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

# JUDICIAL REFORM AND GOVERNMENT ACCOUNTABILITY PROJECT

## Final Report

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*On the cover: Judicial Reform and Government Accountability (JRG) Chief of Party, Laurence T. Vetter, speaking at opening of the Annual Conference of the Association of Misdemeanor Judges, September 2016, Kladovo.*

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# JUDICIAL REFORM AND GOVERNMENT ACCOUNTABILITY PROJECT (JRGA)

## Final Report

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## TABLE OF ACRONYMS

AC	Administrative Court
ACA	Anti-Corruption Agency
ACS	Anti-Corruption Strategy
AMC	Appellate Misdemeanor Court
AMJ	Association of Misdemeanor Judges
APP	Association of Public Prosecutors
CAFV	Counseling Against Family Violence
CeSID	Center for Free Elections and Democracy
Cfi/PDP	Commissioner for Information of Public Importance and Personal Data Protection
CoE	Council of Europe
COI	Conflict of Interest
COP	Chief of Party
CSO	Civil Society Organization
DCOP	Deputy Chief of Party
HCC	High Court Council
IAs	Independent Agencies
IAD	Income and Asset Disclosure
INTOSAI	International Organization of Supreme Audit Institutions
IT	Information Technology
JA	Judicial Academy
JAS	Judges' Association of Serbia
JRGA	Judicial Reform and Government Accountability [Project]
LOE	Level of Effort
LOM	Law on Misdemeanors
MC	Misdemeanor Court
MCCMS	Misdemeanor Court Case Management System
MoJ	Ministry of Justice
NGO	Non-Governmental Organization
OSCE	Organization for Security and Cooperation in Europe
PC	Partner Court
PMP	Performance Monitoring Plan
RFA	Request for Applications
SAI	State Audit Institution
SCC	Supreme Court of Cassation
SoM	Serbia on the Move
STTA	Short-Term Technical Assistance
TS	Transparency Serbia
UNDP	United Nations Development Program
USAID	United States Agency for International Development
WP	Work Plan

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## EXECUTIVE SUMMARY

The Judicial Reform and Government Accountability Project (JRGA) was originally a five-year, 21.8 million initiative of the United States Agency for International Development (USAID). In February 2016, JRGA was granted a six-month no-cost extension, until November 2, 2016.

JRGA enabled the sustainability of initiatives implemented under its mandate and achieved the following project objectives:

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

JRGA's approach to project implementation combined national level, system-wide policy and operational reforms with targeted technical assistance on the local level and the level of individual institutions. This has proven to be the most effective methodology as complementary activities resulted in strengthening leadership and management functions within the counterpart institutions so that they are able to sustain results achieved.

JRGA leaves behind a reformed and empowered system of misdemeanor courts, equal in potential and strength to other parts of the judiciary. Our activities touched upon all aspects of the functioning of misdemeanor courts, including: a comprehensive revision of the legal framework which yielded the new Law on Misdemeanors (LOM), the introduction of modern court automation technologies; the delivery of a training program on a previously unprecedented scale to misdemeanor judges and staff, to the improvement of working conditions in the courts. These efforts generated a shift in the public perception of misdemeanor courts and enhanced their image with court users. This all-encompassing reform process would not be possible without the full support and commitment of our partners: the Ministry of Justice (MoJ), the Appellate and first-instance misdemeanor courts across the country, the Judicial Academy (JA), the Association of Misdemeanor Judges (AMJ), as well as guidance of the Supreme Court of Cassation (SCC) and the High Court Council (HCC).

The effects of legislative reform are evident in the misdemeanor courts which are now some of the biggest budget revenue generators for the state. 106 million euros in court costs and fines have been collected since the new Law on Misdemeanors came into effect on March 1, 2014. 27.5 million euros are readily collectible from the Registry of Unpaid Fines. The voluntary compliance rate has risen from 30% under the old law and mandatory fines to a steady 74% with the introduction of the misdemeanor order. The procedural obstacles which had prevented the implementation of all provisions of the revised law, including those pertaining to the plea agreement, have been removed with the amendments adopted in February 2016. The new Law on Misdemeanors provides an efficient framework for a modern and effective misdemeanor court system while improving the overall rule of law in Serbia.

The implementation of the revised Law was supported through intensive capacity building in cooperation with the Judicial Academy. A robust training program for misdemeanor judges and staff was delivered on a previously unprecedented scale. JRGA also expanded the capacity building reach to authorized petitioners in the misdemeanor procedure and prepared them for the introduction of new provisions including: the misdemeanor order and the shifting of the burden of proof. The promotional campaign that JRGA sponsored and implemented with the

Ministry of Justice was aimed at the general public and raising their awareness of changes that were designed to improve efficiency, effectiveness and the overall image of the misdemeanor courts and their work which affects almost all aspects of daily lives of citizens.

The introduction of modern information and communication technologies in the work of the courts occurred simultaneously with the national-level reform effort. The misdemeanor court case management system – SIPRES, is a software application now operating in 153 misdemeanor court seats and units across Serbia with almost 2.000 users and 3.3 million cases. JRGA provided comprehensive expertise, technical assistance and material support in ensuring all preconditions were met for the integration of sophisticated software in the daily work of courts which were previously among the least equipped and lowest skilled for using such systems. The Project provided requisite hardware, cooperated with the Ministry of Justice to ensure full network and internet connectivity, and delivered intensive training to build the skills of misdemeanor judges and staff. This resulted in the full roll-out of SIPRES in all Serbian misdemeanor courts on January 1, 2016.

SIPRES is a unique system in the Serbian judiciary in that it is a centralized system, with easy single-point access for user, device and domain management and monitoring, as well as the only system with connections and data exchange protocols with external justice system partners: the Traffic Police, the Treasury and the Central Registry of Compulsory Social Insurance. JRGA managed to fully transfer the system and its maintenance and development to the Ministry of Justice. The Ministry contracted for the required maintenance services as well as created the commission composed of select judges and staff who were instrumental in the SIPRES design to provide policy-level guidance for the future development.

By working with the courts and civil society organizations such as the Association of Misdemeanor Judges, JRGA managed to improve the image of misdemeanor courts both on the local level, as well as among the wider judicial community. These included: Open Court Days, seminars for law students, guided visits of the court, training in public outreach and communication skills, garnered interest and support primarily among the local communities and raised the profile of misdemeanor courts and judges.

Enlisting the help of civil society organizations was also instrumental in resolving the coordination of cases of domestic/family violence and ensuring better support for victims. The so-called ‘Zrenjanin model’ of coordinated community response promoted extensively throughout Serbia by JRGA partners from the Association of Public Prosecutors was written into the draft of the new Law on the Prevention of Domestic Violence. Counseling Against Family Violence helped 370 victims of domestic violence obtain free legal aid through the legal aid network functioning in 17 cities in Serbia established under a JRGA grant.

Bringing stakeholders from both Project components together was a trademark of JRGA activities. As many as 16 roundtables between the misdemeanor courts and independent agencies were held for the duration of the Project, enabling finding mutually acceptable solutions to issues plaguing their cooperation, as well as opening up and deepening what were previously only sporadic and in some cases even non-existent relationships.

JRGA efforts to effect changes for greater government accountability spanned a wide range of stakeholders and areas. The Project worked intensively with the Anti-Corruption Agency (ACA) to build institutional capacity for addressing various segments of its mandate, such as monitoring and reporting on the financing of political activities, primarily election campaigns, streamlining income and assets disclosure and conflict of interest proceedings and identifying adequate methodology and tools to implement a high-volume training campaign for the public sector on the topics of anti-corruption regulations and integrity. This yielded some of the first

political finance reports in the Serbian history and a thorough review of ACA's internal operational procedures.

At the same time, JRGA worked on strengthening the ACA's institutional capacity in formulating clear strategic goals and actionable plans for their achievement that would allow the Agency to grow. To further complement these efforts, JRGA supported the working group established by the Ministry of Justice tasked with drafting a new law on the Anti-Corruption Agency that further extends and fine-tunes its mandate and ensures it one of the key roles in the fight against corruption in Serbia.

The Agency was a key partner for the Project in supporting an inclusive process that involved more than 150 representatives of 80 different organization and institutions which resulted in the 2013-2018 National Anti-Corruption Strategy for Serbia and its accompanying Action Plan. JRGA was also instrumental in supporting the Ministry of Justice in adopting Serbia's first Law on the Protection of Whistleblowers, one of the most important regulations contributing to the anti-corruption effort in Serbia. After one year of implementation, the Law has shown excellent results as courts demonstrated requisite urgency in granting temporary relief measures for whistleblowers in an expedited procedure shielding them from retaliation. Such results of the judiciary were made possible due to a training program that JRGA carried out with the support of the Academy and the Supreme Court for almost 1,200 judges from all courts in Serbia in the period preceding the Law coming into effect.

Training and extensive hands-on technical assistance was provided to the State Audit Institution (SAI) to build their capacities in carrying out highly effective performance audits. With JRGA support, SAI prepared and presented four performance audit reports which received significant attention from policy-makers, the media and the general public and effected important policy changes. In parallel with this, JRGA also reinforced SAI's internal capacities for identifying the strategic direction for their future growth.

JRGA worked with the Ombudsperson's office to streamline their internal procedures regarding complaints and handling difficult clients, as well as better targeting their communication and outreach activities. JRGA supported the Ombudsperson's staff in delivering training on topics ranging from treatment of vulnerable groups to building capacities of local patients' rights protectors to effectively report to relevant institutions and fight any form of discrimination in the health care system. Ombudsperson's staff was particularly efficient in internalizing recommendations for issue-based clear and concise reports, better suited to reach policy and decision makers, ensure implementation of recommendations contained within and effect policy change.

The support of civil society organizations was of paramount importance for activities concerning enhanced government accountability and the fight against corruption. JRGA partners from Eutopia established a whistleblower helpline that provided assistance for 900 whistleblowers and potential whistleblowers and represented five of them *pro bono* in court. Education Center Leskovac assisted with the creation of an open data platform for all information and data sets in the possession of the Serbian Commissioner for Access to Information and Personal Data Protection; a move unrivaled among Serbian public institutions. Other partners from the civil sector worked on ensuring citizen involvement in enabling fair and competitive public procurement procedures, election monitoring and detecting and reporting corruption in the health-care system. Serbia on the Move succeeded in publishing a list of bona fide certified medical professionals on the website of the Serbian Medical Chamber. A number of initiatives also spanned components, providing assistance to e.g. developing integrity plans for courts, or ensuring personal data protection in redacted court decisions. Our

grants program resulted in 37 projects with 22 different partner organizations for the total budget of 1.3 million USD.

JRGA assistance was flexible and comprehensive while at the same time targeted and tailored to the needs of each counterpart. JRGA team and short-term technical assistance experts worked in unison to realize all Project objectives and bring about substantial changes in the Serbian judiciary and the independent agencies and. This has resulted in quantitative and qualitative improvements in their internal operations and improved the external perception of their importance in the fight against corruption and the rule of law in Serbia.

## **ABOUT THE FINAL REPORT**

This final report outlines the progress, results and impact of activities implemented by the Judicial Reform and Government Accountability Project (JRGA) during the past five and a half years.

The structure and content of the report are in compliance with the contractual requirements. The summary of overall project accomplishments is followed by the description problems encountered and lessons learned during implementation. The report then provides suggestions for potential follow-on activities which are followed by a description of achievements under each task under the contract. Finally, total amounts expended out of the overall allocated funds are presented and broken down by budget line item.

Annex A contains an overview of all civil society organizations (CSOs) that JRGA partnered with for the duration of project activities accompanied by a description of their strengths and weaknesses in absorbing and implementing grant funds and planned activities. Annex B contains an index of all reports and information products developed under the contract.

A report on the Performance Monitoring Plan (PMP) is presented as Annex C. This provides information on achievements against the previously set targets per Project Year, complete with data for Year 5 and the six-month no-cost extension. PMP data is incomplete in some instances for the extension period, as duly marked in the report, depending on the availability of statistical data from counterparts (courts and Independent Agencies).

## SUMMARY OF ACCOMPLISHMENTS

On May 3, 2011, the U.S. Agency for International Development (USAID) began the Judicial Reform and Government Accountability (JRGA) Project in the Republic of Serbia. The Project worked in close collaboration with counterparts and beneficiary organizations to achieve the following Project Objectives:

- Strengthen the rule of law, the independence of the judiciary, and the administration of justice in the Republic of Serbia;
- Increase public awareness of reforms in the judicial sector;
- Strengthen the capacities of government institutions, with a focus on Independent Agencies and civil society to detect and prevent corruption.

JRGA was originally a five-year, 21.8 million USD initiative implemented by the National Center for State Courts (NCSC) with support from Management Systems International and Development Professionals, Inc. In February 2016, USAID granted a six-month no-cost extension to the Project. JRGA is scheduled to end on November 2, 2016.

The Project consists of two components: Judicial Reform and Government Accountability. The goals and results within these two components are supported through grants awarded by the Project.

JRGA is a highly successful project. We have worked with our partners to substantially reshape the misdemeanor court system, to materially improve operations in the Administrative Court and the independent agencies, and to bolster the effectiveness of a wide range of civil society organizations through our grants program. We are on target and have met all of our Work Plan objectives, which correspond to the tasks under NCSC's contract with USAID. All of these things have been accomplished efficiently and well within our budget and anticipated obligated funding.

Much of JRGA's work in judicial reform can be grouped into one or more of the following five categories: legislative/regulatory drafting, business process reengineering, court automation, training on a range of substantive and supplemental topics, and court facilities improvements. These interrelated and mutually complementary activities brought about sweeping changes that resulted in markedly more efficient misdemeanor courts. Working with Independent Agencies, all of which operate under a different legislative framework and cover different sectors, required JRGA to respond to beneficiaries' needs with maximum flexibility. This allowed us to implement activities with system-wide implications such as the Law on Misdemeanors and the Law on the Protection of Whistleblowers by tackling stakeholders on all levels and ensuring their full readiness to embrace and implement the change.

The following sections outline major Project achievements under both components and the grants program.

### ***Improved Framework for Efficiency – new Law on Misdemeanors:***

Soon after the beginning of implementation of Project activities, it became apparent that changes to the legislative and regulatory framework governing the work of the misdemeanor courts were necessary. Amending the Law on Misdemeanors (LOM) was essential for modernizing misdemeanor procedures, aligning them with best practices for case and records management and enabling better coordination of justice system partners. JRGA was instrumental in advocating for and participating in the drafting of the new Law on

Misdemeanors (LOM) that came into force in March 2014 and was subsequently amended in February 2016.

After more than two years of implementation, the results clearly demonstrate that the Law, together with attendant regulatory reforms and business process improvements, has had a significant positive impact on the efficiency and transparency of the misdemeanor court system. The most significant changes brought about by the revised LOM are the following:

- Introduction of the **Misdemeanor Order** and the corresponding procedures, which shifted the burden to the defendant to object against the misdemeanor fine, or comply within eight days of issuance with the benefit of paying only half the amount of fine;
- Introduction of the **Registry of Unpaid Fines**, a unique register of misdemeanor debtors to record non-compliance with misdemeanor judgments and facilitate action by withdrawing the issuance of e.g. driving licenses, vehicle registration;
- Introduction of the **Registry of Sanctions**, a unique electronic penal record that allows background checks for a misdemeanant's prior sentencing status when deciding on their case, therefore contributing to the harmonization of court practice and equal treatment before the court;
- Improvements in the service of process, new modalities for the collection of fees and fines, a simpler procedure for appeals, introduction of the plea agreement and **enhanced procedural discipline** for all parties, shifting the burden of proof to prosecuting agencies.

Introduction of the Misdemeanor Order as an expedited charging method greatly increased the efficiency for both the misdemeanor courts and the authorized petitioners, while provisions for reduced penalties for payment within the eight days of issuance substantially increased early compliance. After the implementation of the LOM, the voluntary compliance rate rose and remained at a steady 75%, a marked improvement over the previous voluntary compliance rate for fixed mandate fines of 30%

Aside from its budget revenue generation potential, the Misdemeanor Order offers swift resolution of minor misdemeanors, leaving more time for misdemeanor judges to deal with complex cases and increasing the quality of their decisions. It is for all of the above reasons that its utilization was broadened with the amendments to the new LOM adopted in February 2016.

Introduction of the two electronic registries – of sanctions and unpaid fines – brought significant improvements to the unification of court practice and to the enforcement and collection track record for misdemeanor courts. The Registry of Unpaid Fines proved to be an excellent means of passive enforcement. Implementing all consequences of being a registered debtor (e.g. inability to register a car or extend a driver's license) as envisaged by the LOM and accompanying by-laws proved to be somewhat of a challenge for the Ministry of Justice and the courts and required significant technical assistance from JRGA. This was particularly the case for enabling connectivity and data exchange protocols with the Ministry of Interior and the Traffic Police. Once all the technical preconditions were met and required protocols agreed, the effects of the Registry quickly became obvious.

The publicly accessible online portal showing a citizen's status in the Registry, was launched in January 2016. In the first five weeks since it was released it had over 2 million visits and generated €5.2 million in paid fines (compared to €2.8 million in the five weeks prior to the release of the on-line portal). The collection rate in misdemeanor courts in the first six months of 2016 rose by 11.5% compared to the first six months of 2015 due to the enforcement of

consequences of the Registry of Unpaid Fines. There is currently €27.5 million ready to be collected from the Registry of Unpaid Fines. With the €106.2 million in budget revenues already collected, this adds up to €133.7 million total since the new LOM came into force in 2014.

The approach JRGA utilized in the provision of legal drafting, technical and other assistance led to the successful process of revision and implementation of the LOM. The revision of the existing legal framework and its subsequent fine-tuning after 18 months of implementation was a broadly inclusive process which valued the input and best practice examples identified through working with the courts on the local level. The LOM went through a public consultations process before its adoption in July 2013.

JRGA and its partners had ample time to ensure thorough preparation of all stakeholders before the date the Law came into effect on March 1, 2014. JRGA created and delivered a four-course training curriculum on the changes to be brought about with the LOM to judges and staff from all misdemeanor courts in the country utilizing the expertise of misdemeanor judges that previously participated in the process of drafting the provisions of the new Law in cooperation with the Judicial Academy (JA). This was further supported by intensive groundwork in the shape of the roundtables with authorized petitioners and a media campaign for the general public. Authorized petitioners' roundtables were universally recognized as crucial for reinforcing cooperation and coordination between institutions on the local and regional level and a best practice example for ensuring full implementation of new provisions of the Law since the first day of its coming into force.

To complement the robust judicial training program, the Project worked with a select group of judges on developing a Judicial Bench Book. This is a practical desk guide for judges, providing ready reference to relevant procedures and assisting in expeditiously adjudicating cases and enforcing judgments. It is the first Bench Book in Serbia, created by judges for judges, containing references to the text of the Law, standardized forms, checklists, and process diagrams for use by judges in their everyday work.

The introduction of the misdemeanor order, the registries of sanctions and unpaid fines, shifting the burden of proof to the petitioner and the defendant, new mechanisms for service of process and expanding the jurisdiction of the courts so that they can carry out enforcement more efficiently have all contributed to more streamlined misdemeanor procedures and a substantial increase in revenue generation.

### ***SIPRES – Automated Case Management for Better Court Performance***

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

This multifaceted approach enabled JRGA to successfully roll out a comprehensive Misdemeanor Court Case Management System or SIPRES, according to its Serbian acronym, a software application with over 3.3 million cases to date operating in all 153 locations of the Appellate Misdemeanor Court and misdemeanor courts throughout Serbia. SIPRES complements the mechanisms for improving procedural efficiency introduced with the new

Law on Misdemeanors and ensures their full implementation, in particular fostering easier cooperation and data exchange with justice system partners.

When Project activities began, the majority of misdemeanor courts had limited technology available – mostly outdated and insufficient equipment, very limited connectivity, and several different in-house applications in some of the courts serving mainly as electronic registry books with very limited case management capacity. JRGA partnered with the Ministry of Justice on enabling basic preconditions for operating an automated system. The Project procured necessary computer equipment, thereby covering the needs of all misdemeanor courts and their units. In a joint effort with the Ministry of Justice, JRGA ensured full network connectivity for all 153 locations throughout Serbia, connecting computers within courts and units as well as to the judiciary WAN network in order to enable SIPRES to function as a centralized application.

SIPRES is utilized for everyday case processing in misdemeanor courts of both first and second instance by over 2.000 users since January 1, 2016. It is a result of joint efforts of JRGA legal and IT staff and in-house programmers who closely collaborated with a select group of misdemeanor court judges and staff on mapping the business process, optimizing them to ensure maximum efficiencies and translating them into the software application to serve the needs of misdemeanor courts.

The fact that SIPRES is a centralized application makes it unique in many ways in the Serbian judiciary. SIPRES is stored on servers in the Data Center of the Ministry of Justice while users access it via internet. Software maintenance, upgrades and monitoring, as well as user management, are carried out through a single access point because of the system's centralized architecture. The utilization of Active Directory technology for easier and efficient user and device management was recognized as particularly useful by the Ministry which is planning on expanding this model of domain control to other parts of the judiciary.

SIPRES enables direct connectivity between misdemeanor courts and their units, among courts and with the Appellate Misdemeanor Court. It is the first time that this level of interconnectivity between misdemeanor courts is enabled, making it increasingly easy to communicate and exchange data and case files without resorting to paper and post. In addition to this, SIPRES is also the first system in the Serbian judiciary connected to other, external entities – the Treasury, Traffic Police and the Central Registry of Compulsory Social Insurance. This enables automatic data exchange and considerable savings in time and resources needed to process misdemeanor orders, track payments or check a person's employment status. Data exchange with the Department of Payments in the Treasury enables complete tracking of payments related to misdemeanor fines and court fees which was previously a time-consuming task often without an accurate picture of the money flow.

SIPRES is synonymous with accurate data. It allows users to perform a single data entry and automatically pull up data throughout the system in all instances that same data is processed. Validation fields prevent users from making mistakes. Generating eleven different statistical reports required by the Court Rules of Procedure on the quarterly, semi-annual and annual basis and two additional summary reports requested by the High Court Council is a click-of-a-button operation in SIPRES instead of an arduous manual task. These reports are standardized, based on the same set of criteria applied universally for all courts, avoiding inconsistencies caused by different interpretation of the rules.

SIPRES also introduces the possibility of performance tracking and monitoring on the level of individual judges and courts. The so-called performance dashboard is a useful management tool as it enables better control over judicial tasks, as well as allows individual judges to check their performance against the best performing judge in the court and the court average.

SIPRES contains 150 forms which can be automatically generated by users with all data on a case already filled in. However, the forms are also customizable, giving users the option to adjust them to their needs.

SIPRES is not a mere case record-keeping system. It is an active system that utilizes the calendaring function and a set of reminder options to push users into action. Statute of limitations reminders are a built-in function and are automatically created as a case is created. Apart from scheduling e.g. hearings, calendars are customizable and anything from national holidays to a judge's vacation days can be entered into the system to make managing events on a case a lot easier to handle.

Incorporating best practices identified in the course of working with the courts, JRGA made a reliable and comprehensive software application which is comparably easy and inexpensive to maintain. It is without hidden costs as all licenses necessary for its operation are permanent and their costs, as well as costs for hardware, including servers for the Disaster Recovery site set up by the Ministry in Nis, were fully covered by JRGA.

As of April 2016, JRGA transferred the application ownership to the Ministry of Justice which has since entered into a contract for SIPRES maintenance and further development. This ensures sustainability for the system and its stable functioning in the misdemeanor courts in the period post JRGA. The Project provided intensive technical assistance to the Ministry and the selected maintenance and development service provider in transferring all management, monitoring, updating and maintenance responsibilities.

In parallel with ensuring that the stable functioning of the system is maintained under the Ministry's care, JRGA assisted the Ministry with identifying strategic guidance for further development. Building on a group of select judges and staff that JRGA collaborated with during the development of SIPRES, the Ministry appointed and is managing a commission tasked with deciding on the development needs of SIPRES.

The success of SIPRES with its over 3.3 million cases in the database to date would not be possible without heavily investing in building capacities of users in the courts – both judges and, more importantly, judicial assistants, registry clerks and enforcement officers – through a comprehensive training program. IT training started off with basic computer literacy courses as misdemeanor judges and staff, barring few exceptional courts, were gravely lacking in basic skills. This was further complemented by training on the use of the application, starting at the point when only one of its modules was operational – the module supporting the work of the two registries (of sanctions and unpaid fines) – and building on the instruction provided with every system upgrade. Over five and a half years of the Project, JRGA delivered over 7000 person/days of training.

The training effort was a combination of classroom-style sessions and more practical support extended directly in the field as a sort of a hand-holding demonstration of system use – the so-called "elbow training". This has proven to be the most efficient and cost-effective way of delivering an intensive and high-volume training exercise that was continuously implemented over the several years of the Project.

Apart from training system users, JRGA focused capacity building efforts on the existing IT staff in misdemeanor courts. They received training on management and monitoring functions of SIPRES and took over parts of the user management responsibilities. JRGA also enabled opportunities for peer-to-peer experience and knowledge sharing among the IT staff, building a solid base for adequate user support and the sustainability of further application development.

Further user support was extended through the SIPRES help-desk manned by JRGA staff. This first line of help for inexperienced software users was essential in getting SIPRES off the

ground and optimizing the functioning of the product to suit the needs of its users. The help desk gradually moved away from the S.O.S. line for reporting software problems, bugs, or errors in use and data entry, towards the service for filtering and channeling user requests/needs towards responsible providers responsible for covering the functioning of the whole application.

It is only with this all-encompassing and multi-faceted approach to court automation, as well as with full partner buy-in and readiness of all stakeholders to support the fundamental change to business operations in misdemeanor courts, that JRGA was able to successfully roll out SIPRES and ensure its sustainability for the years to come. The software application is a necessary extension of the reform effort set in motion with the changes to the LOM and the tool designed to modernize the Serbian misdemeanor courts in line with global best practices of court administration. What was once a group of tenuously connected courts is now a fully-fledged misdemeanor court system and SIPRES has made that possible.

### ***Better Access to Justice and Transparency of Court Operations:***

Misdemeanor courts (MCs) are the most recent addition to the Serbian judiciary, having become part of it only in 2010. Previously under the jurisdiction of local self-governments, the working conditions in the MCs often left a lot to be desired – dingy, overcrowded premises with limited or virtually no space for the public, making the job of judges and staff more complicated and even prompting working in shifts to overcome space constraints.

In the past five and a half years, JRGA has partnered with the Ministry of Justice in resolving the situation with inadequate working conditions plaguing the misdemeanor courts. This was done in order to enable improved access to justice for court users and increase transparency of court operations, at the same time improving the public perception of the important work done by MC judges and staff. Joint efforts resulted in 19 facility interventions in misdemeanor, the Appellate Misdemeanor and Administrative courts and in the Judicial Academy. The relocation and consolidation of the operations of the largest misdemeanor court – the Belgrade Misdemeanor Court (Belgrade MC) – in a single facility in 2015 marked the pinnacle of cooperation between the Project and the Ministry.

Since the beginning of Project activities, and after a detailed environmental scan involving traveling around Serbia and visiting all MCs for the first-hand insight into their operations, JRGA started with facility upgrades in select courts. JRGA chose court buildings owned by the MoJ in order to ensure sustainability for the Project investment. At the same time, JRGA also looked for opportunities to leverage funds with those of the Ministry to achieve maximum impact with resources available. This approach ensured taking full advantage of what still remain limited funds available in the MoJ for improving working conditions in the courts. In this way JRGA also succeeded in drawing the attention of decision-makers in the Ministry to the situation in MCs. Turning MCs into dignified, accessible spaces puts a better face on the justice system in Serbia as these courts are that part of the judiciary the citizens of Serbia are most likely to come into contact with and adjudicate in matters touching on their daily lives.

The Project's facility upgrade efforts also brought added value in best practices in court space engineering that JRGA honed through the years of improving working conditions in misdemeanor courts across Serbia and incorporated in concept design for all renovations. Best practices in organizing the court premises support optimal business processes. JRGA also worked with courts wherever possible to enable disability access, install appropriate signage throughout facilities clearly directing court users to all public functions of the court, and provided suitable bulletin boards for courts to display hearing schedules in an easily accessible manner. The implementation of one-stop-shops, serving the court users as a single place in the

court to carry out all administrative tasks, has become a hallmark of JRGA facility interventions over the years bringing misdemeanor courts in Serbia closer to global standards of modern, efficient judiciary institutions.

Interventions in the courts in Zrenjanin, Zajecar and Novi Sad were particularly successful in ensuring previous spatial and organizational deficiencies were successfully overcome to the full benefit of the court. The Misdemeanor Court in Zrenjanin became one of a few courts in Serbia with a 1:1 ratio of judges to courtrooms and separate judges' chambers in order to secure optimal working conditions and dignified premises for court users, while at the same time securing sufficient privacy for judges. In Zajecar, the misdemeanor court underwent a transformation from the court sharing premises with the local police station to a modern, bright space with two large courtrooms and an open public services counter providing administrative and information services to citizens and court users.

An upgrade in the misdemeanor court in Novi Sad in early 2014 had a significant impact on how the second largest misdemeanor court in the country carried out its daily operations. The court lacked an organized intake office, centralized record keeping and an appropriate storage place for archives, which caused significant delays in case assignment. Thanks to the facility upgrade, the Novi Sad court has centralized its active records and assigns cases within a day of receiving the misdemeanor filings. Registry clerks have access to the status of each active case at their fingertips. And court archives are now neatly organized in rows of shelves, properly numbered and labeled, and cleared of obsolete materials in a timely manner.

Since the beginning of Project activities, JRGA emphasized the need for bringing all 13 locations of the Belgrade MC and almost 400 judges and staff dispersed throughout the Serbia's capital under one roof. Partnering with the Ministry of Justice to resolve this issue for the largest misdemeanor court in the country allowed for optimization of business processes and increased efficiency, enabled economies of scale to expedite case management and reduce backlog, and eliminated redundant non-personnel and facility maintenance costs. Apart from having a courtroom for every judge, the new building provides large courtrooms fit for hearings in cases involving numerous participants such as those related to public order violation misdemeanors. This court building is located in the vicinity of some of Belgrade's busiest traffic routes making it easier for the citizens to access the court.

In parallel with implementing actual physical facility upgrades, JRGA completed a full review of MC facilities (*Assessment of the buildings of the Misdemeanor Courts in the territory of the Republic of Serbia*). This comprehensive facilities inventory presented an objective comparative analysis of the buildings currently used by MCs in terms of their physical and functional conditions as well as their property-legal status. On the basis of the analysis, the Assessment framed out options for upgrades, renovations or ultimately court relocation. It also provided the MoJ decision-makers with an accurate and objective basis for further planning, allowing them to use it to make informed decisions on allocating budget funds. In the subsequent Project years, JRGA worked on updating the document with information pertaining to completed facility upgrades. The methodology behind the *Assessment* has also been identified as best practice by other members of the donor community and recommendations were made for it to be used for carrying out a similar evaluation of other judiciary facilities in Serbia.

The Assessment has already proven its fact-based planning value as the facility interventions that the MoJ has undertaken in the past two years were targeting courts marked in the Assessment as some of those operating in the worst conditions – Sabac (Year 4) and Belgrade and Raska (Year 5). The new building of the Raska Misdemeanor Court is the first completely new building in the Serbian judiciary in the past 20 years. The MoJ's Annual Procurement Plan

for 2016, published in January this year, demonstrates the commitment of the Ministry to tackle the facilities of the misdemeanor courts in Uzice, Pancevo and Pozarevac by providing them with new buildings. All these facilities were categorized in the Assessment as needing urgent relocation.

The attention that the Ministry is investing into solving issues in these courts demonstrates two important things that emerged as a result of our joint efforts on facility upgrades. Apart from clearly showing the value of the Assessment as the investment planning tool, it also shows the trend that became evident in the past two years of JRGA's assistance: the Ministry has gradually taken the lead in facility investments with significantly greater resources involved in both planning and executing the projects. This lends sustainability to JRGA's efforts on improving the working conditions in misdemeanor courts and bodes well for counterparts in the Ministry continuing in the direction set by JRGA.

### ***Increased Competence of Misdemeanor and Administrative Court Judges for Better Quality of Justice:***

Misdemeanor and Administrative Court (AC) judges handle cases based on a wide variety of regulations and with differing degrees of complexity. Misdemeanor judges recently became part of the judiciary 2010 and underwent no comprehensive judicial training prior to the commencement of JRGA activities barring few courses on substantive topics delivered by the Judicial Academy (JA) and some of the other donor organizations in cooperation with the Association of Misdemeanor Judges (AMJ).

The assessment carried out at the beginning of JRGA project activities immediately demonstrated the need for establishing a continuous training program for misdemeanor and administrative court judges covering both substantive law and supplemental topics related to court organization, management and communication. The Judicial Academy (JA) was identified as the key partner for the delivery of the training activities through its regional training centers. Following intensive consultations with relevant stakeholders such as the experienced judges from the Supreme Court of Cassation, the then Higher Misdemeanor Court (Appellate Misdemeanor Court), and the AMJ Board, JRGA identified the first topics of interest and importance and set about implementing the capacity building exercise.

In the five years of project implementation, JRGA delivered as many as 29.156 person/days in total. JRGA's inclusive approach, drawing on input from all stakeholders and particularly judges themselves, as well as solid partnership with the JA and utilization of resources within the judiciary in preparing curricula and delivering training ensured the success of the capacity building program. Flexibility is another hallmark of JRGA's training approach as the Project remained ready throughout implementation to accommodate new circumstances and requests for assistance from the stakeholders in order to maximize the impact of training efforts.

The training program for misdemeanor judges started off by offering instruction on complex subject matter adjudicated in customs and tax cases, as well as cases stemming from the Law on the Anti-Corruption Agency. This was complemented by a training course in judicial ethics as JRGA aimed both to strengthen the capacity of judges to render quality decisions as well as fortify their sense of impartiality and independence in carrying out a judicial function. In subsequent Project years, JRGA was faced with a natural choice of developing training materials based on the most important procedural novelties to be introduced with the new Law on Misdemeanors. Four core topics were selected to best cover all the changes that the Law brought about, with particular emphasis on enforcement and treatment of minors. This was further extended through a course on the new Juvenile Justice Law which requires judges to undergo training and receive certification in order to be able to decide these cases.

As for the Administrative Court, a similar stakeholder consultation process was utilized and included in the selection of topics for the continuous education of AC judges. This court handles a diverse subject-matter caseload thus their needs were mainly focused on obtaining training on the recently changed and/or complex legislation, such as the Law on Restitution, the Law on Public Procurement, the Law on Personal Data Protection, the Law on Minority Councils, to name a few.

Substantive training was complemented by a number of supplemental topics ranging from ad hoc training courses such as those covering customer relations and court user service, to records management, public procurement procedures, and legal drafting. Apart from working with judges, JRGA developed courses specifically targeting staff of the misdemeanor courts thereby initiating capacity building for what is a largely neglected target audience in the judiciary.

JRGA also established a successful modality for selecting people to develop the curricula and deliver the training by pairing experienced judges and subject-matter experts in both parts of the process. This proved to be a successful combination of specific expertise on the one hand, required for courses such as e.g. taxes and customs regulations, and practical experience from the courtroom on the other hand, that select judges could impart to their colleagues. Lecturers were always combined in pairs of two in order to be able to maintain the quality in course delivery for groups of up to 30 judges and during a full day of training. JRGA provided a ‘training-of-trainers’ exercise delivered by adult learning experts for all lecturers.

Training was organized so that sessions took place in two semesters – in the period from September to mid-December and from February to end of May. JRGA set up a close cooperative relationship with the Judicial Academy, having Project’s training coordinators in four regional centers (Belgrade, Novi Sad, Nis and Kragujevac) collaborate closely with the staff of the Academy and handle all organizational and logistical aspects of training delivery. Also, in order to create optimal conditions for training, JRGA equipped computer labs in all four JA training centers in 2012, providing furniture and equipment, as well as restored and renovated an additional training room and a moot courtroom in the JA seat, allowing the organization of hearing and trial simulations for judicial trainees.

In parallel with improving working conditions in misdemeanor courts and providing them with modern computer equipment, JRGA recognized the need for improving IT capacities and skills of misdemeanor judges and staff. This prompted the Project to launch an intensive and continuous IT training campaign that started in the spring of 2012. Having judges and staff in misdemeanor courts undergo basic computer literacy training paved the way for the introduction and successful roll out of the misdemeanor court case management system – SIPRES.

User training enabling utilization of the full range of functionalities and options offered by the automated case management application was delivered by combining classic classroom training with direct, on-the-job assistance to all courts and their units. JRGA trained a cadre of interns for the delivery of IT related training. This proved to be a highly efficient and cost-effective training mechanism that allowed for simultaneous organization and delivery of IT training in all four JA training centers, as well as provided necessary mobility for trainers who needed to make field visits to courts and provide elbow-training directly to judges and staff.

JRGA’s continuous training program was delivered in partnership with the Judicial Academy, based on wide stakeholder consensus on topic and lecturer selection and targeting both judges and staff of relevant courts. The training approach proved particularly successful in preparing the courts for the implementation of new laws such as the new Law on Misdemeanors or the Law on the Protection of Whistleblowers. JRGA also went beyond the judiciary targeting

authorized petitioners in the misdemeanor procedure in order to ensure all stakeholders were fully aware of the procedural shifts introduced with the new LOM and were ready for implementation.

### ***Enhanced Reputation of Misdemeanor Courts and Judges:***

Misdemeanor courts are the most recent addition to the Serbian judiciary. In 2010 they became part of the court system, growing into it from the previous position as administrative organs of the local self-government. This also brought almost 600 people to the ranks of judges in Serbia. The permanency of their judgeships was confirmed in 2012 after several years of botched reform efforts and uncertainty. Court presidents (chief judges) were selected and appointed in 2014 in line with the then new court network.

Misdemeanor courts are the part of the Serbian judiciary that comes into contact with the public most often. Misdemeanor judges adjudicate in matters involving almost all areas of daily life – traffic misdemeanors, public order related incidents, even family and domestic violence matters. They also handle cases related to violations determined by various inspections and the communal police, complex tax and customs cases, as well as filings submitted by independent agencies. All this makes the work of the misdemeanor courts and judges highly visible in the public eye. The quality and effectiveness with which they dispose of their cases is key for the public's perception of the strength of the rule of law in Serbia.

All reform efforts invested by JRGA in the past five years of Project implementation worked towards enhancing the reputation of misdemeanor judges and courts. Improving the organic legislative framework for the functioning of the misdemeanor courts and providing them with tools for more effective and efficient proceedings; introducing case management software to support business process improvements; implementing facility upgrades to ensure open, safe and dignified hearings for court users as well as adequate working conditions for court employees; building capacities of judges and staff through continuous training in order to improve the quality of justice; all these facets of assistance provided by the Project through close cooperation with stakeholders across the board contributed to the enhanced image of misdemeanor courts with the Serbian public.

The Association of Misdemeanor Judges (AMJ) was one of the most significant Project partners in generating the public perception shift concerning the misdemeanor courts. JRGA established the partnership with the Association since the beginning and engaged the AMJ in grant activities over the course of years. JRGA also worked with the AMJ on strengthening their internal capacities by developing both a mid and long-term strategic plan for the organization, particularly focusing on ways to increasingly engage their membership in planning and executing activities as well as building fund raising capacities with international donor organizations.

AMJ was instrumental in involving misdemeanor courts in public outreach activities which were jointly planned and implemented with the Project. Apart from offering training to court presidents and judges, as well as court managers and secretaries, these activities dealt with the topics of communication and outreach and customer relations. JRGA worked with the Association on implementing a particular activity that raised the profile of misdemeanor courts in their local community – the Open Court Days for high school students.

The formula for delivering Open Court Days has been simple but very effective since the beginning: court judges and staff introduce the secondary school students to the organization and functioning of misdemeanor courts, while students in turn deliver a moot court simulation of a misdemeanor case – usually either a traffic violation or a domestic violence case. Preparing for and enacting hearing simulations benefits students by improving their team work, analytical

and public speaking skills and ability to develop an argument. Approximately 700 high-school students from across Serbia took part in 23 events in the course of almost three years.

In most towns/cities, courts would also invite representatives of their local partners – the police and the social care center, to educate students on their rights and obligations with regard to the Law on Traffic Safety, Law on Public Order and especially obtaining probationary and permanent driver’s licenses, as well as understanding the court proceedings in misdemeanor cases involving minors. These events have proven to be a low-cost high-impact way to improve the public perception of misdemeanor courts and their work both within the local community and among the general public, as well as a way to attract the interest of students in a career in the justice system.

AMJ complemented these activities by implementing similar efforts under their grants – lectures for high school students on the functioning of the judiciary in Serbia as well as guided court visits and seminars for final year law students from across Serbia, demonstrating in practice the functioning of misdemeanor courts and potential career paths for students to follow after completing their studies.

### ***Improved Transparency in the Administrative Court:***

The Administrative Court (AC) is one of the main beneficiaries of JRGAs assistance. The Project’s support to the court materialized in the form of a comprehensive training program for judges and judicial assistants, as well as smaller-scale facility upgrades in the court seat and its units. The most notable technical assistance effort JRGA extended to the AC is the case law database – a software application that contributed to the harmonization and standardization of the AC case law among judges sitting in its seat and regional units in Novi Sad, Nis and Kragujevac.

The Supreme Court of Cassation issued an instruction to the AC requiring it to set up a case law database that would contain all decisions and sentences of the Administrative Court, as well as the decisions of the European Court of Human Rights, Constitutional Court, and the decisions and case law bulletins of the Supreme Court of Cassation and the High Court Council. JRGA facilitated this for the court and designed a software application that is an easily accessible and searchable, systematic repository of decisions, legal opinions and sentences that allows the AC judges to consult it and in doing so apply standardized criteria in adjudicating cases across the jurisdiction of the AC.

JRGA assisted with the database development, initial data input (over 54, 000 cases) and user training, as well as procuring hardware necessary to operate the software. In addition to this, JRGA also worked with the AC on redacting a thousand model court decisions of precedential importance in order for them to be fit for public access and use. This sampling of select court decisions was made available to the general public through the redesigned website of the Administrative Court, another task that was supported by JRGA.

The redesigned website for the AC is an easily navigable, user-friendly website containing the electronic version of the court’s bulletin board, hearing schedule, operational statistics and its legally required information directories in addition to the general information about the court, its judges and units and its varied jurisdiction. The website also serves as a platform for making AC cases, decisions and sentences of precedential importance available to the general public, litigants and potential litigants, lawyers and other members of the judicial community. These decisions include those of precedential importance that cover the varied subject-matter of cases that AC decides. This publicly accessible part of the court’s case law database; coupled with a comprehensive, highly informative and easily navigable website, greatly contributes to

increasing the transparency of the court's operations and its decisions, raising its profile both with the public and in the wider judicial community.

These efforts were acknowledged by the Commissioner for Access to Information of Public Importance and Personal Data protection. In September 2015, on the International Right to Know Day, the Administrative Court received the Commissioner's award for transparency and access to information in the category of judiciary bodies. This award is the recognition of joint efforts of the Court and the Project on improving the efficiency, service to citizens and overall image of the Administrative Court.

### ***Better Protection of Victims of Domestic and Family Violence:***

Working on the protection of victims of domestic violence and increasing their safety, as well as improving the coordination of cases before basic and misdemeanor courts, was part of JRGA activities since the Project began. The most notable results in increasing victim protection and setting up relevant protocols were achieved through the Project's grant program, working with the Association of Public Prosecutors (APP) and Counseling Against Family Violence (CAFV), a CSO responsible for setting up and managing Serbia's safe houses for domestic violence victims.

The APP worked on reinforcing the judicial protection framework, replicating the success of what is known as 'the Zrenjanin model' – the coordinated community response model successfully applied in Zrenjanin -- involving inter-agency cooperation between police, courts, prosecutors, social and health care centers and other relevant stakeholder in processing all aspects of domestic violence cases. APP disseminated the model in local communities across Serbia and created a manual for judges and prosecutors handling cases of domestic/family violence and improving the position of the victim in criminal proceedings. The manual describes practical experiences and examples from prosecutor's offices and courts across Serbia and expands on subjects such as reporting and investigating cases of domestic/family violence, position of the victim in the proceedings, and defining basic elements of cooperation and coordination among different public bodies/institutions in handling these highly sensitive cases.

The Zrenjanin model became part of the newly drafted Law on the Prevention of Domestic Violence. The legislative drafting process was initiated by the Ministry of Justice to arrive at a new procedural law that would improve the prevention of domestic violence. The main purpose of this new law is to ensure more effective protection for the victims of family/domestic violence by enabling all relevant institutions to act as urgently as possible and in a coordinated manner. The draft law introduces the obligation for the police to carry out a situation assessment immediately after violence is reported and estimate the risk of further escalation. The police will have two protective measures immediately at hand – either to remove the abuser from the family home and even keep him under custody for 48h or to issue a temporary restraining order preventing the abuser to contact and/or approach the victim. This gives the prosecutors and the courts 24h each to either order some of the available protection measures and/or initiate criminal proceedings.

The draft Law also envisages identifying police officers specialized for cases of family/domestic violence who are first to go out after violence is reported and carry out risk assessments. It also stipulates identifying contact points in all institutions involved in handling these cases – the offices of basic and higher prosecutors, the basic and higher courts, the local police, and social care centers. This represents the institutionalization of the 'Zrenjanin model' and testifies to its legacy being translated into legal provisions that further solidify the response

of institutions to the negative social phenomenon that has been sharply on the rise in Serbia in the recent years.

The Ministry made the first draft of the Law on the Prevention of Domestic Violence available to the public on-line in March 2016, thereby opening the process of public consultations. JRGA and CAFV supported the Ministry in organizing seven successful public hearings in April and May throughout Serbia. All public hearings were successful, attended by over 350 representatives of all relevant public institutions – medical and social care centers, judiciary, the police - and civil society organizations.

The working group considered the feedback collected during the prolific discussions held at the hearings and received by the Ministry in writing. This was incorporated into the final draft of the Law. Further revisions and fine-tuning of the proposed legal solutions took place in July. JRGA subsequently developed a training curriculum for judges and prosecutors that will be implemented with the assistance of the U.S. Department of Justice once the Law is adopted.

In parallel with work on disseminating coordinated protection mechanisms for the victims and drafting legal solutions to improve protection, JRGA also cooperated with CAFV on establishing an affordable Legal Aid network for the victims of domestic violence. Since May 2014 when the network was first established, twenty four (24) lawyers in 17 cities (Uzice, Loznica, Zajecar, Krusevac, Ljig, Mionica, Cacak, Sabac, Nis, Pozarevac, Zabari, Valjevo, Pirot, Vranje, Leskovac, Kraljevo, Kucevo) assisted 363 victims of family violence throughout Serbia, 325 women and 38 men. Lawyers drafted a total of 318 lawsuits and 118 criminal charges.

The legal aid network became widely known throughout Serbia and fulfilled its purpose of providing readily available and free legal assistance to victims of domestic/family violence who are often and for a number of mainly economic and dependency reasons prevented from seeking professional help in bringing charges against the abusers. APP and CAFV also implemented a series of public and promotional events raising awareness of the Serbian public on the incidence of domestic violence cases and the need for their better protection.

In close cooperation with our grant partners, JRGA managed to implement a set of coordinated activities that covered the issue of victim protection from the procedural and, institutional aspects, as well as providing concrete assistance through the legal aid network, ensuring all stakeholders are aligned and unified in efforts to improve protection mechanisms and options available to victims.

### ***Global Best Practices for Whistleblowers:***

The Law on the Protection of Whistleblowers adopted in December 2014 and in effect since June 2015 is the first in the Serbian legal system that covers the area of whistleblowing. JRGA extended intensive technical assistance and legislative drafting support to the Ministry of Justice as they spearheaded the process that led to the adoption of the Law. In addition to facilitating the activities of the working group, JRGA brought the expertise of a world-renowned authority on whistleblower protection, Tom Devine, to the legislative drafting process and ensured global best practices were included in the Law.

The Law on the Protection of Whistleblowers is the first law of this kind in Serbian history to incorporate protection mechanisms to shield whistleblowers from retaliation. The new Law provides strong judicial protection measures, including expedited hearing procedures and provisions shifting the burden of proof once a court establishes that actions taken against a whistleblower are at least in part retaliation. Other key provisions provide for the rules on internal and external whistleblowing and rules regarding whistleblowing in matters involving

classified information. The new law, in addition to providing protections for whistleblowers, provides an important tool in preventing and sanctioning corruption, in support of Serbia's new National Anti-Corruption Strategy.

Drafting of the Law was a comprehensive and inclusive process as the working group included representatives of the Ministry of Justice and other line ministries, all segments of the judiciary – courts and public prosecutor's offices, police, Chamber of Commerce and the Employers' Union, as well as civil society organizations. The working group also included two actual whistleblowers whose personal experience helped shape provisions of the Law to ensure maximum protection for people preparing to blow the whistle on corruption. The drafting process was closely monitored by and benefitted from the presence of representatives of other international organizations – Organization for Security and Cooperation in Europe (OSCE), United Nations Development Program (UNDP), and the Council of Europe (CoE).

The final result of this inclusive activity has been globally recognized as one of the strongest whistleblower laws in terms of options and measures that are at the disposal of the judiciary and whistleblowers to protect them from retaliation and other wrongdoing. The Serbian law has already been built upon as a best practice example by countries working on adopting or improving their existing legislation

After intensive efforts in drafting and adopting the law, JRGA worked with the Ministry and the Judicial Academy during the period between the adoption of the Law (December 2014) and the date of its coming into effect (June 2015) to launch a comprehensive training campaign for judges of all courts in Serbia. These efforts helped prepare the courts for the implementation of the law.

Under the provisions of the Law on the Protection of Whistleblowers, judges need to undergo training and be certified in order to decide in these cases. Since February 2015, and ending in February 2016, JRGA delivered over 1600 person/days of training on the subject of the Law on the Protection of Whistleblowers for judges of the Supreme Court of Cassation, Appellate Courts, Administrative Court, Basic and Higher Courts and Misdemeanor Courts from across Serbia. The course was developed by members of the working group who drafted the law, with the assistance of JRGA's expert, Mr. Devine. In order to ensure efficient delivery of the training course, JRGA organized "training-of-trainers" sessions before and after the completion of the training delivery. This capacity building ensured that a group of select judges is equipped with skills and knowledge to act as lecturers for the course on the whistleblower law and continue training delivery in cooperation with the Judicial Academy, creating conditions for making this course part of the continuous judicial education.

The impact of this comprehensive training campaign for judges was obvious once the mid-term review of the effects of the implementation of the Law was published. With input from JRGA's international expert, the Ministry developed a methodology for tracking the implementation of the Law. Nine-months into the implementation, the first results of tracking demonstrated that the Serbian judiciary more than stepped up to the challenge and as stated in the report: "already has the world's best track record for timely judicial orders granting interim relief, which was provided in the first seven cases." Overall, the courts have supported whistleblowers in 27 of the first 36 rulings. The review also showed that Labor Inspectorate oversight has fostered strong implementation in government agencies. As many as 282 oversight inspections were conducted by the Labor Inspectorate and five by the Administrative Inspectorate in the nine-month period covered by the review. June 2016 saw the first decision in a case adjudicated according to the Law on the Protection of Whistleblowers before a first-instance court. The decision was in favor of the whistleblower.

As a direct outcome of the training exercise implemented by JRGA, the Serbian judiciary was well prepared to handle whistleblower cases. The mid-term review however, pointed out some segments of the implementation of the Law that needed improvement. Key recommendations for improving the effects of the Law concern enforcement as well as introducing meaningful accountability through tougher penalties for violating rights in the law, and in particular for violating judicial orders when whistleblowers earn legal victories. Training, as well as distribution of ‘right to know’ materials on rights and responsibilities should be expanded to more effectively cover the private sector generally and lawyers in particular.

JRGA supported training for the private sector through our long-term grant partner, Eutopia, with the objective of providing businesses with guidelines on utilizing proper channels and ensuring procedures are in place for whistleblower protection. Working with funds provided through JRGA’s grant program, Eutopia became a veritable whistleblower protection and resource center. They established a whistleblower helpline to provide timely legal advice, free of charge. In the past two years, the helpline provided assistance to over 800 whistleblowers, including providing 51 whistleblowers/potential whistleblowers with in-depth advice on how to file for court protection under the law and how to appeal court decisions, as well as direct assistance in writing court submissions. Eutopia’s lawyers provided *pro bono* representation to 5 whistleblowers. Eutopia also trained five lawyers who expressed interest in becoming part of their network. Sound legal guidance enabled better protection of whistleblowers’ rights and proper investigation of their claims.

Eutopia also delivered training on the basic premises of whistleblowing and protection available under the new Law for public prosecutors, journalists and representatives of private companies, through collaboration with the Chamber of Commerce. Furthermore, Eutopia translated the provisions of the Law on the Protection of Whistleblowers in a clear and concise Handbook that provides guidance for both the general public and the whistleblowers on the rights and protection mechanisms available under the new legislative framework.

Through activities implemented both under the JRGA grant as well as with other funding and independently, Eutopia became the face of whistleblower protection not only in Serbia but also in the region and internationally, helping put Serbia on the whistleblowers’ map and gain recognition for all the good work done both in adopting and implementing the new Law.

### **Comprehensive and Inclusive Anti-Corruption Strategy:**

Serbia adopted a five year anti-corruption strategy in 2005. The Strategy was widely felt to have been ineffective, and since 2011, the country has been working on a replacement. This resulted in the 2013-2018 strategy, adopted in July 2013. The Strategy is one of three core documents adopted by the Serbian government (the others being strategies on judicial reform and on public administration), and is important for EU accession negotiation as well as Serbia’s development.

JRGA was instrumental in working with counterparts across the board – 150 representatives of over 80 institutions and civil society organizations – on both the methodology and substance for the strategy and its accompanying action plan. The Project also worked with the Ministry and the Anti-Corruption Agency to support a public hearing for the draft Strategy and to ensure all comments were recorded and responded to.

The Project further provided assistance in facilitating a wide stakeholder consultation process for the development of the Action Plan. JRGA facilitated 10 workshops for the preparation of the Action Plan covering the following Strategy priority areas: media, police, political corruption, public finance, privatization, judiciary, sports and education, spatial planning, health-care and prevention. These served as a consultation platform for the working group

gathering representatives of relevant stakeholder institutions and obtaining their input on concrete measures to be undertaken in each of the priority areas. This contributed to the finalization and the formulation of relevant indicators.

The Action Plan contains over 400 activities. The Project created a database of these to allow sorting by due date, responsible body, etc., as well as drafted an implementation guide for responsible bodies, including general information about the strategy and action plan, activities specific to each body, and a selection of forms and templates to ease implementation and encourage consistency. Working with the Ministry and the Agency, JRGA assisted the coordination effort on implementing the measures contained in the Strategy and the Action Plan.

For the most part, the measures and actions outlined in the Action Plan for the Strategy were translated in the Action Plan for the Chapter 23 – Judiciary and Fundamental Rights, becoming an essential part of Serbia’s legal framework for EU negotiations.

### ***Performance Auditing for Increased Government Accountability:***

Serbia’s State Audit Institution (SAI) is, among other types of audits, tasked with carrying out performance audits - independent examinations of a program, function, operation or the management systems and procedures of a governmental or non-profit entity to assess whether the entity is achieving economy, efficiency and effectiveness in the employment of available resources. SAI has particularly intensified this type of activities in the past three years. Their four performance audit reports have gained significant recognition from the media, the general public and the watch-dog civil society organizations as substantive, well-researched sources of impactful messages pointing out to irregularities in dispensing with public funds and other resources.

JRGA extended extensive technical assistance to the State Audit Institution over the years in building their capacity for carrying out performance audits. Through continuous cooperation with JRGA’s expert and a former director in the U.S. Government Accountability Office (G.A.O.), Joseph Christoff, the Project provided comprehensive training on all tenants of performance auditing – international and G.A.O. principles for performance audits, interviewing for information, collecting sufficient evidence, developing key elements of a finding, and quality control and assurance in performance auditing. To supplement this, JRGA trained SAI’s performance audit team as well as Supreme Auditors and SAI’s leadership on efficient and effective reporting, essential for turning audit findings into clear, concise and powerful messages for target audiences – busy decision-makers, media and the general public.

JRGA provided hands-on support to SAI as well, working with the performance audit team on the design matrix approach to be utilized as the main tool for implementing the audits. The project provided SAI auditors with practical tools to help with formulating the researchable questions, identifying information, data collection techniques and analytical approaches needed to answer them as well as potential data collection challenges and mitigation strategies. This ensured effective report design leading to four successful performance audits.

Reports had impact on the government accountability and policy changes. The first performance audit focused on the misuse of the vehicle fleets across all levels of the government in Serbia resulted in an amended and more restrictive regulation on the utilization of official cars. It also led the Government of Serbia to auction off a portion of its existing fleet. The second audit report dealing with the manner in which the real estate owned by the Republic of Serbia is leased or sold gained traction with the Anti-Corruption Council which looked closer at one of the public enterprises leasing government-owned real estate. The Council’s report backed up SAI’s findings and urged the Government to implement recommendations

contained in the report. The third audit dealt with the justifiability of creating commissions and other temporary and permanent bodies in the public sector which drew public attention to the lack of transparency and clearly defined criteria for appointing members of these bodies; setting the amounts for their compensation and controlling the output of their work, which is often already part of their regular duties and within the scope of their work.

In order to maintain the momentum with successful performance audits, JRGA delivered a ‘training-of-trainers’ exercise for the SAI’s performance audit team, equipping them with tools and skills for implementing an in-house training program for existing and potential new SAI employees, rendering this institution capable of increasing the number of performance audits they carry out annually. The five-day training included a two-day class on adult learning/facilitation skills, complemented by a Performance Audit Instructor Manual, ensured sustainability for JRGA’s capacity building efforts and supported institutional growth for SAI.

JRGA also worked with the leadership of the State Audit Institution on defining the direction of strategic development for their organization and developing a five-year strategic plan containing actionable goals and activities. The strategic document is based on key INTOSAI (International Organization for Supreme Audit Institutions) guidance and provides a comprehensive overview of the environment SAI will be operating in in the coming period. Strengthening performance audit capacities and shaping the strategic development for SAI work hand in hand in making the supreme audit institution in the country a key player in the fight against corruption in Serbia.

In parallel with institution building, JRGA provided assistance to SAI in establishing closer ties with the decision-makers in the National Assembly. The Project strengthened both SAI’s capacity to present their reports and findings to the relevant committees of the National Assembly, as well as the capacities of MPs in those boards to follow up recommendations contained in SAI’s reports. As an outcome of this raised awareness among SAI leadership on the importance of strong cooperation with the Parliament, the President of the State Audit Institution and the Chairman of the National Assembly’s Finance, State Budget and Control of Public Spending Committee signed a Protocol on Cooperation in June 2015. This prompted the creation of a Subcommittee for the Consideration of Reports on Audits Conducted by the State Audit Institution. Several joint workshops were held with the sub-committee members and a successful cooperation mechanism was established which will continue functioning beyond JRGA.

### ***Efficient Control of Political Finance:***

In June 2011, Serbia adopted the new Law on Financing of Political Activities. The new law significantly changed the environment for political finance, and gave new responsibility and authority to the Anti-Corruption Agency (ACA, the Agency). The Agency needed to rapidly expand its internal capacity in order to meet its statutory obligations with respect to monitoring compliance with provisions of the law regulating the financing of political activities and the verification of political entities’ filings with the ACA.

The May 2012 elections were the first opportunity for the ACA to implement the 2011 Law on Financing of Political Activities, and judge the effectiveness of its efforts. In line with that law, the Agency created, trained, and officially deployed a network of 165 political finance monitors in time for the start of the election campaign. The monitoring network tasked with monitoring election campaign activities and spending, was composed of 10 central coordinators, 23 field coordinators, and 132 field monitors. This manner of campaign monitoring has never before taken place in Serbia, or been done by a government agency elsewhere.

The technical and logistical assistance provided by JRGA for this campaign monitoring effort was instrumental in securing the success of the exercise. JRGA supported the Agency in delivering training for all monitors through sessions that were thorough and interactive, introducing the trainees to the provisions of the Law on Financing of Political Activities, the accompanying rules, forms, and methodology, in addition to the main tasks they are expected to carry out during election campaigns. JRGA also held an additional training session for the network's central coordinators in Belgrade, where practical advice regarding the tools necessary for analyzing data obtained and communicating with the monitors in the field was presented. Additionally, JRGA and the Agency developed a "Handbook for Political Finance Monitors" that served as a quick reference tool suitable for application during field work. In parallel with this, and in the wake of the election campaign, JRGA provided training on political financing for journalists and editors of Serbian media informing them about the role and activities of the Agency in carrying out monitoring and oversight of political financing, and especially the functioning of the campaign finance monitoring network.

JRGA worked with the Agency on the post-election data review. Organizing and analyzing the high volume of data received both from the monitoring network and from the political parties represented a significant challenge for the ACA, and their internal capacities needed strengthening in order to produce a comprehensive review of campaign financing. The Agency released the report on the financing of political activities during the election campaign in two stages. First, in December 2012, the Agency presented the analysis of the political entities' compliance rate with the deadline for submitting proper reports, as well as preliminary findings related to the sources of campaign funding, costs of media campaigns, election material, and campaign events. This was followed by further comparative analysis of data from reports filed to the Agency and actual findings of monitors that worked in the field which was completed and released in February 2013.

JRGA provided further assistance with data review to the Agency after the extraordinary parliamentary elections that took place in March 2014. The Project continued building ACA capacities in data processing by providing hands-on assistance with the review through developing a logical plan for analysis of data. This included the cross-referencing of reports submitted by political entities with data reported by ACA field monitors and media monitoring data collected through other means. These efforts helped the ACA to develop and issue the full comparative report on campaign finance from the 2014 elections in November 2014, in record time just seven months after the elections were concluded.

In 2014, the Serbian Parliament amended the Law on Financing Political Activities. The amendments resulted in the reduction of budget funds allocated to political parties by more than 30%. These changes subsequently initiated modifications of other relevant by-laws that political parties are bound by when filing annual financial reports. This brought to fruition the previous efforts of JRGA-supported grantees, Center for Free Elections and Democracy (CeSID) and Transparency Serbia (TS), to usher in improvements in political party funding, and represented a major step towards a comprehensive overhaul of the political system.

In an effort to broaden understanding and to adequately prepare political parties for submitting financial filings in April 2015, JRGA organized and delivered a series of six training sessions for political party representatives across the country focused on the procedures and key information required for filing annual financial reports with the National Assembly and the ACA under the amended Law. The training sessions emphasized the key elements of the financial report for "campaign" and "regular" (non-campaign) activities, how the new Law will be applied in practice, and other relevant by-laws that political parties are bound by.

In April 2015, the ACA received a new set of annual financial reports from political parties prepared in line with the amended law. The ACA finalized the annual report on the control of financing of political activities for 2014 and 2015 at the beginning of 2015 with JRGA assistance for completing the assessment process. With a view towards promoting the Agency's report as well as opening a discussion platform on the existing oversight mechanisms for financing of political activities and proposing potential further legislative reforms, JRGA partnered with the Organization for Security and Cooperation in Europe (OSCE) and organized a public event gathering all relevant stakeholders in January 2016. Representatives of public institutions, political parties, independent agencies, the judiciary, civil society organizations and the media attended the conference resulting in a summary of conclusions and recommendations on improving the existing political finance oversight mechanisms.

The general elections in Serbia took place on April 24, 2016. The ACA once again turned to JRGA for support in capacity building for the network of election monitors that observed the political parties' compliance with the Law on Financing of Political Activities. In February and March 2016 JRGA and the ACA delivered training for 150 election monitors on basic principles governing the financing of political activities as well as the methodology for election campaign monitoring according to the handbook prepared by the ACA with JRGA support.

This brought JRGA support to the Agency in matters related to financing of political activities full circle. JRGA built the Agency's capacities in both pre and post-election activities under their jurisdiction and assisted with the preparation and release of the first campaign financing reports in the Serbian history. Irregularities, omissions and non-compliance determined through data assessment resulted in the Agency filing as many as 1288 charges with misdemeanor courts over the 2012-2015 period, an average of approximately 430 per year, compared to only 10 in 2010.

### ***Enhanced Coordination between the Judiciary and the Independent Agencies:***

Cross-component coordination between misdemeanor courts and the Independent Agencies (IAs) was part of JRGA efforts since the beginning of Project implementation. The coordination mechanism established through a series of roundtables proved to be a successful vehicle for increasing understanding between institutions and identifying practical reform areas. The roundtables have become a universally recognized Project trademark, providing opportunities for building relationships between key government accountability actors, and agreeing on specific changes in process or procedure that can simplify the work of all involved and lead to better service to the public.

Independent agencies act as authorized petitioners in the misdemeanor procedure. Their cases make up a small percentage of the misdemeanor judges' dockets, yet these are complex cases covering subject matter ranging from fundamental rights, such as free access to information, to corruption cases. Establishing a coordination mechanism and improving inter-institutional cooperation was also a capacity building effort for both the IAs, improving the quality of their misdemeanor filings, and for the judges, increasing their understanding of IA submissions.

A series of roundtables with the State Audit Institution (SAI) was particularly successful. Misdemeanor and Appellate Misdemeanor Court (AMC) judges received detailed information on the complex procedure of public finance audit and all steps carried out in the process, as well as the documents collected as evidence. On their part, MC judges explained what constitutes a good quality motion for the initiation of a misdemeanor procedure and provided practical advice to the auditors on what documents other than the audit report itself to submit in order to substantiate their filings. Conclusions from these roundtables were turned into a

compendium of the most important recommendations finalized during these meetings, as a practical tool for all judges and SAI staff to consult during their everyday work.

Holding roundtables involving the misdemeanor courts and the Anti-Corruption Agency signaled a remarkable turnaround in Agency policy, which previously did not prioritize inter-institutional cooperation. After the spring 2012 elections, the Agency received over 1,000 financial reports from political entities. The roundtables served as an opportunity to discuss modalities for close cooperation and processing of Agency's filings that stemmed from the analysis of campaign financing. Working with the U.S. Department of Justice, JRGA opened up a similar venue of cooperation for the Agency with the public prosecutors dealing with corruption-related criminal cases.

JRGA fostered a series of roundtable discussions between staff members of the Commissioner for the Protection of Equality (CPE) and judges from Misdemeanor Courts and the Appellate Misdemeanor Courts to improve mutual cooperation and improve judges' abilities to preside over misdemeanor cases dealing with discrimination. Because few misdemeanor cases have been tried under domestic anti-discrimination laws, and discrimination has an impact on a broad array of social interactions, such as employment, social and medical services, law enforcement and the administration of justice, the roundtables enabled the counterparts to discuss and develop a practical guide for MC judges in the application of anti-discrimination law in misdemeanor proceedings.

Through this cooperation mechanism, the IAs gave their input to proposed legal provisions during the drafting of the new Law on Misdemeanors in 2013 and corresponding amendments in 2015. The Appellate Misdemeanor Court and the Association of Misdemeanor Judges organized events and consultations targeting specifically independent agencies related to the implementation of the new LOM.

### ***Working with civil society organizations to advocate for improving the rule of law and official integrity:***

Throughout the Project lifetime, JRGA awarded 37 grants for initiatives supporting a range of issues geared towards strengthening the rule of law and improving official integrity and accountability in Serbia. JRGA launched 6 Requests for Applications and entered into three long-term grant partnership agreements. The partnerships proved to have multiple benefits – the mentoring relationship between grant partners and with JRGA enabled the existence of strong, issue-focused civil society organizations (CSOs) that can continue to act on judicial reform and anti-corruption matters with improved self-sustaining capacities.

Some of the most notable results of JRGA grants include:

- institutionalizing the 'Zrenjanin model' into the new Law on the Prevention of Domestic Violence as the effective inter-agency cooperation model for providing swift response in domestic violence cases which was previously widely promoted and disseminated in different local self-governments across Serbia by the long-standing JRGA grantee partner, the Association of Public Prosecutors
- establishing the affordable Legal Aid Network for victims of domestic violence in 17 municipalities in Serbia, through activities implemented by another JRGA long-term partner, Counselling Against Family Violence; the network helped almost 400 victims in the past two years with court filings in family law matters and pressing 115 criminal charges for cases of family violence
- establishing the first whistleblower helpline and resource center on the part of Eutopia, which through funds and support provided through JRGA grants positioned itself as

one of the most effective whistleblower advocacy organizations in the Region; in the past two years, Eutopia handled 884 calls on the helpline; 51 whistleblowers/potential whistleblowers were provided with in-depth advice in direct contact with Eutopia's lawyers and project team and 5 whistleblowers received *pro bono* representation.

- raising awareness of the Serbian general population on how to recognize, report and fight corruption in the health-care sector through a project implemented by Serbia on the Move; they also managed to have the Serbian Medical Chamber create and make publicly available an electronic register of bona fide medical doctors in Serbia with valid licenses for practicing medicine.
- Establishing an Open Data portal Educational Center Leskovac worked with the office of the Commissioner for Information of Public Importance and Personal Data Protection on developing a web portal that allowed publishing data in its possession in open data format. This made the Commissioner the only institution of its kind in the world to publish open data and thereby facilitate government transparency, accountability and public participation. Open data also support technological innovation and economic growth by enabling third parties to develop new kinds of digital applications and services.

## **PROBLEMS ENCOUNTERED AND OBJECTIVES NOT ACHIEVED**

During the original five years of the Project and for the duration of the six-month extension period, JRGA met all Work Plan objectives, which correspond to the tasks under NCSC's contract with USAID. All of these things have been accomplished efficiently and well within the Project's budget and anticipated obligated funding.

Certain circumstances related to the situation in the Serbian judiciary and independent agencies affected, though none of them derailed, the Project activities. Our flexible and results-oriented approach allowed JRGA to adjust to any changes in the composition of key counterparts, or to the actual introduction of a new counterpart (Commissioner for the Protection of Equality, the most recently founded independent agency, not part of the JRGA's original scope). The most notable issues, mainly concerning the environment JRGA operated in, are outlined below.

### ***Governmental shifts in the wake of elections and changes in leadership positions:***

The five and a half years of JRGA took place in the environment of change in many of the key counterpart institutions. Already in the first year of Project implementation, JRGA faced the effects of the general elections in Serbia (March 2012). The elections resulted in changes in the composition of the Government and corresponding personnel shifts in the relevant decision-making positions. The Minister of Justice changed in the summer of 2012, while the Supreme Court of Cassation Chief Judge and, correspondingly, the President of the High Court Council (HCC) were replaced in February 2013. This also had impact on the judicial reform process initiated in 2008. It was halted as a reflection of political changes in the Government of Serbia in the aftermath of the 2012 elections.

All the shifts in the decision-making positions, however, haven't impacted the implementation of Project's activities. Although establishing working relations with new counterparts took some time, JRGA managed to open up productive channels of communication and ensure full support and partner buy-in for Project activities from key decision makers in the Ministry, the HCC and the Anti-Corruption Agency. A change at the helm of the Anti-Corruption Agency also took place in November 2012, which improved JRGA's working relation with this important counterpart and opened up the ACA towards benefiting from more hands-on technical assistance.

Two more election cycles took place during the lifetime of JRGA – in the spring of 2014 and the spring of 2016. The 2016 elections resulted in another change at the position of the Minister of Justice. This, however, had no impact on JRGA finalizing Project activities without delays or obstacles.

### ***Effects of the judicial reform process:***

After the shift in the Government as a result of the general elections held in March 2012, the judicial reform process that began in 2008 was put on hold and reconsidered. Most of the revision process had no effect on the implementation of Project activities, although working with the misdemeanor judges gained momentum and was ensured sustainability once their judgeships were confirmed and made permanent in December 2012. This lifted the pressure off judges securing permanence for their positions and made it easier to get their attention and cooperation in the sweeping systemic changes implemented by the Project with the active participation and support of the Ministry of Justice and the Appellate Misdemeanor Court.

The stability of the counterparts in the misdemeanor courts was further solidified with the new court network that was established as of January 1, 2014. There were no significant changes to the organization of misdemeanor courts' seats and units. The Court Presidents were officially

appointed in May 2014 after Serbian courts operated with Acting Chief Judges since 2009. This further stabilized the situation in the misdemeanor courts ensuring accountable leadership, ready to manage the change brought about to the whole of the misdemeanor system with the adoption of the new Law on Misdemeanors and introduction of the court automation software.

Despite the initial instability and changes caused by the revision and further implementation of the judicial reform process, JRGA managed to stay on track with the implementation of Project activities and engage partners in the misdemeanor courts in accepting and supporting the changes brought about through Project activities.

### ***Fragmented jurisdiction over the judiciary:***

The responsibility over the functioning of the Serbian judiciary is bi-furcated between the High Court Council and the Ministry of Justice. The High Court Council controls the budget for the judicial and prosecutorial salaries, while the responsibility over the financing and organization of the court staff lies with the Ministry. This fragmentation leaves court presidents without full authority for managing and organizing the functioning of their own courts. With court staff formally ranking as public officials, Chief Judges have no authority over incentivizing them for good performance or demoting/dismissing them when underperforming or non-complying with requirements of their jobs. There are no clear career paths, nor efficient disciplinary procedures.

In the case of large misdemeanor courts such as those in Belgrade, Novi Sad, and Nis, the lack of control over the performance of court staff proved to be detrimental for the overall court performance. The largest misdemeanor court in Serbia, the court in Belgrade (Belgrade MC), had organizational and managerial issues that JRGA observed since the beginning of project activities. These were largely due to the fact that for the most of the Project duration, the Belgrade MC operated out of 13 different locations dispersed throughout Belgrade. However, even after the court was relocated to a single facility in 2015, the issues with staff management persisted and reflected particularly on the poor organization of the registry office and backlog in case data entry.

Implementation and utilization of SIPRES, the misdemeanor court case management system developed by JRGA, contributes to procedural efficiencies and time and resource economy. In case of the Belgrade court, electronic data exchange with the Traffic Police, which enables the automatic upload of misdemeanor orders, also allows shaving off 30.000 misdemeanor orders a month on average that would otherwise have to be manually uploaded in the application in order to be sent to the Registry of Unpaid Fines. The SIPRES commission, set up by the Ministry of Justice, will soon be deciding on upgrading SIPRES to allow a similar electronic data exchange with the Communal Police. This should enable an even greater efficiency in processing cases. However, despite court automation, without full managerial and operational control over the court staff and without a proper mechanism of incentives and punishments at the disposal of court presidents, achieving requisite levels of operational and procedural efficiencies remains a moving target.

This issue plagues all courts, not just misdemeanor courts. The continued fragmented jurisdiction over judiciary personnel and judges, as well as the unclear division of budget responsibility and accountability in other areas, such as capital investments or IT, may jeopardize the functioning of the judiciary. This issue needs to be resolved at the systemic level. Some of the steps necessary for this are outlined in the Action Plan for the Chapter 23 negotiations for EU accession.

### ***Absence of a two-tiered system in the Administrative Court:***

Early in the beginning of Project activities JRGA realized that the scope of the assistance to be provided to the Administrative Court would have to remain somewhat limited. The Administrative Court handles a large and diverse portfolio of cases and their jurisdiction is constantly augmented with new subject matter added to the docket. Some of the case matter, particularly related to filings submitted during the election times, renders the court virtually paralyzed and incapable of receiving any structured technical assistance with all court's capacities absorbed in handling the case load. One of the solutions for this problem is the introduction of the two-tiered system for the Administrative Court. This task is part of the Action Plan for the national Judicial Reform Strategy. However, the freeze on the increase of employees in the public sector due to Serbia's current arrangement with the International Monetary Fund prevents the Ministry from acting upon this recommendation.

Despite this issue, JRGA developed a productive working relationship with the Administrative Court. JRGA delivered seven training courses for the judges and judicial assistants of the Administrative Court and implemented small-scale facility interventions in the court's seat in Belgrade and units in Novi Sad, Nis and Kragujevac. The Project also supported the court in the development of the case law database in order to allow judges quick access to decisions, sentences and opinions of the court. This tool enables the harmonization of court practices across the board and ensures certainty and equal treatment of the citizens of Serbia in delivering swift justice. Redacted versions of some of the model decisions were made available to the public through the redesigned website for the court, supported by JRGA as well. This improved the transparency of court operations and the public perception of the important work carried out by the court.

#### ***Insufficient IT capacities in the Ministry of Justice:***

The Serbian judiciary relies on a variety of separate, unlinked IT systems for case processing, case management, and document management. These systems have been created and are maintained by different software vendors on a myriad of different platforms utilizing different technologies. Managing the software vendors, the network providers, the requisite hardware in the Data Center and courts all around Serbia, requires a strong IT Department in the Ministry of Justice, which is currently non-existent. At the start of JRGA activities, the Ministry had an Assistant Minister for E-Justice, but this position was later discontinued.

JRGA managed to establish a productive working relationship with the Minister of Justice and obtain his support for Project activities related to introducing court automation into the misdemeanor courts. This part of the judiciary was in dire need of capacity building regarding IT, both in terms of available equipment and software, as well as skills necessary for its use. JRGA was able to develop and introduce a case management system built on wide-known technology with no hidden costs as all equipment and licenses needed for its operations were provided for by JRGA. SIPRES is utilized by all misdemeanor courts in Serbia since January 1, 2016 for all case processing, containing over 4 million cases to date. The Ministry signed a sustainable development and maintenance contract for SIPRES in April 2016. The Ministry also set up a SIPRES commission, composed of a select group of misdemeanor judges and staff and chaired by the Assistant Minister for judiciary, tasked with giving strategic direction to further development and upgrade of the application. All of this ensures sustainability for SIPRES after the lifetime of JRGA.

However, the Ministry's capacities for handling information and communication technologies remain limited. Apart from several cooperative and competent professionals, there is no structure in the Ministry dedicated to planning and strategic issues related to IT. A network of IT staff in courts and prosecutor's offices exists, yet one IT technician/administrator often serves more than one judicial body and their capacities are stretched. In order to plan and

implement cohesive activities that would bring order to the utilization of information and communication technologies in the judiciary and feed into a clearly defined strategic direction for their further growth and development, the Ministry needs its capacities strengthened.

***Lack of commitment of the Anti-Corruption Agency:***

At the beginning of Project activities, establishing a productive working relationship with the Anti-Corruption Agency proved to be somewhat of a challenge. Despite initial resistance to use JRGA's technical assistance to the full extent, the Project managed to implement planned activities with the Agency during Year 1.

In November 2012, shifts at the helm of the ACA took place, replacing the Director, and creating certain changes in the Agency's managerial board. This opened up our counterpart to more readily receive JRGA's hands-on technical assistance and incorporate recommendations from our experts into their work. Since then, JRGA implemented numerous successful activities with the Agency, including producing the first political finance oversight reports in Serbia's history.

However, the Agency continued to operate under a very narrow perimeter of jurisdiction caused by both the objective circumstances related to its organic legal framework and the institution's reluctance to change its internal operational procedures and function on a more strategic, goal-oriented level. JRGA provided assistance to both the Agency and the Ministry of Justice in revising the Law on the Anti-Corruption Agency. It is expected that the draft will be put up for discussion and adoption with the National Assembly in the fall of 2016. Some of the proposed provisions will allow the Agency to grow and widen the reach of their actions. However, a broader institutional and cultural change is needed in the Agency in order to internalize recommendations developed not only by JRGA but also by other international donor projects, and ensure their mandate is implemented to its full effect.

## LESSONS LEARNED

Over the course of the Project's lifetime, JRGA developed approaches and strategies in the implementation of Project activities that contributed to successfully achieving all objectives and providing comprehensive technical and other assistance to our beneficiaries. This section outlines these lessons learned and their benefits for future successful project implementation.

### ***Targeted scope of activities makes for a successful project:***

Project activities under Component 1, Judicial Reform, were organized in tasks under the contract so as to tackle the reform process in the misdemeanor courts and the Administrative Court. With the scope targeting these two sets of judicial structures, JRGA was able to direct its assistance and implement an all-encompassing reform effort covering all segments of the misdemeanor court system. Working with the Ministry of Justice, the Appellate Misdemeanor Court, the Association of Misdemeanor Judges and the institutions appearing as authorized petitioners in the misdemeanor procedure, through a broad consultative process, JRGA aided with the revision of the law governing the work of misdemeanor courts and ensured its successful implementation by delivering a high-volume training campaign for misdemeanor judges, staff, and the authorized petitioners.

In parallel, JRGA built information technology resources and capacities in the misdemeanor courts from ground up in order to ensure the successful implementation of a case management system that the Project also developed. Legal reform and utilization of information technology to improve court efficiency went hand in hand with JRGA's efforts on enhancing the working conditions in misdemeanor courts through court space reengineering and facility upgrades.

The third pillar of the reform process was the focus on people – judges and staff in the misdemeanor courts and building their capacities to sustain the reform process. JRGA delivered a tailor-made training program for the misdemeanor judges and staff on an unprecedented scale in close cooperation with the Judicial Academy. Coupled with efforts on reaching out to the youth and the local communities through different activities, the Project's efforts improved the perception of the general public toward the important work carried out in misdemeanor courts and enhanced the image of misdemeanor judges as indispensable contributors to the rule of law in Serbia.

A targeted, sustained effort on JRGA's part that enabled tackling all parts of the misdemeanor court system in a cohesive, holistic manner is what made Project's efforts a success.

### ***Flexible approach to counterparts' needs is required for effective assistance:***

Handling a diverse portfolio of beneficiaries under the Government Accountability component of the Project was a challenge that JRGA faced from the beginning. Five independent agencies – the Anti-Corruption Agency, the Ombudsperson, the Commissioner for Access to Information of Public Importance, the State Audit Institution and the Commissioner for the Protection of Equality all have different scopes and objectives under which they are operating as well as different needs for institutional capacity building. In addition to this, at the time JRGA began Project activities, all independent agencies also worked with other international donors on different technical assistance initiatives.

In order to achieve our contract objectives and ensure smooth and successful implementation of Project activities, JRGA established close working relationships with the independent agencies, assessed their individual needs, and extended technical assistance accordingly. The Commissioner for the Protection of Equality was introduced as JRGA's beneficiary towards

the end of Year 1, and due to the flexible nature of our activities, JRGA was able to accommodate this addition and provide requisite assistance. Our responsiveness to current circumstances in every one of our partner institutions ensured targeted assistance that led to full achievement of all Project objectives.

***Inclusive consultation process is a pre-requisite for good quality laws:***

JRGA supported legal drafting initiatives for several important laws for the duration of project activities: the Law on Misdemeanors, the Law on Enforcement and Securities, the Law on the Protection of Whistleblowers, and draft laws – on the Anti-Corruption Agency and on the prevention of domestic violence, to name the most important ones. JRGA was also instrumental in the process of drafting the national Anti-Corruption Strategy and the accompanying Action Plan. Our support was comprehensive – expert technical assistance during the drafting process, support to the preparation for laws coming into force, as well as support to the implementation effort accompanied with the monitoring of impact.

With the Law on Misdemeanors and the Law on the Protection of Whistleblowers JRGA had a particularly all-encompassing approach, enabling a broad consensus of stakeholders in order to ensure high quality of the proposed provisions. Judges and court staff, together with subject-matter experts, weighed in on the procedural changes brought about with the new Law on Misdemeanors both through different Project activities and through public hearings organized before the adoption of the Law. JRGA also acted as a conduit for best practices from the misdemeanor courts identified through our work with judges and staff in the field allowing them to be translated into the provisions of the new Law.

In case of the Law on the Protection of the Whistleblowers, JRGA engaged participation of one of the world's greatest experts on the subject in order to ensure incorporation of global best global practices into the Serbian law. However, apart from expert assistance, JRGA supported the inclusion of actual whistleblowers in the working group that drafted the law which ensured that the Serbian legal framework regulating protection mechanisms against retaliation was based on their real-life, practical experiences with whistleblowing.

As for the national Anti-Corruption Strategy, JRGA was instrumental in working with counterparts across the board – 150 representatives of over 80 institutions and civil society organizations – on both the methodology and substance for the strategy and its accompanying action plan. A broad consensus was necessary for ensuring quality of one of the three most important strategic framework documents on Serbia's path towards the EU accession.

***Leaving time between the adoption of a law and its effective date is necessary for the successful implementation:***

In the case of both the Law on Misdemeanors and the Law on the Protection of Whistleblowers, JRGA worked with counterparts tasked with legal drafting by the Ministry of Justice on incorporating adequate *vacatio legis* provisions into the laws that left enough time for preparatory groundwork to enable their successful implementation.

The Law on Misdemeanors brought about significant procedural changes such as reversing the burden of proof away from the court and to the authorized petitioners, and introducing the misdemeanor order as a means for expediting the procedure and enabling more efficient enforcement and collection. In order for all the procedural changes to take root and achieve their full potential in courts, preparatory work on several parallel tracks had to take place between the adoption of the Law – July 2013, and the date of its coming into effect – March 1, 2014. JRGA delivered ample judicial training in cooperation with the Judicial Academy in order to get both judges and court staff up to speed with the changed provisions. Almost 4000

person/days of training were delivered with an additional 3500 for the authorized petitioners. JRGA engaged the courts on the local and regional level to reach out to institutions acting as petitioners in the misdemeanor procedure and inform them of the impending changes under the new Law.

In parallel, the Project worked with the Ministry on a promotional campaign for the general public in order to raise awareness of the citizens on the introduction of the misdemeanor order in particular, as well as on the two electronic registries – of sanctions and unpaid fines. In order to make the electronic registries work, JRGA used the time until the effective date of the law to develop and test the initial module of what was to become a fully-fledged case management system for the misdemeanor courts (SIPRES).

The importance of this preparatory work quickly became obvious – the voluntary compliance rate soared from what was 30% under the old law and the mandatory fines to 75% with the introduction of the misdemeanor order. Expedited procedure leaves more time to misdemeanor judges for more complex cases. Enforcing consequences of being a registered debtor caused a marked increase in the collection rates.

The Law on the Protection of Whistleblowers is the first of its kind in the Serbian history. Its adoption in November 2014 marked a significant shift in providing potential and actual whistleblowers in Serbia with a set of judicial protection mechanisms that would allow temporary relief as well as protection from retaliation as a consequence of their whistleblowing. Similarly as with the Law on Misdemeanors, JRGA joined forces with the Ministry of Justice and the Judicial Academy and delivered comprehensive judicial training across the board, for over 1200 judges from all courts in Serbia in the period preceding the law coming into effect. This set the Serbian judiciary for the successful implementation of the law, starting in June 2015. Serbian judges granted judicial protection in 27 out of 36 cases in the first nine months of implementation. The first decision before a court of first instance in a case based on the whistleblower law was made one year into its implementation.

### ***Interinstitutional cooperation paves the way for better enforcement:***

Roundtables for authorized petitioners organized and delivered by misdemeanor courts with JRGA assistance, and implemented as part of the preparation for the implementation of the Law on Misdemeanors, were a stellar example how bringing stakeholders together strengthened their cooperation and opened avenues of communication that were mutually beneficial. Stakeholder consensus and close cooperation is at the very heart of the success of SIPRES as well. One of the most important comparative advantages of this software application over the others in use in the judiciary is the establishment of data exchange protocols with partner institutions – the Traffic Police, the Treasury and the Central Registry of Compulsory Social Insurance. These protocols enable access to information required for enforcement and collection of fees and fines and ensure full implementation of all provisions of the Law on Misdemeanors, particularly the consequences of being a registered debtor.

The coordination mechanism that JRGA established between the misdemeanor courts and independent agencies was groundbreaking as such cooperation was previously non-existent. The result of this two-way information and knowledge exchange was manifest in the increased quality of misdemeanor filings submitted by independent agencies as well as greater understanding of the specifics of these complex cases on the part of misdemeanor judges.

Unprecedented cooperation was also established between the State Audit Institution and the public prosecutors paving the way for better coordination of joint work as envisaged by the recently adopted strategy on financial investigations. JRGA worked with the State Audit Institution in particular on strengthening their ties with the National Assembly and increasing

their ability to present clear and concise report findings to the law makers in the Assembly. In turn JRGA also strengthened the capacities of the MPs in understanding the recommendations issued by the State Audit Institution.

Similar assistance on effective reporting and messaging was also provided to the staff of the Ombudsperson's office and the Anti-Corruption Agency. All of these activities proved to be essential in ensuring that independent agencies reach their target audiences and enable greater understanding of their recommendations among those who need to uphold and/or monitor their implementation.

***Leveraging of funds allows for maximum impact of available assistance:***

JRGA worked on 19 facility upgrade interventions in misdemeanor and administrative courts across Serbia during the Project lifetime. These ranged from minor space reorganization activities for more efficient court operations to support for capital investments such as the consolidation of operations of the Belgrade Misdemeanor Court to a single facility.

Joining efforts with the Ministry of Justice was the one common denominator on all of these interventions. Facility upgrades in the first years of the Project were spearheaded by JRGA with the Ministry contributing a smaller part of the investment or bringing to the table the ownership of the space to be renovated which JRGA required in order to ensure sustainability for its investment. However, after JRGA's efforts on initiating an all-encompassing reform in the misdemeanor court system took root, this brought the attention of the decision-makers in the Ministry to the issues related to working conditions in the misdemeanor courts which were often the least favorable compared to the rest of the judiciary.

In the last two years of JRGA, the Ministry increased its participation in facility upgrades efforts and gradually assumed a leading role. The Ministry financed two thirds of the effort to relocate the largest misdemeanor court in the country into a single building. They also built the first new court building in the past 20 years – the building of the Misdemeanor Court in Raska. The Ministry is currently in the process of procuring for the construction of three new judicial buildings for misdemeanor courts in Uzice, Pozarevac and Pancevo.

The Assessment of the buildings in which misdemeanor courts operate conducted by JRGA gave the Ministry a fact-based planning tool helping to dedicate remaining limited public funds to improving the poor working conditions . The leveraging of funds ensured that both Project assistance and the Ministry's funds achieved maximum impact.

## POTENTIAL FOLLOW-ON ACTIVITIES

A number of initiatives that JRGA set in motion during five and a half years of the Project can be further developed and translated into follow-on program activities.

### ***Dissemination of SIPRES methodology to other parts of the judiciary:***

Dissemination of the methodology upon which SIPRES was built to create case management system(s) for the other parts of the judiciary and potentially building further software applications on the architecture and business logic behind SIPRES would be a natural next step testifying to the success of the case management system for misdemeanor courts. SIPRES's centralized architecture, single point of monitoring and management access, relatively low maintenance costs with all licenses bought and valid for life, as well as data exchange protocols with justice system partners, make it a system the replication of which would be beneficial to the rest of the judiciary as well. The resulting system(s) would replace obsolete, decentralized, or expensive proprietary software requiring high-cost maintenance currently running in other courts and prosecutor's offices.

In parallel with this, the expansion of the centralized domain management tool that JRGA introduced with SIPRES, the Active Directory is a recommended practice to be replicated for the rest of the judiciary as well. The Active Directory, among other things, stores information about members of the domain, including devices and users, verifies their credentials and defines their access rights. It enables single point of access to monitoring and management functions, ensuring economies of time and other resources in exercising control over the functioning of all devices and systems in the judiciary.

In order for the Ministry to take this challenge on and replace the legacy system in Basic and Higher Courts, or even potentially in other parts of the judiciary, their IT capacities would need continuous support. The Ministry staff in charge of e-justice needs solid technical assistance and consultative guidance to be able to implement this initiative, as well as additional funds to develop the new system.

### ***Supporting further harmonization of case law in misdemeanor courts:***

The Registry of Sanctions introduced with the new Law on Misdemeanors enables immediate insight for misdemeanor judges into a misdemeanants sentencing history. Prior to the Registry, this was virtually impossible and would require significant time and other resources for determining whether a misdemeanant is a repeat offender. Also, this enables judges to gauge the severity of the sanction pronounced and measure it in line with the previously pronounced sanctions in similar cases enabling equal treatment of citizens on the whole territory of Serbia.

However, even though the Appellate Misdemeanor Court has a case law department which as a rule provides their opinion in all second instance cases before decisions become final, their work lacks a systematic approach and consistency of application on the part of the first instance courts. Both the Appellate Misdemeanor Court and the Supreme Court of Cassation – in charge of overall case law harmonization in the Serbian judiciary – need technical assistance with introducing clarity and structured procedures in creating, sharing and monitoring the implementation of the court practice in first instance misdemeanor courts.

### ***Support to the specialization of the misdemeanor judges:***

Misdemeanor judges adjudicate a wide variety of cases including, but not limited to: traffic misdemeanors; complex cases related to customs and tax violations; misdemeanors involving foreign currencies; and cases submitted by authorized petitioners such as independent agencies

regarding violations related to the law on financing of political activities, public finance, freedom of information act, and personal data protection The introduction of the misdemeanor order offers swift resolution to the majority of traffic misdemeanors, thus fewer cases require appearance before the court. This leaves more time for misdemeanor judges to adjudicate in complex cases.

However, misdemeanor judges need further training and capacity building in order to be able to handle the varied subject matter comprising their docket with equal quality in decision making. This would call for supporting the specialization of misdemeanor judges for matters ranging from juvenile justice, domestic violence to anti-corruption cases. The training program to this effect would be planned and delivered in close cooperation with the Judicial Academy and would be a natural extension of efforts extended by JRGA on initiating and ensuring the sustainability of continuous judicial education program for misdemeanor judges.

#### ***Support to the implementation and revision of the Anti-Corruption Strategy:***

The current national Anti-Corruption Strategy is covering the period 2013-2018. Given this, the process of revising the current strategical framework and planning for the upcoming five-year period needs to start next year. The Ministry of Justice, the Anti-Corruption Agency and other stakeholders would need technical assistance to organize and deliver a similarly wide-reaching and inclusive consultation process for the preparation of the Strategy as was the case with the current strategy.

Also, the Ministry and the Agency as two main coordinating bodies need further assistance with monitoring the implementation of the Strategy in terms of ensuring better exchange of information among numerous and varied institutions included in the process. This would allow for more efficient monitoring and better troubleshooting. Existing monitoring mechanisms and tools would need to be revised and improved ones put in place so as to render the coordination of the implementation smooth and effective.

#### ***Support for the changes to the Political Finance legislative framework:***

JRGA worked with the Anti-Corruption Agency on putting into practice the legislative framework on financing of political activities and producing the first election campaign financing reports in Serbian history. In cooperation with the Organization for Security and Cooperation in Europe (OSCE), JRGA assisted the Agency in looking into the existing legislative solutions, identifying gaps and recommendation for revisions and improvement. Building on this, the Agency would need assistance in pushing for these changes and drafting the revisions of the legislative framework.

In addition, these changes would need to be coupled with assisting the Agency in establishing data exchange protocols with other bodies/institutions such as the Police and the Tax Administration, in order to be able to investigate and pursue consequences of public officials failing to comply with income and assets disclosure and conflict of interest provisions (IAD and COI). The amended organic framework governing the work of the Agency – the new Law on the Anti-Corruption Agency – once adopted will also give rise to greater authority to the Agency in pursuing the IAD and COI cases, thus more extensive technical assistance in this regard would also be required.

#### ***Support to the monitoring and implementation of the Law on the Protection of Whistleblowers and further training:***

Serbia has been a global pace setter in effective education for judges about the new Law on the Protection of Whistleblower, and that explains why its track record to date is number one.

Beyond the judiciary however, there is a need for further awareness raising and education of both the general public and the public sector personnel on the rights and protection mechanisms for whistleblowers as envisaged by the Law. The authorized officials in public institutions which by law must be every employer's whistleblower liaison show lack of knowledge as to what is within their authority to grant to whistleblowers. There is also some confusion among, e.g. prosecutors, over which agencies are legitimate external channels for disclosures of alleged criminal misconduct. All this prompts the need for a wide-reaching training campaign for the public sector personnel and support in establishing proper internal and external whistleblower channels. Similar training should be extended to private companies in order to provide clear guidance on resolving conflicts between company policies and legal confidentiality rights as prescribed by the Law on the Protection of Whistleblowers. Support is needed also with monitoring the implementation of the Law and establishing mechanisms that would point towards gaps and inconsistencies in the implementation.

***Further assistance with strengthening performance audit capacities in the State Audit Institution:***

With Project assistance, JRGA supported the State Audit Institution in developing four performance audit reports that affected official policies and effected positive change. The State Audit Institution does, however, need further assistance with improving their methodology for planning and conducting audits and optimizing the utilization of their internal resources. Also, enabling policy decisions that would cause other public institutions and bodies to adopt program budgeting would in turn enable more efficient and more comprehensive performance audits. Local self-governments would need particular assistance in capacity building for program budgeting and the State Audit Institution would need assistance in auditing them. Reinforcing quality assurance and control systems in the SAI would also be required in order to ensure efficient performance audits.

## PROJECT PROGRESS

This section of the Final Report outlines the estimation and/or description of achievements of JRGA activities organized as per Tasks under the contract. Summary of main project results is already given under the previous Summary of Achievements section. JRGA progress against indicators is presented in the Performance Monitoring Plan attached as Appendix X to this report.

### COMPONENT 1: JUDICIAL REFORM

#### Task 1.1 Establish baselines for indicators in the Performance Monitoring Plan

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

Reporting against PMP indicators is presented in Annex B to this Report.

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

##### Impact:

19 facility upgrades JRGA implemented in misdemeanor and administrative courts across Serbia contribute to enhanced working conditions which in turn improve the perception of the general public of the misdemeanor courts as efficient, fair, open, accessible and providing equal treatment to all court users and citizens.

Information counters, improved court layouts, and signage directly improve public access to relevant information and staff, while ensuring that judges and other court staff are able to focus on their tasks. Posted and publicly available information about hearings encourage public attendance.

Fact-based investment planning on the part of the Ministry, utilizing the *Assessment of the buildings of the Misdemeanor Courts* developed by JRGA, contributes to better targeting capital improvements to judiciary facilities that in turn result in better public perception of court transparency and efficiency.

*Facility Inventory:* During Year 2, JRGA completed a full review of MC facilities (*Assessment of the buildings of the Misdemeanor Courts in the territory of the Republic of Serbia*) that provided the MoJ decision-makers with an accurate picture of the legal and functional status of facilities. In the subsequent Project years, JRGA worked on updating the document with information pertaining to completed facility upgrades.

The Assessment has already proven its fact-based planning value as the facility interventions that the MoJ has undertaken in the past several years were targeting courts marked in the Assessment as some of those operating in the worst conditions – Sabac (Year 4) and Belgrade and Raska (Year 5). The MoJ’s Annual Procurement Plan for 2016, published in January this year, demonstrates the commitment of the Ministry to tackle the facilities of the misdemeanor

courts in Uzice, Pancevo and Pozarevac by providing them with new buildings. All these facilities were categorized in the Assessment as needing urgent relocation.

This further proves the value of the *Assessment* in ensuring sound and sustainable investment of what remain limited public funds in the improvement of the working conditions in courts. In turn, this further enhances the overall perception of the transparency and accessibility of the Serbian judiciary among the general public.

*Facility Upgrades and Renovations:* For the duration of Project activities, JRGA implemented 19 facility upgrade interventions in misdemeanor and administrative courts, as well as in the Judicial Academy. These interventions can be categorized in the following way:

- Small-scale interventions on reorganizing available space and making improvements to business process flow in the courts (misdemeanor courts in Arandjelovac, Valjevo, Pirot, Ruma, Kikinda, Prokuplje, Administrative Court units in Novi Sad, Nis and Kragujevac and Appellate Misdemeanor Court unit in Nis);
- Targeted interventions effecting a substantial change in court operations – such as the reorganization of the archives in the Administrative Court seat in Belgrade and the upgrade and reorganization of the archives and the registry and intake area in the Novi Sad Misdemeanor Court in order to achieve centralization of active records and eliminate delays in case assignment;
- More substantial facility upgrades involving space reengineering and/or relocation of courts to new/renovated facilities, as well as support with equipping the redone spaces with new furniture and computer and network equipment (misdemeanor courts in Zrenjanin, Zajecar, Sabac, Loznica, Raska, Belgrade and the seat of the Appellate Misdemeanor Court in Belgrade);
- In addition to this JRGA upgraded the Judicial Academy facilities and enabled the installation of a moot court training room.

JRGA and the Ministry leveraged funds for these initiatives in order to ensure their maximum impact. At the beginning, JRGA took the lead on these interventions; however, for the last two years of the Project the Ministry took a more prominent role in facility investments, both regarding planning and financial resources. This is a consequence of JRGA's success in drawing the attention of key decision-makers in the Ministry on the poor working conditions in the misdemeanor court.

*Best Practices:* In all the facility upgrade initiatives, JRGA provided technical assistance to the Ministry of Justice with concept design for the court premises. This was instrumental in adding value to new/renovated facilities as JRGA incorporated best practices in organizing the court premises to support optimal business processes honed through the years of improving working conditions in misdemeanor courts across Serbia. JRGA also worked with courts wherever possible to enable disability access, install appropriate signage throughout facilities directing court users to all public functions of the court, and provided suitable bulletin boards for courts to display hearing schedules in an easily accessible manner. The implementation of one-stop-shops, serving the court users as a single place in the court to carry out all administrative tasks, has become a hallmark of JRGA facility interventions over the years bringing misdemeanor courts in Serbia closer to global standards of modern, efficient judiciary institutions.

*Belgrade MC:* Planning for the consolidation of operations of the Belgrade MC into a single location started back in Year 3 of the Project (summer of 2013) when the Ministry selected the facility already serving the judiciary in Ustanička Street as the future seat of the Belgrade MC.

The building was, at the time, housing the First Basic Court which needed to be relocated to their future premises for the works on renovating the Ustanička facility to begin.

JRGA emphasized the need for bringing all 13 locations of the Belgrade MC dispersed throughout the Serbia's capital under one roof since the beginning of Project activities. Partnering with the Ministry of Justice on resolving this burning issue for the largest misdemeanor court in the country allowed for optimization of business processes and increased efficiency, enabled economies of scale to expedite case management and reduce backlog, and eliminated redundant non-personnel and facility maintenance costs.

The Ministry contracted for renovation works and initiated them in May 2015. Working together with the Ministry's contractor and coordinating on-site activities, JRGA completed its share of renovation works – repairing the roof and replacing the windows throughout the building – in October 2015. JRGA also provided furniture and equipment for 11 biggest courtrooms in the building and installed three auxiliary service counters to complement the big 'one-stop-shop' counter in the central hall.

In parallel with the works, the Project extended technical assistance to the court's management to prepare for the move to the single location and consolidation of their operations. JRGA analyzed the organization of the judges and staff in order to enable the most efficient business flow in the consolidated premises, and prepared the Business Continuity Plan to ensure minimum of court operations - concerning court staff, equipment and other technical prerequisites – would be in place to support court users while the move is taking place.

The actual move to the consolidated location happened at the beginning of November 2015. The building was officially inaugurated on November 6, 2015 in the presence of the Serbia's Prime Minister and other high-ranking officials and the U.S. Ambassador to Serbia. Renovation of the Ustanička facility and the subsequent consolidation of the operations for almost 400 employees of the Belgrade MC represent the pinnacle of joint efforts of the Project and the MoJ on improving the working conditions in misdemeanor courts.

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

#### **Impact:**

New Law on Misdemeanors, adopted in July 2013, in effect as of March 2014 and amended in February 2016, brought procedural efficiencies including the introduction of the misdemeanor order, streamlined appeals process, improved service of process and enforcement provisions and two electronic registries, of sanctions and unpaid fines.

The revised legislative framework coupled with court automation – introduction of the full case management system for misdemeanor courts, SIPRES, resulted in improved procedural and operational efficiencies in misdemeanor courts.

Since the law came into force, misdemeanor orders caused voluntary compliance to rise to 75%, compared to only 30% under the old law and what previously were mandatory fines.

EUR 106 million were collected through misdemeanor orders, and court costs and fines since March 2014. There are additional EUR 27.5 million readily collectible by enforcing consequences of being a registered debtor.

SIPRES enabled the functioning of the two legally mandated electronic registries – of sanctions and unpaid fines, allowing case law harmonization across the board and enabling more efficient enforcement for non-compliant misdemeanants.

SIPRES is a software application with centralized architecture, accessed via internet from 153 locations of Appellate Misdemeanor and misdemeanor court seats and units with almost 2.000 users and over 3.3 million cases.

SIPRES enables connectivity with external justice partners – the Traffic Police, the Treasury and the Central Registry of Compulsory Social Insurance which makes it a unique application in the Serbian judiciary with established data exchange protocols that greatly improve operational efficiencies.

*Law on Misdemeanors:* The need for reforming the main legislative framework governing the work of misdemeanor courts – the Law on Misdemeanors (LMO) was obvious since the beginning of JRGA. With the support of the Ministry of Justice and strong partnership with the Appellate Misdemeanor Court and the Association of Misdemeanor Judges, as well as a select group of misdemeanor judges, JRGA finalized the process of revisions that yielded what was essentially a new LOM rather than just the revision of the existing framework. This new Law was adopted in July 2013 and came into effect in March 2014.

The positive impact of the novelties and provisions introduced by the new LOM is evident. The introduction of the misdemeanor order - a key innovation in the law – has had a dramatic impact on the efficiency of authorized petitioners and MCs, and has provided a convenient and easy to understand process for defendants to accept responsibility or demand a court hearing. With the misdemeanor order, the charging document is delivered on-site at the time of interaction with the defendant, eliminating the need for service of process at a later time. Defendants have the opportunity to accept responsibility and pay a reduced fine. Defendants wishing a hearing must express the wish do so within 8 days after delivery of the misdemeanor order, meaning that MCs can focus its adjudication process on fewer cases.

Since the new Law came into effect in March 2014, the voluntary compliance rate has risen to 75%, in comparison to a compliance rate of only 30% for mandatory fines under the old Law. The expedited charging process and high voluntary compliance rate allow MCs to focus its efforts on more complex cases and on improving enforcement in cases without voluntary compliance. The improved efficiency and quality of the adjudication and enforcement processes increase public trust and confidence in the misdemeanor courts, as well as the entire judicial system.

Before the Law came into effect on March 1, 2014, JRGA worked with courts and authorized petitioners on preparing the ground for implementation. Roundtables were held regionally with authorized petitioners (JRGA facilitated 25 events for 1761 authorized petitioners), while JRGA cooperated with the Judicial Academy in delivering a training course on the most important changes to be introduced with the new Law to both misdemeanor judges and staff. In parallel with this, JRGA and the Ministry also implemented an awareness campaign for the general public in order to get the message across on the impending novelties that will change the processing of misdemeanors.

Based on the experience gained in assisting MCs and justice system partners with implementation of the LOM, and collaborative assessment of the Law's impact carried out by

JRGA and MCs, JRGA obtained support of the Ministry of Justice for drafting amendments to the Law. The process started in July 2015. JRGA provided both legislative drafting assistance and logistical facilitation to the working group. After taking on board issues identified in practice by different stakeholders, the working group finalized the draft of the amendments in December 2015. The amended LOM was adopted by the National Assembly in February 2016.

The amendments focus on further regulating the utilization of the misdemeanor order by broadening its scope of application, streamlining the service of process and allowing for a simplified appeals procedure, as well as removing any procedural obstacles for the full implementation of the plea agreement provisions.

*Other Laws and Regulations:* JRGA provided technical assistance and logistical support to various working groups created by the Ministry of Justice on different laws and regulations. Most notably, legal drafting assistance was provided for the Law on Enforcement and Securities, draft law on the Prevention of Domestic Violence, draft Law on the Anti-Corruption Agency, as well as some initiatives that were abandoned such as the draft Law on Judicial Police. JRGA also worked with the counterparts in the Ministry and the courts on several revisions of the Court Rules of Procedure in order to reflect specifics of the misdemeanor procedure and introduce necessary changes that would further streamline the functioning of the courts.

The Ministry adopted revised Court Rules of Procedure in April 2016. However, JRGA did the assessment of proposed changes and identified that they require introducing four new registry books for misdemeanor courts in order to further differentiate among case types and enable more equal and precise case assignment resulting in more accurate statistics. While JRGA found no fault with the intention of preparing the ground for case weighting and performance monitoring, the Project determined that the wider ramifications of these decisions were not considered by the Ministry, particularly with regard to the consequences for the case management system in use in misdemeanor courts and costs associated with changing it to fit the new requirements. JRGA addressed the Ministry with this concern. The Ministry amended the decision on the Court Rules of Procedure and decided against introducing any procedural changes related to misdemeanor courts.

*Best Practices:* JRGA identified a sample of partner courts at the beginning of Project activities to target technical assistance and set about identifying areas affecting court operations and productivity that needed reforming. JRGA organized Partner Court meetings, and identified best practices applied in their work regarding service of process, enforcement, backlog reduction and service to court users. The initial set of six courts grew each year. After the LOM came into effect on March 1, 2014 and all misdemeanor courts started using the first module of the case management system supporting the functioning of the two electronic registries covered by the Law in Project Year 3, JRGA considered that the level of Project assistance has acquired the characteristic of a systemic reform process encompassing the whole misdemeanor court system. Thereby, all misdemeanor courts in Serbia became fully-fledged Project partners,

Best practices identified during our work with the select courts, and through a series of round tables conducted in collaboration with the Association of Misdemeanor Judges (AMJ) were, however, turned into a Compendium of Best Practices, focused on improving cases management and other core MC business practices. The best practices contained in the compendium were utilized in the course of optimizing business processes that were subsequently translated into functionalities and features of SIPRES, as well as considered during the work on the amendments to the LOM.

*Other Technical Assistance:* Over the course of five and a half years of Project implementation, JRGA provided diverse technical assistance to both single courts and the whole misdemeanor court system. JRGA worked with courts on improving their records management practices, and drafting first backlog reduction and case management plans.

Specific technical assistance was provided to the Misdemeanor Court in Belgrade both before the consolidation of their operations, during the process of preparing for the move to the single location and after 400 employees of the court found themselves under a single roof rather than 13 different locations throughout Belgrade. Assistance included detailed operational reviews, recommendations for performance management and case weighting to support specialization of groups of judges in the court to handle a specific portion of the caseload and support to the creation of a centralized enforcement unit in the court. This assistance was provided through JRGA short-term technical assistance experts as well as in daily communication and cooperation with court's management.

JRGA also supported the planning for the move of the court to a single location, prepared outlines for the optimal utilization of available space in the new facility and the organization of judges and staff to support the more streamlined business processes that the consolidation brought about (the court now has the centralized registry office and the archives which wasn't the case previously), and prepared a business continuity plan in order to ensure that the minimum functions of the court were operative during the move so that there would be no disruption of the service to the citizens.

Similar targeted technical assistance was also provided to the Misdemeanor Court in Novi Sad. Operational and organizational review yielded recommendations for the centralization of the court's active records in order to allow for immediate case assignment. After these recommendations were put into practice both in terms of streamlining the business processes and reshaping the registry office in the court to accommodate this, the Misdemeanor Court in Novi Sad became the only large misdemeanor court in the country to comply with the immediate case assignment rule.

At the beginning of the work with partner courts, JRGA organized select judges and staff into different working groups tackling backlog reduction, service of process and service to the citizens. As our work on developing the case management system for misdemeanor courts, SIPRES, picked up speed, these working groups were transformed into expert and advisory working groups for SIPRES development. Select misdemeanor judges and staff contributed to the mapping of optimal business processes to be translated into an automated system and made policy-level decisions on the functioning of the software designed to support court operations. Also, enforcement and forms working groups continued operating, yielding recommendations for better enforcement practices in line with findings of audits carried out by the Appellate Misdemeanor Court and identifying 300 forms used by the courts to be translated into the Forms Compendium and into the document management functionality of SIPRES.

*Misdemeanor Court Case Management System:* SIPRES is a comprehensive case management software application, covering both instances of the misdemeanor procedure. After two critical releases, in September and December 2015, SIPRES is utilized on a daily basis as a case management tool in all 153 locations of the Appellate Misdemeanor and misdemeanor courts and units in the territory of the Republic of Serbia, with almost 2.000 users and over 3.3 million cases to date.

SIPRES is the product of joint efforts of the Project and misdemeanor courts, with support of the Ministry of Justice. JRGA staff, in-house programmers and expert and advisory groups of select judges and staff worked on mapping the business process in misdemeanor courts of first

and second instance and translating that into a software application to cover the work from case entry to records management and finalization.

SIPRES is unique in that it is a centralized application, unlike other systems in use in the Serbian judiciary, with external connectivity and data exchange protocols in place with judicial system partners such as the Traffic Police, the Treasury and the Central Registry of Compulsory Social Insurance (CROSO). In order to enable automatic data exchange between SIPRES and external agencies, JRGA worked on developing relevant protocols and policy agreements between the AMC, MCs and the MoJ with relevant justice partner agencies. Full connectivity protocols were established with the Traffic Police, enabling automatic upload of misdemeanor orders, causing significant savings in time needed for their manual entry into the system; with the Treasury, allowing tracking of collection of court costs and fines which was previously sporadic at best and inaccurate; and with the Central Registry of Compulsory Social Insurance (CROSO) which enables the courts to check a defendant's/misdemeanant's employment status and employment address in order to effect service of process or wage garnishment.

SIPRES's centralized architecture enables single point access to device, domain and user management and monitoring, obviating the need for field visits and fine-tuning individual computers. The technology behind such efficient management and monitoring for SIPRES – Active Directory – has been identified as a best practice example by the Ministry of Justice and a methodology to be replicated for other systems in use in the judiciary.

Intensive efforts on building capacities in courts regarding infrastructure – hardware and network connectivity, and skills – basic computer literacy were necessary to make SIPRES function. JRGA invested heavily in over 3.000 pieces of computer equipment supplied over the years to all misdemeanor courts and units in Serbia. Together with the Ministry of Justice, the Project worked on implementing physical networks in courts in order to enable internal connectivity among computers, as well as internet access, requisite for SIPRES to function as a centralized application.

JRGA also procured servers for the Data Center of the Ministry of Justice in Belgrade that power the application and its data base. Also, the Project provided redundancy for the system by equipping the Disaster Recovery Site that the Ministry of Justice established in Nis.

Training users – both judges and staff – was necessary as only several misdemeanor courts had previous legacy systems which mainly served as electronic registry books, while the overall level of computer equipment and literacy in misdemeanor courts was very low. In Year 1 JRGA started with the overall computer literacy training campaign, which grew into user training on specific modules of SIPRES as these were developed and added to the system. Training combined classical classroom sessions with practical, hands-on assistance in the field, targeting each individual user and providing assistance with use of a case management system in their daily work. The training campaign was delivered in close cooperation with the Judicial Academy. For this purpose JRGA equipped each of the four regional training centers of the Academy with computer equipment required for IT skills training.

User support was also complemented by a help desk, manned by JRGA staff. Help desk was instrumental in providing everyday support to users and determining whether problems reported pertain to bugs/errors in the software, hardware, or network equipment and infrastructure, or are related to the use of the application functionalities and features. In the last quarter of Year 5, JRGA started – through help desk and field support - directing users to the ticketing system as the main vehicle for categorizing, prioritizing and tracking the resolution of reported issues in SIPRES. After the upgraded version of the system was released at the end of 2015, a total of 3.435 calls – requests for assistance were handled by the JRGA SIPRES help

desk in the period January – June 2016. Calls have gradually decreased in the past three months as the users were trained to use the ticketing system.

SIPRES is a highly sustainable system as all costs related to its operation, barring maintenance and development of further functionalities and features have been covered by JRGA. There are no hidden costs, no additional licensing fees or additional equipment needed. Furthermore, the Ministry of Justice took over the maintenance and further development of the system as of April 2016 by entering into a one-year contract for requisite services. This set off the process of gradually transferring all management, monitoring, updating and maintenance responsibilities under the care of the Ministry and their selected vendor.

JRGA trained the Ministry personnel and the vendor on all aspects of Project efforts related to SIPRES, from system development and management to user support. The vendor took over the team of JRGA programmers thereby ensuring that the best know-how is at hand for the stable, uninterrupted functioning of the application in the transition period and beyond. As of July 2016, the vendor introduced a parallel user support help desk, which gradually took over from JRGA.

In parallel with ensuring that the stable functioning of the system is maintained under the Ministry's care, JRGA assisted the Ministry with identifying strategic guidance for further development. The Ministry appointed a commission for policy-level decisions on further SIPRES growth composed of the representatives of expert groups who worked with JRGA on creating the system. The commission met in June and October 2016, identifying both short and long-term priority features that need to be upgraded/developed in order to align SIPRES with the most recent amendments to the Law on Misdemeanors.

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

##### **Impact:**

Introduction of the electronic case management system – SIPRES enabled data exchange protocol with the Treasury and accurate tracking of collection of court fees and fines.

The electronic Registry of Unpaid Fines, introduced with the new Law on Misdemeanors, is an efficient mechanism for passive enforcement as registered debtors are prevented from completing certain administrative tasks with the e.g. Traffic Police such as vehicle registration if they have outstanding misdemeanor fines.

Allowing citizens on-line access to the Registry of Unpaid Fines in January 2016 in order to check their status *vis a vis* outstanding misdemeanor fines significantly improved collection rates. 5.2 million EUR was collected in the first five weeks of launching the internet portal. Comparing collection levels in the two weeks prior to the release of the portal and the two weeks following its release, an increase of almost 91% in collection rate is observed.

Introduction of the Misdemeanor Order as an expedited charging method greatly increased efficiency for the courts and authorized agencies. Provisions for reduced penalties for early payment substantially increased early compliance. After the

introduction of the Misdemeanor Order, voluntary compliance for misdemeanors with a set fine increased from 30% to 74% enforcement.

The use of delinquency noticing as a tool to increase collections without costly or invasive enforcement action was successfully tested and subsequently incorporated in SIPRES. Tests showed delinquency notices by regular mail and SMS text messages resulted in the collection of 25% of delinquent fines and costs without enforced collection activity.

*Regulatory Reform for Better Collection:* In developing recommendations for revision of the Law on Misdemeanors (LOM), JRGA incorporated provisions designed to modernize fines and costs collection procedures and provide the MCs with more effective and efficient tools for collection. JRGA provided technical and legal drafting assistance to the MoJ working group established to make revisions to the LOM. Changes to the LOM designed to improve case management were also structured to improve the enforcement process – such as the introduction of the misdemeanor order which streamlines the charging process and provides increased incentives for early voluntary compliance (persons receiving a misdemeanor order have the option to pay ½ of the statutory penalty if payment is made within 8 days of the issuance of the order), and improvements in the procedures for service of process. Other changes to the LOM were included to improve the efficiency of MCs in the collection of fines and costs:

- the creation of a central automated Registry of Unpaid Fines, coupled with restrictions on obtaining and renewal of driver and vehicle licenses and other licenses for those with outstanding fines;
- prioritizing the payment of costs before fines, to ensure payment of costs;
- additional methods for direct enforcement of fines and costs by MCs, including garnishment of wages and income, and garnishment of bank accounts through the National Bank;
- providing for expanded use of community service as a low impact and low cost alternative for enforcement of fines and costs.

After the adoption of the revised LOM, JRGA worked with the MoJ, MC's and the Judicial Academy on the delivery of extensive training for judges and staff, which included a specific module on the Enforcement of Misdemeanor Sanctions. In addition, JRGA worked with the Association of Misdemeanor Judges and MC's to provide training to over 1700 representatives of authorized agencies at the state and local level on aspects of the revised LOM, including those relating to enforcement.

Introduction of the misdemeanor order drove voluntary compliance up to 74%, compared to only 30% with the old Law. In total, as of March 1, 2014, there are 106 million EUR in payments of court costs and fines registered through SIPRES. There are another 27.5 million EUR readily collectible from the Registry of Unpaid fines.

Wage garnishment, that was expected to yield significant results as yet another passive enforcement tool, has not taken root however. Revisions to the Law on Financial Transactions have been adopted by the National Assembly, including provisions that clarify the role of the National Bank in garnishment of accounts of natural persons for debts owed to MCs. The National Bank, however, remains reluctant to conduct wage garnishment on the accounts of natural persons, primarily due to lack of resources. Should this change, JRGA enabled connectivity with the Central Registry of Compulsory Social Insurance (CROSO) through

SIPRES. This allows the misdemeanor courts to check a person's employment status and also implement service of process at the place of employment.

JRGA legal staff provided technical assistance to the MoJ-appointed working group convened to draft amendments to the Law on Enforcement and Security, which has system-wide application regarding enforcement of judgments. The amendments to the Law were considered and adopted by the National Assembly in December 2015, while the Law entered into force on July 1, 2016.

Certain provisions of this Law, however, render some of the enforcement mechanisms available to MCs almost impossible to use. The procedure for forced collection through inventory, assessment and sale of movable and immovable assets which is the responsibility of the Basic Court is now to be conducted by bailiffs. This requires the courts to place a down payment before the procedure is implemented, diminishing their incentive in pursuing the collection of fines as amounts collected are paid to other bodies/institutions (authorized petitioners in the misdemeanor procedure).

*Registry of Unpaid Fines:* Implementation of consequences of being a registered debtor turned out to be a particularly efficient method of passive enforcement. The Registry of Unpaid Fines, together with the Registry of Sanctions, was officially launched as an electronic application and the first module of SIPRES on March 3, 2014, the first business day after the effective date of the new LoM. It was designed as a means to ensure enforcement of financial penalties imposed in misdemeanor cases, by barring issuance of licenses and certificates by state agencies to persons with unpaid obligations listed in the centrally maintained registry. Full extent of consequences of being in the Registry of Unpaid Fines hasn't been enforced, however, until the beginning of 2016. Previously, the Ministry of Justice and the Ministry of Interior, with technical assistance from JRGA, reached consensus on procedural and technical aspects of implementing consequences related to driver's licenses and vehicle registrations. JRGA identified necessary data exchange protocols with the Police and implemented requisite technical solutions in SIPRES in early January 2016.

Apart from enabling data exchange and access to the records kept in the Registry of Unpaid Fines for the Police, JRGA also worked with the Ministry of Justice on creating and launching a publicly accessible on-line platform for the Registry as a matter of convenience for the citizens. This web service allows citizens to use their personal identification number as the log on credential to check whether they have any outstanding fines in the registry prior to initiating the procedure of obtaining a driver's license or registering their vehicle in the Police. If the search shows that a citizen has an outstanding fine, the Portal also provides information on which court the fine is owed to and shows instructions for payment. The on-line Registry was launched on January 27, 2016.

The portal has quickly proven to be a powerful passive enforcement tool with EUR 5.2 million collected in the first five weeks since the Registry came on-line. Comparing collection levels in the two weeks prior to the release of the on-line portal and the two weeks following its release, an increase of almost 91% in collection rate is observed.

*Voluntary Collection Pilot Initiatives:* JRGA implemented two pilot initiatives in selected partner courts aimed at testing the use of improved noticing to defendants owing fines and costs to increase voluntary collections. From July to December 2013, JRGA tested the use of providing notice of unpaid fines and costs through regular mail and via SMS messages. Testing was conducted through models implemented in six locations in four JRGA partner courts: Arandelovac, Belgrade (New Belgrade, Timočka, Toplicin Venac), Kikinda, and Novi Sad Misdemeanor Courts.

Utilizing regular mail notices and SMS notices, participating courts sent reminders to defendants with outstanding, enforceable fees and fines informing them of their duty to comply with their payment obligations. Testing occurred over a period equivalent to a cumulative 30 months. The notice models triggered high response rates from defendants resulting in payment in full in an average of 24% of cases and partial payment through installment plan requests in an average of 21% of cases. The cost effectiveness of noticing was high – for every Euro invested in providing notices by regular mail, over 60 Euros were collected, and for every Euro invested in providing notices via SMS messages, over 300 Euros were collected.

JRGA subsequently worked with the Belgrade Misdemeanor Court to continue use of regular mail notices, and to incorporate noticing as a regular part of the enforcement process. Results for the Belgrade MC mirrored results during the pilot court project, with approximately 25% of the fines being collected for the cases on which notices were sent. Functions for providing delinquency notices to defendants via regular mail and via SMS text were later incorporated into the SIPRES automated case management system.

*Best Practices:* Working with Partner Courts, JRGA identified key best practices for improving collections practices in addition to those identified for case management and other core business practices. Those best practices were included in the resulting Compendium of Best Practices, which was distributed to all MCs in October 2013.

Early in Year 4, JRGA established an Enforcement Working Group in order to expand on the identification of best practices and to provide guidelines for use of new enforcement tools available in the revised LOM. The working established guidelines for a graduated enforcement process, designed to guide MCs in designing their enforcement procedures from a cost efficiency standpoint, and to ensure the use of the least intrusive procedures for collection necessary for collection, reserving high cost and intrusive procedures such as substitution of prison for the most difficult cases.

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

#### **Impact:**

The ‘Zrenjanin model’ of inter-service cooperation in response to cases of domestic/family violence was widely promoted and disseminated in other local communities across Serbia by JRGA grantee, the Association of Public Prosecutors (APP). The new draft law on the Prevention of Domestic Violence, prepared by the MoJ-led working group with intensive legal drafting and logistical assistance from JRGA, institutionalizes this model as the best practice example of providing much needed urgency of all relevant authorities in these highly sensitive cases.

The new draft Law also envisages introducing new mechanisms for the protection of victims, including measures available to courts and prosecutor’s offices on removing the abuser from the family home, ensuring greater safety for victims.

Physical constraints in most of the misdemeanor courts make it impossible to ensure separate waiting and other spaces in the courts for abusers and victims in cases of domestic violence. However, best practice recommendations for ensuring greater victim safety in courts and public prosecutor’s offices have been formulated and included in the Manual for handling cases of domestic/family violence developed by the APP which was distributed to all misdemeanor courts in Serbia.

JRGA worked with another grantee, Counselling Against Family Violence (CAFV) on establishing a free legal aid network for victims of family violence. With 24 lawyers in 17 cities in Serbia, the network helped 370 victims in the past two and a half years with drafting a total of 318 lawsuits and 118 criminal charges.

*Physical Safety of Victims:* Facility limitations in many courts make it difficult and frequently impossible to implement provisions for physical separation between parties involved in family violence cases. As facilities are renovated, opportunities for increasing safety of vulnerable victims are sought, and where possible, implemented. In Year 1, JRGA formulated a set of recommendations for courts on safety for parties and continues to make those available to misdemeanor courts.

Our civil society partners, the Association of Public Prosecutors (APP) and the Counseling Against Family Violence (CAFV) finalized their grant partnership in the third quarter of Year 5. As a result of their joint efforts, the APP produced the Manual for handling cases of domestic/family violence and improving the position of the victim in criminal proceedings. The Manual describes practical experiences and examples from prosecutor's offices and courts across Serbia and expands on subjects such as reporting and investigating cases of domestic/family violence, position of the victim in the proceedings, and defining basic elements of cooperation and coordination among different public bodies/institutions in handling these highly sensitive cases. The Manual also contains a model protocol for treatment and protection of victims during their visits to the public prosecutor's offices and court buildings that is created with the aim of ensuring better physical protection of victims during their appearances in the court.

*Reformed legislative framework for better protection of victims:* Throughout Year 5, JRGA worked with the Ministry of Justice and our civil society partners on drafting a new procedural Law on the Prevention of Domestic Violence. After the initial drafting process that took place from November 2015 to March 2016 with legislative drafting assistance from JRGA and the broad public consultations organized in April and May, the draft Law was finalized at the end of July. The working group will continue to work on drafting by-laws and other requisite legislation stemming from the Law in the preparation for its adoption expected in the fall. JRGA will also work with the Ministry and other stakeholders during the extension period on developing a training curriculum for the judiciary that will be implemented as part of the preparations for the implementation of the Law.

The main purpose of this new procedural law is to enable more effective protection for the victims of family/domestic violence by ensuring that all relevant institutions act as urgently as possible and in a coordinated manner. The draft law introduces the obligation for the police to carry out a situation assessment immediately after violence is reported and estimate the risk of further escalation. The police will have two protective measures immediately at hand – either to remove the abuser from the family home and even keep him under custody for 48h or to issue a temporary restraint order preventing the abuser to contact and/or approach the victim. In the 48h period the prosecutors and the courts have 24h each to either order some of the protection measures and/or initiate criminal proceedings. If the abuser does not comply with the protective measures, a misdemeanor court may sentence him to up to 60 days in prison.

The draft Law also envisages identifying police officers specialized for cases of family/domestic violence who are first to go out after violence is reported and carry out risk assessments. It also stipulates identifying contact points in all institutions involved in handling these cases – the offices of basic and higher prosecutors, the basic and higher courts, the local police and social care centers. This represents the institutionalization of the 'Zrenjanin model'.

*Legal Aid Network:* The Istanbul Convention of the Council of Europe on preventing and combating violence against women envisages establishing free legal aid networks for victims of violence in order to provide them with access to readily-available assistance in seeking judicial protection against their abusers. This convention came into force in August 2014. JRGA worked with our grantee, Counselling Against Family Violence (CAFV) on establishing a legal aid network even before Serbia took on this obligation as the signatory of the Istanbul Convention. CAFV's network of 24 lawyers in 17 cities in Serbia started operating in May 2014.

In the two and a half years, the network helped 363 victims of family violence throughout Serbia, 325 women and 38 men. Lawyers drafted a total of 318 lawsuits and 118 criminal charges. Through promotional activities, CAFV raised awareness of the existence of the network both among the judicial community and among the wider public. The network fulfilled its purpose of providing readily available and free legal assistance to violence victims who are often and for a number of mainly economic and dependency reasons prevented from seeking professional help in bringing charges against the abusers.

CAFV trained the lawyers and managed to implement effective fund-raising to keep the network sustainable in the coming period, post JRGA.

*Awareness Raising:* JRGA grant partners implemented a series of activities aimed at raising awareness of the general public in Serbia on the frequency and devastating consequences of cases of domestic/family violence. In September 2015, APP finalized work on filming a short promotional video intended to draw public attention on the negative social phenomenon of family violence. The video was since promoted through APP's website and YouTube channel. APP's final event held in March 2016 also served as the opportunity to shed light on the complexity of procedural handling of cases of domestic/family violence and needed improvements.

In order to mark the International Day for the Elimination of Violence against Women on November 25, 2015, CAFV organized an exhibition of handcrafts manufactured by women victims of domestic violence during their stay in the safe houses in Belgrade. The purpose of the exhibition was to show the strength of these women through their skills, potential, and ability, as well as to raise awareness on the need to create a social environment which would become increasingly sensitized to and intolerant of domestic violence. The event received significant media attention. On the same day, CAFV became one of the signatories of an inter-institutional agreement on the level of the City of Belgrade between all relevant stakeholders – police, courts, prosecutor's offices, social and health care centers, aimed at providing integrated and quick response in cases of domestic violence and maximum protection for victims. The CAFV coordinator also had a series of media appearances and interviews both preceding and following this event.

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

**Impact:**

The new draft procedural Law on the Prevention of Domestic violence institutionalizes the model of inter-service coordination on cases of family/domestic violence – the so-called ‘Zrenjanin model’ that JRGA and its grantee, the Association of Public Prosecutors, have promoted and disseminated to other local communities in Serbia. This lends sustainability to JRGA’s efforts on ensuring better coordination of cases of domestic violence before relevant courts.

Roundtable coordination mechanism between misdemeanor courts and independent agencies established by JRGA marked a significant new level of cooperation between courts and agencies acting as authorized petitioners in misdemeanor procedure. 16 roundtables organized served the purpose of discussing and finding solutions for issues of mutual interest as well as defining best practices in cooperation.

Coordination with judicial partners proved to be essential in successfully preparing the ground for the implementation of the new Law on Misdemeanors. In the period December 2013 – February 2014, JRGA facilitated 25 roundtables throughout Serbia for 1761 representatives of authorized petitioners from all levels of government – central, regional, and local self-government, in time for the new LOM coming into effect on March 1, 2014.

*Coordination in Domestic and Family Violence Cases:* Double filings – before both misdemeanor and basic courts – in cases of domestic violence were a common occurrence in the Serbian system. Already in Year 1, JRGA undertook actions to support initiatives that would introduce better coordination of these cases in the judiciary and among entities submitting filings (e.g. the police). Through our grant program, we worked with the Association of Public Prosecutors (APP) on their efforts to widely disseminate the so-called ‘Zrenjanin model of inter-institutional coordination for cases of domestic violence. This coordinated community response mechanism entails participation of all relevant authorities and services in providing urgent and coordinated response to these sensitive cases – prosecutor’s offices, basic and misdemeanor courts, the police, social care centers, health and educational institutions etc.

APP promoted the model in local communities across Serbia for the duration of several grant projects they implemented. Coordination meetings were held in 18 municipalities, while 8 protocols on cooperation were signed. The ‘Zrenjanin model’ was, however, fully institutionalized and made sustainable when the Ministry of Justice and the working group set up for the purpose included this model in the new draft procedural Law on the Prevention of Domestic Violence.

The drafting process was supported by JRGA and completed in July 2016. It is expected that the Law will be adopted during the first fall session of the Serbian National Assembly. The main purpose of this new procedural law is to ensure more effective protection for the victims of family/domestic violence by ensuring that all relevant institutions act as urgently as possible and in a coordinated manner. The draft law introduces the obligation for the police to carry out a situation assessment immediately after violence is reported and estimate the risk of further escalation. The police will have two protective measures immediately at hand – either to remove the abuser from the family home and even keep him under custody for 48h or to issue a temporary restraint order preventing the abuser to contact and/or approach the victim. In the 48h period the prosecutors and the courts have 24h each to either order some of the protection measures and/or initiate criminal proceedings. If the abuser does not comply with the protective measures, a misdemeanor court may sentence him to up to 60 days in prison.

The draft Law also stipulates identifying contact points in all institutions involved in handling these cases – the offices of basic and higher prosecutors, the basic and higher courts, the local police and social care centers. This represents the institutionalization of the ‘Zrenjanin model’. The Law also mandates the creation of a government-level Council on Domestic Violence that would include representatives of all relevant public institutions. It would act as an umbrella body that would provide guidance for further improvement of mechanisms for violence prevention. In parallel with drafting the new procedural Law, the MoJ also initiated work on amending relevant provisions of the Criminal Code and introducing harassment and stalking as new criminal acts, as well as ensuring further protection mechanisms for the victims.

*Coordination of Cases Filed by Independent Agencies:* Throughout five and a half years of the project, coordination roundtables between misdemeanor courts and independent agencies became a trademark of JRGA activities. The Project implemented as many as 16 of these events bringing counterparts from both components together in productive dialogue and exchange of experience. Roundtables were structured around issues identified in joint activities and enabled seeking mutually acceptable solutions.

Independent Agencies act as authorized petitioners in the misdemeanor procedure. Their filings are often complex cases that require special attention of misdemeanor judges. The roundtable mechanism served the purpose of identifying some of the most problematic issues in these cases and yielded guidelines of both parties – how to prepare better misdemeanor filings and how to interpret and adjudicate in cases filed by independent agencies. For the Anti-Corruption Agency these roundtables meant a definite opening up of this entity towards closer cooperation and better quality of cases submitted to misdemeanor courts. This cooperation also yielded a training course on misdemeanor cases submitted on the basis of a corpus of anti-corruption regulations, including the political finance framework and, e.g. cases of non-compliance with income and assets disclosure or conflict of interest regulations.

After a series of six roundtables with the representatives of the State Audit Institution, JRGA helped the counterparts come up with a best practice guide for handling cases submitted by SAI before misdemeanor courts. Coordination with the Commissioner for the Protection of Equality resulted in a practical guide for the application of the anti-discrimination regulations in the misdemeanor procedure.

Similar cooperation mechanisms have since been fostered by JRGA between the ACA and SAI and the public prosecutors.

*Coordination of Cases with Different Petitioners:* Misdemeanor courts adjudicate on the basis of over 800 different laws and regulations. The wide subject-matter of the docket also means a variety of entities acting as authorized petitioners and parties to the procedure, from all walks of life. In light of the then imminent significant changes to the misdemeanor procedure to be brought about with the new Law on Misdemeanors, the courts approached the Project in order to agree on delivering roundtables with authorized petitioners so as to prepare them for the procedural changes. In order to cover as much ground as possible (the whole territory of Serbia) and reach as many different bodies/institutions acting as petitioners as possible, it was agreed that JRGA would facilitate the organization of regional roundtables covering the territory of one or two districts (units of territorial organization in Serbia) depending on their size.

After the introductory roundtable held on October 31, 2013 in Belgrade for 60 representatives of different ministries, traffic police, independent agencies, different inspectorates, and others, JRGA facilitated 25 roundtables throughout Serbia in the period December 2013 – February 2014, in time for the effective date of the Law - March 1, 2014. The roundtables gathered 1761 representatives of authorized petitioners from all levels of government – central, regional, and

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

Similar awareness rising and capacity building was necessary for the utilization of plea agreement to take root among the authorized petitioners. JRGA grantees AMJ and Alterfact implemented activities under a grant project to that effect, reaching out to the traffic police and the customs and tax administrations in order to get them on board for the utilization of the plea agreement; however, only after the amendments to the LOM were adopted and procedural obstacles removed, the implementation of plea agreement gained full swing – since the beginning of 2016, only in Belgrade, 18.000 plea agreements were made mainly in traffic misdemeanor cases.

Capacity building for other authorized petitioners – such as the inspection services and the customs administration, was also supported by JRGA, as well as training for legal entities – members of the Chamber of Commerce, appearing as parties in the misdemeanor procedure. Almost 500 representatives of legal entities and different institutions received LOM guidance in these capacity building exercises.

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

#### **Impact:**

Over 29.000 person/days of training delivered in total for the 5.5 years of JRGA, in close cooperation with the Judicial Academy.

32 different courses on both substantive and supplemental topics were created and delivered for judges, judicial assistants and other staff of the Appellate Misdemeanor Court, misdemeanor courts and the Administrative Court.

Intensive capacity building efforts, from ground up, invested in improving IT skills across the misdemeanor court system in order to enable successful roll out of the misdemeanor case management system – SIPRES. Over 8.000 person/days of training delivered on subjects ranging from basic computer literacy to utilization of specific software for misdemeanor judges and staff.

Annual Conference of the Association of Misdemeanor Judges and the Annual Judges' Conference supported as excellent experience and knowledge exchange events, fostering peer-to-peer communication and learning.

Judicial Resources such as the Bench Book and the Compendium of Best Practices developed as tools aiding everyday work of judges.

Access to case law in the Administrative Court enabled for its judges through creating a database of representative court decisions, opinions and sentences, as well as incorporating case law of the Supreme Court of Cassation, European Court of Human Rights, etc.

Training on the new Law on the Protection of Whistleblowers, with support from the Supreme Court of Cassation and the Judicial Academy, crossed the ranks of misdemeanor and administrative judges and was delivered to almost 1.200 judges from all courts in Serbia.

Four third-country learning opportunities utilized to expose Serbian judges and staff to court management and administration international best practices.

*Training of Trainers:* At the beginning of planning for the capacity building activities for Serbian misdemeanor and administrative court judges, JRGA joined forces with the Judicial Academy in course methodology and topic selection, curricula development and subsequent delivery. Course creators and lecturers were selected from the ranks of experienced Appellate Misdemeanor Court, Administrative and misdemeanor court judges and paired with subject-matter experts to create and deliver training courses.

All lecturers underwent training-of-trainers exercises delivered by JRGA with the help of the adult learning experts from the Judicial Academy. The lecturers received guidance on the practical implications of the adult learning process, learning styles and methods, training curriculum development, successful course management and approach to training participants. Similar capacity building was provided to the cadre of JRGA interns who were tasked with delivering an intensive IT training campaign both in classroom-style presentations and through elbow-training during field visits.

Specific training-of-trainers exercises were delivered for certain courses that were deemed suitable for including into the program of continuous judicial education in the Academy. During April 2014, JRGA organized a two-week visit for the legal drafting expert. After JRGA's short-term technical expert (STTA) delivered legal drafting training sessions for the trainees of the Judicial Academy, he also trained a group of the JA alumni already sitting as criminal, civil and misdemeanor judges in order to provide them with guidance and methodology for becoming lecturers and delivering opinion writing training to Judicial Academy trainees. A similar training-of-trainers exercise was delivered by another JRGA STTA expert on the subject of training for the Law on the Protection of Whistleblower. This ensured continuity and sustainability for these training courses.

*Misdemeanor Judges Curriculum Development and Delivery:* When they became part of the Serbian judiciary in 2010, misdemeanor judges also received broader mandate in handling new types of complex cases such as tax and customs misdemeanors, or cases submitted by independent agencies covering audits, political finance and non-compliance with the Law on the Anti-Corruption Agency, access to information and personal data protection acts. Apart from some sporadic training supported by the Association of Misdemeanor Judges and few courses in the Judicial Academy, they never underwent a comprehensive capacity building exercise to provide them with knowledge and tools for handling their newly broadened and complex docket. Training for misdemeanor court staff was almost non-existent.

JRGA immediately partnered with the Judicial Academy, and with guidance from the Supreme Court of Cassation and the High Court Council, as well as through consultations with the Appellate Misdemeanor Court and the AMJ, assessed the training needs and devised a training program for misdemeanor judges and staff.

In the first year of the Project, the training program focused on covering new subject-matter in the misdemeanor courts such as customs and taxes, cases presented by the Anti-Corruption Agency, as well as basic supplemental topics such as administrative and operational procedures in misdemeanor courts (covering also court managerial staff such as court secretaries, registry

office chiefs, court managers, etc.) and courtroom management. Also, in the first year JRGA started with the judicial ethics training.

After the new LOM was adopted, JRGA utilized the period between its adoption (July 2013) and its coming into effect (March 2014) to train judges and staff on the most important changes brought about with the new Law: application of completely new provisions in the LOM, enforcement of sanctions, treatment of minors, new solutions for more efficient misdemeanor proceedings and changes in the enforcement procedure. This was later complemented with a course focusing specifically on the subject of enforcement, after a regular audit of misdemeanor courts carried out by the Appellate Misdemeanor Court showed significant discrepancies in the work of misdemeanor courts in handling enforcement. This course particularly targeted enforcement judges and officers in all misdemeanor courts.

This substantive training was since the beginning complemented by supplemental topics such as communication and outreach, public appearance and the improvement of service to the public. The Association of Misdemeanor Judges was also active in delivering training to their members on topics ranging from public appearance and negotiation skills, to utilization of tachograph data in adjudicating misdemeanor cases on the basis of the law on the working hours of vehicle crews.

JRGA provided a well-rounded training program for misdemeanor judges, on a previously unprecedented scale, and provided the Judicial Academy and select lecturers with tools to continue implementing training for misdemeanor judges in a systematic manner.

*Administrative Judge Curriculum Development & Delivery:* Training delivery was the focus of JRGA assistance to the Administrative Court. The subject-matter in which judges of the Administrative Court decide is particularly diverse and complex thus JRGA had to assume a highly flexible attitude to their training needs and deliver a tailor-made training program. Since the Administrative Court decides in cases concerning the election process, our activities with the court ground to a halt several times during the implementation of the Project, as capacities of all judges and staff were consumed with tending to the election process.

Nevertheless, JRGA delivered seven training courses to AC judges and judicial assistants, from the seat in Belgrade and regional units in Novi Sad, Nis and Kragujevac, on topics ranging from the then new laws on restitution and public procurement, to national minorities councils, asylum rights and the law on the protection of whistleblowers.

*IT Training:* JRGA would not have been able to successfully roll out the misdemeanor court case management system – SIPRES in all misdemeanor courts and their units across Serbia hadn't there been an intensive training campaign focused on building capacities of judges and staff from ground up to utilize computer equipment and case management software in their daily work. Misdemeanor courts operated in some of the worst conditions in the judiciary and the level of their competency in utilizing modern information and communication technologies in their work was very low. JRGA provided courts with almost 3.000 pieces of computer equipment over the years, but also delivered comprehensive training reinforcing their basic computer literacy in order to be able to build upon it and enable the judges and staff to work in SIPRES.

This training was delivered as a combination of classic classroom training and filed support through the so-called elbow-training exercises. In order to efficiently deliver such a high-volume training campaign – over 8.000 person/days of training on IT-related topics – JRGA engaged a cadre of interns as trainers. Classroom training was delivered in cooperation with the Judicial Academy, in its regional training centers in Belgrade, Novi Sad, Kragujevac and Nis, and was managed and delivered by JRGA's local training coordinators. Elbow-training

was delivered by teams of interns as a hand-holding exercise and the practical demonstration of the utilization of both the IT equipment, basic software and, later on, SIPRES, as it grew from the initial modules supporting the work of two electronic registries envisaged under the new LOM (of sanctions and unpaid fines) to the full-blown case management system with complex functionalities supporting the generation of statistics, e.g., or performance monitoring and management.

JRGA also delivered capacity building for the local IT personnel in courts across Serbia, and other court staff designated as data controllers for registries or unofficial IT persons in the absence of appointed systems administrators/IT technicians. This was done with the purpose of building a pool of competent court staff capable of delivering further IT and user training to their colleagues as well as taking over some of the administration functions related to SIPRES, such as user creation and management for their courts.

*Support to the Judicial Academy:* Judicial Academy was our key partner in delivering a comprehensive training campaign for the misdemeanor and administrative court judges and staff. It was an integral part of the training needs assessment, curricula planning, creation and delivery, and training evaluation. Academy's adult training experts worked with the JRGA trainers and lecturers on improving training delivery skills. JRGA utilized the Academy premises in Belgrade and three other regional centers (Nis, Novi Sad and Kragujevac) for the organization of training. The Project transferred all training materials and tools to the Academy in order to ensure sustainability for the courses developed and enable their inclusion into the ongoing continuous judicial education program in the Academy.

In order for the Academy to be able to provide invaluable support in the training process, JRGA also improved their capacities for delivering IT training by furnishing and equipping a computer lab in the Academy's seat in Belgrade and providing laptops for the three regional centers as these courses haven't previously taken place in the Academy. JRGA also equipped a moot court space in the Belgrade premises of the Academy to allow its trainees proper facilities for practicing case argumentation delivery.

*Legal Resources:* Apart from the text of a law and the accompanying commentary, Serbian judges had no other tools to rely on to aid them through the procedural issues. It is for this reason that JRGA initiated work on the development of the Bench Book for misdemeanor judges. The Project enlisted the help of the Chief Judge of the Belgrade Misdemeanor Court and a judge of the Appellate Misdemeanor Court to finalize the outline of the Bench Book and begin drafting in order to have it ready for judges as a reference tool in time the new Law came into effect.

The draft of the publication was finalized in March 2014 and the Bench Book printed (in paper and CD format) and distributed to misdemeanor judges and judicial assistants throughout Serbia in June 2014. The Bench Book is the first guide book of its kind in the Serbian judiciary. It was prepared by judges for judges with JRGA assistance, combining practical guidelines for conducting misdemeanor proceedings, with the text of the Law, standardized forms, checklists, and process diagrams for use by judges in their everyday work. All procedural best practices and recommendations contained in the Bench Book and forms developed to accompany it were translated into the automated case management procedures contained in SIPRES.

Similarly, the Compendium of Best Practices is another practical guidance tool for the misdemeanor judges. The publication includes best practices in case flow management, records management, and other core business practices identified by Partner Courts and collected through regional roundtables conducted by the Association of Misdemeanor Judges under a grant from JRGA. The compendium was distributed during the Annual Conference of the

Association of Misdemeanor Judges in October 2013 and at roundtables for authorized petitioners. In Year 5, best practices identified through working with the misdemeanor courts were also successfully translated to automated solutions contained in SIPRES.

*Harmonization and Access to Case Law:* Given the extremely broad and varied subject-matter that the Administrative Court (AC) judges handle every day, certain discrepancies in adjudicating cases have been observed by the Supreme Court of Cassation when reviewing AC decisions. It is for this reason that the Supreme Court recommended the AC to enable better access to case law and representative court decisions for its judges from the seat in Belgrade and three regional units – in Nis, Kragujevac and Novi Sad. In order to facilitate this, JRGA provided assistance to the AC in developing software that would allow creating an internal database of the AC case law. This electronic register is a specialized database application that enables AC judges to easily search and filter all case law data, using key words determined when each decision is entered into the system. The judges are able to draw upon model cases, sentences and legal opinions when making their rulings, as well as to streamline and unify their practices.

Apart from software development and deployment with all necessary hardware and connectivity also taken care of, JRGA provided assistance with data entry. This resulted in 46.620 cases, decisions and sentences uploaded into the data base. Apart from containing the AC case law, the database was expanded in the fall of 2014 to include a representative sample of decisions from the Constitutional Court, the Supreme Court of Cassation and the European Court of Human Rights.

Initial training for the use of the data base was conducted for the staff of the Belgrade seat of the Administrative Court in November 2012 and since then the data base has been in regular use by the judges from the AC seat in Belgrade. As of spring of 2013, the data base has been in use by judges from the three court units - in Novi Sad, Kragujevac and Nis. The plan for full sustainability for the Case Law Data Base was agreed upon with the Administrative Court. As of May 2013, the court leadership appointed one full-time employee to maintain and feed the data base with new cases, with the help of two additional colleagues.

In addition to this, approximately 1000 cases and decisions of precedential importance were redacted by JRGA in line with the personal data protection requirements and uploaded into the data base as well. These decisions and cases were made available to the general public and the wider judicial community through the AC website which was also redesigned and upgraded with the assistance from the Project. Putting redacted decisions on the website for ready access by the public and the rest of the judicial community contributed to greater transparency of court decision-making and operations and provided a resource tool for lawyers and other litigants appearing before the AC.

These efforts on allowing easy access to court practice and enhancing transparency of AC's work were recognized by the Office of the Commissioner for Access to Information of Public Importance and Personal Data Protection. On September 28, 2015, the International Right to Know Day, the Administrative Court received the Commissioner's award for transparency and access to information in the category of judiciary bodies. This award is the recognition of joint efforts of the Court and the Project on improving the efficiency, service to citizens and overall image of the Administrative Court.

*AMJ Annual Conference and Judges' Annual Conference:* Since the beginning of the Project, JRGA supported and facilitated the organization of the annual event for the Association of Misdemeanor Judges as a unique forum for bringing over 350 judges from all courts in Serbia together and allowing them the opportunity to learn about and weigh in on the direction in

which their court system is developing. The usually three-day event served the purpose of knowledge and experience sharing, peer-to-peer learning and disseminating valuable practical and procedural guidance from experienced judges, peers from the region and authorized petitioners.

Similarly, JRGA also supported the all judges' annual event organized every October by the Supreme Court of Cassation. Raising the profile of misdemeanor judges in the judicial community and supporting their presentations and discussions in this forum was the main reason behind Project's support, as well as presenting main Project achievements that brought benefits to the misdemeanor courts and the overall rule of law in Serbia.

*Third Country Learning Opportunities:* For the duration of the Project, JRGA facilitated four third-country learning opportunities for Serbia's judges and staff. Two of these were regional conferences of the International Association for Court Administration – in the Hague in 2012 and in Dubai in 2013 where JRGA enabled the Serbian judges to learn of the latest trends in efficient court management. Similarly to this, JRGA organized a study visit for representatives of the Serbian misdemeanor courts, the Administrative Court and the Supreme Court of Cassation – both judges and staff, to the judiciary institutions in the Netherlands and Ireland. The aim of the visit was to provide the participants with the opportunity of learning about best practices applied in courts of the two EU countries related to performance management, court administration, customer service and the application of technology in automation of court procedures in order to improve efficiency. At the very beginning of project activities, in cooperation with the Open World program, JRGA nominated one representative from each initial partner court for a study tour to Albuquerque, New Mexico as part of Project activities focused on improving case management and records management procedures.

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

**Impact:**

User-friendly information developed by the Project in the form of 18 different brochures, posters, booklets educated the public about novelties in the work of the misdemeanor and administrative courts, raised awareness on their rights and obligations before the courts, and informed on issues such as domestic violence. These were distributed in over 200.000 copies to all misdemeanor and other courts in the country.

In cooperation with the High Court Council, JRGA developed four brochures and a poster targeting judges across Serbia, informing them on the judicial code of ethics, the competence of the HCC and the appointment, disciplinary and termination procedures for judges.

JRGA introduced standardization in the preparation of information directories for courts by developing a harmonized template and procedures for its updating and regular posting through the website of the Appellate Misdemeanor Courts for all misdemeanor courts in Serbia.

A modern, informative and user-friendly website was developed for the Administrative Court, improving transparency and access to information for this

judicial institution as well as allowing access to redacted versions of court decisions of precedential importance for the general public and the judicial community.

Facility upgrades implemented by JRGA in 19 facilities of misdemeanor and administrative courts across the country were focused wherever possible at re-engineering the space so as to allow for the creation of ‘one-stop-shop’ information counters that assist court users in obtaining all information regarding their cases and completing all administrative procedures at one place. Also, appropriate signage was installed throughout court buildings to guide the public and the court users to relevant public facilities/spaces, preserving the undisturbed functioning of other spaces in the court.

*Facility Upgrade and Renovation:* Over the years of Project activities on improving working conditions in misdemeanor and administrative courts, JRGA developed best practices in space re-engineering and optimization in courts. Part of these are directly related to enabling more open, transparent and accessible courts with clearly designated public spaces and easy access to information on cases and other administrative functions of the courts. Installing ‘one-stop-shop’ service counters in courts became a trademark of JRGA’s facility interventions. These counters are usually located on a central position in the court facility and offer court users and citizens alike quick access to court personnel in charge of providing information on the status of a case, payment procedures and any other administrative task they have to complete in the court. Properly marked court spaces with clearly positioned and visible signage also helps court users complete their business in the court without wandering the hallways knocking from door to door. JRGA installed proper signage in all renovated spaces, as well as provided courts with large bulletin boards for easy display of relevant hearing schedules and other information.

*Development and Distribution of Print Information Materials:* In the first year of Project activities, working with select partner courts, JRGA identified the need for developing information materials for misdemeanor courts to present the citizens with user-friendly and concise guides on their rights and obligations before the courts and inform them of particular segments of the misdemeanor procedure such as how to prepare for court and obtain information on a case or how the enforcement procedure works. Over time, and with the substantial revision of the LOM that resulted in the new Law in effect as of March 1, 2014 and amended in 2016, JRGA developed additional promotional brochures to inform the general public and the court users on the new practices and procedural changes. A specific brochure was also designed to inform the public of the consequences of being a registered debtor and the appropriate steps to take in resolving this issue. All these 9 brochures were distributed to all misdemeanor courts in Serbia and reprinted several times in over 120.000 copies in total. JRGA also provided the courts with brochure stands so as to be able to display information materials at prominent places to the benefit of the court users and the public.

JRGA also developed information materials for the Administrative Court – a general information brochure containing most relevant information on the court and its jurisdiction as well as contact information and a more specific brochure for e-filing once the court began providing this service to the citizens. ‘The Citizen’s Guide for Protecting their Rights before the Administrative Court’ is a publication developed by JRGA grantee, Center for Development of Serbia, was reprinted by JRGA in another 5.000 copies upon the request of the court and made available to citizens in Belgrade, Novi Sad, Kragujevac and Nis.. The publication outlines in detail basic information on the competences of the Administrative Court, provides information regarding the initiation and conduct of proceedings for litigants and the public, and access to information regarding court decisions and operations.

At the request of the High Court Council, JRGA provided technical assistance for designing and printing promotional materials designed to increase the awareness of the general public and the wider judicial community on the mandate and role of the HCC in the Serbian judiciary. As a relatively new institution, the HCC has had little experience in developing public information material. JRGA assisted with the development of four brochures detailing HCC's mandate and rules of appointment, disciplinary and termination procedures for judges, as well as a poster with the Serbian judicial code of ethics. The brochures and the poster have been disseminated to all courts in Serbia.

*Information Directory:* In Year 2, JRGA worked with the AMC to make required information directories developed by MC's available to the public on-line through the AMC website. During Year 4, JRGA and select Misdemeanor Courts – from Cacak and Kraljevo, developed an information directory template that standardized and unified the formatting and contents of the directory, in line with the Law on Access to Information of Public Importance and the deriving Rulebook. Namely, there was no uniformity in the directories developed by MCs, documents differed significantly in the amount and level of information provided and formatting was not user-friendly or consistent. The resulting template document was fine-tuned in consultation with JRGA Component 2 staff and recommendations of the Commissioner for Information of Public Importance and Personal Data Protection. The template was circulated to all MCs at the beginning of December 2015 with an accompanying instruction.

*Administrative Court Website:* In the first quarter of Year 3, the Project contracted the services for the development of the new website for the Administrative Court. Working together with the selected vendor and the Court, JRGA provided technical assistance in finding the best solution for an easily navigable, user-friendly website that will greatly contribute to increasing the transparency of the court's operations and its decisions, and provide basic information on the varied jurisdiction of the Administrative Court. The website re-design and the new content management platform were finalized in October 2013. After the Court created additional content, the website went on-line on November 22, 2013.

The website includes the electronic version of the court's bulletin board, hearing schedule, operational statistics and its legally required information directories. It also serves as a platform for making AC cases, decisions and sentences of precedential importance available to the general public, litigants and potential litigants, lawyers and other members of the judicial community. JRGA worked with the vendor on enabling automatic synchronization between the website content management system and the AC Case Law database previously delivered and populated by JRGA so that the redacted versions of precedential decisions could be automatically displayed and searched through the new website.

*Internet Presentations for MCs:* Out of 44 misdemeanor courts in Serbia, nine have official internet presentations. JRGA planned to develop a standardized layout and content structure for MC websites in order to make basic information on the courts and the misdemeanor procedure available to the public, in conjunction with its efforts to develop a template for information directories. However, as the majority of misdemeanor courts did not have access to the Internet until the last year of Project implementation, this hampered their ability to maintain current information on a website. Coupled with majority of Project efforts being invested in the changes to the legislative framework and introduction of the case management software, this activity was not completed. The Ministry of Justice is, however, working on introducing standardization in this area and JRGA provided technical assistance in defining minimum common denominators for the unified webpage template.

*Training:* As part of the Communication Skills training that JRGA delivered in Year 5, misdemeanor judges and court presidents received guidance on how to develop different types

of informational brochures and materials – leaflets, posters, media packets and press releases, as well as how to draft texts for the websites, speeches, and public addresses for community events identifying and presenting key messages during interviews and media appearances. Over the years, JRGA delivered different communication and outreach training sessions targeting different groups in the court – chief judges, court managers and secretaries, as well as the staff of the Ministry of Justice in response to their request to improve the service to the citizens offered through their communication and help desk functions.

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

#### **Impact:**

Project activities on the improvement of the legislative and regulatory framework governing the functioning of misdemeanor courts, training judges and court staff, introducing modern technologies and improving working conditions in judicial facilities, in close partnership with partners from the Appellate and misdemeanor courts, as well as from the High Court Council and Supreme Court of Cassation, the Ministry of Justice and organizations of the civil society, contributed to significantly raising the profile of the misdemeanor courts both with the general public and within the judicial community.

Assisting the Association of Misdemeanor Judges through direct technical assistance and through the grants program helped build their capacities to act as a strong professional association in a strategic manner enhancing the image of the misdemeanor judges as some of the most efficient members of the ranks of Serbian judges.

Open Court Days for high school students proved to be an especially efficient way of raising awareness among the youth of Serbia on the work of misdemeanor courts and judges. 23 events for over 700 students were held in courts across Serbia.

JRGA promoted all joint efforts that resulted in improvements in the misdemeanor court system. Promotional campaigns accompanied the adoption of the laws, while all facility upgrade interventions and changes to the procedural and legislative framework were also promoted with the media on both national and local level.

*Facility Upgrade and Renovation:* JRGA implemented 19 facility upgrade interventions in misdemeanor and administrative courts across Serbia. These were aimed at improving working conditions primarily in misdemeanor courts as they were often operating in some of the worst facilities in the Serbian judiciary. Implementing activities on reengineering court spaces to ensure optimal business process flow, JRGA identified best practices in court design which were then applied and successfully replicated in all our renovation endeavors.

Different in their scope and scale, all facility upgrade interventions, nevertheless, contributed to improving the working conditions in the misdemeanor courts and enhancing the public perception of this part of the judiciary and the quality of service provided to the court users. The ‘one-stop-shop’ service counters became a particular trademark of JRGA’s renovation efforts, bringing together all administrative services of the courts and enhancing the experience of court users by enabling them to complete most of their tasks at one place. Improved look and organization of judge’s chambers, which often serve as the courtrooms as well, due to

space constraints in most misdemeanor courts, elevates their reputation among the public appearing in court and contributes to timely delivery of justice in decent and reputable working conditions. Finally, marking and signage installed throughout renovated court buildings, and specific separation of public spaces from administrative operations of the courts, allows court users to complete their official business in the court much faster.

*Court User Surveys:* Working with partner courts in the early years of the Project, JRGA provided assistance to a select group of counterparts in conducting court user surveys and analyzing feedback obtained from the citizens on the quality and promptness of customer service provided in the misdemeanor courts, particularly those that have undergone upgrades and have one-stop-shops installed. The response of the public was largely positive concerning the ease of access to information and treatment received in courts, testifying to the success of the one-stop-shop concept. On the other hand, the court user survey conducted in four out of the then 14 different locations of the Belgrade Misdemeanor Court clearly showed that inadequate working conditions contributed to a poor perception of the court's operations and efficiency on the part of the court users. This issue was resolved with the consolidation of operations of the largest misdemeanor court in the country in a single location with one main and three auxiliary one-stop-shops and an overall improvement in the functioning of the court.

*Support to the Association of Misdemeanor Judges:* Until January 1, 2010, the MCs were executive branch agencies administered by the MoJ. In 2011, the MCs became part of Serbia's judiciary, under the High Court Council (HCC). Misdemeanor judges were appointed to three-year temporary judgeships under a reappointment process administered by the HCC in 2010. Their judgeships were confirmed in late 2012 and they were granted life tenure. Early into the Project, JRGA started working with the Association of Misdemeanor Judges (AMJ) as an umbrella professional association gathering close to 600 misdemeanor judges. JRGA recognized the added value of working with the AMJ to facilitate the participation of MC judges in project activities and create an additional vehicle for regulatory reform and best practice exchange.

In order to assist the AMJ to grow as an organization and improve its capacity to operate as an advocate for the needs and promoter of the achievements of MC judges, JRGA provided both direct, hands-on technical assistance to the AMJ, as well as included them in the Project's grant program. The direct technical assistance resulted in a strategic framework for the Association for the coming mid-term period, as well as actionable annual work plans with short-term actions aimed at mobilizing the AMJ membership and primarily the Management Board. JRGA also assisted the AMJ in producing a comprehensive communication strategy for the Association. In order to sustain these efforts, JRGA fostered a partnership between the AMJ and another grantee, Alterfact, which resulted in a stronger Association with more fund-raising capacities and a clear vision of how to grow and realize its full potential in turn enabling the reputation of its members to improve.

Owing to these joint efforts, the AMJ was recognized as a relevant stakeholder in the judicial community and was included in the work of the commission for the monitoring of the implementation of the National Judicial Reform Strategy. Also, deriving from this work, a working group for improving the position of misdemeanor judges was created, identifying requisite next steps to align the misdemeanor judges with the rest of their peers in the Serbian judiciary in stature and compensation alike. These were subsequently submitted to both the HCC and the MoJ.

*Open Court Days:* During Year 5, JRGA delivered a series of seven Open Court Days – held during the school year 2015/2016 at misdemeanor courts in Backa Palanka, Trstenik, Loznica, Mladenovac, Raska, Belgrade and Zajecar - for students of secondary schools from their

respective towns/cities. These bring the total of Open Court Days organized by misdemeanor courts with support of JRGA since 2013 to twenty three (23) events.

The formula for delivering Open Court Days has been simple but very effective since the beginning: court judges and staff introduce the secondary school students to the organization and functioning of misdemeanor courts, while students in turn deliver a moot court simulation of a misdemeanor case – usually either a traffic violation or a domestic violence case. Preparing for and enacting hearing simulations also benefits students by improving their team work, analytical and public speaking skills and ability to develop an argument.

In addition, in most towns/cities, courts would also invite representatives of their local partners – the police and the social care center, to educate students on their rights and obligations with regard to the Law on Traffic Safety, Law on Public Order and especially obtaining probationary and permanent driver's licenses, as well as understanding the court proceedings in misdemeanor cases involving minors. Approximately 700 high-school students from across Serbia took part in these events in the course of almost three years.

The events would usually generate significant attention from the local community and local media. Association of Misdemeanor Judges was JRGA's constant partner in the delivery of Open Court Days. These events have proven to be an effective way to improve the public perception of misdemeanor courts and their work, primarily among youth, as well as attract the interest of students in a career in the justice system. Supporting and participating in these events goes in line with the AMJ's Strategy and activities aimed at improving the image and perception of misdemeanor judges.

Year 5 also saw JRGA support promotional activities under the grant partnership awarded to the Association of Misdemeanor Judges (AMJ) and Alterfact. As part of their activities, JRGA grantees organized guided visits to misdemeanor courts for law students. Faculties of Law from Belgrade, Novi Sad, Nis, Kragujevac and Novi Pazar were selected as partner institutions for this activity the primary goal of which was to promote the role and reputation of misdemeanor courts. The visits were all similar in structure – a group of up to 50 students was taken on a tour of a court's premises with Chief Judge acting as the guide and presenting the organization and functioning of a misdemeanor court. This was followed by students attending actual hearings taking place in the court on that day. The guided visits have proven to be very popular among students, raising awareness on the profession of a misdemeanor judge and the complex jurisdiction of misdemeanor courts.

Another complementary activity took place in the last quarter of Year 5. This time, the courts and judges ventured among the students of three Law Faculties – in Belgrade, Novi Sad and Kragujevac, and not the other way around. The AMJ joined forces with JRGA and the Student's Union of the Belgrade University Faculty of Law and organized a two-day seminar in May 2016 on the new solutions for improving the efficiency of the misdemeanor procedure and the position of misdemeanor courts. Similar events were held in Novi Sad and Kragujevac. These seminars were an opportunity to reach a group of almost 300 future legal professionals preparing for a career in the judiciary and raise their awareness of the successful reforms that have significantly transformed the misdemeanor court system in the past few years. AMJ signed protocols of cooperation with Law Faculties in all three cities and agreed on future efforts related to education and awareness raising for students and further promotion of the profession of the misdemeanor judge.

*Publication of Improvements:* JRGA worked with the counterparts in the Ministry of Justice and the courts on publicizing efforts invested by both the Project and its partners on regulatory reform, business process improvements and facility upgrades. All major facility upgrades in

the misdemeanor courts were marked with an official ribbon-cutting ceremony and garnered significant media attention on both the local and national level. Most notably, the official inauguration of the consolidated facility for the Belgrade Misdemeanor Court garnered the most media attention as the event was attended by some of the highest ranking Serbian officials and the United States Ambassador to Serbia.

Public awareness campaign that followed the adoption of the new LOM was particularly well received by the public. It was a means of reaching out to the citizens of Serbia in order to prepare them for the change in their rights and obligations before misdemeanor courts stemming from the new Law, as well as improve their perception in general of the important and good work carried out by misdemeanor courts with bearing upon almost all aspects of daily lives. Official slogan of the campaign was *'Respect the Law, Support the Order'* and it tied with the main message on key novelties introduced by the Law and illustrating how these contribute to more efficient misdemeanor proceedings, decreased court costs and increased collection and voluntary compliance, less opportunity for corruption and greater public confidence in the judiciary.

The formal event to launch the campaign was supported by the Minister of Justice and the U.S. Ambassador setting the tone for the importance of the reform effort ongoing in the misdemeanor courts. Tools used in the campaign were the infographics, short promotional videos and radio jingles, posters and leaflets as well as billboards throughout Serbia and a micro-site with all relevant promotional materials and guidance on the changes introduced with the new Law. The campaign was well received. JRGA followed the similar methodology a year later, when promoting the then newly adopted Law on the Protection of Whistleblowers.

In parallel with the official promotional campaign, our counterparts in the Ministry and the courts utilized relevant communication outlets for further promoting the new Law and important preparatory groundwork carried out on all levels – training for judges and staff, roundtables for authorized petitioners – to create conditions for the implementation of full range of measures once the Law came into force, on March 1, 2014. Similarly, when SIPRES was fully rolled-out in all misdemeanor courts on January 1, 2016 both JRGA Chief of Party and our main partners from the Ministry and Appellate Misdemeanor Court addressed the media and the public emphasizing the importance of modernizing the misdemeanor courts and the revolutionary nature of a case management system for improved efficiency. The launching of the public portal for the registry of Unpaid Fines and the on-line case flow tracking for misdemeanor cases were also duly promoted with the media and the public.

Events such as Open Court days garnered media attention primarily on the local level, demonstrating their importance for the local communities and their desired effect in primarily raising awareness of the local youth on the importance of misdemeanor courts. Similarly, events implemented by JRGA grantees such as AMJ, Alterfact and CAFV garnered significant attention.

*Training:* Over the course of JRGA, and as part of a robust training program focusing on both substantive and supplemental issues, training on public relations, outreach, communication and customer service topics was integral part of JRGA's efforts on improving the ability of courts and judges to reach out to the court users, the general public and their local communities and improve the perception of the hard work they deliver every day. Apart from JRGA STTA experts who delivered training on topics ranging from general communication processes, internal and external communication and handling customer relations, JRGA grantees AMJ and Alterfact also delivered a series of training sessions on public and media appearances, and PR skills in an attempt to mobilize their membership and provide them with tools necessary to communicate the key messages related to the comprehensive reforms that have been taking

place in misdemeanor courts. JRGA delivered similar training session also to the staff of the Ministry of Justice as they requested support in remodeling the process of communicating with the public and handling their complaints and general information requests in a more streamlined manner.

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

**Impact:**

14 grants for 6 different partner organizations awarded for Component 1 initiatives aimed at improving the rule of law and promoting comprehensive changes to the framework governing the work of misdemeanor courts, institutional strengthening of court, Administrative Court in particular, and shedding spotlight on domestic/family violence.

Grantee partnerships have yielded significant results, reflecting continued and increased interest on the part of civil society organizations in judicial reform, as well as giving rise to strong and sustainable local partners empowered in line with USAID objectives

*Grant Administration:* During Year 1, JRGA established internal mechanisms for the administration of a grants program. JRGA developed tools for sound grants award, monitoring and management, such as a comprehensive grants manual. The first Request for Application (RfA) was published in the second quarter of Year 1. JRGA published 6 RfAs in total, structuring them around specific topics and awarding funds on the basis of an inclusive, open and fair competitive process.

In Year 3, after consultation with USAID, JRGA introduced a new concept for grant implementation and management focused on developing the sustainability of selected grantees. The Project developed long-term partnership relationships with selected grantees to develop the capacity of selected CSOs to sustain judicial reform and anti-corruption activities. Framework agreements were established partnering organizations with similar objectives and complementary capacities, allowing grantee organizations to pursue mutual objectives and simultaneously increase their own organization capacities. Two separate framework agreements were established by JRGA relating to judicial reform, one partnering the Association of Misdemeanor Judges (AMJ) and Alterfact, and the other partnering Counseling Against Family Violence (CAVF) and the Association of Public Prosecutors (APP).

The partnerships have proven their value primarily in establishing tighter connections between CSOs and enabling knowledge and experience sharing. Managing grant partnerships through Task Order required coordination of planning for activities and related budgets and a clear delineation of responsibilities between partners.

Some of the main achievements of grants supported by JRGA related to subject-matter concerning the rule of law and judicial reform are the improvement of the public perception of the image and importance of the work carried out in misdemeanor courts, owing to the efforts

of the AMJ; free legal aid network for the victims of domestic/family violence in 17 cities in Serbia; model of community coordinated response to domestic violence applied in the Serbian municipality of Zrenjanin is now part of the new draft Law on the Prevention of Domestic Violence; reaching out to hundreds of high-school children and law faculty students to raise their awareness of misdemeanor courts.

## COMPONENT 2: GOVERNMENT ACCOUNTABILITY

### Task 2.1 Establish baselines for indicators in the Performance Monitoring Plan

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

Reporting against PMP indicators is presented in Annex B to this Report.

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

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

#### Impact:

The Anti-Corruption Agency redefined its operation procedures related to handling income and assets disclosures and conflict of interest cases and aligned them with the recommendations of JRGA experts.

The Agency handled the complaints backlog from 2011 and 2012 and redefined the methodology in which it handles complaints, separating their processing and resolution.

Redefined operation procedures were also further strengthened and developed in more detail with the drafting of the new Law on the Anti-Corruption Agency finalized in spring of 2016.

*Conflict of Interest and Income & Asset Disclosure:* Staff of the ACA's Conflict of Interests (COI) Department work with government officials (at all levels) who request rulings from the ACA on potential conflicts of interest with respect to new functions or job responsibilities. Concurrently, the Conflict of Interest Department frequently files misdemeanor charges for violating provisions that forbid performing another public office duty without the consent of the Agency, performing other work or activity, and failure to report a conflict of interest matter, among other issues. On the other hand, the ACA receives income and asset disclosures (IADs) from government officials when they begin a new position, when their assets materially change while in office, when they depart from a position, and for two years after departure. The ACA maintains a registry of approximately 25,000 government positions to meet this requirement, and it is estimated that 4,000 IADs are received per year. The Agency publishes redacted information for all officials online.

JRGA's assistance focused on these two important segments of the ACA's mandate since the beginning of Project activities. With the STTA expertise, JRGA reviewed the existing operational procedures of the Agency and proposed changes. However, until the change at the

helm of the Agency, which occurred in December 2012, there was little willingness on the part of the ACA to implement these changes.

JRGA, however, managed to assist the ACA early in the Project to produce a *Guide for New Officials*, a user-friendly guide to assist officials in complying with their obligations regarding COI and IAD. In excess of 10,000 copies were printed and distributed to officials and institutions across Serbia, as well as the then newly elected parliamentarians, after the 2012 elections. With Project assistance, representatives of the Agency visited 22 cities across Serbia during September and October 2012, and trained more than 800 officials from a variety of institutions – including local self-government authorities, public enterprises, schools, health centers, and cultural and social care centers. ACA trainers from the Operations Sector and Conflict of Interest Office, together with representatives of the ACA's Department of Education, Campaigns and Cooperation with CSOs, focused on outlining the existing legal requirements and deadlines for newly elected/appointed officials, while also giving participants the opportunity to obtain clarification and guidance from the Agency.

The compliance with the COI and IAD regulations has been on the rise constantly, yet the ACA still lacked a more systematic approach in processing and cross-referencing the received materials, as well as exchanging them with the partner institutions such as the e.g. Tax Administration. The changes at the helm of the ACA, on both the position of the Director and within the Agency's board, made it more open for cooperation and absorption of JRGA technical assistance.

This resulted in further revisions of the existing ACA procedures which were translated in to an operational procedures manual. JRGA also promoted a view of COI that is much broader than the 'multiplicity of functions' approach that the ACA has focused on. A broader approach, considering a wider range of interests, would match better with international best practices, and is within the Agency's authority. This made into the discussions of the working group, composed of representatives of the Ministry of Justice and the ACA, tasked with drafting the new Law on the Anti-Corruption Agency and resulted in expanding the relevant provisions of the new draft Law.

*Complaints Process:* With the first operational review of the ACA, JRGA experts recommended reshaping the complaints process by re-organizing and reformulating the work of the Complaints Department, particularly in separating assessment and handling of complaints. Despite initial resistance to change, the ACA accepted the recommendation of JRGA experts and created a complaints task force which handled the complaints backlog from 2011 and 2012. Also, the Agency created a working group to identify the guidelines for the new complaints procedure.

Their work was translated into the operational manual for internal procedures which strengthened the methodology for handling complaints. After the new the new work place systematization was adopted in 2015, the Complaints Department was dissolved and their employees seconded to other departments in the ACA to make handling of complaints more effective and streamlined. The representatives from different departments meet on a weekly basis and go through the received complaints doing the triage for subject matter as well as progress status for the complaints already being processed. The newly received complaints are assigned to the relevant department to avoid parallel processing. Also, a complaints liaison officer was seconded to the cabinet of the ACA Director to help streamline complaints coming to the cabinet as well as coordinate other processes.

This procedural and organizational shift already implemented in the ACA has also been translated into the draft of the new Law on the Anti-Corruption Agency, expanding

considerably this section of the Law which has previously dealt only cursory with the complaints.

In order to increase the ACA's internal capacities for efficient and effective relations with complainants and public institutions which are subjects of complaints, in Project Years 4 and 5 JRGA undertook training of the staff of the relevant ACA's departments in the following areas: standards for efficient and effective interviewing and exchange of information (communication skills, conflict resolution, etc.); dealing with complainants whose behavior is challenging; dealing with public administration bodies that are the subjects of complaints - standards for building mutual respect and improving communication; and dealing with whistleblowers. After four one-day training session held in Year 4, the two final sessions were held in September and October 2015. The final one-day consultation session had the goal of institutionalizing experiences and knowledge gained during previous sessions. It included a retrospective of 14 topics related to communication and psychological mechanisms for coping with difficult emotions arising as consequences of challenging clients and situations. JRGA trainers also conveyed basic principles of adult teaching techniques to participants and discussed possibilities for sharing knowledge they gained with other ACA colleagues.

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

#### **Impact:**

With technical assistance and expertise from JRGA, the Anti-Corruption Agency produced some of the first political finance reports in the Serbian history.

JRGA assisted the ACA in setting up and training a network of over 150 monitors of the election campaigns in 2012 and 2016. Election campaign monitoring of this scale has never before been implemented in Serbia, let alone by an independent institution.

JRGA assisted the Agency in adopting the methodology and procedures for efficient post-election data review and assessment and cross-checking of reports from political parties with those of the election monitors.

The Project and the Agency, together with other stakeholders, identified recommendations for improving the legislative framework for financing of political activities.

*Political Finance Oversight:* The May 2012 elections were the first opportunity for the ACA to implement the July 2011 Law on oversight of political finance and to judge the effectiveness of Agency efforts in setting up a network of political finance monitors. JRGA assisted with the setting up of the network of monitors, delivering intensive training to 165 monitors previously selected by the ACA and developing a handbook for their field work during the elections with quick reference tools on methodology for monitoring and data collection, as well as drafting of the reports.

In addition to monitors, JRGA also delivered training sessions for journalists and editors of Serbian media in order to raise their awareness on the mandate of the Anti-Corruption Agency regarding the implementation of the Law on the Financing of Political Activities and election oversight.

JRGA worked with the Agency post-election on reviewing data collected from the monitors and in reports submitted by political parties. The first report was produced in December 2012, complemented by a more comprehensive review in February 2013. Later, the Agency asked for JRGA assistance in preparing a publication on the financing of political parties containing the main findings and conclusions presented in the two reports, as well as the analysis of the cross-comparison of field data with that of the political parties, articles by selected ACA Board members and other expert opinion on the subject. The publication was finalized and presented during a conference organized to mark International Anti-Corruption Day on December 9, 2013. The International Anti-Corruption Day conference focused on the oversight of political finance: “*Politics and Money: Financing of Political Activities in 2012*”. Held at the National Assembly and organized with the support of JRGA, the conference attracted around 80 participants ranging from Members of Parliament to civil society representatives.

Similarly, JRGA worked with the ACA after the spring of 2014 elections, providing expertise on assessing and analyzing political finance data. JRGA helped the Agency to develop a logical plan for analyzing reports of receipts and expenditures received from political entities, and improving procedures for oversight of regular and campaign financial statements, incorporating lessons learned from the 2012 and 2014 elections. These efforts helped the ACA to develop and issue the full comparative report on campaign finance from the 2014 elections in record time. The report was issued in November 2014 seven months after the 2014 elections were concluded, while in prior years reports on financing of election campaign took as long as an entire year to be prepared and published.

In 2014, the Serbian Parliament amended the Law on Financing Political Activities. The amendments resulted in the reduction of budget funds allocated to political parties by more than 30%. These changes subsequently initiated modifications of other relevant by-laws that political parties are bound by when filing annual financial reports. This brought to fruition the previous efforts of JRGA-supported grantees, CESID and Transparency International (TI), to usher in improvements in political party funding, and represents a major step towards comprehensive overhaul of the political system. CESID and TI’s previous measures to improve the legal framework were incorporated into more than a half of the amendments to the Law on Financing of Political Activities.

Following the adoption of the Law, in an effort to broaden understanding and to adequately prepare political parties for submitting financial filings in April 2015, JRGA organized and delivered a series of six training sessions for political party representatives across the country focused on the procedures and the key information required for filing annual financial reports with the National Assembly and the ACA under the amended Law. The training sessions were delivered between late February and early March in Novi Sad, Nis, Vranje, Novi Pazar, and two times in Belgrade. The training emphasized the key elements of the financial report for “campaign” and “regular” (non-campaign) activities, how the new Law would function in practice and other relevant by-laws that political parties are bound by.

The ACA received a new set of annual financial reports from political parties in April 2015, based on the amended Law. With JRGA assistance, the ACA finalized the annual report on the control of financing of political activities for 2014 and 2015 in October 2015. In order to present report findings, as well as gather all stakeholders for a discussion on the existing oversight mechanisms for financing of political activities and resulting potential legislative reforms, JRGA and the Organization for Security and Cooperation in Europe (OSCE) to supported the Agency in organizing a conference in January 2016.

The event gathered representatives of public institutions, political parties, independent agencies, the judiciary, civil society organizations and the media. Panel discussions centered

around the following topics: the effects of implementation of political finance regulation – how effective is the political finance control in Serbia; political finance control from the perspective of political entities - what are the effects and obstacles in party finance control; and political finance from the perspective of CSOs and media - what the public wants to know and what does it really know about money in the politics. As a follow-up to the conference, together with the OSCE, JRGA provided assistance to the Agency in preparing the publication that contains all presentations/speeches from the event and summarizes conclusions and recommendations for improving the political finance oversight mechanisms and the corresponding legislative framework.

The general elections in Serbia took place on April 24, 2016. The Anti-Corruption Agency requested JRGA support in capacity building for the network of election monitors that would observe the political parties' compliance with the Law on Financing of Political Activities. In February, the Agency conducted interviews with candidates for election monitors and selected approximately 150 persons for this job. On February 29, 2016, JRGA and the ACA began delivery of training for the monitors. In six one-day training sessions the monitors were trained on basic principles governing the financing of political activities as well as the methodology for election campaign monitoring according to the rulebook prepared by the ACA with JRGA support. After the elections, JRGA also provided some guidance to the Agency in reviewing and processing information obtained from the reports of the field monitors.

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

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

**Task 2.6 Assist with improving ability of Independent Agencies to work with each other to monitor and improve administrative practices and other government operations<sup>1</sup>**

**Impact:**

JRGA established close cooperation and opened up new avenues of communication between the misdemeanor courts and Independent Agencies. Through a successful coordination mechanism that became a trademark of JRGA activities, the Project facilitated 16 roundtables involving representatives of IAs and MCs.

Further close cooperation and progress on ensuring better understanding and follow-up on IA recommendations was fostered between the IAs and the National Assembly. Seven coordination meetings were held, both jointly and with individual

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<sup>1</sup> JRGA has found that, in practice, dealing with these three tasks in a consolidated manner provides an opportunity to leverage resources and address challenges of independent agencies in a holistic, systematic manner. Accordingly, since Project Year 2, JRGA addressed these three tasks together and focused on promoting dialogue between independent agencies and enforcement bodies, helping independent agencies and their counterparts to prepare and respond to IA's recommendations, and addressing specific areas of government accountability.

IAs, as well as an orientation seminar for the then new Members of the Parliament to introduce the roles and mandated of independent bodies whose reports they hear and decide on.

Particularly successful cooperation was supported between the State Audit Institution and the National Assembly, resulting in the creation of a special parliamentary sub-committee to hear and deliberate on the SAI reports.

Law on the Protection of Whistleblowers, the first of its kind in the Serbian history and one of the most modern whistleblower laws in Europe, was adopted in 2014 and is successfully implemented since June 2015. Judicial protection measures are fully utilized by courts to shield whistleblowers from retaliation.

This Law is one of the key regulations feeding into the National Anti-Corruption Strategy adopted in 2013. JRGA was instrumental in shaping this strategic framework and its accompanying action plan, facilitating a broad consultative process for over 150 representatives of 80 different institutions.

JRGA provided support to different stakeholders under a variety of government accountability topics including Open Government Partnership, public finance, etc.

*Interaction with Courts:* Throughout five and a half years of the project, coordination roundtables between misdemeanor courts and independent agencies became a trademark of JRGA activities. The Project implemented as many as 16 of these events bringing counterparts from both components together in productive dialogue. Roundtables were structured around issues identified in joint activities and enabled seeking mutually acceptable solutions.

Independent Agencies act as authorized petitioners in the misdemeanor procedure. Their filings are often complex cases that require special attention of misdemeanor judges. The roundtable mechanism served the purpose of identifying some of the most problematic issues in these cases and yielded guidelines of both parties – how to prepare better misdemeanor filings and how to interpret and adjudicate in cases filed by independent agencies. For the Anti-Corruption Agency these roundtables meant a definite opening up of this entity towards closer cooperation and better quality of cases submitted to misdemeanor courts. JRGA also facilitated a roundtable between the ACA and the public prosecutors to discuss criminal filings submitted by the Agency. This cooperation also yielded a training course on misdemeanor cases submitted on the basis of a corpus of anti-corruption regulations, including the political finance framework and, e.g. cases of non-compliance with income and assets disclosure or conflict of interest regulations.

After a series of six roundtables with the representatives of the State Audit Institution, JRGA helped the counterparts come up with a best practice guide for handling cases submitted by SAI before misdemeanor courts. Coordination with the Commissioner for the Protection of Equality resulted in a practical guide for the application of the anti-discrimination regulations in the misdemeanor procedure. One case of discrimination and one case of the violation of the Freedom of Information Act were covered by high-school students as part of their moot court simulations during the Open Court Days in MCs in Ruma and Sabac respectively, with the representatives of the two relevant IAs present at the events.

Apart from training on anti-corruption issues, MCs benefitted from JRGA support and coordination with the Anti-Corruption Agency during the drafting of their first ever Integrity Plans. Integrity Plans are a requirement for all public entities under the Anti-corruption Agency Act. They present an efficient means of self-monitoring for the institutions when it comes to their internal mechanisms for preventing and detecting corruption.

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

JRGA and the ACA provided training to MC representatives on drafting integrity plans and provided them with a template to use. At the time of the deadline for submission of the integrity plans (March 31, 2013), 98% of the MC's and AMC seat and units had filed their integrity plans. By contrast, in view of the fact that integrity plans were a new statutory requirement and that agencies had no prior experience in developing the plans, the ACA had expected only 40% to 50% of government agencies to file timely plans. After the ACA extended the deadline to April 12, 2013, due to technical difficulties with their on-line application for the submission of plans, all 100% on MCs filed their integrity plans with the Agency.

In the last quarter of Year 5, JRGA initiated a new track of cooperation between the judiciary and the Independent Agencies. Partnering with the U.S. Department of Justice – OPDAT, the Project facilitated the first roundtable between the representatives of the State Audit Institution and the Public Prosecutor's Office on May 16, 2016. The impulse for setting up a coordination mechanism between these institutions came from the Financial Investigations Strategy recently adopted by the Ministry of Justice as part of the overall anti-corruption effort. Both institutions have also recognized the need for closer cooperation as they stand at the frontline of fight against corruption and introducing financial discipline into the public sector.

This first meeting served the purpose of mapping out key open issues identified by both parties in their work to date and formulating concrete steps to improve cooperation. Meeting participants expressed the need to organize joint training on the scope, procedures and methodology of preparing audit reports, as well as on how to formulate audit findings so that they can be optimally utilized by the prosecutor's office as a basis for investigation and/or prosecution. Establishing a regular communication channel so that the State Audit Institution can be informed of the status of their filings with the prosecutor's office was discussed, as well as introducing quarterly coordination meetings for the two institutions. The first joint training was held in June and the follow up coordination meeting to determine future cooperation was held in October 2016.

*Response to Independent Agency Recommendations:* Independent Agencies present their reports to the National Assembly. Increasing the capacities of the members of the parliament and relevant committees to understand and follow-up on the recommendations contained in IAs reports strengthens the oversight mechanism which ensures government accountability.

Building on substantial planning from 2012, the project started a series of roundtables including parliamentary committees and IAs. The work dovetailed with support provided by OSCE's USAID-funded program, and with that of other donors. JRGA agreed with the National Assembly on a full year's schedule of roundtables, involving the following committees: Constitutional and Legislative Matters, Judiciary, State Administration and Local Self-Government, Human and Minority Rights and Gender Equality, Finance, Republic Budget and Public Spending Control, Culture and Information, and others that join on an ad hoc basis. The series began with a joint roundtable for NA and IA staff, and was followed by individual roundtables for each IA and the committees interested in its work. Interest in the roundtables was substantial, with high level representation from almost all the parliamentary committees.

During the summer of 2013, JRGA compiled and analyzed all the recommendations generated by the various roundtables. The result was a single document with twenty separate, concrete recommendations, grouped into several categories: communication and cooperation, report preparation, report consideration, plenary discussion, tracking/monitoring, and ‘other’ issues. The list of recommendations was shared with the roundtable participants, and with other parliamentary support programs. With the assistance of a parliamentary oversight expert, and building on the recommendations stemming from the previous series of roundtables, JRGA organized consultation sessions with the NA and the IA individually, as well as a joint workshop for all stakeholders. This one was particularly successful and gathered all heads of IAs and almost 60 parliamentarians.

As an outcome of this cooperation, JRGA joined forces with NDI and UNDP and delivered an orientation session for new Members of Parliament (MPs), appointed after the spring 2014 elections. The event was aimed at educating new MPs on what is expected from them during their term in office, to acquaint them with the structure of various parliament organizations and committees, and to inform them about the work of IAs and various international organizations supporting Serbia’s EU accession process.

Also, after the initial coordination meeting between the SAI and the representatives of the National Assembly, both parties expressed interest in deepening the cooperation. With JRGA assistance, a coordination mechanism for the SAI and the members of the NA’s Committee on Finance, Budget and Control of Public Spending was established. In June 2015, the President of the State Audit Institution and the Chairman of the National Assembly’s Finance, State Budget and Control of Public Spending Committee signed a Protocol on Cooperation. This prompted the creation of a special Subcommittee for the Consideration of Reports on Audits Conducted by the State Audit Institution.

In order to build the capacities of the members of this subcommittee to act upon SAI’s reports, JRGA agreed with the subcommittee members to organize a workshop that would provide them with practical information on the relationship between the SAI and the Parliament, and the SAI’s performance audits, their goals, and consequences for policy making. The workshop took place on October 1, 2015 with the main message on the partnership that can evolve between the subcommittee and SAI, as well as on how SAI’s performance audits can give rise to interesting oversight hearings. Another joint workshop will take place in October to solidify the results of cooperation to date. JRGA also provided the members of the parliamentary subcommittee with a tracking tool that would help them record recommendations issued in SAI reports and monitor their implementation on the part of the relevant public entities.

On October 26, 2015, in the National Assembly, with the support from JRGA, the Commissioner for the Protection of Equality organized a public hearing on the subject of discrimination against the elderly. The objective of the hearing was to raise public awareness on the issue of ageism in Serbia which is evidently present but rarely publicly acknowledged and discussed. Apart from the Commissioner, the present representatives of the civil society and members of the Parliament were addressed by the Chairperson of the Parliamentary Committee for human and minority rights and gender equality, as well as a representative from the Red Cross of Serbia, explaining the place of Serbia in the Global Age Watch Index for 2015.

*Improving Reporting Skills of Independent Agencies:* Well-structured reports, with clear and concisely formulated key messages make recommendations of IAs contained within more actionable and far-reaching among the target audience in the parliament and other institutions, as well as with the media and the general public. The Project delivered training and hands-on

assistance for effective reporting and messaging to the State Audit Institution, the Anti-Corruption Agency and the staff of the Ombudsman's office.

The training delivered in several iterations and in varying degrees of depth, depending on the situation with every individual institution, provided IA's staff with practical information on evidence and examples of good practice and tools for powerful writing and messaging in the reports that would in turn make bigger impact on the legislature, administration and public in general. This was complemented by training on the analytical framework for drafting special reports as well as a separate training session focusing on how to design a good research project by applying the U.S. Government Accountability Office (GAO) design matrix – a structured methodology for selecting researchable questions; identifying the criteria and sources of information for answering the questions; determining an appropriate scope and methodology; identifying potential limitations, and articulating a potential report message.

Participants took on board recommendations and tools, such as the report design matrix, provided by JRGA experts. The staff of the Ombudsperson's office put the STTA expert's input into action in a special report they prepared and presented in March 2016. The report on the work of local health councils and counselors for the protection of patients' rights in the past year was presented and discussed with the relevant stakeholders with the purpose of pointing out deficiencies in the functioning of the counselors across Serbia and non-compliance with the requirements contained in the Law on the Patients' Rights demonstrated by a significant number of local self-governments. The report contained clearly formulated and actionable recommendations targeting its audience – the representatives of the local self-governments which are responsible for setting up local health councils and appointing patients' rights protectors and the Ministry of Health which is responsible for monitoring the implementation of the Law, as well as being informative enough for the general public.

*Law on the Protection of Whistleblowers:* The Serbian Law on the protection of Whistleblowers is the product of a collaborative drafting process within the working group formed by the Ministry of Justice, which began in 2012, with technical and logistical assistance from JRGA. JRGA's STTA Expert Tom Devine, an internationally respected authority on the subject of whistleblowing, provided expert assistance throughout the drafting process. JRGA also assisted the MoJ with facilitating public hearings and other opportunities for public input for the draft Law. The National Assembly adopted the Law on December 4, 2014 and its implementation started on June 5, 2015.

The Law on Protection of Whistleblowers is the first law of this kind in Serbian history that incorporates added protection mechanisms to shield whistleblowers from retaliation. The new Law provides strong judicial protection measures, including expedited hearing procedures and provisions shifting the burden of proof once a court establishes that actions taken against a whistleblower are at least in part retaliation. Other key provisions provide for the rules on internal and external whistleblowing and rules regarding whistleblowing in matters involving classified information. The new Law, in addition to providing protections for whistleblowers, provides an important tool in preventing and sanctioning corruption, in support of Serbia's new National Anti-Corruption Strategy.

In order to ensure full implementation for the Law, JRGA partnered with the Supreme Court of Cassation and the Judicial Academy and delivered a comprehensive course on the basic tenets of the Law for almost 1.200 judges and judicial assistants from all courts in Serbia. In order to make the course sustainable and make it a part of the continuous training program in the Judicial Academy At the start of 2015, in order to ensure that judges from first instance and appellate courts are prepared to implement the new Law, JRGA worked with the MoJ and the

Judicial Academy, JRGA developed case studies as tools for training delivery and trained a select group of judges for adult training delivery.

In parallel with the capacity building exercise for the Serbian judiciary, JRGA supported the Ministry of Justice in delivering a promotional campaign for the law. The objectives of the campaign were defined to include raising general awareness about the fairly new concepts of “whistleblower” and “whistleblowing,” educating the public about the provisions of the new Law, and increasing awareness about support services available to whistleblowers from government entities, courts, the Ministry of Justice, and from various civil society organizations.

Results after one year of implementation show that the Serbian judiciary was ready to protect the whistleblowers. In the period June 2015 to June 2016, the courts decided in 37 out of 40 instances concerning granting temporary relief measures and the majority of these were in the favor of whistleblowers. Also the first final decision before a first-instance court was adopted in a whistleblower case, again in the favor of the whistleblower. In total, until September 1 2016, there were as many as 157 cases submitted regarding whistleblowing to courts in Serbia, with decisions made in 89 cases.

JRGA provided assistance to the Ministry of Justice with the drafting of the by-laws to accompany the whistleblower law, such as the Rulebook on Internal Whistleblowing to the Employer. Assistance was also provided with defining and setting up a monitoring mechanism to track the implementation of the law and identify areas that require further support. On the basis of this mechanism, the Ministry produced a mid-term review of the implementation of the law, nine months since it came into effect.

The overall conclusion of the mid-term review was that the Serbian judiciary stepped up to the challenge and, as stated in the report, ‘already it has the world’s best track record for timely judicial orders granting interim relief’. The review also showed that Labor Inspectorate oversight has fostered strong implementation in government agencies. As many as 282 oversight inspections were conducted by the Labor Inspectorate and five by the Administrative Inspectorate in the nine-month period covered by the review.

Key recommendations for improving the effects of the implementation of the Law concerned enforcement as well as introducing meaningful accountability through tougher penalties for violating rights in the law, and in particular for violating judicial orders when whistleblowers earn legal victories. Training, as well as distribution of ‘right to know’ materials on rights and responsibilities should be expanded to more effectively cover the private sector generally and lawyers in particular. JRGA already supported first efforts in this direction by delivering training for several companies, members of the Serbian Chamber of Commerce, in collaboration with our grantee, Eutopia.

JRGA supported the Ministry of Justice in organizing a conference to mark one year of the implementation of the Law on Whistleblowers in September 2016. The conference was a situation assessment, particularly related to the judiciary, as well as a forum for identifying next steps. JRGA developed a short video to mark the joint achievements in drafting and implementing one of the Europe’s most modern laws on whistleblowers.

*Anti-Corruption Coordination:* During Year 5, JRGA worked with the Anti-Corruption Agency and the executive branch on fulfilling requirements under the relevant strategies (the Anti-Corruption Strategy and corresponding Action Plan, the Financial Investigations Strategy, the Chapter 23 Action Plan).

To this end, JRGA provided assistance to the Anti-Corruption Agency in conducting two corruption risk assessments. Namely, according to the Action Plan for the Anti-Corruption

Strategy, the ACA is tasked with development of the legislative corruption risk assessment methodology and its implementation for different sectors of government. The ACA already developed assessments for sectors such as police, public procurement and higher education using their in-house expertise and resources. JRGA provided targeted technical assistance to the ACA 5 in conducting a corruption risk assessment for the sector of customs as the ACA's Prevention Department lacked particular expertise on this topic. Enlisting the help of our long-term grantee Serbia on the Move, JRGA assisted the Agency in the process of corruption risk assessment for the pharmaceutical sector in Serbia, with particular focus on new drugs' clinical trials and issuing permits for their usage.

Furthermore, upon the request of the MoJ, JRGA provided technical assistance during Year 5 on the subject of seizure of assets and introduction of non-conviction based forfeiture. JRGA prepared an analysis of the context, benefits and potential objections for introducing this highly efficient anti-corruption tool in the existing legal framework in Serbia. It allows the government to recover assets and safeguard that they will be used for their original purpose albeit education, health or infrastructure. The MoJ included the model proposed by JRGA expert in the new Law on the Origin of Assets which is being drafted through joint efforts with the Ministry of Finance.

In the last quarter of Year 5, also upon the request of the Ministry of Justice, in order to comply with the recently adopted Financial Investigations Strategy, JRGA facilitated a two-day training session on corruption risks in budgeting for activities contained in the action plan for the Chapter 23 of the EU-negotiations – the judiciary and the fight against corruption. The representatives of courts and prosecutor's offices, the Ministry and the Anti-Corruption Agency obtained information on the international and national legislative framework for financing state functions related to the judiciary and fight against corruption (areas covered under the EU-negotiations Chapter 23) how closely monitoring the budgeting process can decrease corruption risks, in turn contributing to a more efficient fight against organized crime and corruption.

*Government Accountability Topics:* Support provided by the Project on different government accountability topics include, among others, assistance provided to the Association of Public Procurement Professionals (APPP) in building the capacities of this budding professional association. In addition to preparing an information brochure describing their mission and objectives, JRGA also helped APPP to organize a national conference allowing procurement stakeholders an opportunity to provide meaningful input on the then new draft procurement law that was to be re-introduced in parliament and adopted.

The conference offered the opportunity for the APPP, the Public Procurement Office, independent agencies (the State Audit Institution and the Anti-Corruption Agency), the judiciary, and professional and civil society organizations to use panel discussions to discuss the topics of oversight and combatting irregularities in the existing system of public procurement. Resolving these irregularities should bring savings in both time and money.

The conference gave rise to several initiatives that were also facilitated by JRGA. The Project supported the organization of a roundtable gathering the representatives of the Public Procurement Office, the Public Prosecutors' Association, the Judges' Association, and the State Audit Institution to exchange views on the possibilities for amending the Criminal Code in order to ensure prosecution of malpractices in public procurements. Draft text of a proposed amendment to be introduced into the Criminal Code was prepared during the workshop and submitted to the working group of the Ministry of Justice. The amendment expanded the responsibility for procurement offences to include the contracting authority as well the bidder. It was adopted by the working group, and incorporated into the text.

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

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

**Impact:**

23 grants for 16 different partner organizations awarded for Component 2 initiatives aimed at detecting and preventing corruption, institutional strengthening of independent agencies in areas such as treatment of vulnerable groups, personal data protection, election monitoring, or public monitoring of the public procurement process..

Grantee partnerships have yielded significant results, reflecting continued and increased interest on the part of civil society organizations in judicial reform, as well as giving rise to strong and sustainable local partners empowered in line with USAID objectives.

With invaluable support from the Project in ensuring a broad and inclusive consultation process, Serbia adopted its National Anti-corruption Strategy 2013-2018 and the accompanying Action Plan in 2013.

JRGA was instrumental in improving the organic legal frameworks governing the work of its counterparts in Independent Agencies and provided support in drafting the new Law on the Anti-Corruption Agency and by-laws for the implementation of the Law on Personal Data Protection.

Building counterpart capacities for Independent Agencies was a systematic and continuous activity for JRGA, resulting in stronger institutions, with clearly defined strategic frameworks and actionable plans directing their future development and growth.

*Grant Administration:* During Year 1, JRGA established internal mechanisms for the administration of a grants program. JRGA developed tools for sound grants award, monitoring and management, such as a comprehensive grants manual. The first Request for Application (RfA) was published in the second quarter of Year 1. JRGA published 6 RfAs in total, structuring them around specific topics and awarding funds on the basis of an inclusive, open and fair competitive process.

In Year 3, after consultation with USAID, JRGA introduced a new concept for grant implementation and management focused on developing the sustainability of selected grantees. The Project developed long-term partnership relationships with selected grantees to develop the capacity of selected CSOs to sustain judicial reform and anti-corruption activities. Framework agreements were established partnering organizations with similar objectives and

complementary capacities, allowing grantee organizations to pursue mutual objectives and simultaneously increase their own organization capacities. One framework agreement was established by JRGA relating to government accountability, with our long-term partner Eutopia, on providing further continued support their activities as the whistleblowers resource center.

The partnerships have proven their value primarily in establishing tighter connections with the partner CSO and enabling knowledge and experience sharing. Managing grant partnerships through Task Order required coordination of planning for activities and related budgets and a clear delineation of responsibilities between partners.

Some of the main achievements of grants supported by JRGA related to subject-matter concerning government accountability and detecting and preventing corruption are the establishment of the whistleblower helpline that provided assistance for 900 whistleblowers and potential whistleblowers and represented five of them pro bono in court; creation of an open data platform for all information and data sets in the possession of the Serbian Commissioner for Access to Information and Personal Data Protection, a move unrivalled among Serbian public institutions; ensuring citizen involvement in enabling fair and competitive public procurement procedures, election monitoring and detecting and reporting corruption in the health-care system; publishing a list of bona fide certified medical professionals on the website of the Serbian Medical Chamber. A number of initiatives also spanned components, providing assistance to e.g. developing integrity plans for courts, or ensuring personal data protection in redacted court decisions.

#### *Comparative Information – governance related policies and regulations:*

*Anti-Corruption Strategy:* Serbia adopted a five year anti-corruption strategy in 2005. The strategy was widely felt to have been ineffective, and since 2011, the country has been working on a replacement. The elections and change of government in 2012 caused substantial delay in the process, but a new working group was established in the latter half of the year. JRGA provided continuous technical assistance to the working group members throughout the process, delivering a range of supporting documents, including comments on the previous draft strategy, advice on particular issues, best practices in executive branch coordination of anti-corruption efforts, and a concept for the structure of the new strategy.

During the third quarter of Year 2, activity of the working group sped up substantially. In this phase of the drafting process, JRGA continued with both technical and logistical support. The Project particularly worked on developing a template for the action plan that will provide a detailed implementation scheme for the strategy. Furthermore, the Project supported the working group in organizing the public hearing for the Strategy in March 2013. Held in the Palace of Serbia, the event was attended by approximately 100 representatives of different government and public bodies, independent regulatory agencies, National Assembly, the civil society, international organizations, general public and the media. After the public hearing, the Project provided technical assistance to the working group of the Ministry in incorporating the feedback received and finalizing the text of the Strategy.

The Strategy was adopted in July 2013. JRGA has since been actively involved in the monitoring of its implementation and supporting the establishment of an effective coordination mechanism between the MoJ and the ACA for efficient oversight of the implementation process. The project pushed for a simple implementation guide for responsible bodies, jointly issued by the ACA and MoJ. Despite initial success in getting the two parties behind the initiative, the implementation guide was never finalized.

In parallel with the finalization and the adoption of the Strategy, JRGA facilitated 10 workshops for the preparation of the Action Plan covering the following Strategy priority areas: media, police, political corruption, public finance, privatization, judiciary, sports and education, spatial planning, health-care and prevention. These served as a consultation platform for the working group gathering representatives of relevant stakeholder institutions and obtaining their input on concrete measures to be undertaken in each of the priority areas. JRGA also helped to structure and formulate indicators for the Action Plan. The Action Plan was adopted after the Strategy, in the early fall of 2013.

Early in JRGA Year 4, in August 2014, the Serbian Government established a new executive branch coordination body for the implementation of the Strategy and the Action Plan. The coordinating body is to complement the work of the MoJ and the ACA in the coordination of the implementation and oversight process.

Throughout Year 4, JRGA continued to provide support to the MoJ and the ACA in an effort to improve overall coordination of efforts. To this end, JRGA provided expertise in working with both organizations to help clarify the roles for each in implementing the Action Plan. JRGA also provided input for the draft new Law on the Anti-Corruption Agency concerning clarifying and further solidifying its coordination role in the monitoring of the implementation of the Strategy.

*Open Government Partnership - implementation / development of action plan:* In 2011, the Government of Serbia submitted its Letter of Intent to join the Open Government Partnership (OGP), a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In support of this process, JRGA and the Institute for Sustainable Communities worked together with the Digital Agenda Administration to initiate the process of public consultations that will inform the government's OGP commitments and enable a multi-stakeholder forum for the preparation of the country action plan. The multi-stakeholder consultation forum took place in the spring of 2012 with organizational and logistic support of JRGA. Over 60 representatives of the government institutions, independent regulatory bodies, civil society organizations and the donor community took part in discussions on how to make the government in Serbia a more open one and more responsive to the needs of its citizens.

In Year 3, the Project helped the then Ministry of Justice and Public Administration to develop the action plan through technical expertise and logistical support, including for the travel of two Ministry staff to the OGP Annual Conference in London in October 2013, in order to familiarize them with the OGP process and connect with other member countries. Subsequently, JRGA participated in the consultation meeting on the monitoring of the implementation of the Serbia's OGP action plan held in 2015.

*Improvement of the Personal Data Protection regulative framework:* In the first quarter of Year 2, JRGA organized the visit of Lisa Sotto, who is among a few world-renowned experts in the field of data breach protection. As the Project's short-term technical assistance expert (STTA), Ms. Sotto aimed to help improve the legal framework and operational procedures and practices regarding personal data protection.

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

existing Serbian legal framework, and to enable easier implementation of the commissioner's recommendations concerning this important area.

#### *Technical Assistance – institutional development*

*Anti-Corruption Agency - Strategy and Management:* JRGA started the strategic planning exercise with the Anti-Corruption Agency after the changes at its helm – in late 2012, when this institution opened up for the absorption of more intensive technical assistance and capacity building support. After several intensive, two-day strategic planning sessions, JRGA provided continuous support both through the Project team as well as different short-term technical assistance experts that focused on strengthening the management and leadership skills among the decision-makers in the ACA. This in turn yielded a strategic framework for the institution's further development.

Throughout Year 4, JRGA held discussions with the ACA's senior management to identify and determine possible management skills training to support the work of the Agency. Building on a successful tailor-made training program delivered in May 2015 by two JRGA local STTA experts on seven topics covering basic managerial skills, the ACA requested a continuation of this assistance in Year 5. JRGA engaged the same STTA experts to deliver further training on the topics of organizational culture, risk management, reporting and presentation skills, while in parallel working through on-the-job training and mentoring process on implementing the strategic planning exercise for the ACA, centering on the need to reorganize the work of the Agency.

Seven training sessions were delivered in total in the period October 2015 – February 2016. In parallel with the training, with guidance from JRGA experts, the ACA senior staff members and members of the Agency's board went through the strategic planning exercise, working through a SWOT analysis, defining strategic and operational goals for the ACA and determining priorities. This assistance gave rise to a 2016-2018 Strategic Plan for the Agency. The plan is structured around the identified vision and mission statements (Our Mission – work alongside the society in protecting public interest, decreasing corruption risks and promoting integrity and accountability of the public institutions and officials; and Our Vision: Reduce the corruption to an incident.) The plan also contains a well-structured and actionable Annual Work Plan for 2016. The ACA Board discussed and adopted the 2016-2018 Strategic Plan in March, including a goal-oriented 2016 Annual Work Plan for the Agency.

*Anti-Corruption Agency - Reporting and Outreach:* JRGA supported the ACA in organizing events to mark the International Anti-Corruption Day, December 9, for the duration of the Project. Various promotional materials were developed, printed and distributed for the purpose.

JRGA provided technical assistance to the ACA leadership and staff of relevant departments with effective messaging and reporting in formulating their special reports targeting policy makers in the National Assembly, media and the general public. This training was provided by JRGA to the State Audit Institution and the Ombudsman's office as well so as to increase the capacities of independent agencies to clearly and effectively communicate their findings and effect changes.

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

servants. With this daunting task ahead, the ACA and JRGA discussed ways to address it with limited resources.

JRGA engaged a short-term technical assistance expert to guide the ACA towards an effective solution for implementing such a high-volume training exercise. It was agreed that a multi-pronged distance learning and classroom approach was the effective way to quickly and effectively reach such a large diversified audience. Initial training will be delivered via educational videos and subsequently complemented by a more detailed instruction provided by selected trainers that would participate in a training-of-trainers program prepared by the ACA.

Seven educational videos were developed. They address various corruption risks in the working environment and demonstrate good practices based on the Code of Conduct of Civil Servants. The videos cover values and roles of civil servants; demonstrate frequent ethical dilemmas encountered by public officials; and capture common corruption risks at the workplace.

Based on consultation between JRGA STTA expert and the ACA's management team, it was agreed that the training program on integrity and corruption issues would first be piloted in the judiciary (precisely in the system of misdemeanor courts), as successful implementation of the training across the judiciary system would serve as a good example for other, less structured institutions. To this end, in June 2015 the Agency, with support from JRGA, organized a three-day training-of-trainers course for 16 judicial personnel from misdemeanor courts to conduct follow on anti-corruption and integrity classroom training for judicial sector employees. The training also focused on techniques to effectively conduct adult learning workshops for large groups, including methods for engaging audiences in productive dialogue, effective presentation skills, utilizing audio-visual tools to transfer knowledge, etc.

Most recently, during summer of 2016, JRGA also provided technical assistance and facilitation to the Agency in developing an anti-corruption training compendium. This publication contains texts and training materials developed to date on a range of anti-corruption topics from the scope of work of the Agency and serves as a starting point for developing and delivering training courses to the public sector employees. The Agency also recently completed another training-of-trainers course, widening the network of public sector personnel capable of delivering training on the topics of integrity and corruption issues.

As a supplemental didactic tool, JRGA also supported the Agency in developing a tutorial – a dummies' guide – for filling in and submitting integrity plans. It is also intended for all public sector personnel and contains detailed step-by-step instructions on how to successfully complete the process.

*State Audit Institution - Strategy, Reporting and Counterpart Capacity.* In collaboration with USAID's Business Enabling Project, JRGA organized a study trip to the United States with a focus on budgetary issues in July 2013. Participants included MPs (including from the Finance Committee), staff of the State Audit Institution (SAI), and executive branch staff. Meetings in the US included a workshop with former experts from the Government Accountability Office (GAO) as well as meetings with current staff on specific issues, and a meeting with the GAO Comptroller General. The trip was much lauded by Serbian participants, who returned with concrete ideas for replication in Serbia. This triggered a robust technical assistance initiative implemented by the project in the years to come targeting the state Audit Institution.

Through thirteen visits in the period October 2013 - October 2016, JRGA short-term technical assistance expert (STTA) managed to establish and build upon an excellent working relationship with SAI leadership and staff. The expert, supported by the JRGA team, delivered training sessions to SAI supreme auditors and the newly formed performance audit team on the basic tenets of performance auditing, in line with international best practice and GAO practice.

This was complemented with training sessions on quality control and assurance in audits, as well as general training on effective messaging and reporting. The expert also provided hands-on assistance and practical tools in designing report matrices, interviewing for evidence and substantiating findings. Assistance provided was very well received by the SAI, especially since the process of performance auditing was a first-time exercise for them at the time and they relied on expert help to complete their first reports. SAI leadership, as well as the SAI President, was intricately involved in cooperation with JRGA's team and experts and this yielded excellent results.

In the three-year period, SAI produced four performance audits which all received significant attention from the other branches of the government, media and the general public. The report on the use of official vehicles in particular effected a change in the government policy on the use of official cars. In order to sustain the effort invested in building capacities of SAI staff to conduct performance audits, JRGA also delivered a training-of-trainers workshop for the select group of auditors so that they can serve as in-house trainers and transfer the knowledge and skills to their existing and potential future co-workers, increasing the institution's capacity to carry out these effective audits.

In addition to this, JRGA worked with SAI on improving their strategic planning framework. After initial identification of internal and external performance indicators to better guide the strategic direction and planning of the organization going forward, JRGA helped SAI produce its first five-year strategic plan. The Project helped SAI complete all steps in the strategic planning process that lead to the formulation of goals and concrete activities. After SAI conducted the Needs Assessment Analysis stage, JRGA provided technical assistance in carrying out a gap analysis that would provide information necessary for developing 4-5 strategic goal statements. To supplement findings of the gap analysis, JRGA recommended conducting an environmental scan that would provide SAI with a big picture view of important issues facing Serbia in the upcoming period, upon which SAI may wish to focus its future audits.

The environmental scan was finalized in December 2015 and its outcomes were included in the subsequent steps in the strategic planning process. SAI's strategic working group defined four key goals and 2-5 objectives per goal in January 2016. JRGA international STTA expert provided feedback on this version of the document, recommending further work on articulating detailed activities for each of the goals, as well as developing performance indicators that will track and measure the institution's achievements. The strategic document that was finalized in the last quarter of Year 5 is based on the key guidance document that SAI is to follow - INTOSAI<sup>2</sup>'s Strategic Planning Handbook, Capacity Building Needs Assessment Guide and Peer Review Guidelines INTOSAI recommends.

The expert also worked with SAI on improving their coordination with the National Assembly and improving their reporting and messaging towards the Parliament, as well as enhancing MPs understanding of the findings of audit reports and how these can serve as starting points for parliamentary hearings.

*Ombudsperson's office – Counterpart Capacity:* In the first year of Project implementation, JRGA initiated cooperation with the Ombudsperson's office on issues related to raising awareness of the general public on different good governance initiatives implemented by this independent body. In 2011, the Ombudsperson adopted a Code of Good Administrative Governance (CGAG), based on a document of the EU Ombudsperson. The CGAG was intended as a model for government bodies and local governments. The Project assisted the

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<sup>2</sup> The International Organization of Supreme Audit Institutions - INTOSAI

Ombudsperson's office in developing a campaign for the promotion of the CGAG and in re-designing promotional posters for the Code. Four posters were designed with JRGA assistance.

In line with the proposal formulated by JRGA in the promotional campaign for the Code, the Ombudsperson's office contacted the Standing Conference of Towns and Municipalities (SCTM) and agreed on the promotion of the Code among the units of the local self-government. The Code was endorsed by the SCTM Committee on Local Self-Government System. The Ombudsperson's office printed the posters, and distributed them for posting within the premises of local municipal administration premises. Furthermore, the Office and the SCTM began promoting the Code among local governments and advocating its adoption as a best practice.

Also in Year 1, JRGA enlisted the help of a short-term technical assistance expert and worked on developing a communication strategy for the Ombudsperson geared towards improving the level of awareness of the citizens of Serbia regarding the competence and scope of the Ombudsperson's activities. The strategy and an accompanying one year action plan were adopted in at the end of Project Year 1.

In the second year of Project implementation, JRGA determined that the number of Ombudsperson's office contacts with citizens has grown rapidly which required establishing efficient, professional, and standardized communication with complainants and the public institutions to which complaints are related. For this reason, the Project provided training on customer relations for the staff of Ombudsman's office.

Two training sessions focused on effective tools and mechanisms for working with citizens, dealing with complainants' unrealistic expectations, dealing with complainants with challenging behavior, as well as models for overcoming reluctance of public administration for cooperation. Around 30 staff from the Ombudsperson's office went through this training exercise. JRGA followed-up this training with five on-the-job coaching sessions in order to allow practical application of the knowledge gained during classroom training.

This specific assistance ran in parallel with an operational review of the internal processes and documentation used for handling complaints. Recommendations for improving the established procedures, report templates and recommendation structures were delivered to the leadership of the institution through a two-day training session.

Upon the specific request of the staff of the Ombudsperson's office, in November 2013, JRGA organized four training sessions on the topic of human rights and good governance for the staff of the Ombudsperson's offices. This training was the first opportunity in six years to gather the staff of different offices of the Ombudsperson and enable direct dialogue and exchange of knowledge and experience. JRGA designed this training exercise as cross-training, using the expertise of the Ombudsperson's own staff (and a few external local experts) to train each other on basic concepts of governance and human rights. The training covered a total of 40 staff divided into two groups each of which underwent two two-day training sessions.

The first training session involved theoretical presentations on the basic concepts of human rights as well as first-hand, real life experiences from representatives of vulnerable groups. For particular impact, JRGA decided to use the concept of living libraries, an innovative methodology of the Council of Europe designed for promoting dialogue, reducing prejudices and encouraging understanding. The second session focused on the principles of good governance and current practice of both the Ombudsperson's office and the Administrative Court in handling complaints or cases stemming from non-responsiveness of the public administration. The training participants recognized the need for more regular coordination meetings between the Ombudsperson's staff and the Administrative Court judges deciding in

cases based upon the General Administrative Procedure Act in order to be able to dialogue and exchange first-hand experience which would in turn contribute to more efficient operations of both institutions.

During Year 4, the Project also provided assistance to the Ombudsman's office to improve its performance in monitoring healthcare institutions in Serbia. Changes to the Law on Patients' Rights introduced new protection mechanisms and made members of municipal health councils responsible for protecting patients' rights. In addition to reviewing patients' complaints, every municipal council is required to submit an annual report outlining the measures taken to protect the rights of patients to the local self-government, to the Ministry of Health, and to the Ombudsman's office. With assistance from JRGA, the Ombudsman's Department for Healthcare introduced a template report with uniform reporting standards, for local health councils, in order to facilitate reporting and to provide for standardized data that will be collected and reported by local health councils and patient's right councilors. In order to strengthen capacities on the local level, JRGA and the Ombudsman's office delivered 15 training sessions for 146 representatives from 86 local self-government units across Serbia starting in October 2014. These focused on how to collect and report standardized information pertaining to patient care and treatment. The training helped to enhance the protection of patients' rights across Serbia, particularly through protecting access to healthcare services for various vulnerable groups, such as children, women, Roma, persons with disabilities, etc.

The report on the work of the local patient rights protectors was the first product of the Ombudsperson's office that reflected recommendations provided by JRGA's short term expert on effective reporting and messaging. It was presented in March 2016 and built on recommendations for powerful writing and messaging in the reports that will in turn make bigger impact on the legislature, administration and public in general.

JRGA also delivered training on the subject of the analytical framework for drafting special reports. It focused on the following topics: setting strategic priorities; designing effective analyses; collecting sufficient evidence; interviewing for information; developing reportable findings; and ensuring a quality report. Participants discussed the methods an institution can use to prioritize its work, develop topics for the activities or projects it intends to undertake and design those projects using a standard framework.

*Commissioner for the Protection of Equality – Counterpart Capacity:* The Project established a working relationship with the Commissioner for the Protection of Equality (CPE), the newest among independent bodies, late in JRGA Year 1. To solidify joint efforts, JRGA provided assistance to the CPE in increasing the visibility and public awareness of the important work carried out by this body. JRGA provided support for redesigning the style, structure, and content of the official CPE website. The redesigned website was officially launched in April 2013, providing information on the newest activities of the Commissioner as well as on the jurisdiction of this independent body. The new website was also optimized for the visually impaired. JRGA also provided assistance in designing and printing a brochure containing essential information on the scope of work and assistance offered by CPE. This brochure contains a section of contact information in Braille for the blind and visually impaired. The brochure was printed in 13.000 copies and disseminated by JRGA to Misdemeanor Courts across Serbia.

In Year 4, JRGA supported the office of the Commissioner by providing expertise in broadening public understanding and awareness about the importance of combating discrimination and the importance of upholding the principles of equality, particularly in underserved local communities across the country. A customized communication plan was developed to assist the CPE with this activity. The plan identified targeted audiences, relevant

topics, and implementing partners; and provided the Commissioner with a set of specific activities and procedures to improve PR and outreach efforts in this area. The plan also addressed activities to promote the Commissioner's recently established regional office in multi-ethnic community of Novi Pazar.

After four years, the design of the CPE website was outdated and the platform became burdened with an abundance of news items, announcements and documents which made it increasingly hard to navigate. In August 2016, JRGA once again extended technical assistance to the office of the Commissioner in moving the website to a more user-friendly content management system and redesigning the site's appearance and functionalities in order to make for a better user experience. The website is an essential tool for the work of the Commissioner's office as it is also a vehicle through which citizens can submit complaints and report discrimination.

Other assistance provided by the project included support to the public hearing in the National Assembly on the discrimination against the elderly and the development and dissemination of the Manual for the implementation of anti-discrimination regulations in the misdemeanor procedure.

## JRGA BUDGET EXECUTION

For the period through September 30, 2016, NCSC has submitted monthly expenditure reports and quarterly accrual reports, as required by Section F.7 of the contract. On February 29, 2016, USAID modified the Serbia JRGA contract, extending the period of performance from May 3 to November 2, 2016. The total contract amount of \$21,885,396 was adjusted and reduced to \$20,971,723. At that time, USAID fully obligated all funds.

The estimated cumulative expenses accrued through September 30, 2016 total \$19,557,697. The estimated balance of funds remaining is \$1,414,025. The table below shows current spending by budget line item.

### Serbia Judicial Reform & Government Accountability Project Expenditure Report Estimated Costs (through Sep 30 2016)

LINE ITEM	Cumulative To Date	Budget	Remaining Budget
<b>Total Estimated Cost</b>	<b>15,258,733.19</b>	<b>16,504,113.00</b>	<b>1,245,379.81</b>
<i>Labor</i>	3,415,490.98	3,518,979.00	103,488.02
<i>Fringe Benefits</i>	1,378,311.41	1,461,768.00	83,456.59
<i>Consultants</i>	183,249.94	187,070.00	3,820.06
<i>Differential &amp; Allowances</i>	229,812.48	259,099.00	29,286.52
<i>Travel, Per Diem &amp; Transportation</i>	427,828.80	497,166.00	69,337.20
<i>Equipment--Project Office</i>	117,058.00	117,058.00	0.00
<i>Supplies</i>	114,240.25	124,145.00	9,904.75
<i>Other Direct Costs</i>	2,201,144.95	2,523,227.00	322,082.05
<i>Subcontracts (MSI and DPI)</i>	4,853,217.33	5,341,677.00	488,459.67
<i>Indirect Costs</i>	2,338,379.05	2,473,924.00	135,544.95
<i>-- Overhead</i>	835,131.78	917,638.00	82,506.22
<i>-- G&amp;A</i>	1,503,247.27	1,556,286.00	53,038.73
<b>Grants Fund</b>	<b>1,310,384.68</b>	<b>1,330,000.00</b>	<b>19,615.32</b>
<b>IT/Infrastructure</b>	<b>2,534,944.15</b>	<b>2,538,035.00</b>	<b>3,090.85</b>
<b>Fixed Fee</b>	<b>570,693.10</b>	<b>599,575.00</b>	<b>28,881.90</b>
<b>TOTAL COST PLUS FIXED FEE</b>	<b>19,557,697.12</b>	<b>20,971,723.00</b>	<b>1,414,025.88</b>

NCSC use of person days are within budget and labor category limits (person days ordered). On May 20, 2016, USAID issued a contract modification increasing total level of effort from 34,873 to 35,495 person days. NCSC is carefully managing level of effort for all labor categories per Section F.8 of the contract, and NCSC does not anticipate any overruns for labor categories.

With respect to the JRGA sub-grants program, JRGA has fully obligated all grants funds in a total amount of \$1,330,000, as budgeted. Sub-grantee organizations have completed sub-grant activities during the project extension period.