselines have been established. Progress will be evaluated as part of the project's final assessment and related public polling, to be conducted in April 2013.
2	Cases Pending for more than 2 years: all courts in Serbia	Percent reduction	2010				1,378,402		1,647,349		The 2012 actual number was reported in the Supreme Court of Cassation's Annual Report for 2012.
	Cases pending more than 2 years: 6 backlog reduction courts		2010	---	23,352	22,184	15,689	19,849	10,509		The 2012 actual number equals cases pending for more than two years as of December 31, 2012, based on reports from the courts and verified against the Supreme Court of Cassation's Annual Report for 2012. The 2012 target was a 25-30% reduction from the 2010 actual figure. SPP achieved a 55% reduction.
3	Case Processing rate in 5 backlog prevention courts	Percent increase	2010	---	87.96%	95%	99.4%	95%	104.5%	95%	The 2012 actual number represents the average un-weighted case processing rates for 5 backlog prevention courts as of December 31, 2012, for all case types other than enforcement. The target clearance rate was 95%. SPP's courts achieved a combined 104.5% clearance rate, based on reports from the courts and verified against the Supreme Court of Cassation's Annual Report for 2012.

The targets for SPP's backlog prevention and reduction courts reported herein were proposed in the Supplement to SPP's March 30, 2011 P-BMP. The original backlog reduction targets were a 10% reduction by 2010, a 15% reduction by 2011, and a 25-30% reduction by 2012. Since the 2008 baseline on which those targets were based was invalidated by the changed court network, SPP is maintaining the percentage reductions and using the 2010 data as the baseline. The previous targets were a 5% reduction between 2010 and 2011 (the difference between a 10% reduction and a 15% reduction), and a 15-20% reduction between 2010 and 2012, and those percentages have been applied to the 2010 data as the baseline. The previously approved measurement for SPP's backlog prevention courts was a percentage increase in the rate of closing cases from the 2008 baseline. The targets were a 10% increase by 2010, a 10% increase by 2011, and reaching and maintaining a 95% closure rate for 2012 and 2013. Since the 2008 baseline was invalidated by the changed court network, SPP is maintaining the percentage increases (up to 95%) and using the 2010 data as the baseline.

**Separation of Powers Program  
Performance-Based Monitoring Plan (PBMP)  
for the Quarter Ended  
March 31, 2013**

In April 2011 at the request of USAID, the Separation of Powers Program (SPP) developed revised baselines and targets for its performance indicators related to backlog reduction and prevention efforts. The baseline for each indicator was set as of December 31, 2010, a date selected because it occurred after two significant systemic changes impacting court operations and statistics – the 2009 judge election process and the 2010 restructuring of the court network. While the baseline reflects the new system within which SPP and the courts operate, questions remain about the reliability of the overall case data generated by the AVP electronic case management system used by Serbia’s basic and higher courts, and the statistics formally reported by Serbia’s Supreme Court of Cassation.

For the first indicator, the baseline (100%) is the average number of backlog cases pending at the close of 2010. SPP is targeting percentage decreases from such backlog in 2011 (to 95% of the baseline), 2012 (to 85%) and 2013 (to 80%). Since SPP is scheduled to close in August 2013, data for 2013 will be closed as of the end of June 2013. Similarly, the baseline for the second indicator is the rate for case processing as of December 31, 2010 (100%). SPP is targeting increases from such rate in 2011 (to 102% of the baseline), 2012 (104%), and 2013 (105%).

<b>Performance Indicator</b>	<b>Definition</b>	<b>Baseline</b>	<b>2011 Target</b>	<b>2011 Actual 12/31/11</b>	<b>2012 Target</b>	<b>2012 Actual 12/31/12</b>	<b>2013 Target</b>
1. The average number of cases pending in the 10 courts participating in SPP’s backlog prevention and reduction programs	The percentage reduction in the average number of cases pending for more than two years (backlog) achieved in any given year will be determined by averaging the percentage reduction (increase) in backlog cases achieved by each of the 10 courts participating in SPP’s backlog prevention and reduction programs, excluding execution of judgment cases.	Baseline is 100% as of 12/31/2010	95% of baseline	92.99%	85% of baseline	89.5%	80% of baseline
2. The average rate for case processing in the 10 courts participating in SPP’s backlog prevention and reduction programs	Case processing rate: The number of cases closed in a calendar year divided by the number of cases open in that year, excluding execution of judgment cases. Cases closed are those cases reported as closed by the court during that year, without regard to the year the case was filed. Cases open includes all newly filed cases in that year. The percentage increase in case processing efficiency in any given year will be determined by averaging the percentage increase (decrease) in case processing rates achieved by each of the 10 courts participating in SPP’s backlog prevention and reduction program.	Baseline is 100% as of 12/31/2010	102% of baseline	128.71%	104% of baseline	126.0%	105% of baseline

**Separation of Powers Program  
Performance-Based Monitoring Plan (PBMP)  
for the Quarter Ended  
March 31, 2013**

Data Table Quarterly Reporting: March 2013											Separation of Powers Program
No.	Objective	Unit Measure	Base Line Year	2010 Target	2010 Actual	2011 Target	2011 Actual	2012 Target	2012 Actual 9/30/12	2013 Target	Comments
<b>Task 1 Develop Judiciary's Capacity to Allocate, Acquire, and Manage the Judiciary's Resources</b>											
1	Progress on the Institutional Development Index (IDI)	Percentage of mutually agreed upon objectives achieved	2008	30%	15%	50%	10 of 33 elements completed (30%, or 60% of target)	75%	20 of 33 elements completed (58%, or 80% of target)	90%	See Appendix B for details. - 61% of total elements were completed. - 80% of 2012 target met: 20 elements completed out of 25 targeted for completion (80% of total elements).
2	The extent to which an integrated budget is prepared for all courts based on key standards	Percentage completion		---	No Data	---	---	100% of standards for good budgeting met	4 of 6 standards met (67% of target)	Budget staff and judicial leaders negotiate directly with MOF on regular basis	See Appendix C for details. The HCC's legislative authority over finances has been determined; a training curriculum on budget development and execution developed; training on budget development delivered; and the HCC is engaging in budget advocacy directly with the MOF.
3	Adoption of medium and long term development plans	Narrative	2008	---	0	---	3 year strategic plan adopted	Adoption of 5 year and long term development plans	3 year strategic plan in place	100%	The HCC adopted a three-year strategic plan on March 18, 2011. SPP and the HCC are working to extend the existing strategic plan to cover the five year mandate of the Council's judge members. Work on the extended plan is finished, but it has not been scheduled for consideration and approval by the Council.
4	Progress on improving budgetary input on the JRI	JRI Rating		---	N/A	---	N/A	---	N/A	Upward progress from negative	EWMI and USAID have agreed that the evaluation team conducting the project's final assessment will address the JRI factors in its review.

**Separation of Powers Program  
Performance-Based Monitoring Plan (PBMP)  
for the Quarter Ended  
March 31, 2013**

Data Table Quarterly Reporting: March 2013										Separation of Powers Program	
No.	Objective	Unit Measure	Base Line Year	2010 Target	2010 Actual	2011 Target	2011 Actual	2012 Target	2012 Actual 12/31/12	2013 Target	Comments
<b>Task 2 Assist the Judicial Branch in Making its Administration of Justice More Efficient, Transparent, and Responsive</b>											
1	Progress in establishing and implementing a staffing and recruitment plan and career track for court managers	Percentage completion	2008	Elements 1 and 2 achieved	7/21 on Staffing; 4/6 on Career Track	---	15/21 on Staffing; 5/6 on Career Track	All elements achieved (100%)	19/21 on Staffing; 6/6 on Career Track		See Appendix D for details. - 90% progress (19 of 21 points) on staffing and recruitment plan. - 100% progress (6 of 6 points) on career track for court administrators.
2	Number of court managers filling positions	Number	2008	---	1	Key positions filled by trained personnel	7	Additional court managers appointed	8	100% of court manager positions filled	Eight court managers were hired and five more courts approved to engage court managers. One court manager's contract was not renewed, however, so that seven are currently working in the courts. Proposed amendments to the Law on Court Organization will require all republic level courts and courts with more than 30 judges to engage court managers.
3	Progress on improving case filing and tracking systems on the JRI	Negative, Neutral, or Positive									
a	Factor 18: Case Assignment		Neutral	---	N/A	---	N/A	---	N/A	Upward progress: neutral to positive	EWMI and USAID have agreed that the evaluation team conducting the project's final assessment will address the JRI factors in its review.
b	Factor 28: Case Filing		Negative	---	N/A	---	N/A	---	N/A	Upward	EWMI and USAID have agreed that the evaluation

	and Tracking										progress: negative to neutral or positive	team conducting the project's final assessment will address the JRI factors in its review.
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**Separation of Powers Program  
Performance-Based Monitoring Plan (PBMP)  
for the Quarter Ended  
March 31, 2013**

Data Table Quarterly Reporting: March 2013												Separation of Powers Program
No.	Objective	Unit Measure	Base Line Year	2010 Target	2010 Actual	2011 Target	2011 Actual	2012 Target	2012 Actual	2013 Target	2013 Actual 3/31/13	Comments
<b>Cross-Cutting</b>												
1	The number of judicial branch individuals trained.	Number	FY 2008	200	291	650	369	490	273	100	134	Trainees in the quarter ended March 31, 2013 include participants in: train-the-trainers sessions on individual case management (11); individual case management training (58); public trust and confidence planning (21); and court-to-court meeting of higher courts on harmonizing practices (44).
	Number of women			116	162	390	277	294	189	55	40	
	Number of men			84	129	260	92	196	84	45	94	
	Number of Legal Institutions and Associations			25	120	131	131	131	127	33	28	Includes 27 courts and the Judicial Academy.

**APPENDIX B: THE INSTITUTIONAL DEVELOPMENT INDEX FOR THE HCC BUDGET OFFICE**

Criteria for Each Progressive Stage					
Component	Founding (0)	Developing (1)	Operating (2)	Sustaining (3)	Score
<b>1. Organization</b>					
1.1 Rules Governing Work and Administration	No rules adopted by HCC that govern administrative functioning of the budget office.	Rules governing work and administration developed.	Rules governing work and administration developed, adopted and followed.	Rules governing work and administration followed and systematic mechanisms for improvement in place.	<b>2</b> – Procedures for creating the HCC’s financial plan, directives on financial operations, directives on budget accounting and financial reporting, directives on maintaining the inventory of financial assets and obligations of the HCC, and directives on internal financial controls and internal audit have been developed and are being followed, although they have not been formally adopted.
1.2 Administrative Structure	Administrative structure not in accordance with competencies of HCC as defined in the law creating the HCC.	Administrative structure defined in accordance with competencies.	Key positions in Administrative structure in accordance with competencies partially staffed.	Key positions are staffed appropriately and remaining positions at least partially staffed.	<b>3</b> - A systemization plan sets forth the administrative structure for HCC finances, which includes 12 financial positions in the MFAS. By April 2012, 10 out of 12 budget and finance positions had been filled, including key positions.
1.3 Staff building	No strategic skill building	Training needs assessment conducted.	Staff development and training program developed.	Training program implemented and periodically reviewed.	<b>2</b> – Training programs have been developed and implemented in conjunction with the budget planning software (e.g., budget preparation and execution) and related analytical tools (court profile and status of funds report). A training program has been developed for the Budget and Accounting Policies and Procedures Manual and will be delivered once the manual is adopted.
1.4 Anti-corruption	No ongoing institutional capacity to address corruption	Institutional methodologies to address corruption exist.	Institutional methodologies exist and anti-corruption plan developed.	Institution regularly applies anti-corruption plan and reviews and updates the plan at least annually.	<b>2</b> – Revised public procurement procedures are being drafted. Adoption of such procedures and the directives on internal financial controls and internal audit referenced above will constitute adoption of an anticorruption plan.
1.5 Facility	Not provided.	Structure provided but not adequate.	Structure and furnishings adequate for current needs.	Currently adequate plus current and future facility requirements incorporated into planning and budgeting on a systematic basis.	<b>2</b> – The MFAS has adequate facilities and furnishings, including computer equipment provided by SPP.

Criteria for Each Progressive Stage					
Component	Founding (0)	Developing (1)	Operating (2)	Sustaining (3)	Score
<b>2. Communications and Outreach</b>					
2.1 Stakeholder and Public Relations	No mechanisms for communications and coordination with stakeholders and the public.	Mechanism for engaging stakeholders and the public partially used.	Plan for improving communications developed and partially implemented.	Mechanisms and Plan for engaging stakeholders and the public used systematically.	<b>1</b> - A communications strategy has been developed and awaits formal adoption by the HCC. Elements of the strategy are already being implemented by other means. For example, the Council recently adopted a new Book of Rules which provides that its sessions can be open to the public, a recommendation included in the draft strategy.
2.2. Legislative Outreach	No strategy in place to build legislative support or evaluate legislative impact.	Legislative strategy developed.	Legislative strategy followed; capacity to assess legislative impact developed, and legislative impact assessments conducted occasionally.	Mechanism for gaining legislative support in place and used systematically. Legislative impact assessments conducted on a regular basis.	<b>1</b> – A legislative strategy is outlined in the HCC’s strategic plan.
<b>3. Management</b>					
3.1 Automation	No plan for automating or supporting courts and administrative offices in place.	Plan for automating and supporting courts and administrative offices in place.	Plan for automating and supporting courts and administrative offices partially implemented.	A system for assessing, planning, and improving automation systems in place.	<b>3</b> - SPP procured budget software for the MFAS and courts and trained financial staff on its use. A system for assessing and planning “technology refresh” was built into the court profile, which includes information on the type and age of IT equipment and computer software in each court. The HCC requested funds to maintain its automated systems in its priority funding request.

Criteria for Each Progressive Stage					
Component	Founding (0)	Developing (1)	Operating (2)	Sustaining (3)	Score
3.2 Statistics	No statistics collected.	Statistical reporting plan to obtain required statistics from all organizations developed, reporting protocol with courts developed.	Statistical reporting plan partially implemented.	Statistical reporting plan fully implemented. System to obtain statistics reviewed and modified as appropriate. Statistics used as a management tool.	<b>2</b> – Courts are required to submit three month, semi-annual, and annual statistical reports to the HCC. The court profile module included in the budget software is being used to collect information on caseload, staffing, IT items, equipment and facilities. The status of funds report will soon be used to monitor over- and under-spending courts, as well as arrearages.
<b>4. Budgeting and Strategic Planning</b>					
4.1 Budgeting	Either A) No strategic financial plan or B) Budgets are not linked to the financial strategy and not used as a management tool.	Plan for linking budget to strategy and improving budget analysis developed.	Partial implementation of financial plan and at least partial staffing of budgeting office.	Capacity exists for effective budgeting, linked to strategic objectives and goals.	<b>1</b> - The HCC officially adopted a three-year strategic plan on March 18, 2011.
<b>5. Auditing</b>					
5.1 Auditing	No auditing procedures in place; spending controlled on largely ad hoc basis	Auditing procedures developed but not fully functional.	Auditing process partially functional.	Auditing process fully functional and spending controls in place	<b>1</b> – Directives on internal audit have been drafted but not adopted. An auditor position was included in the HCC’s systematization plan but remains vacant.
					<b>Total Score</b>
					<b>20</b>

Scoring:

1. Total possible points = 33 (11 components x 3, if all are fully sustaining).
2. Any supporting documentation on the rationale for scoring is maintained in the files.

Indicator: Number of points earned / total number points possible (based on mutually agreed upon objectives) = % completion  
 Targets:  
 2009 20%  
 2010 30%  
 2011 50%  
 2012 75%  
 2013 90% (at least)

### APPENDIX C: Budget Analysis Checklist

Budget Elements	Planned Date for Completion	Completion Date	Comments
1. Extent of the HCC's legislative authority determined with respect to the formulation and execution of budgets for all organizational elements of the Judiciary.	May 2010	January 2012	The HCC formally assumed its financial powers on January 1, 2012. The HCC controls the budget for judges, lay judges, expert witnesses, ex officio attorneys, and the operating expenses of the courts. The MOJ continues to control the budget for capital expenditures, IT, and administrative staff. The HCC intends to pursue changes to the Law on Organization of Courts and the Law on High Court Council to gain greater powers, but has not yet take action.
2. Budget formulation and execution curriculum finalized.	May 2010	Budget formulation curriculum completed in June 2012	The curriculum is finalized, and budget formulation training was provided to MFAS and court financial staff in June 2012. Certain portions of the curriculum are incorporated into SPP's orientation curricula in court management for court managers and court presidents. These are high-level trainings on budget formulation and execution.
3. Pilot courts trained utilizing the training curriculum; curriculum modified as appropriate to reflect lessons learned.	June 2010	June 2012	Court and MFAS financial staff were trained on budget formulation in June 2012. Court managers were trained in May 2011. The MFAS currently believes that the curriculum requires no modification.
4. Budget baseline established for all courts, providing a standard quality level for court facilities (e.g., space, furniture, and equipment), and for automation and communications packages.	Ongoing	---	In August 2012, SPP developed a court profile for each court as part of the budget development process. Data collected through the profile will assist the HCC in analyzing and prioritizing budget requests from each court. Data collected through the report can also be used to establish baseline standards for budget guidance and allocations.
5. Baseline standards become part of the Judiciary's budget guidance to the courts and are reflected in the budget allocations provided to the courts by the HCC.	Ongoing	---	Standards should be provided to each court as guidance for its budget requests. This will be a multi-year process.
6. The HCC justifies and advocates on behalf of the judiciary's budget directly with the Ministry of Finance and the National Assembly.	Ongoing	Already taking place and continuing	SPP previously aided the HCC in budget advocacy efforts by helping to draft a formal request through which the HCC requested that the MOF reconsider its 2011, 2012 and 2013 budget allocations for HCC operations. It has also developed a budget advocacy curriculum for the HCC which includes the elements of a successful advocacy program. In March 2013, the MFAS developed and submitted to the MOF a priority funding request in which, to the extent possible given the restrictions of process and format, it requested the funds needed to

			implement the HCC's strategic plan and communications strategy, as well as to maintain the financial software licenses originally procured by SPP, for the next three fiscal years.
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### APPENDIX D: Staffing Plan and Career Track

<b>Progress in Establishing and Implementing a Staffing and Recruitment Plan and Career Track for Court Administrators</b>					
Element	0- Non-existent	1- In progress or developing	2- 50% or more completed	3- Fully Operational	Comments
<b><i>Career Track</i></b>					
1. Career track for court administrators is developed.				3	The Court Administrator Working Group's career track report describes the status of court managers when hired and their advancement and salary opportunities, as determined by law. As the report explains, the legislative framework effectively determines the career track of court managers.
2. Career track has been adopted.				3	See above. While the report cannot be formally adopted, it effectively establishes the career track for court managers.
<b><i>Staffing and Recruitment Plan</i></b>					
3. Staffing and recruitment plan is developed with key objectives.				3	SPP developed a detailed recruitment and hiring plan in March 2011 and also finalized a long-term staffing plan setting forth the conditions under which courts can apply for court managers. Proposed amendments to the Law on Court Organization will require all republic level courts and courts with more than 30 judges to engage court managers. As such, the amended law will supplant the long-term plan for identifying courts that should engage court managers.
4. The plan addresses compliance with gender issue laws (such as prohibitions on sexual harassment).				3	The Law on Discrimination, adopted on March 26, 2009 and effective April 3, 2009 is the relevant gender issue law. 6 of 8 court administrators hired to date are female.
5. Plan includes budget and long term financing plan.				3	Based on the long-term staffing plan, the MOJ recognized approved court managers as "higher advisors" - the highest paid non-judicial position in the courts - in its future staffing plans for the judiciary. The overall staffing plan for 2013 has been approved.
6. Staffing and recruitment plan is approved.				3	The MOJ supports the staffing and recruitment plans described above.
7. Staff are identified to implement the plan.			2		SPP is developing two induction packages – one for courts/court presidents and the other for court managers - with guidelines on how to recruit, hire, and utilize court managers.
8. Budget is allocated to implement the plan.				3	Approved court administrators positions have been funded.

9. Plan is implemented			2		Initial courts have been identified and 8 court managers have been hired; additional hirings are in process.
<b>Total Scores</b>					<b>Career track: 6/6 = 100%</b> <b>Staffing &amp; Recruiting Plan: 19/21 = 90%</b> <b>Overall: 25/27 = 93%</b>

## APPENDIX D: LIST OF DOCUMENTS CONSULTED

1. Contract No. 169-C-00-08-00102-00 Separation of Powers Program (SPP) – Serbia;
2. SPP Work Plan Year 1, USAID - Serbia Separation of Powers Program;
3. SPP Work Plan Year 2, USAID - Serbia Separation of Powers Program;
4. SPP Work Plan Year 3, USAID - Serbia Separation of Powers Program;
5. SPP Work Plan Year 4, USAID - Serbia Separation of Powers Program;
6. SPP Work Plan Year 5, USAID - Serbia Separation of Powers Program;
7. SPP Year 1 Annual Report, USAID - Serbia Separation of Powers Program;
8. SPP Year 2 Annual Report, USAID - Serbia Separation of Powers Program;
9. SPP Year 3 Annual Report, USAID - Serbia Separation of Powers Program;
10. SPP Year 4 Annual Report, USAID - Serbia Separation of Powers Program;
11. Performance-Based Monitoring Plan (P-BMP) USAID - Serbia Separation of Powers Program, USAID Separation of Powers Program, 2010;
12. Mid-term evaluation of SPP Task 1 and Task 2, Social Impact, January 2012;
13. Mid-Term Assessment of Separation of Powers, Program Task 3, Eric Rudenshiold, August 2010;
14. Judicial Reform Index Serbia, ABA CEELI, 2005;
15. National Judicial Reform Strategy, 2006;
16. Draft National Judicial Reform Strategy 2013-2018;
17. Serbian Judicial Academy Strategic Plan 2011 – 2013, February 2011;
18. Analytical Report of the European Commission accompanying the document Communication from the Commission to the European Parliament and the Council with the Commission Opinion on Serbia's application for membership in the European Union from October 2011
19. Reports of the European Commission on Serbia's progress from 2012, 2010, 2009, 2008, 2007;
20. Justice Public Expenditure and Institutional Review (JPEIR), drafted by the Multi-Donor Trust Fund for Justice Sector Support World Bank (MDTF-JSS WB);
21. Analysis of financial and related information for the judicial bodies Republic of Serbia, USAID Separation of Powers Program, 2009
22. An assessment of the current budget process and financial management procedures in the courts, Ministry of Justice and Ministry of Finance Republic of Serbia, USAID Separation of Powers Program, 2009
23. Accounting policies and procedures, USAID Separation of Powers Program, 2011
24. Budget policies and procedures Manual, USAID Separation of Powers Program, 2011
25. Summary Proposal for Creating a Budget and Finance Committee of the High Court Council, January 2012;
26. Future Budget Model for a Financially Independent Judiciary report, 2012;
27. Procedures for creating the HCC's financial plan; Directives on financial operations; Directives on budget accounting and financial reporting; Directives on maintaining the inventory of financial assets and obligations of the HCC; USAID Separation of Powers Program, 2012;
28. Advanced Curriculum in court management – a proposed curriculum for judges and court managers in the Republic of Serbia, USAID Separation of Powers Program, 2010
29. Career Advancement of Court Managers, USAID SPP Working group for Introduction of Court Managers, 2010
30. Final Report of Working Group for Introduction of Court Managers, USAID SPP Working Group for the Introduction of Court Managers, 2010;

31. An Orientation to Court Management - A Curriculum for Court Managers of the Republic of Serbia, USAID Separation of Powers Program, 2010;
32. Long-term plan for Court manager placement criteria for the hiring of court managers, USAID Separation of Powers Program, 2011
33. Trainer's Manual: Dynamic Individual Case Management for the Civil Trial Judges of Serbia, USAID Separation of Powers Program;
34. Trainers Manual: Dynamic Individual Case Management for the Criminal Trial Judges of Serbia, USAID Separation of Powers Program;
35. Memorandum of Understanding BY and Among The High Court Council of the Republic of Serbia, and the United States Agency for International Development Concerning the Separation of Powers Program in Serbia, USAID Separation of Powers Program, 2010;
36. HCC Administrative Office Organogram, Proposed Organizations of the HCC Administrative office by USAID Separation of Powers Program, 2010;
37. HCC Material Financial Affairs Organogram, Proposed Organizations of the HCC Administrative office by USAID Separation of Powers Program, 2010;
38. Systematization Act of the Administrative office of the HCC, 16 April 2013;
39. HCC Annual Report, 2009;
40. HCC Annual Report, 2010;
41. HCC Annual Report, 2011;
42. HCC Annual Report, 2012;
43. High Court Council Strategic Plan 2011-2013, High Court Council, 2011;
44. High Court Council Draft Amended Strategic Plan, 2013;
45. High Court Council Draft Communication Strategy, 2013;
46. Report to the Serbia High Court Council – Weighted Caseload in courts of Serbia, December 2012;
47. Strategy for case backlog and delay reduction in the courts of Serbia, USAID Separation of Powers Program, 2011;
48. The Separation of Powers Program Brings European Standards to Courts: Improving the Efficiency of Serbia's Courts, USAID Separation of Powers Program, 2011;
49. Memorandum of Understanding between National Assembly and USAID, March 2009;
50. Proposed Budget Office staffing plan, USAID Separation of Powers, July 2010;
51. Multi-Annual development plan of the Secretariat of the National Assembly of the Republic of Serbia, January 2011;
52. Outreach, Participation and Transparency Report in the National Assembly of the Republic of Serbia Assessment Report, October 2009;
53. Budget Office of the NARS IT Assessment, April 2010;
54. Recommendations for Automation of the National Assembly of Serbia Budget Office, 2010;
55. Proposed Staffing Plan for the Serbian National Assembly's Communications Office, July 2010;
56. Action Plan for Developing a New Website for NARS, 2010;
57. Communication Strategy of the NARS, July 2011;
58. Rule Books on Budget Accounting and Cashiers Operations of the NARS, January 2012;
59. Rule Book on Financial Material Operations of the NARS, February 2012;

## **Legislation**

1. Constitution of the Republic of Serbia, Official Gazette of the Republic of Serbia, No. 98/06;
2. Law on High Court Council, Official Gazette of the Republic of Serbia, No. 116/08, 101/10, 88/11;
3. Law on Judges, Official Gazette of the Republic of Serbia No. 116/2008, 58/09, 104/09, 101/10, 8/12, 121/12, 124/12;
4. Law on Judicial Academy, Official Gazette of the Republic of Serbia No. 104/2009;
5. Law on Organization of Courts, Official Gazette of the Republic of Serbia No. 116/08, 104/09, 101/10, 31/11, 78/11, 101/11;
6. Law on the Seats and Territorial Jurisdictions of Courts and Public Prosecutor's Offices, Official Gazette of the Republic of Serbia No. 116/08;
7. Misdemeanor Law, Official Gazette of the Republic of Serbia, No. 101/05, 116/08, 111/09;
8. Law on Parliament, Official Gazette of the Republic of Serbia, No. 9/10;
9. Court Rules of Procedure, Ministry of Justice, 2011;
10. Rules of Procedure of the HCC, High Court Council, 2013;
11. Rules of Procedure of the National Assembly, National Assembly, 2010;
12. Draft amendments on the Law on the Seats and Territorial Jurisdiction of Courts and Public Prosecutor's Offices, 5 April 2013;

**APPENDIX E: PERSONS AND AGENCIES CONTACTED**

No	DATE (ALL IN 2013)	NAME	TITLE	INSTITUTION	CONTACT INFORMATION
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19	4/16	Dragan Skontra	Systems Administrator	Vrsac Basic	
20	4/17	Branka Bancevic	Head	HPP/MFAS; HCC/SPP Advisory Committee	<a href="mailto:Branka.bancevic@vss.sud.rs">Branka.bancevic@vss.sud.rs</a> 063 459 791
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31	4/22	Jelena Cupovic	Judge Assistant	Uzice Basic	<a href="mailto:Jelena.cupovic@ue.os.sud.rs">Jelena.cupovic@ue.os.sud.rs</a> 064 854 4167
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34	4/23	Radoslava Markovic	Head of PR department	NARS PR Service	<a href="mailto:r.markovic@parliament.rs">r.markovic@parliament.rs</a> 064 842 0066
35	4/23	Sandra Stankovic	Webmaster	NARS PR Service	<a href="mailto:Sandra.stankovic@parliament.rs">Sandra.stankovic@parliament.rs</a>
36	4/24	Mladen Mladenovic	Deputy General Secretary	NARS	<a href="mailto:m.mladenovic@parliament.rs">m.mladenovic@parliament.rs</a> 064 842 0000
37	4/24	Maja Pavlovic	Acting Head	NARS Budget Unit	<a href="mailto:maja.pavlovic@parliament.rs">maja.pavlovic@parliament.rs</a> 063 844 1443
38	4/24	Mirjana Nedeljkovic	Head of General Affairs Unit	NARS	<a href="mailto:Mirjana.nedeljkovic@parliament.rs">Mirjana.nedeljkovic@parliament.rs</a>
39	4/24	Ljiljana Blagojevic	Assistant Minister for Judicial Affairs	MOJ	<a href="mailto:Ljiljana.nikolic@mpravde.gov.rs">Ljiljana.nikolic@mpravde.gov.rs</a> (?) 064 813 5068
40	4/24	Veljko Odalovic	Secretary General; Former NARS Secretary General	Government of Serbia	<a href="mailto:Generalni.sekretar@gov.rs">Generalni.sekretar@gov.rs</a> 064 835 0222
41	4/24	Sasa Markovic	Assistant Secretary General	Government of Serbia	<a href="mailto:Sasha.markovic@gov.rs">Sasha.markovic@gov.rs</a> 011 3617 728
42	4/26	Sinisa Milatovic	Legal Adviser	OSCE Rule of Law department	<a href="mailto:Sinisa.milatovic@osce.org">Sinisa.milatovic@osce.org</a>
43	4/26	Mirjana Cvetkovic	Legal Advisor	EU delegation	<a href="mailto:Mirjana.cvetkovic@eeas.europa.eu">Mirjana.cvetkovic@eeas.europa.eu</a> 064 236 1370
44	4/26	Susan Fritz	Mission Director	USAID/SERBIA	<a href="mailto:Sfritz@usaid.gov">Sfritz@usaid.gov</a> 065 316 4577
45	4/26	Peter Wiebler	Director, Democracy and Governance Office	USAID/SERBIA	<a href="mailto:pwiebler@usaid.gov">pwiebler@usaid.gov</a>
46	5/11	Joe Bobek	Former Task 1 Lead	EWMI	<a href="mailto:josephbobek@aol.com">josephbobek@aol.com</a>

## **APPENDIX F: ASSESSMENT TEAM**

**NAME:** Francis L. Bremson

### **PROFESSIONAL EXPERIENCE: SUMMARY**

For the past 40 years, Mr. Bremson has been a management consultant for US and international justice sector organizations. For the past ten years, he has provided management consulting services to judicial systems overseas, including serving as Senior Court Management Advisor to both the Afghanistan Supreme Court (2007-2012) and the Kosovo Supreme Court (2003-2005); as evaluator for USAID of the Separation of Powers Project in Serbia in 2013 and the Justice Sector Reform Project in Bosnia-Herzegovina in 2006; and as consultant to the USAID-funded Ukraine Rule of Law Project in facilitating implementation of Ukraine's recently-enacted judicial merit selection law in 2010.

From January 2011 to June 2012 he served as Senior Court Management Advisor for Tetra Tech/DPK's USAID-funded Afghanistan Rule of Law Stabilization Formal Justice Project, where he was responsible for assisting the Afghanistan Supreme Court in strengthening overall management capacity, including implementing and expanding the functionality of the court system's manual case processing system; re-engineering the court system's statistical system; developing and implementing Afghanistan's first court management professional training program; staffing the Supreme Court's national judicial conference; as well as providing technical assistance to the Supreme Court Administrative Office in implementing merit-based HR systems, program budgeting, development of IT and court facilities management capacity, and support in strategic planning. His previous international development experience included serving from 2007-2009 as Senior Court Management Advisor (for Checchi & Co/MSI) to the Afghanistan Supreme Court on a USAID-funded project to strengthen all management and competency aspects of the country's judicial branch. His achievements on this project included strengthening the court's governance structure, revising administrative policies, implementing a system of merit-based pay, streamlining the budget, increasing public outreach capabilities and establishing standards and guidelines for improving the system's infrastructure. In 2010, he served as Transition Advisor to Tetra Tech/DPK in that organization's start-up of its contract to implement the USAID's Afghanistan Rule of Law Stabilization-Formal Justice Project; and subsequently assisted the USAID-funded Ukraine Rule of Law Project in facilitating implementation of Ukraine's recently-enacted judicial merit selection law. In 2006, he co-authored a USAID mid-term evaluation of the Justice Sector Reform Project in Bosnia-Herzegovina. He previously served for two years (2003-2005) as Court Management Advisor to the Kosovo Supreme Court on a USAID-funded project to modernize Kosovo's court system by improving caseload management procedures, developing and implementing modern records management and court reporting systems, and by developing and delivering an Introduction to Court Management training program for all chief judges and court administrators.

He previously held senior management positions or served as a management consultant in court systems throughout the US, including as Director of the Cuyahoga County (Cleveland, OH) Justice System Reform Project (2006-2007); Director of Courts Programs for SEARCH, The National Consortium for Justice Information and Statistics (1997-2003); Circuit Executive of the US Ninth Circuit (1987-1989); Executive Director of the Alaska Judicial Council (1983-1986); and Director of the North Central Regional Office of the National Center for State Courts (1977 - 1982).

Mr. Bremson has also held senior sales management and marketing positions for online legal research companies Lexis-Nexis (1989-1995) and Legitech (1995 -1997). He has published numerous articles on judicial training, independence, and judicial administration. He a graduate of Hobart College and Georgetown Law School, and is a Fellow of the Institute for Court Management.

#### **PROFESSIONAL EXPERIENCE: SPECIFIC**

*Evaluator, USAID Serbia Separation of Powers Project, Final Evaluation, March – May 2013.* Team Leader on final evaluation of five year, \$15 million USAID-funded Separation of Powers Project in Serbia. Evaluated contractor and national team progress in achieving Performance Objectives and Performance Monitoring Plan objectives, including Serbian progress in improving its judicial financial independence and case management systems ratings on selected ABA/CEELI Judicial Reform Index factors:

- **Judicial and Legislative Branch Financial Systems:** Separate development and implementation efforts to strengthen both judicial and legislative branch independence by shifting authority and responsibility for preparing and executing budgets from the executive branch to the Judiciary and the Parliament;
- **Court Management:** Establishment of professional court manager position throughout the Serbian judiciary and development and implementation of sustainable backlog reduction and case processing improvement programs in ten pilot courts.

*Senior Court Management Advisor, Implementation of Afghanistan Court Administration System, Tetra Tech/DPK Afghanistan RLS-Formal Project, Kabul, Afghanistan, January 2011 - June 2012:*

- **Caseflow Management:** Expanded the management functionality of the court system's manual case processing system;
- **Statistics:** Re-engineered the court system's statistical system;
- **Court Management Training:** Developed Afghanistan's first court management professional training program;
- **Court Technology:** Facilitated the development of the Court System's first IT Strategic Plan;
- **Human Resources:** Facilitated development of the court system's merit-based HR system; and
- **Financial Management:** Facilitated implementation of program budgeting, developed internal financial controls training program.

***Organizational Development Specialist, Establishment of Ukraine High Qualifications Commission, Chemonics Ukraine Rule of Law Project, Kiev, Ukraine, October 2010***

- **Judicial Selection:** Assisted the Ukraine High Qualifications Commission in developing judicial selection and retention policies and procedures to implement the recently enacted “Law on the Judiciary and the Status of Judges”.

***Senior Transition Advisor, Tetra Tech/DPK Afghanistan Rule of Law Stabilization--Formal Justice Project, San Francisco CA and Kabul, Afghanistan, May - June 2010***

- **Needs Assessment:** Facilitated transition of USAID Rule of Law program implementation responsibility from Checchi/MSI to Tetra Tech/DPK, including preparation of project inception report ("Judicial Sector Baseline Assessment").

***Senior Court Management Advisor, Afghanistan Supreme Court, Office of the General Administration of the Judiciary, Kabul, Afghanistan, October, 2007 – July 2009; February 2010.***  
MSI/Checchi consultant on USAID-funded Afghanistan Rule of Law Project seconded to the Supreme Court to strengthen the court system’s management capacity and to facilitate donor coordination:

- **Strategic Planning:** Facilitated development of Supreme Court’s first five-year strategic plan and implementation of Afghanistan Reconstruction Trust Fund project to strengthen court system human resource, infrastructure development and information technology capacities.
- **Human Resources:** Coordinated Priority Restructuring Reform (PRR) process to develop and implement merit-based pay and grade system for 3,000 nonjudicial personnel throughout the court system;
- **Finance and Budgeting:** Documented existing budget management policies and procedures within the Supreme Court and between the Supreme Court and the Ministry of Finance and developed recommendations to improve financial management policies and procedures.
- **Administrative Policies and Procedures:** Collection, analysis and initial publication of all judicial administrative policies and procedures and development of revised rules to strengthen judicial administration system-wide.
- **Facilities:** Development of a court facilities inventory database on which a judicial system facilities improvement plan will be based.

***Director, Justice System Reform Project, Cuyahoga County (Cleveland), Ohio, July, 2006 – March, 2007.***

Advisor to Board of Cuyahoga County Commissioners in development and implementation of a justice system-wide forum and strategic planning process to increase justice system efficiency and effectiveness, enhancement of public safety and facilitation of the swift and fair administration of justice.

- **Organizational development:** Established a countywide justice system management governance structure to facilitate the development, implementation, monitoring and reporting of progress in achieving solutions to priority justice system-wide business problems. Developed and implemented Memorandum of Understanding among all governmental units, and all police, prosecution, defense, court, corrections and treatment agencies and programs throughout the county; drafted and implemented Governance Board Bylaws and City-County Agreement/Resolution.
- **Strategic Planning:** Initiated a justice system-wide strategic planning process to articulate a vision and a plan for the cooperative achievement by all justice system stakeholders of system-wide goals and objectives.

- **Technology:** Developed Integrated Justice Information System plan; implemented project to pilot test the application of video technology to increase security and improve case processing times at reduced system costs.
- **Caseflow Management:** Developed caseflow management program to increase Common Pleas Court capacity to control the pace of felony litigation, reduce pre-and post-trial detention facility population countywide, and reduce average felony case processing time from 220 days to 70 days.
- **Law Enforcement:** Developed centralized booking plan for all police, court, prosecution, defense, detention and treatment agencies in Cuyahoga County.

*Evaluator, USAID Bosnia-Herzegovina (BiH) Justice Sector Development Project, Mid-Term Evaluation, May 2006 – June 2006.*

Court Administration Advisor on three-member USAID Team assigned to conduct interim evaluation of five year, \$14.6 million Justice System Reform Project in Bosnia-Herzegovina. Evaluated contractor and national team progress in achieving Performance Management Plan objectives in the areas of:

- **Court Administration:** Implementation of Model Courts Initiative, including development and implementation of automated court information system, records management system, public information program, case backlog reduction initiative, rehabilitation of court facilities and court budgeting and financing system.
- **Organizational Development:** Implementation of judicial/executive branch governance structure and strategic planning process.
- **Indigent Defense:** Reform system of indigent criminal defense.

*Court Administration Advisor, Department of Judicial Administration (DJA), Pristina, Kosovo, June, 2003 – August 2005.*

National Center for State Courts long-term (26 months) advisor to Kosovo Department of Judicial Administration and UNMIK on USAID-funded project to establish modern system of court administration in Kosovo.

- **Caseflow Management:** Assessed case processing delay in twelve trial courts, facilitated development of case processing standards and developed and implemented plan for delay reduction system-wide, including increased execution of civil judgments, alternative dispute resolution and establishment of Notary services.
- **Financial Management:** Developed decentralized budget management procedures and software; developed uniform fees and fines schedule.
- **Operations:** Designed, developed, implemented and evaluated court recording systems in ten pilot courts; developed and implemented records management project to review and reclassify more than four million archival court records for preservation or destruction.
- **Technology:** Developed court system automation plan; designed court witness protection and evidence demonstration systems.
- **Organizational development:** Developed plan for judicial system governance; established Kosovo Court Managers Association.
- **Training:** Developed and presented records management training for court archivists, introduction to court management for president (presiding) judges and court administrators, introduction to the courts for print and electronic journalists, and orientation for court public information officers.
- **Other:** Developed court security standards and conducted assessment.

*Director, Courts Program, SEARCH, The National Consortium for Justice Information and Statistics, Sacramento, CA, 1997-2003.*

Provided direct technical assistance to state and local court and justice system agencies in the development of integrated justice and drug court information systems.

- **Technology:** Conducted national survey of state of the art in court automation; conducted national evaluation of public domain drug court software; developed online interactive court IT Request for Proposal (RFP); documented integrated justice information systems in Marin County CA, Harris County (Houston) TX, Davidson County (Nashville) TN, and the states of Delaware and Colorado.
- **Strategic Planning:** Facilitated integrated justice information system development in state and local court and justice systems in 45 states.
- **Business Process review:** Developed manual on Business Process Review (BPR) in the Courts and conducted BPR in the court trainings for the National Association for Court Management and the American Bar Association.

***Manager Sales, Marketing and Customer Service, Legitech, Sacramento CA, 1995 – 1997:***

Director of sales, marketing and customer service for \$2 million online state legislative tracking service for lobbyists, trade associations, legislators, government agencies, law firms and media organizations.

- Developed and marketed first Windows-based, client-server software for online legislative tracking in New York, California, Florida and Washington; implemented discontinuation of two unprofitable product lines, resulting in 30% increase in sales, 20% reduction in subscription cancellation rate and 20% reduction in operating expenses

***Branch Manager, Government Sales, Western Region, LEXIS-NEXIS, Sacramento, CA (1993-1995); Manager Legal Data Collection, Mead Data Central/LEXIS-NEXIS, Springboro, Ohio (1989 – 1993):***

- 1993-1995: Government sales manager for LEXIS-NEXIS across Western United States. Responsible for supervision of nine sales representatives and trainers; annual sales of \$6 million. Negotiated and implemented largest state and local government contract in company history (California Master Services Agreement); 30% revenue increase in 1995, led Division.
- 1989-1993: Responsible for online collection and fabrication of court opinions from 2300 sites. Reduced budget by 20% while increasing productivity by 20%; increased currentness, completeness and accuracy online resulting in documented increase in customer satisfaction.

***Circuit Executive, Ninth U.S. Circuit Court of Appeals, San Francisco, CA, 1987 – 1989.***

Staff Director of Ninth Circuit Judicial Council. Managed staff of twenty five in coordinating judicial administration support for more than 300 federal judges, clerks and public defenders in the largest federal circuit.

- **Financial Management:** Implemented first federal court decentralized budgeting pilot project
- **Human Resources:** Implemented process for selection of thirty-eight bankruptcy judges and four Federal Public Defenders.
- **Facilities:** Coordinated design and construction management activities for more than 100 court facilities projects.
- **Technology:** Implemented first installation of personal computers and applications in all judicial chambers throughout the circuit

***Executive Director, Alaska Judicial Council, Anchorage, AK, 1983 – 1986.***

Director of agency responsible for judicial system policy research and for judicial selection and retention.

- **Human Resources:** Evaluated qualifications of applicants for all judicial vacancies in Alaska; evaluated performance of all judicial officers for retention purposes.
- **Advocacy:** Represented Judicial Council before the Alaska Legislature re: annual budget; drafted legislation to amend peremptory challenge laws and grand jury procedures
- **Research:** Conducted studies of: judicial sentencing patterns and practices, Attorney-General policy abolishing plea bargaining, cameras in the courts, trial delay, video arraignments and judicial performance evaluation.

***Regional Director, National Center for State Courts, St. Paul, MN, 1977-1982.***

Director of North Central Regional Office of national nonprofit organization providing management consulting services to state courts in 12 Midwestern states. Conducted more than 50 research and technical assistance projects in the areas of:

- **Caseflow Management:** Analyzed case processing practices and recommended changes to case processing procedures in Kane County (IL) Superior Court; New Orleans (LA) Criminal Court; Birmingham (AL) Municipal Court.
- **Personnel and Financial Management:** Developed statewide personnel and financial management systems for Minnesota Court System; co-author, national monograph on EEO in the Courts.
- **Operations:** Conducted statewide assessments and developed and implemented standards for improved records management systems in Illinois, Indiana, Michigan and Wisconsin; reviewed and recommended improvements to court reporting and jury management systems in South Dakota and Minnesota.
- **Organizational Development:** Developed plan for administrative office reorganization in North Dakota; drafted new Judicial Articles for Arkansas and Nebraska; developed plan for presiding judge/court administrator management in New Jersey trial courts.
- **Training:** Developed and conducted training for presiding judge/court administrator teams in Michigan, for clerks of court in Georgia and Kansas; and caseflow, jury and records management for non-judicial staff in Kansas, Michigan and Minnesota.

***Executive Director, Court Management Project of the Cleveland Bar Association, Cleveland, Ohio, 1973 – 1976.***

Director of LEAA-funded, bar association-sponsored project to improve the management of courts and justice agencies throughout Cuyahoga County (Cleveland) Ohio.

- **Technology:** Developed and implemented automated systems in Cuyahoga County (Cleveland) OH Court of Common Pleas (general jurisdiction), including Juvenile, Domestic Relations, Jury, Probate and Bureau of Support Divisions; Cleveland Municipal Court; and County Sheriff.
- **Training:** Assessed management and operational training needs of court system personnel throughout Cuyahoga County and developed and conducted more than fifty training programs for more than 1500 court and justice system employees.

***Associate Director, Administration of Justice Committee, Cleveland, OH (1971-1973).***

***Assistant Minority Counsel, House Ways and Means Committee, U.S. Congress (1968-1969).***

**PUBLICATIONS:**

Afghanistan

- Pilot Court Conference Report, Kabul, Afghanistan, May 2012

- Court Statistical System Plan, Kabul, Afghanistan, May 2012
- ACAS TA Report, Kabul, Afghanistan, May 2012
- Afghanistan Supreme Court IT Strategic Plan, Kabul, Afghanistan, June 2012
- Afghanistan Judicial Sector Baseline Assessment, Kabul, Afghanistan, June 2010
- Supreme Court Administrative Policies and Procedures, Kabul, Afghanistan, 2009
- Supreme Court Non-Judicial Personnel Reform Plan, Kabul, Afghanistan, 2009
- Judicial System Training Needs Analysis and Assessment, Kabul, Afghanistan, 2009
- Budget Management Systems Technical Assistance, Kabul, Afghanistan, 2009

#### Bosnia-Herzegovina:

- "Mid-Term Evaluation of the Justice Sector Development Project (JSDP) USAID/Bosnia-Herzegovina", USAID, Washington, D.C., June 2006

#### Kosovo:

- "The Prospects for Judicial Independence in Kosovo", American Bar Association, Judges Journal, vol. 44 no. 3, Summer 2005
- "Administrative Implications of Implementation of Kosovo Provisional Code of Criminal Procedure", NCSC JSRP, Pristina, Kosovo, June 2005
- "Court Recording Systems Interim Evaluation Report", NCSC JSRP, Pristina, Kosovo, July 2005
- "Introduction to Court Management Training Manual", NCSC JSRP, Pristina, Kosovo June 2005
- "Court Public Information Officer Training Manual", September 2005
- "Kosovo Court Records Management Training Manual", NCSC JSRP, Pristina, Kosovo February 2004
- "Judicial Administration Advisory Committee", Pristina, Kosovo, December 2003

#### Serbia:

- Final Evaluation, Serbia Separation of Powers Project (SPP), USAID/EWMI, Belgrade, Serbia, 2013 (Draft)

#### Ukraine

- "Short-term Consultancy to Facilitate Establishment of High Qualifications Commission", Chemonics USAID, Kiev, Ukraine, October 17, 2010

#### Other Relevant Publications

- Bremson and Steelman, "Guide to Business Process Enhancement in Courts", SEARCH, Sacramento CA, 2003
- Bremson, et. al., "Supporting the Drug Court Process: What You Need to Know for Effective Decisionmaking and Program Evaluation", BJA, Washington, D.C., 2003
- Bremson and Webster, "Courts in the Aftermath of 9/11: Recommendations of the National Task Force on Court Automation and Integration", SEARCH, Sacramento CA, 2002
- "Court IT Procurement Survey", SEARCH, Sacramento CA, 2002
- Bremson, Cashman and Mahoney, "Drug Court Monitoring, Evaluation and Management Information Systems: National Scope Needs Assessment" BJA, Washington, D.C., 2001
- Bremson, et. al., "Public Domain Drug Court Software: Functions and Utility", Bureau of Justica Assistance, Washington, D.C., 2000

- Bremson and Cashman, "Report of the National Task Force on Court Automation and Integration", SEARCH, Sacramento CA, 1999
- Case Studies: "Integrated Justice Information Systems in: Marin County CA (2000); Harris County (Houston) TX (2001); Davidson County (Nashville) TN (2002); state of Delaware (2002); state of Colorado (2003)"; SEARCH, Sacramento CA 2001 - 2003
- "Retired Judge Accountability", *State Court Journal*, Vol. 10, No. 2, NCSC, Williamsburg, VA Spring 1986
- "Refining the (Judicial Selection and Retention Evaluation) Process", *State Court Journal*, Vol. 8, No. 3, NCSC, Summer 1984
- "Administrative Implications of State Court Administrative Office Structural Reorganization in North Dakota ", Institute for Court Management, Denver CO, 1981
- "Equal Employment Opportunity in the Courts", *State Court Journal*, Vol. 3, No. 3, NCSC, Spring 1979
- "Court Management Project Now Part of History", *Cleveland Bar Journal*, Vol. 48, No.3, Cleveland, OH 1977
- "Final Report of the Special Committee to Review Sentencing Procedures", *Cleveland Bar Association*, Cleveland, OH, 1975
- "Cuyahoga County Court of Common Pleas Judicial Information System", IBM Corporation Application Brief, Poughkeepsie, NY, 1975
- "Cuyahoga County Judicial Records Management", *Cleveland Bar Association Court Management Project*, Cleveland, OH 1975
- Bremson and Gorman, "Excessive Delay in the Courts", *Cleveland State University Law Review*, Vol. 21, No. 3, Cleveland, OH 1974
- Bremson and Elkind, "Indigency Standards and the Right to Counsel: The Impacts of *Argersinger v. Hamlin*", NCSC, Denver, CO 1973

**EDUCATION:** B.A. English, Hobart College, Geneva, New York  
 J.D. Georgetown University Law Center, Washington C.  
 Fellow, Institute for Court Management, Denver, Colorado

**LANGUAGES:** English (native)

**COUNTRIES OF WORK EXPERIENCE:** United States, Afghanistan, Bosnia-Herzegovina, Kosovo, Serbia and Ukraine.

**MEMBERSHIPS/AWARDS:**

Recipient, Judicial Division Lifetime Achievement Award of Excellence, American Bar Association, 2003; Chair, Lawyers Conference, Judicial Division, American Bar Association (1994); Member, ABA Task Force on Judicial Performance Evaluation Guidelines (1983-1986); Member, American University Court Management Prescriptive Package Task Force (1978 – 1980).

**REFERENCES UPON REQUEST**

**Proposed role in the project:**

1. **Family name:** Matic
2. **First names:** Marina
3. **Date of birth:** [REDACTED]
4. **Nationality:** Serbian
5. **Education:** Lawyer

Institution (Date from - Date to)	Degree(s) or Diploma(s) obtained:
University of Belgrade, Law Faculty, 10/96 - 04/01	Serbian Law Degree
University of Novi Sad, Law Faculty, 10/03 – 11/07	LLM, EU Law
University of Belgrade, Law Faculty, 09/10	PhD Candidate

6. **Language skills:** Indicate competence on a scale of 1 to 5 (1 - excellent; 5 - basic)

Language	Reading	Speaking	Writing
Serbian	1	1	1
English	1	1	1
Russian	4	4	4
German	5	5	5

7. **Membership of professional bodies:** Honourable member of the Association of Prosecutors of Serbia and vice president of Program Council of the Association

8. **Other skills:** Computer literacy

9. **Present position:** Legal Adviser

10. **Years within the firm:** 12

11. **Key qualifications:** (Relevant to the project)

12 years of experience in Serbia as transition and developing country. Wide experience in:

*Judiciary reform and anti-corruption*

- Judiciary and judiciary administration reform, institution building and human resources development at all levels;
- Empirical research of prosecution of corruption cases and abuse of official position;
- Preparation of analysis of domestic legislation in area of fight against corruption and preparation of recommendation for legislative amendments;
- Empirical research and statistical analysis of penal policy and identification of preventive measures;
- Empirical research on efficiency of all stages of criminal procedure;
- Drafting strategies, laws and bylaws in area of criminal law and organization of judiciary;
- Strengthening skills, capacities and unification of practice of misdemeanor judges;

*Human resource management and strategic planning*

- Assessment of human resource management situation in the judiciary in relation to the judges and prosecutors position as well as judiciary staff (administration).
- Preparation of Strategic plans for Judiciary Academy, Association of Public Prosecutors, Association of misdemeanor judges, Judicial Training Centre, etc;
- Preparation of Training plans/curricula for judges, prosecutors, judiciary staff, Ministry of Justice staff, etc;

*Human rights and antidiscrimination*

- Preparation of Guide for judiciary in area of antidiscrimination legislation;
- Conducting of research in judiciary performance in discrimination cases based on national and religious ground;
- Performing research on judiciary performance of discrimination cases based on gender ground (socio-economic position of women);
- Preparation of case book of European Court of Human Rights in discrimination cases;
- Assessment of institutional and legislative framework for protection of victims of violence.

12. **Specific experience in the region:**

Country	Date from - Date to
Serbia	2001 – to date
Uzbekistan	May 2012

### 13. Professional experience

Date from - Date to	Location	Company & reference person <sup>20</sup> (name & contact details)	Position	Description
June/September	Belgrade	SIPU International AB Åke Sahlin PO Box 45113 SE-104 30 Stockholm Sweden <a href="mailto:ake.sahlin@sipuinternational.se">ake.sahlin@sipuinternational.se</a>	Short term expert for the assignment Analysis of legal framework relevant for civil society organizations in Serbia	Assistance to the Government Office for Cooperation with Civil Society in preparation of proposal of amendments to the Law on Public Procurement (adopted in 2013), and Law on Volunteering relevant for civil society organizations. To review and propose amendments to reflect participation of civil society in decision making processes to the Law about Contention Procedure, Decision on Amending the Rules of the Government, Law on Publication of Law and Other Regulations, Decision on Amending the Rules of the Parliament. To review (recently adopted) Law on Public Information, and draft Law on Lobbying, and prepare a proposal containing both general course for the Office action and specific amendments to the Law on Consumer Protection and Free Legal Aid, both in the process of drafting.
January/June 2013	Belgrade	World Bank Srdjan Svircev, coordinator of the MDFT, <a href="mailto:ssvircev@worldbank.org">ssvircev@worldbank.org</a>	Short term expert for drafting new judicial reform strategy	To provide analytical and advisory inputs required for finalization of Justice Sector Strategy (defining main strategy pillars, strategic goals and guidelines, visions, overview of progress to date, description of needed activities and implementation of strategy) To facilitate meetings and consultation with representative of Serbian judicial institutions, relevant stakeholders and international partners.
February/May 2013	Belgrade	Human Dynamics Jakob Zeidler <a href="mailto:jakob.zeidler@humandynamics.org">jakob.zeidler@humandynamics.org</a>	Short term expert for preparation of anti-corruption part of the Public Administration Reform Strategy	Support to the work of the Project Group for drafting new Public Administration Reform Strategy and support to the Sub-group on anti-Corruption, including the preparation of the final report on the work, conclusions of the Anti-corruption Sub-group introduced in the text of the Strategy and developed Action plan.
July 2012/April 2013	Belgrade	Alternative Consulting Stevan Pechitch, Director <a href="mailto:stevan@alternative-consulting.com">stevan@alternative-consulting.com</a>	Short term expert for the Training review, Development of Training Strategy for Judges and Prosecutors and preparation of training manual on alternative sanctions	To review the present position of support and understanding for alternative sanctions amongst judges and prosecutors. To design and deliver a strategy to raise awareness and support for CSMs and particularly electronic monitoring amongst the judiciary and prosecutors To establish a training module(s) within the courses offered by the Judicial Academy and to deliver training modules and embed a programme within the wider judiciary training

				regime.
June/November 2012	Belgrade	Human Dynamic Ms. Ruza Radovic, project manager <a href="mailto:Ruza.radovic@humandynamics.org">Ruza.radovic@humandynamics.org</a>	Short term expert for anticorruption policy cycle and operational model and for corruption risk assessment	Analysis of the existing inter-institutional framework for the formulation, implementation monitoring and evaluation of anti-corruption policy in Serbia and how it functions in practice. Assessment of the existing operational anti-corruption model that will facilitate the development of an inclusive multi-disciplinary and inter-institutional anti-corruption model which would enable the ACA to fulfil effectively its coordination role provided by the law. Support to the Anti-corruption Agency in creation of Methodology for corruption risk assessment
May 2012	Tashkent, Uzbekistan	IRZ Foundation Mr. Christian Hueck, Team leader <a href="mailto:hueck@crimjust-uz.eu">hueck@crimjust-uz.eu</a>	Short term expert for Anticorruption and reform of criminal justice	Preparation of the background document on the institutional and legislative framework in Serbia in the area of fight against corruption. Hold the round table and workshop for the decision makers of the Uzbek Ministry of Justice, Supreme Court, General Prosecutor office on Serbian experience in fight against corruption and what should be the best model for the Uzbekistan to implement UN Convention against corruption and to improve corruption perception index.
07/12 – 11/12	Belgrade	Judicial Academy Marija Milakovic <a href="mailto:marija.milakovic@pars.rs">marija.milakovic@pars.rs</a>	Legal expert	Assessment on relevant case law the situations of violence that occurs in the working environment, in forms commonly perceived as mobbing, with specific reference to the novelties introduced by the recent legislative reforms: <ul style="list-style-type: none"> <li>• Obtaining the information on institutional structure, mechanisms in place, their functionality, good practice models</li> <li>• Drafting the part of the handbook regarding good practice from EU</li> <li>• Monitoring of drafting of the overall handbook</li> <li>• Participation at the forums where the handbook will be presented and discussed.</li> </ul>
06/12 – 05/13	Belgrade	Association of Public Prosecutors Goran Ilic, president, <a href="mailto:udruzenjetuzilacarsrbije@gmail.com">udruzenjetuzilacarsrbije@gmail.com</a>	Legal adviser	Preparation of Case book of European Court of Human Rights (ECHR) selected discrimination cases. Case book provides insight in the practice of ECHR, reasoning of the judgements in discrimination cases and standards for protection of victims of antidiscrimination. In the Case book it is analysed impact of national court rulings that have the effect of establishing jurisprudence on the level of protection provided by national law against discrimination; the potential conformity of national developments with the requirements of Community law and the impact of judgments of the European Court of Justice and the European Court of Human Rights on national law.

05/11-04/12	Belgrade	World Bank Srdjan Svircev, coordinator of the MDFT, <a href="mailto:ssvircev@worldbank.org">ssvircev@worldbank.org</a>	Short term expert for review of National Judicial Reform Strategy	Assessment of status of implementation of present National Judicial Strategy, identification of future goals, including goals on Anti- corruption issues related to the judiciary and combating organized crime, defining action plan for the implementation of the revised national strategy
02/12-01/13	Belgrade	Association of public prosecutors (Goran Ilic, presidnet, <a href="mailto:udruzenjetuzilacasrbije@gmail.com">udruzenjetuzilacasrbije@gmail.com</a> )	Key expert	Preparation of Strategic Development Plan for joint action of judiciary and civil society in fight against corruption, analysis of Performance record of the prosecution service, comparative legal analysis, providing trainings for prosecutors and members of the CSOs on prosecution of corruption, increasing awareness among public prosecutors on anticorruption legislation and EU best practice, etc
08/2011 – 02/2012	Belgrade	IOM Tomasso De Cataldo +381 11 2404 228	Legal consultant	Review of the legal acts and by laws/regulations governing the registration of personal data of the following categories of migrants: Foreigners, Asylum seekers, Refugees (according to the refugee law), Internally Displaced Persons, Persons readmitted under the readmission agreement, Emigrants. Identify existing protocols for data sharing in the public administration. Prepare a user guide on the existing data sharing mechanism in line with the current legal framework and other regulations applied by the public administration.
12/11-04/12	Belgrade and South Serbia (Vranje and Novi Pazar)	UK Embassy in Serbia Sanja Torov <a href="mailto:Sanja.Torov@fco.gov.uk">Sanja.Torov@fco.gov.uk</a>	Legal expert	Against discrimination and promoting tolerance – minority rights in South and South-eastern Serbia <ul style="list-style-type: none"> <li>• Analysis of judiciary practice in antidiscrimination cases based on nationality in South East Serbia – Jablanica and Pcinja Region and Novi Pazar region (collection of cases, analysis of documentation) – analysis will be conducted based on questionnaire and interviews with victims</li> <li>• Identify activities of other organizations in the area of minority rights and antidiscrimination;</li> <li>• Organization of focus groups (which will be composed of prosecutors, judges, media representatives, local NGOs, political representatives of minorities)</li> <li>• Development of practical guidelines and activities to overcome problems - Draft Recommendations for judiciary on topic of discrimination based on nationality and ethnicity</li> </ul>
02/2011 – 12/2011	Belgrade	OSCE Madis Vainomaa	Curriculum and compensation expert / protection of crime	Preparation of Manual/Curricula on combating human trafficking for judges and prosecutors and Guideline for compensation to victims of

			victims	trafficking in human beings – in line with Serbian existing legislative framework to analyze possibilities for improving compensation for victims of trafficking (obligation according to the UNTOC Convention).
09/10-12/10	Belgrade	HD European Consulting Group Nenad Vujic, director of the Judicial Academy, <a href="mailto:nenad.vujic@pars.rs">nenad.vujic@pars.rs</a>	Strategic Planning expert	Preparation of Strategic Development Plan for Design of Strategic Planning Programme for the Judicial Academy, particularly to: <ul style="list-style-type: none"> <li>• Review the Judicial Academy’s mission and vision statements</li> <li>• Re-examine the programme statements</li> <li>• Formulate or re-formulate a long-term goal for each of the Judicial Academy’s programmes</li> <li>• Re-evaluate the medium-term objectives associated with each of the programmes</li> <li>• Review outputs required to achieve the medium-term objectives</li> </ul>
11-12/2010	Belgrade	OSCE Frank Yorke  Olivera Zurovac Kuzman, head of environment unit <a href="mailto:olivera.zurovac-kuzman@osce.org">olivera.zurovac-kuzman@osce.org</a>	Legal expert	Legal expert, Rule of Law and Human Rights Department  <i>Preparation of Instruction/Guidelines on the method of setting fines imposed pursuant to Serbian environment legislation. Preparation of Instruction (analysis of present practice of misdemeanor courts, problems in setting fines, prosecution of environment protection legislation in misdemeanor procedure, problems of obtaining evidence) and to prepare proposition for setting fines in accordance with the EU practice in the area of calculation of fines.</i>
05 – 12/2010	Belgrade	OSCE Madis Vianomaa	Coordinator of the working group and trainings	Aim of the project is combating human trafficking, strengthening the role of public prosecutors, and improving the protection of human rights of victims of trafficking in human beings. Coordination of the working group for drafting Manual for prosecutors on combating trafficking in human beings, preparation of supporting documents and comparative legal analysis. Working group was composed of professors, judges of Supreme Court, prosecutors for organized crime, police and attorney at law. Coordination of trainings for public prosecutors (responsible for finalization of training materials, meetings with Judicial Academy in order to accept training curricula by Program Council of the Judicial Academy, meetings with trainers to agree on topics and training methodology, etc).
03/2010-12/2010	Belgrade	World Bank Srdjan Svircev, coordinator of the MDFT, <a href="mailto:ssvircev@worldbank.org">ssvircev@worldbank.org</a>	Expert for human resource management and civil service reform	- Prepare the Expenditure Management Research, collect data on staffing level by position categories including for judges, prosecutors and non judicial staff in the Serbian judiciary and assist international consultants in the assessment of staffing levels

				<p>in comparison to other European countries;</p> <ul style="list-style-type: none"> <li>- Review the allocation of personnel within the different regional or sectoral classifications of sub-components of the justice sector in an effort to determine if performance enhancements are likely to be achieved through reallocation;</li> <li>- Assess the role of merit based judicial appointments (in the context of current appointment processes) as a mechanism for improving the effectiveness of the judicial sector;</li> <li>- Assess the extent and sufficiency of training, career management, position classification,</li> <li>- Collect data on remuneration levels in the Serbian judiciary and examine the adequacy of existing remuneration levels regarding potential contributions to both quality performance and judicial independence;</li> <li>- Provide recommendations on mechanisms for judicial personnel performance evaluation.</li> </ul>
01-03/2010	Belgrade	<p>USAID Victor Diaz De Leon</p> <p>Ellen Kelly, ex head of Rule of Law, USAID Serbia <a href="mailto:ekellymk@yahoo.com">ekellymk@yahoo.com</a></p>	Legal expert	<p>Rule of Law and Open Government Program Design Assistance</p> <ul style="list-style-type: none"> <li>• Assembling detailed information about the jurisdiction and basic procedures of Serbia's misdemeanor courts and preparing a written summary of the information in English.</li> <li>• Assembling detailed information about the facilities and staff of Serbia's misdemeanor courts.</li> <li>• Performing legal and other research as needed by the design team</li> <li>• Participating in meetings with local counterparts as requested by the design team.</li> </ul>
09/09-10/10	Belgrade	<p>PROGRESS Action against discrimination, Civil Society Jelena Kotevic <a href="mailto:kotevicj@minrzs.gov.rs">kotevicj@minrzs.gov.rs</a></p>	Legal expert	<ul style="list-style-type: none"> <li>• Preparation of Manual for antidiscrimination legislation;</li> <li>• Organization of focus groups with different stakeholders (representatives of local centers for social work, members of judiciary/judges, prosecutors, misdemeanor judges, representatives of NGOs active in area of antidiscrimination,</li> <li>• Organization of perception survey on antidiscrimination among employees in public administration;</li> <li>• Based on perception survey organization of trainings for public prosecutors.</li> </ul>
07/09-06/11	Belgrade	<p>Joint Research Centre on Transnational Crime of Università degli Studi di Trento and Università Cattolica del Sacro Cuore di</p>	National Focal Point for the project Development of Monitoring Instruments for	<p>Participate in drafting of a Background Research on Systems and Context Justice and Home Affairs Statistics in Serbia; preparation of Technical Assessment Report for Serbia; preparation of Programme Guidelines for Serbia;</p>

		Milano (TRANSCRIME) and United Nations Office on Drugs and Crime (UNODC) – Miroslav Prljevic, UNODC officer Serbia, <a href="mailto:miroslav.prljevic@unodc.org">miroslav.prljevic@unodc.org</a>	Judicial and Law Enforcement Institutions in the Western Balkans	planning and implementation of in-country research missions; development of a training plan for the development or improvement of JHA statistics in Serbia; organization of training sessions for staff of justice and home affairs institutions in Serbia.
June 2009	Belgrade	IFC Antoine Courcelle-Labrousse +381 11 30 23 750	Short term expert	Preparation of the Recommendations for the improvement of the mediation in Serbia – guideline for amendments of the legislative framework and preparation of the action plan, recommendations for the strengthening of the capacities, identification of sectors applicable for improvement of mediation, recommendations for the promotion of the mediation, establishment of the framework for measuring success of the mediation (indicators).
04/08 – 12/2010	Belgrade	IRZ, Christian Hueck, Program Manager for Serbia <a href="mailto:Hueck@irz.de">Hueck@irz.de</a>	Legal adviser	Support to the Commission for protection of competition – support in drafting of new Law on competition protection in 2009, provide Gap Analysis of the Commission organization, prepare Strategic Plan for the Commission, assessed decision of the Commission’s Council and provide recommendations how to improve them to enable their confirmation by courts, provide training of judges on competition issues, etc.
09/07-04/08	Belgrade	IMG, Dragana Lukic, ex assistant minister of Justice <a href="mailto:drlu011@yahoo.co.uk">drlu011@yahoo.co.uk</a>	Legal Adviser on Improving of delivery of justice in courts in Serbia	Conducting training needs assessment, preparation of Training plan for judges and judiciary/administrative staff, giving trainings for judges of municipal and district courts in Serbia and to administrative staff
07/06-09/07	Belgrade	IRZ, Christian Hueck, Program Manager for Serbia <a href="mailto:hueck@irz.de">hueck@irz.de</a>	Donor coordinator – Implementation of national judicial reform strategy	Coordinator of all donations in the justice sector, member of the working group for drafting Law on international legal cooperation in criminal matter and Law on Judicial Academy.
05/05-07/06	Belgrade	IRZ, Christian Hueck, Program Manager for Serbia <a href="mailto:hueck@irz.de">hueck@irz.de</a>	Legal adviser Twinning project to the Ministry of Justice	Advising MoJ and MoJ’s staff in the reform process of judiciary, preparation of law amendments, correspondence with the other state institutions, assistance in drafting of the Action plan for the Anti-corruption strategy, assistance in drafting of the National Judicial Reform Strategy, preparation of Training needs analysis of the Ministry of Justice, reorganization of work procedures and human resource management, better outreach campaign, reduction of backlogs in the department of international legal assistance, etc.
09/04-05/05	Belgrade	UNDP Serbia  Nenad Vujic, director of the Judicial Academy, <a href="mailto:nenad.vujic@pars.rs">nenad.vujic@pars.rs</a>	Legal adviser for strengthening Judicial Training center	Assistance in strengthening of capacities of Judicial training center, development of Annual curricula, improvement of budget planning process and transition from donor funding to partial state funding institution, donor coordination, networking with similar institutions in region, establishment of cooperation with European judicial training network, etc.
10/02-09/04	Belgrade	European Integration Office of the Government of FRY	Legal Adviser	In charge for the Justice and Home Affairs sector and commercial law; preparation of

		(Serbia and Montenegro)		reports and participate at EPD meetings; preparation of ministries representatives for the EPD meetings
09/01 – 10/02	Belgrade	Institute for Criminological and Sociological Research Gracanicka 18 Belgrade	Research assistant	Involved as assistant in preparation of researches in area of criminal law, international cooperation with similar institution in Europe (French IHESI Institute) and bilateral support trough Embassy projects.

**Other relevant information** (e.g., Publications)

Trainer at Serbian Judicial Academy on the Law on Anti-corruption Agency and Financing of political activities for misdemeanor judges from 2012

Speaker at the XVII Annual conference of the International Association of Prosecutors in Bangkok, Thailand, 2012, “Transnational Organised Crime, its expansion into diverse areas of criminality and the role of the prosecutor” by the International Association of Prosecutors and Office of the General Attorney

Speaker at the VI Central and Easter Europe and Central Asia Regional conference in Astana, Kazakhstan, 2011, “The Role of Prosecution in Assuring Legal Compliance outside the Criminal Justice Arena” by the International Association of Prosecutors and Prosecutor General’s office of the Republic of Kazakhstan

Chairmen of the organization board of the V Central and Easter Europe and Central Asia Regional conference “Cooperating against corruption” by the International Association of Prosecutors and Serbian Association of prosecutors

(<http://www.iap2010belgrade.uts.org.rs/>)

Speaker at the presentation in Media center on Role of public prosecutors in figh againts corruption on June 14, 2011

(<http://www.nadzor.org.rs/video.htm>)

Editor of the publication “*Corruption – problems and solutions*”, *Transparency Serbia and Association of Public prosecutors*, Belgrade, 2010.

Co-author of books:

*Harmonization of law of Serbia with EU acquis: priorities, problems, perspectives*, Institute for Comparative Law, Belgrade, 2012

*“European Integration and international legal assistance in criminal matters”*, Institute for Comparative Law and Serbian association for criminal law theory and practice, Belgrade, 2011-2012

*“Principle of Opportunity – Challenges and Implementation”*, Association of public prosecutors and deputy public prosecutors, Belgrade, 2012

([http://www.uts.org.rs/index.php?option=com\\_content&task=view&id=18&Itemid=87](http://www.uts.org.rs/index.php?option=com_content&task=view&id=18&Itemid=87))

*“Trough Labyrinths of Public Procurement”*, Toplica Centre for Democracy and Human Rights, 2011

*“Work with violator”*, reviewer, Association of Misdemeanor judges, Belgrade, 2009

*“Role and possibilities of public prosecutors to protect victims of crime”* Association of Public Prosecutors, Belgrade, 2009

*“Principle of Opportunity of criminal proceedings”*, Serbian Association for Theory and Practice of Criminal Justice, Belgrade, 2009

*“Manual for Public Prosecutors”*, Association of Public Prosecutors, Belgrade 2008

*“Public prosecutors, police, criminal court and suppression of crime”*, Association of Public Prosecutors, Belgrade 2008

*“Position of public prosecutors and comparative law analysis”*, Association of Public Prosecutors, Belgrade 2007

**APPENDIX G: RESULTS OF 2013 IPSOS EXIT POLL SURVEY OF KNOWLEDGEABLE COURT USERS**

<b>Question</b>	<b>Baseline</b>	<b>2013 Omnibus Survey</b>	<b>2013 Exit Poll Survey – knowledgeable users</b>
Percentage of target court users:			
(1) Who are confident that a judge would handle the case fairly.	24%*	34%	50%
(2) Who support reforms that will make the judicial system and courts more independent.	74%**	57%	86%
(3) Who believe that it is easy to get information about court procedures and about court cases.	15%*	17%	54%
(4) Perceived level of corruption in the legal system.	63%***	53%	39%
Average grade	3.9	3.8	3.2
(5) Report paying a bribe to the legal system/judiciary.	8%***	5%	2%

\* USAID/IPSOS Omnibus Survey - 2008

\*\* USAID/IPSOS Omnibus Survey - 2010

\*\*\* Transparency International Global Corruption Barometer - 2009