



**MINISTRY OF JUSTICE OF THE REPUBLIC OF SERBIA**

**JUDICIAL DEVELOPMENT STRATEGY  
- for the 2019-2024 period -**

**- draft-**

**July 2019**

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## I. INTRODUCTION

### 1. Rationale for Strategy Adoption

Development of the judiciary is a key priority for the Republic of Serbia, as well as a permanent process of modernization and harmonization of the judiciary in line with the needs of the state and society, with a view to ensuring rule of law and enhancing legal certainty. Development of the judiciary ensures consistent application of the principle of separation of powers in a democratic society governed by the rule of law in accordance with the Constitution of the Republic of Serbia. An independent, impartial, accountable, competent, and efficient judiciary is a prerequisite for tackling day-to-day challenges of transition and globalization. Hence, its modernization, through application of creative normative and organizational solutions and openness to the public, is the only viable response to the high degree of complexity and dynamic quality of societal relations in the modern world and the information society's needs. This also requires that judicial office holders and employees in the judiciary possess relevant competences, knowledge, and skills so as to ensure full application of the principles of legality and predictability, concurrently with the application of modern work methods, and information and communication technology, which are required for the effective, efficient and economical work of the judiciary.

All these aspects should be conducive to bolstering the trust of citizens in judicial institutions, help attract and retain foreign investments in Serbia by way of easy-to-understand regulations that are effectively implemented, thereby guaranteeing effective protection of their lawful interests and ensuring legal certainty. In addition, further enhancements of Serbia's judiciary must focus on adoption of the highest European standards, while simultaneously acknowledging the legal traditions of the Republic of Serbia.

In the previous decade, Serbia underwent many reform processes in the field of judiciary that unfolded, above all, through implementation of multiannual strategic documents – the National Judicial Reform Strategy for the 2006-2011 period<sup>1</sup>; the National Judicial Reform Strategy for the 2013-2018 period<sup>2</sup> (hereinafter referred to as '2013-2018 NJRS') and its accompanying Action Plan; and the Action Plan for Chapter 23 (hereinafter referred to as 'AP23'). This strategic approach to judicial reform proved to be an efficient mechanism for successful alignment of reform steps and allocation of required resources, while also being of particular importance in the process of project support planning in the field of the judiciary.

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<sup>1</sup> Decision on Adoption of the National Judicial Reform Strategy, "Official Gazette RS", no. 44/06.

<sup>2</sup> National Judicial Reform Strategy for the 2013-2018 period, "Official Gazette RS", no. 57/13.

Bearing in mind that an adequate degree of change in the judiciary has been achieved in the previous period, it is necessary to continue with its further development.

Further bearing in mind the Republic of Serbia's commitment to the European integration process, as well as the direction of reforms and development set out in the recommendations issued by the European Commission (hereinafter referred to as 'EC') in the Chapter 23 Screening Report<sup>3</sup> and interim benchmarks contained in the negotiation position<sup>4</sup> for the same chapter, the adoption of the Judicial Development Strategy for the 2019-2024 period (hereinafter referred to as '2019-2024 JDS') marks the completion of the reform process and creation of conditions for development continuity that is sustaining and enhancing the quality of the judiciary, as well as providing a clear and predictable framework for monitoring the achievements made thus far and the establishment of conditions for their sustainability.

In the previous period, many positive advances have been made in the field of judicial reform, such as: modification, enhancement and implementation of the normative framework in the field of judiciary; rationalization of the network of courts in January 2014; implementation of measures aimed at reduction in length of court proceedings and reduction of the total number of pending cases, particularly backlogs; establishment of the mechanism for alternative dispute resolution; enhancement of accessibility of judicial institutions and transparency of their work; as well as strengthening of institutional and professional capacities of judicial bodies with a view to contributing to Serbia's European integration process. Nevertheless, there is still significant room for further advancement in the process of judicial reform.

Key strategic documents specify that the implementation of reform steps in the field of the judiciary requires changes to the normative framework. In this respect, the 2013-2018 NJRS and AP23 stipulate the need for a change to the constitutional framework as one of the most important measures in the field of judiciary, which above all pertains to the influence of the legislative and executive branches of power on the procedure of election and termination of office of judges, court presidents, public prosecutors / deputy public prosecutors, as well as elected members of the High Court Council and the State Prosecutorial Council, specifying in the process the role and position of the Judicial Academy as a mechanism for entry into judiciary based on objective results. Changes to the Constitution will also require changes to the implementing laws and by-laws, and their harmonization with European standards. This process was launched in the previous

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<sup>3</sup> Chapter 23 Screening Report, available at: <https://mpravde.gov.rs/teksts/7073-izvestaj-o-skriningu.php>, accessed June 25, 2018.

<sup>4</sup> Chapter 23 Negotiation Position, available at: <https://mpravde.gov.rs/tekst/13244/pregovaracka-pozicija.php>, accessed December 12, 2018.

period, though its completion and adequate implementation will present the greatest challenge to the new Strategy.



Figure 1: Structure of the 2019-2024 Judicial Development Strategy

All the aforementioned steps accomplished thus far and successfully implemented processes have a significant impact on the framework and scope of this new Strategy, which should define a set of development objectives and measures necessary for the judiciary to attain the standards set as a prerequisite for the Republic of Serbia's accession to the European Union (hereinafter referred to as 'EU'). The Analysis of the National Judicial Reform Strategy Implementation for 2013-2018 <sup>5</sup>, and reports by the Council for AP23 Implementation and interim benchmarks contained in the EU's Negotiation Position for Chapter 23, constitute the basis for objectives and measures defined in this 2019-2024 JDS.

The Strategy's structure encompasses its vision, general objective, and specific objectives and measures that are formulated within the framework of internationally recognized principles in this field (independence, impartiality and accountability, competence, and efficiency). These principles are identical to the principles in AP23 in the field of judiciary, and also include two horizontal principles – transparency and e-judiciary –that constitute a cross-cutting structure without which further development and establishment of a modern judiciary is inconceivable.

Given that multiple measures in the Strategy set a comprehensive and complex framework for further development of the judiciary, Serbia also needs to commit to key strategic priorities on that path.

<b>Strategic priorities are as follows:</b>
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- 1) **further strengthening of judicial independence and prosecutorial autonomy** through an enhanced normative and institutional framework specifying the application of adopted criteria and standards for an objective, transparent, and results-based system for election of judicial office holders and elective members of the High Court Council and the State Prosecutorial Council from the ranks of judges and deputy public prosecutors, respectively; criteria for promotion and performance appraisal of judges and prosecutors; and strengthening of professional and personnel capacities of courts and public prosecutors' offices, the High Court Council and the State Prosecutorial Council;
- 2) **further strengthening of integrity** of judicial office holders and members of the High Court Council and the State Prosecutorial Council through adherence to ethical principles, as well as enhancement of the accountability of the judicial system by way of strengthening the mechanism for professional responsibility of judges and public

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<sup>5</sup> Analysis of 2013-2018 National Judicial Reform Strategy Implementation, USAID ROL, Belgrade, 2018.

prosecutors and deputy public prosecutors through monitoring the results of disciplinary organs'; further strengthening of ethical committees in monitoring the compliance with the provisions of the ethical codes of conduct, including also the promotion of ethical principles and the importance of self-appraisal in terms of professional conduct; as well as further strengthening of impartiality of judicial office holders through a consistent application of the principle of random case assignment;

- 3) **further increase in quality of the judicial system** by strengthening the competences and capabilities of judicial office holders and employees in the judiciary; defining the role and position of the Judicial Academy and strengthening its capacities so as to establish in its entirety the mechanism for entry into judiciary based on results achieved, as well as transparency and equity, and by continuing with successful implementation of initial and continuous training;
- 4) **further increase the level of efficiency of the judicial system** through an analysis and adaptation of the judicial network; reduction in the total number of pending cases with an emphasis on backlog cases and prevention of emergence of additional backlog cases; accessibility of legal regulations and creation of mechanisms for establishing and publishing uniform case law pertinent to courts and public prosecutors' offices; advancement of the free legal aid system; advancement of the court administration system and judicial management; advancement of alternative methods for dispute resolution; and development of IT systems in the judiciary aimed at establishing a modern e-judiciary;
- 5) **increase of the level of public trust in the work of judiciary** through accessibility of judicial institutions and continuous transparency of their work, which entails better functionality of judicial institutions' web pages, consistent implementation of judicial institutions' communication strategies, and introduction of the practice of holding regular press conferences where the work of both courts and prosecutors' offices, and the High Court Council and the State Prosecutorial Council, as well as the Judicial Academy, is presented.

## **2. Current Situation in the Field of Judicial Reform**

The beginning of more extensive reform activities in the field of judiciary in the Republic of Serbia pertains to the National Judicial Reform Strategy for the 2006-2011 period, the implementation of which resulted in the establishment of a legal and institutional framework for the judiciary, as well as in certain shortcomings the ramifications of which are still being felt to date. This was primarily related to the re-election of judges and public prosecutors in 2009, which was carried out in a non-transparent and unconstitutional manner. In addition, the judicial network was not adequately assessed, procedural laws

were not adequately amended, nor was the requirement for equitable caseload burden of courts and judges fulfilled.

The said shortcomings plagued the adoption of 2013-2018 NJRS, which had an impact on defining priorities and objectives in that strategic document, such as a requirement that judges and prosecutors who had been subjected to (groundless) termination of office return into the system, that a new court network be established, and to ensure that the pending case backlog be reduced as well as equality of caseloads achieved. The application of systemic measures and establishment of the new court network, which started operating on January 1, 2014, created conditions necessary for a reduction in the pending cases backlog, as well as a more equitable case distribution.

Over the course of the 2013-2018 NJRS implementation period, as part of measures aimed at strengthening the independence of judiciary, influence of the legislative authorities on the process of election of judicial office holders was reduced by way of amending a set of judicial laws to the extent permitted by the existing Constitution. The High Court Council and the State Prosecutorial Council adopted necessary rulebooks specifying rules and procedures for election, promotion, and performance evaluation of judicial office holders, as well as the procedure for determining disciplinary liability.

In the past six years, substantial progress has been made in establishing greater transparency of the judicial system and access to justice, bearing in mind that the work of the High Court Council and the State Prosecutorial Council has become more open to public scrutiny and thus significantly enhanced, and that many services for citizens that have been put in place have also become more accessible through the system of e-justice. Drafting of the National Strategy for Advancement of the Rights of Victims and Witnesses to Criminal Offences constitutes an important step in the field of access to justice. Accessibility of legal regulations has been accomplished via the Administration for Joint Services of the Republic Bodies (AJSRB), which enables free-of-charge browsing and downloads of all publications in the legal regulations database disaggregated into 28 categories on its web site. The Law on Free Legal Aid has also been adopted.

Accessibility of case law has been partially achieved, which is a prerequisite for case law predictability and uniform application of law.

During the course of the 2013-2018 NJRS implementation, significant results were achieved with regard to competences of judicial office holders, representatives of new judicial professions, as well as many employees in the judiciary. The entrance exam for judicial trainees was introduced, new continuous training programs were established, and capacities and transparency of work of the Judicial Academy were considerably enhanced.

Mechanisms for disciplinary liability and ethics were enhanced at the level of normative framework, as well as preventive action in the segment of trainings in the field of ethics,



while there is still room for further improvement of the work of disciplinary organs of the High Court Council and the State Prosecutorial Council.

Significant results in the field of efficiency were achieved by way of reducing the number of pending cases (enforcement cases in particular), but also through alleviation of courts' workload stemming from the extension of competencies of notaries public and public enforcement officers. Multiple reform activities were focused on the establishment of an alternative dispute resolution system through changes to the legal framework and promotion, however, it still remains to be rounded off as a fully functioning system to yield the intended effects. In addition, service of documents, collection of court fees, and the role of expert witnesses have not attained the level that would provide for more efficient procedures.

Exceptional progress has been achieved in the field of advancement of judicial infrastructure, the further continuous enhancement of which is a prerequisite for establishing a modern and quality judiciary.

Despite significant progress in the field of information technologies in the judiciary, courts are still lacking standardized and compatible automated case management systems, which precludes straightforward statistical and analytical performance monitoring and modern management of the judicial system. The automated case management system has not been implemented in all public prosecutors' offices, and moreover, the public prosecutors' offices infrastructure is still not suitable for further implementation of the software solution.

Reform activities in the judiciary of the Republic of Serbia, as regulated in strategic documents, have been implemented for over a decade, but the preparations for and the opening of EU accession negotiations as part of Chapter 23 in July 2016 provided them with an impetus necessary for further development that made it possible to perform a more in-depth review of the obligations and steps required for meeting interim benchmarks and attaining European standards.

The work of the Commission for Monitoring the 2013-2018 NJRS Implementation and the Council for Chapter 23 Action Plan Implementation has considerably enhanced the mechanisms for monitoring and evaluation of the results stemming from the implementation of reforms.

The said monitoring mechanisms, particularly the AP23 mechanism, have significantly contributed to transparency of the reform process, as well as objectivity and standardization of reporting and evaluation processes. The foundations of the culture of self-assessment at institutions have been built through training on reporting and must be followed by an objective and competent evaluation of results. Hence, work should be done

in the coming period towards bringing together and rendering these mechanisms uniform in order to alleviate the resulting burdens weighing down administrative capacities.

The analysis of the results achieved in the implementation of the National Judicial Reform Strategy for the 2013-2018 period and the fulfilment of measures stipulated in the Strategy's Action Plan point to a need for further advancement and development of the judiciary.

Development processes planned for the 2019-2024 period are defined by the need for further advancement of the judiciary's functioning, on one hand, and interim benchmarks as part of Chapter 23, on the other hand. The Law on Planning System of the Republic of Serbia (article 18, para. 7) provides for a possibility that the national strategies' implementation be regulated by multiple action plans with a shorter implementation period. Consequently, the 2019-2024 DJS shall be partly implemented through a revised Chapter 23 Action Plan that is designed to attain the interim benchmarks. Bearing in mind the fact that the Chapter 23 Action Plan's implementation is limited to the 2019-2021 period, the second half of the 2019-2024 DJS implementation shall be regulated in detail by a new or revised Chapter 23 Action Plan. The expectation is that, in the negotiation process for accession to the European Union, the final benchmarks that will be a part of the new or revised Chapter 23 Action Plan will be set for the Republic of Serbia during the course of the 2019-2024 DJS' implementation. Resources will be consolidated, and duplication and overlapping of strategic documents, which was occurring in this field in the previous period, will be avoided through implementation and monitoring of the 2019-2024 DJS.

### 3. Strategy's Vision and Objectives

**Vision: Independent and autonomous, modern and efficient judiciary, accountable and open to the citizens and society.**

The Development Judicial Strategy lays out the general and specific objectives, as well as priorities, whose implementation is to ensure a stable and safe environment for a higher-quality and faster advancement of the judicial system in the Republic of Serbia in

**General Objective: Further strengthening of rule of law (*Rechtsstaat*), access to justice, and legal certainty for the purpose of an efficient and quality realization of the protection of rights and freedoms of citizens, and raising the level of trust in the judicial system.**

accordance with the requirements and pace of EU accession negotiations.

#### **Strategy's Specific Objectives:**

**Specific objective 1 – Strengthening judiciary’s independence and autonomy**

Further advancement of the normative framework and strengthening of institutional mechanisms securing a judicial system in which judicial institutions and judicial office holders are free from any improper or illicit influence and pressure which would interfere with the administration of justice. The procedure for nomination, election, promotion, transfer and termination of office must be based on clear, objective and pre-determined criteria, fair, transparent, and devoid of any political and other influence of the legislative and executive authorities.

**Specific objective 2 – Advancement of judiciary’s impartiality and accountability**

Further advancement and consistent implementation of the normative framework ensuring access to justice for each and every individual in the judicial system of the Republic of Serbia under equal conditions, devoid of discrimination on any grounds and with equal opportunities to protect and exercise his/her rights and interests. At the same time, mechanisms for accountability of judicial institutions and judicial office holders in terms of the quality and results of their work and utilization of allocated resources are functioning efficiently.

**Specific objective 3 – Advancement of judicial competences**

Further development of the judicial system in which professional development of judicial office holders, training of judicial and prosecutorial assistants and trainees, employees in the judiciary, as well as representatives of judicial professions (notaries public, public enforcement officers and mediators) are implemented in a comprehensive and organized manner.

**Specific objective 4 – Advancement of judiciary’s efficiency**

Further advancement of efficient mechanisms providing for an effective management of the judicial system and cost-effective utilization of resources, enabling that proceedings and trials are conducted in accordance with the law and within reasonable deadlines, respecting human and minority rights and freedoms in the process, as well as a reduction in the overall number of pending cases, taking also into account a reduction of the pending cases backlog.

**Specific objective 5- Development of e-Justice**

Further advancement of e-services within the judiciary ensuring access to justice, increase in the quality of proceedings and decision-making, efficient case management, statistical monitoring and reporting on the work of judiciary, and transparency of the

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work of judicial bodies.

***Specific objective 6 – Advancement of transparency and accessibility of judiciary***

Further advancement of accessibility of judicial institutions, qualitative and quantitative data on their day-to-day work, which also entails accessibility of information on planning and implementation of the judicial system’s reform.

Courtesy Translation

## II. INDEPENDENCE AND AUTONOMY OF JUDICIARY

The independence of the judiciary has both an objective component, as an indispensable quality of the judiciary as such, and a subjective component as the right of an individual to have his/her rights and freedoms determined by an independent judge.<sup>6</sup> Without independent judges there can be no correct and lawful implementation of rights and freedoms. The Recommendation of the Committee of Ministers of the Council of Europe (2010)<sup>12</sup> on independence, efficiency and responsibilities of judges<sup>7</sup>, paras. 3-6, considers the independence of judiciary as a key principle of the rule of law and establishes a correlation between the independence of judiciary and the guarantees contained in the provision of Article 6 of the European Convention under which the purpose of independence is to guarantee every person the fundamental right to have their case decided in a fair trial, on legal grounds only and without any improper influence. This very provision features a key correlation between the independence of judiciary and the guarantee of a fair trial. The UN Universal Declaration of Human Rights stipulates in article 10 that “everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal...” In a similar vein, the International Covenant on Civil and Political Rights (article 14)<sup>8</sup>, as well as the EU Charter on Fundamental Rights and Freedoms (article 47, para. 1)<sup>9</sup> guarantee individuals a fair and public hearing before a competent, independent and impartial court.

An essential factor of independence of the judiciary are the prosecutors who, as part of their work, “should be autonomous in their decision-making and should perform their duties free from external pressure or interference, having regard to the principles of separation of powers and accountability”, as stated in the Opinion No. 9 (2014) of the Consultative Council of European Prosecutors, the so-called Rome Charter. In addition, the same document, in the section pertaining to the status of prosecutors and the guarantees for performing their function, in item 33, stipulates that the “independence of prosecutors – which is essential for the rule of law - must be guaranteed by law, at the highest possible level, in a manner similar to that of judges”. The United Nations’ documents on the role of public prosecutors also specify that accountability and autonomy are the two aspects of the same phenomenon. The autonomy of public prosecutors and deputy public prosecutors is

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<sup>6</sup> European Commission for Democracy through Law (Venice Commission), CDL-AD (2010)004-e, Report on European Standards as Regards the Independence of the Judicial System: Part I- The Independence of Judges, Adopted by the Venice Commission at its 82th plenary session (Venice, 12-13 March 2010), para. 6.

<sup>7</sup> Recommendation CM/Rec (2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies).

<sup>8</sup> The International Covenant on Civil and Political Rights (ICCPR) adopted by the United Nation Assembly through GA. Resolution 2200A (XXI) on 16 December 1966, and in force from 23 March 1976.

<sup>9</sup> Charter of Fundamental Rights of the European Union (2000/C 364/01)

not the same as the independence of judges. The difference is that judges enjoy internal independence (independence from influence originating from the domain of judges), which is not the case with public prosecutors and deputy public prosecutors. Autonomy of a prosecutor's office resides in its relations with legislative and executive authorities, but given the hierarchical and monocratic organizational structure of the prosecution service, it is limited in mutual relations between public prosecutors and deputy public prosecutors, and superior and subordinated public prosecutors.<sup>10</sup>

In order to consider a country's judiciary to be independent and autonomous, it is necessary that the procedure for nomination, election, promotion, transfer and termination of judicial office be based on clear, objective and pre-determined criteria, that is fair, transparent and devoid of any political and other influence of the legislative and executive authorities. The only exception, which complies with the standards of the Venice Commission, would pertain to the election and termination of office of the republic public prosecutor, which are under the competence of the National Assembly, and proposals for election and termination of office would be put forward by the State Prosecutorial Council.<sup>11</sup> The republic public prosecutor would be elected by a qualified majority in the National Assembly,<sup>12</sup> thereby excluding the possibility that the parliamentary majority might outvote the parliamentary minority.

In addition, freedom of association of judges and prosecutors, as their right aimed at safeguarding the independence of judiciary and the autonomy of prosecutors' offices, i.e. their professional status in its entirety, is of particular importance for the strengthening of ethical principles and integrity.

It may well be said that a positive development has been achieved in the process of election, promotion and accountability of judicial office holders, as well as in the transparency of work of the High Court Council and the State Prosecutorial Council. Legal changes and new by-laws defined clear, measurable and objective criteria for election and performance evaluation of judges, public prosecutors and deputy public prosecutors. However, bearing in mind the future role and position that the Judicial Academy should have in relation to the preparation of personnel for judicial office, there is still room for improvement in accordance with the new constitutional and legal provisions.

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<sup>10</sup> European Commission for Democracy through Law (Venice Commission), [CDL-AD\(2010\)040](#) Independence of the judicial system – Part II (the prosecution service) adopted by the Venice Commission at its 85th plenary session (Venice, 17-18 December 2010), paras. 29-33.

<sup>11</sup> European Commission for Democracy through Law (Venice Commission), [CDL-AD\(2010\)040](#) Independence of the judicial system – Part II (the prosecution service) adopted by the Venice Commission at its 85th plenary session (Venice, 17-18 December 2010), para. 36,

<sup>12</sup> *Ibidem*.

In order to make further progress and overcome constraints posed by the existing constitutional framework, as well as provide for the fulfillment of the Chapter 23 interim benchmarks, the Republic of Serbia initiated a process of constitutional changes intended, in the part pertaining to the judiciary, to establish a system of selection, nomination, election, transfer and termination of office for judges, court presidents and public prosecutors / deputy public prosecutors through new constitutional, and, subsequently, relevant regulatory solutions, which would preclude political influence. Amendments to the Constitution would alter the composition of the High Court Council and the State Prosecutorial Council. Representatives of judges and prosecutors sitting on the High Court Council and the State Prosecutorial Council, respectively, would be elected by their peers respectively, instead of the National Assembly as is now the case. The composition of the High Court Council and the State Prosecutorial Council would also reflect the principle of legitimacy (a number of the councils' members would be elected in the National Assembly by a qualified majority) and a principle of professional representation (a number of the councils' members would be elected by the judges and prosecutors themselves). The numbers of the former and the latter would be the same, and the decision-making system such that no decision could be made without an adequate form of consent by both groups of council members. Thus, a balance would be struck.<sup>13</sup> Entrance into the judicial system should be based on objective criteria for performance appraisal, fair selection procedures, open to all candidates with adequate qualifications and transparent from the viewpoint of general public. The constitutional changes should lay the foundation in these key segments for raising the level of independence and accountability of judiciary, which is also a requirement stemming from the Chapter 23 Action Plan. In addition, it is necessary to strengthen the position and role of the Judicial Academy as a mechanism for entry into the judiciary based on the results achieved, and through a transparent procedure.

Upon the completion of the process of amending the Constitution, in the part pertaining to the judiciary, it will be necessary to carry out harmonization of laws and by-laws to specify the role of the High Court Council and the State Prosecutorial Council with respect to all issues under their respective competences, to continue further strengthening the capacities of these bodies in order to strengthen independence of courts and judges, as well as autonomy of public prosecutors and deputy public prosecutors, in accordance with the Council of Europe's standards.

Previous strengthening of competence-related and analytical capacities of the High Court Council and the State Prosecutorial Council, and defining of new jobs and titles in administrative offices, have created conditions for their functional operation. Additional

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<sup>13</sup> European Commission for Democracy through Law (Venice Commission), CDL-AD (2010)004-e, Report on European Standards as Regards the Independence of the Judicial System: Part I- The Independence of Judges, Adopted by the Venice Commission at its 82th plenary session (Venice, 12-13 March 2010), paras. 31-32.

efforts should be made to define accurately the division of competencies among the Ministry of Justice, the High Court Council, the State Prosecutorial Council, the Supreme Court of Cassation, and the Republic Public Prosecutor's Office.

The proposed amendments to the constitutional provisions envisage a greater and more autonomous role for judicial and prosecutorial assistants, respectively, on the basis of which they would be granted clear competencies and responsibilities in accordance with the needs of the judicial system. Therefore, with regard to this aspect, particular attention should be paid to the defining the role and position of judicial and prosecutorial assistants, with a view to establishing a separate judicial profession and the system for their career development.

To accomplish the specific objective 1 which is reflected in *further advancement of the normative framework and the strengthening of institutional mechanisms providing for a judicial system in which judicial institutions and judicial office holders are free in their work from any improper or illicit influence and pressure that would interfere with the administration of justice, as well as in that the judicial institutions must be free from any political and other influence of the legislative and executive authorities in the procedure of selection, election, transfer and termination of office*, it is necessary to carry out the following measures:

1.	Completion of the procedure of amending the Constitution in the part pertaining to the judiciary with a view towards further strengthening of independence of courts and autonomy of public prosecutors' offices in accordance with the European standards, especially those of the Venice Commission;
2.	Further delineation and specification of competencies of the High Court Council, the State Prosecutorial Council, and the Ministry of Justice designed to strengthen the independence of courts and the autonomy of prosecutors' offices in organizational and budget-related terms;
3	Harmonization of judicial laws and by-laws with the new constitutional and legal provisions;
4	Advancement of the institutional framework in accordance with the new constitutional and legal provisions and relevant analyses;
5	Consistent implementation and supervision of the impact of application of judicial laws amended in accordance with the new constitutional provisions;
6	Further advancement of competencies and capabilities of the employees in administrative offices of the High Court Council and the State Prosecutorial Council, as well as other institutions participating in or contributing to the administration of justice, to the extent and in the manner that ensures efficient



	exercise of competencies to full capacity, and that pertain to advancement of the system's independence and autonomy;
7	Prescription of clear and uniform criteria with regard to the election and promotion of judicial/prosecutorial assistants aimed at establishing a system of career advancement and a separate profession.
8	Creation of adequate normative framework for further advancement of the Judicial Academy's independence and strengthening of its capacities, with the aim of efficient delivery of its competences in full capacity.

### III. IMPARTIALITY AND ACCOUNTABILITY OF JUDICIARY

The need to establish a balance between the guarantee of independence of the judiciary/judges and the autonomy of the public prosecutor's office/prosecutors and the mechanisms that ensure decisions of judicial authorities that are made in accordance with the principle of impartiality, and judicial office holders who are accountable for their work, are proclaimed by an entire series of international documents.

The UN Basic Principles on the Independence of the Judiciary oblige judges to "always conduct themselves in such a manner as to preserve the dignity of their office and the impartiality and independence of the judiciary" (Principle 8).<sup>14</sup> Accordingly, they also envisage an appropriate procedure in which the charges and complaints filed against judges "in their judicial and professional capacity" will be processed expeditiously and fairly, while respecting the principle of the right to a fair trial and confidentiality at the initial stage unless otherwise requested by the judge (Principle 17). Incapacity and behavior of a judge that renders him/her unfit to discharge his/her duties is defined by Principle 18 as the reason for suspension or removal. The Bangalore Principles are structured along the same lines.

The situation with the prosecutors is similar. Namely, the above Opinion of the Consultative Council of Prosecutors no. 9(2014) of 17 December 2014 stipulates that "prosecutors should be autonomous in the process of decision-making, performing their duties without external pressure or interference and taking into account the principles of the division of power and accountability," and that "prosecutors should adhere to the highest ethical and professional standards and always act impartially and objectively."

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<sup>14</sup> *Basic Principles on the Independence of the Judiciary*, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.

Recommendation (2010)<sup>12</sup> of the Committee of Ministers of the Council of Europe stipulates that disciplinary proceedings against a judge may be conducted in the event that s/he fails to perform his/her duties in an efficient and appropriate manner (Chapter VII, item 69). A similar provision is contained in the European Charter on the Statute for Judges, which envisages the possibility of disciplinary proceedings carried before a body that is composed of at least fifty percent of judges.

In addition to disciplinary liability, the Charter also provides for civil liability of judges (paragraph 5.3). Namely, the Charter stipulates that the State must guarantee compensation for damages resulting from a decision or behavior of a judge. The Charter also allows the State, when so provided for by law, to initiate within a specific time limit a judicial proceeding to compensate a judge in the case of a gross and inexcusable breach of the rules governing the discharge of judicial duties (paragraph 5.2).

Recommendation of the Committee of Ministers of the Council of Europe on the role of public prosecutors in the criminal justice system (2000)<sup>19</sup> stipulated, *inter alia*, that “states should take measures that will enable prosecutors to carry out their duties without undue interference or unjustified exposure to civil, criminal or other liability.”

Interim benchmarks for Chapter 23 particularly emphasize that Serbia should strengthen the impartiality and accountability of the judiciary, and particularly that it should establish a coherent procedural framework and necessary ICT tools that will ensure the random case assignment in all the courts and prosecutors’ offices, as well as adequate oversight of this system by the High Court Council and the State Prosecutorial Council.

In this respect, the normative framework on the distribution of cases was partially changed, but the system of random case assignment, based on objective and pre-determined criteria and accompanied by adequate technological support, has not yet been established in all courts and prosecutors’ offices. With regard to the prosecutors’ offices, consistent application of modified rules on random case assignment should be implemented along with putting in place the tools for monitoring random case assignment, taking into account the specific organizational structure of prosecutors’ offices. It is necessary to continue with the changes to the normative framework, as well as other measures that would enable full implementation of this system.

In accordance with the interim benchmark, normative and institutional mechanisms for the prevention of corruption in the judiciary have been established, including the adoption and monitoring of integrity plans and the adoption of the Law on the Protection of Whistleblowers.<sup>15</sup> At the same time, great progress has been made in the establishment of standards of professional ethics for judicial office holders, which serve as the basis for

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<sup>15</sup> Law on the Protection of Whistleblowers, *Official Gazette of the Republic of Serbia*, no. 128/2014

further strengthening of the rule of law and citizens' trust and confidence in the judicial system. The Codes of Ethics of Judges, Public Prosecutors and Deputy Public Prosecutors, members of the High Court Council and the State Prosecutorial Council have been adopted. The working bodies of these authorities have been established to monitor the implementation of the Codes, and the rules of procedure for ethical committees of the High Court Council and the State Prosecutorial Council were adopted as well. However, additional efforts should be made to improve the capacities of disciplinary bodies, align the legislative framework with the provisions of the amended Constitution, and establish a functional system for monitoring the application of the codes of ethics and rules of procedure. Particular attention should be paid to the advancement of capacities and manner of operation of ethical committees, which pursuant to the international conventions, should fulfill an advisory role with respect to judicial office holders and earn their trust.

The accountability of representatives of judicial professions (public enforcement officers and notaries public) should also be taken into account as part of the overall functioning of the judicial system to enable lawful and efficient acting and protection of the rights of citizens, which is why it is necessary to increase awareness of their accountability in the capacity of persons entrusted with public powers, and to further improve the mechanisms for monitoring their work.

Striking a balance between the guarantees of independence and the rules governing impartial and accountable proceedings is conditioned on the effective functioning of preventive and repressive mechanisms in the field of ethics, integrity and disciplinary responsibility, but also the compositions of the High Judicial Council and the State Prosecutorial Council respectively.

In order to achieve the specific objective 2 reflected in *'further advancement and consistent implementation of the normative framework which ensures that in the justice system of the Republic of Serbia, each individual has access to justice under equal conditions without discrimination on any grounds and with equal opportunity to protect and exercise his/her rights and interests. At the same time, the mechanisms of responsibility of judicial institutions and judicial office holders for the quality and results of work and utilization of allocated resources, are functioning efficiently,'* it is necessary to implement the following measures:

1.	Amend the legislative framework in order to further specify and apply the rules on random case assignment in courts;
2.	Amend the legislative framework in order to further specify and apply the rules on random case assignment in the public prosecutor's offices, bearing in mind the specific organization of the public prosecutor's offices.

3.	Improve the legislative framework that governs the system of ethics, integrity and disciplinary liability of judges and public prosecutors, and align it with new constitutional solutions;
4.	Strengthen capacities of disciplinary bodies of the High Court Council and the State Prosecutorial Council for effective enforcement of competences in the process of establishing disciplinary liability of judges and public prosecutors;
5.	Strengthen capacities of ethical bodies appointed by the High Court Council and the State Prosecutorial Council for effective enforcement of competencies in the process of establishing violations of provisions contained in the ethical codes of conduct and advancement of their capacities as confidential and advisory bodies;
6	Raise awareness, advance knowledge and strengthen capacities of judges, public prosecutors and judicial and prosecutorial assistants in the field of ethics, integrity and disciplinary liability;
7	Further advancement of the system of accountability of those employed in the judiciary and the representatives of judicial professions.

#### IV. PROFESSIONAL COMPETENCE OF JUDICIARY

The importance of adequate professional preparation for a judicial office, as well as the continuous improvement of knowledge and skills required for its efficient performance accompanied by the provision of adequate working conditions, has been recognized and clearly defined in numerous international documents containing European standards in the field of organization and functioning of the judiciary. Through continuous improvement of the level of expertise of the judicial office holders, their independence, impartiality and accountability are manifesting their full meaning. Their expertise is actually the driving force behind the reforms, not just the subject of them.

In Chapter 6 of the Recommendation CM/Rec (2010)12 of the Committee of Ministers of the Council of Europe, which regulates the status of judges, it is thus stipulated that judges need to be provided with theoretical and practical initial and continuous professional development, entirely at the expense of the State, which should include economic, social and cultural issues necessary for the exercise of judicial office. The intensity and duration of such training should be determined depending on previous professional experience, whereby an independent authority should ensure, in full compliance with educational autonomy, that initial and in-service training programs meet the requirements of openness, competence, and impartiality inherent in judicial office. The same recommendation envisages a duty of judges to regularly renew and expand their professional knowledge.

The obligation to develop professionally is contained also in Recommendation Rec 2000/19 of the Committee of Ministers of the Council of Europe (paragraph 7), which reads that training is both a duty and a right for all public prosecutors, before their appointment as well as on a permanent basis. States should therefore take effective measures to ensure that public prosecutors have appropriate education and training, both before and after their appointment.<sup>16</sup>

In its Opinion no. 4, the Consultative Council of European Judges (CCJE) also deals with the importance of professionalization of judges for the quality of the judiciary.<sup>17</sup>

Over the course of the implementation of the 2013-2018 NJRS, significant efforts have been made to improve the expertise of judicial office holders, and to provide training for representatives of new judicial professions such as notaries public, public enforcement officers, and mediators, as well as a large number of judicial staff. The Judicial Academy has adopted numerous internal documents regulating its training programs and the implementation of training, thus continuously contributing to advancement in quality, competence, and capability of the judiciary.

A significant improvement was achieved with the introduction of a system of selection and training of judicial trainees, as well as clear and measurable criteria for performance appraisal of judicial and prosecutorial assistants. Given the tendency to establish a new judicial profession, i.e. the need to specify the status, role and responsibility of judicial and prosecutorial assistants more clearly, it is necessary to take appropriate measures to define a special program for their training.

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<sup>16</sup> Unlike the above mentioned sources of European standards in this area, Recommendation Rec 2000/19 contains precise provisions according to which public prosecutors should be especially acquainted with the principles and ethical obligations arising from their office; constitutional and legal protection of suspects, victims and witnesses; human rights and freedoms prescribed by the Convention for the Protection of Human Rights and Fundamental Freedoms, in particular the rights set forth in Articles 5 and 6 of this Convention; principles and practice of organization of work, management and personnel issues in the context of the judiciary; as well as mechanisms and materials that contribute to the consistency of their work. In addition, States should take effective measures to provide training on specific issues, or by specific sectors, in the light of current conditions, taking into account certain types and development of crime as well as international criminal justice cooperation.

<sup>17</sup> "Independence of the judiciary grants rights to judges of all levels and all jurisdictions, but it also establishes certain duties. These include the duty of judges to perform their work professionally and diligently, which requires that they have high professional capacity that is acquired, maintained and strengthened through training, which happens to be both their obligation and the right they are allowed to exercise." The Consultative Council of European Judges further states that "credible and independent judiciary, as the guarantor of legal and physical security of people and property, can be led only by competent, responsible and well-trained judges and prosecutors." This is all the more important because the public in all the countries continually expresses often legitimate concerns and has high expectations when it comes to judicial systems, which are usually considered too slow, expensive and difficult to access. The response to these expectations is particularly significant and necessary, as they are grounded in the European Convention on Human Rights - such as the right to access a court (tribunal), the right to public proceedings that will be carried out within a reasonable time, and the right to a fair trial (Article 6)."

In its opinion on the Draft Constitutional Amendments, the Venice Commission stated that “the Judicial Academy’s role as the sole gatekeeper to the judiciary seems well founded with the aspiration and commitment to strengthen the caliber and professionalism of judicial and prosecutorial training.” The Venice Commission recommended that the Judicial Academy be protected from possible undue influence by providing it with a firm status within the Constitution.

According to the interim benchmark, Serbia should ensure that the Judicial Academy adopts a multi-annual work program, covering human and financial resources and a further development of its training program. Serbia should also provide a sustainable and long-term solution for financing the Judicial Academy, apply a quality control mechanism and regularly, and effectively assesses the impact of the training. Serbia is to continuously improve the training programs, in line with the results of the performance evaluation for judges and prosecutors, as well as needs outlined in annual training needs assessments (determined on the basis of questionnaires, court’s annual reports, particularly that of the Supreme Court of Cassation and Appellate Courts, focus groups, competence models, and in other ways).

Given the significance and role that the Judicial Academy rightfully claims as a result of its interventions to date related to improving the expertise of judicial office holders and people from all judicial professions, great efforts have been invested in strengthening its capacities; however, they need to be continuously improved upon in order to create conditions that are necessary so that the Academy would be able to fulfill its designated role to full capacity.

As regards strengthening the capacities of the Judicial Academy, the institution was relocated to a new building, which is currently under reconstruction. It is expected that the new premises will fully meet its needs.

Also, bearing in mind that the Judicial Academy has adopted the 2016-2020 Strategic Plan for Development of the Judicial Academy, it is necessary to provide conditions for its consistent implementation in the upcoming period.

Given the intensity of social changes, as well as reform and development steps as part of the process of the Republic of Serbia’s accession to the EU, it is necessary to further advance the Judicial Academy’s training program by way of including new thematic areas arising from these processes, particularly those related to the case law of the European Court of Human Rights and the European Court of Justice. Special emphasis should be placed on fulfilling the requirements contained in the interim benchmark so as to ensure that training needs are viewed as part of the judges’ and prosecutors’ performance appraisal. It is necessary that the improvement of the training program be accompanied by

appropriate infrastructure, administrative capacity of the Judicial Academy, and mechanisms to control the quality of training.

In order to achieve the specific objective 3 reflected in the *further development of the judicial system in which the professional development of judicial office holders and the training of judicial and prosecutorial assistants, trainees employed in the judiciary, and individuals from other judicial professions is carried out in a comprehensive and organized manner*, it is necessary to implement the following measures:

1	Continuous advancement of all Judicial Academy's training programs in accordance with the new constitutional and legislative solutions with a particular emphasis on advancement of the training program for specialization of judges, public prosecutors and deputy public prosecutors in particular fields;
2	Strengthening of the Judicial Academy's capacity in order to successfully overcome new challenges and roles in accordance with new constitutional and legislative solutions;
3	Establishment of a mechanism for quality control of the training at the Judicial Academy;
4	Assessment of needs for additional training based on performance evaluations of judicial office holders;
5	Evaluation of the impact of training on judges' and prosecutors' capabilities and competences as part of the performance evaluation of judicial office holders;
6	Development of special training programs for judicial/prosecutorial assistants in accordance with the new constitutional solutions and with the aim of enabling career advancement.

## V. EFFICIENCY OF JUDICIARY

Guided by the principle that justice delayed is justice denied, the European Court of Human Rights has dealt extensively with the establishment of efficient judiciary, stating that the establishment and functioning of an efficient judiciary is simultaneously a prerequisite for enabling all citizens to exercise the right to access to justice, as well as the obligation of the State to create conditions needed for its realization. The ECHR adopted this view in the case of *Tsilira v. Greece*<sup>18</sup>, when it found that the contracting State is obliged to organize its legal system in a manner that ensures everyone the right to a final court decision. Also, in the

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<sup>18</sup> *Tsilira v. Greece*, no. 44035/05, judgment from 22 May 2008

case of *Union Alimnaria Sanders S.A. v. Spain*, the Court took the view that by virtue of the ratification of the Convention, the States actually assume the obligation to organize their judicial system in such a way as to ensure compliance with Article 6, paragraph 1 of the European Convention on Human Rights. It is the duty of the judicial authorities to organize their work in a way that provides them with the ability to respond to requests.<sup>19</sup> It is the duty of a State to take adequate measures as soon as possible to avoid long-term accumulation of cases. Chronic overburdening and backlogs in dealing with cases are not a valid explanation for excessive delays in proceedings.<sup>20</sup> Moreover, the ECHR characterizes constant existence of a large number of backlog cases as a systematic violation of human rights that is contrary to the Convention,<sup>21</sup> while its view is somewhat different when it comes to temporary delays. In the case of *Zimmermann and Steiner v. Switzerland*,<sup>22</sup> the ECHR concluded that States cannot be held accountable for temporary delays in the work of a court if the judicial authorities have taken urgent measures to solve the problems that have arisen.<sup>23</sup> Budgetary difficulties of the State also cannot be considered as valid reasons.<sup>24</sup>

Bearing in mind the above standards set by the ECHR case law, as well as the progress made in the period preceding the adoption of the 2019-2024 DJS, it is necessary to continue working towards reduction of the number of pending, particularly backlog cases, to relieve the courts, as well as on accessibility and harmonization of case law. At the same time, it is necessary to undertake adequate measures that will be conducive to a greater degree of information available to the professional and general public, regarding accessibility of regulations, which have become publicly available on portals such as that of the uzzpro during the 2013-2018 NJRS implementation period. In accordance with the interim benchmarks for Chapter 23, Serbia should improve the efficiency of its judiciary by adopting and implementing a human resource strategy for the entire judiciary and a national program to reduce the number of backlog cases. In this regard, the adoption of the Unified Program for the Resolution of Backlog Cases in the Republic of Serbia, the Amended Unified Program for the Resolution of Backlog Cases, and the Special Program of Measures for the Resolution of Backlog Enforcement Cases in the Courts in the Republic of Serbia for the 2015-2018 period, constitute an important step in tackling the problem of the large

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<sup>19</sup> Calvez F. & Régis, N. (2012) *Length of court proceedings in the member states of the Council of Europe based on the case law of the European Court of Human Rights, 2nd Edition*, European Commission for the Efficiency of Justice (CEPEJ), Strasbourg, p. 23. Also see the view of the Commission in: *Hentrich v. France*, no. 13616/88, judgment from 22 September 1994, paragraph 61.

<sup>20</sup> *Probstmeiner v. Germany*, no. 20950/92, judgment from 1 July 1997, paragraph 64.

<sup>21</sup> *Botazzi v. Italy*, no. 34884/97, judgment from 28 July 1999.

<sup>22</sup> *Zimmermann and Steiner v. Switzerland*, no. 8737/79, judgment from 13 July 1983.

<sup>23</sup> Also see: Varga, I. (2009) *Breach of the reasonable time requirement in Hungarian law and in the practice of the European Court of Human Rights*, in: Michel Labori, Heribert Franz Köck, J.A.E. Vervaele (eds.) *Annales Universitatis Apulensis, Serie Jurisprudentia* 2009 p. 21.

<sup>24</sup> *Burdov v. Russia* (2), no. 33509/04, judgment from 15 January 2009.



number of such cases. However, a significant number of pending cases – particularly backlog cases – requires additional comprehensive and long-term measures. In addition, a comprehensive human resources strategy that would increase efficiency through better allocation of human resources in the judiciary and better motivate employees through a system of rewards and promotions to encourage high-quality work and promptness in resolving cases has not yet been adopted, and it is necessary to conclude its preparation in the upcoming period.

The establishment of a new network of courts, which was launched on January 1, 2014, created the conditions required for reducing the number of backlog cases, as well as those necessary for a more equitable distribution of cases. However, the implementation of these measures did not achieve the desired results in the appellate seat courts, and it is therefore necessary to continue taking additional steps in order to relieve the workload of these courts. In this regard, it would be desirable to conduct a comprehensive analysis of the costs of court proceedings, disaggregated by matter and caseload, as well as other necessary analyses of courts' and judges' workload, in order to be able to make further strategic decisions on advancing the court network that would be based on objective data. Particular attention should be focused on courts on the territory of the City of Belgrade with a view to coping with the growing inflow of cases and resolving the issue of the inequitable/large workload of judges in those courts, given that the reports and programming documents of the Supreme Court of Cassation contain special measures pertaining to those courts. A similar analysis should also be conducted for the network of public prosecutors' offices on the territory of the City of Belgrade.

The adoption of the Law on Enforcement and Security has significantly affected the reduction of the number of cases related to debts concerning bills submitted by public utility companies, which made up a large portion of cases pending in the basic courts. Data for the first half of 2018 show that there is a trend of reducing the total number of backlog cases,<sup>25</sup> i.e. cases older than two years, and it is necessary to continue to take measures to that end.

Efficiency was significantly improved by encouraging the use of alternative dispute resolution mechanisms. Visible results were achieved through inter-institutional cooperation among multiple stakeholders, and Instructions were issued and signed in order to improve and promote mediation, settlement and other methods of alternative dispute resolution. However, there is still plenty of room for further improvement in this area. In this respect, the necessary steps in the forthcoming period include further

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<sup>25</sup> 'At the end of 2012, there were 1,729,768 unresolved backlog cases in all the courts of the Republic of Serbia, while at the end of the first half of 2018 there were 804,525, that is, 925,243 fewer cases. Report on the Work of Courts in the Republic of Serbia for the period January - June 2018, the Supreme Court of Cassation.

improvement of the legal framework and the establishment of a functional and uniform system of mediation in all the courts.

The legal framework has been improved, as well as the mechanisms for harmonization of case law; activity plans of the Supreme Court of Cassation and the Republic Public Prosecutor's Office concerning the harmonization of case law, i.e. the practice of public prosecutors' offices, have been adopted, but additional work is still needed to improve and monitor their implementation. A database containing the case law of Serbian courts, the European Court of Human Rights and the Court of Justice of the European Union has been established and will need to be continuously updated. Given the importance of equal application of law by all courts and judges, as well as predictability of the outcome of disputes, it is necessary to continue undertaking activities to harmonize the case law. Considering the importance of the Supreme Court of Cassation for case law harmonization, an expansion of the Supreme Court of Cassation's competencies with regard to allowance of the provision of a motion to file regular legal remedies in cases pertaining to the most serious criminal offences should also be considered in the process of constitutional change.

At the same time, in order to increase efficiency, it is necessary to start undertaking measures to harmonize the practice of public prosecutors' offices, which undoubtedly also influences the harmonization of court practice/case law, especially with respect to the application of the institutions of stayed criminal prosecution and plea bargaining. It is also necessary to establish a database of practices of the public prosecutors' offices.

Another way of increasing the efficiency in exercising courts competences was a transfer of the "trial matter" from courts to notaries public and public enforcement officers, as new judicial professions, which is something that will require additional work in the upcoming period.

Particular attention should be focused on improving the work of the Administrative Court. Statistical reports indicate that the Administrative Court is weighed down by the greatest workload among all courts in the Republic of Serbia,<sup>26</sup> and that the number of cases pending before it is constantly increasing due to the continuous expansion of its jurisdiction. To enable the citizens to exercise more efficiently their rights before the administrative bodies, it is necessary to conduct analyses and take appropriate measures in terms of status, jurisdiction, organization and capacity of the administrative judiciary and the manner of regulating administrative disputes.

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<sup>26</sup> 'In the period from 1 January 2010 to 20 November 2018, the Administrative Court received a total of 196,980 initial acts. The average monthly inflow of cases per judge is 59.12. An increase of several thousand cases is recorded each year, and in 2016 judges received 5.500 more cases than in 2010. In 2017, the Administrative Court received 21,741 cases, and from 1 January to 20 November 2018 it received a total of 22,669 initial acts, that is, 2,267 cases per month on average.' Source: Administrative Court of the Republic of Serbia

Bearing in mind the excessive workload of courts in Belgrade, it is necessary to take special measures pertaining to these specific courts. This is corroborated by the data on the caseload of the Belgrade Higher Court, which is the biggest court of this rank in the Republic of Serbia. The Higher Court in Belgrade has 11 departments out of which civil and criminal departments, respectively, handle both first-instance and second-instance proceedings. In addition, its unique character is also reflected in the competences laid out in the Law on Organization and Competences of State Authorities in Suppression of Organized Crime, Terrorism and Corruption ("Official Gazette RS", nos. 94/16 and 87/18), under which the Special Organized Crime Department was set up as part of the Higher Court with jurisdiction over the entire territory of the Republic of Serbia, while under the Law on Organization and Competences of State Authorities in War Crimes Proceedings ("Official Gazette RS", nos. 67/2003, 135/2004, 61/2005, 101/2007, 104/2009, 101/2011 – another law and 6/2015) the War Crimes Department, also with jurisdiction over the entire territory of the Republic of Serbia, was established. Aside from the above, the jurisdiction of the Higher Court was further expanded in the Law on Seats and Territorial Jurisdictions of Courts and Public Prosecutors' Offices, the Law on Civil Procedure, the Law on Organization of Courts, the Law on Protection of Whistleblowers, the Law on Protection of Right to Trial within Reasonable Time, as well as the Law on Amendments and Addenda to the Law on Notaries Public. Given all of the above, the Higher Court in Belgrade recorded a drastic increase in the inflow of cases, hence during the course of 2018, the Higher Court had 210,712 pending cases, which was 125.80% more than in the same period in 2016, and 76.04% more cases compared to the same period in 2017. Further, the number of incoming cases rose by 182.40% in comparison to 2016, or 95.75% when compared to 2017. Given the foregoing, a conclusion may be inferred that the Belgrade Higher Court's efficiency has an impact on the efficiency of the whole justice system.

Similarly, Belgrade public prosecutors' offices, particularly the prosecutor's office for cybercrime and the prosecutor's office for organized crime, have recorded significant increase in their respective caseloads, therefore, an analysis pertaining to these prosecutors' offices needs to be conducted as well, and adequate measures taken aimed at achieving more efficient clearance of cases and more equitable caseload.

Efficient functioning of court and prosecutorial administrations affects the efficient functioning of the entire judicial system. As a result of different administrative practices applied in the courts and prosecutors' offices, judges and prosecutors are overburdened by administrative and technical tasks. In order to eliminate these shortcomings, measures should be taken in the upcoming period to modernize and harmonize both the practices and the organization of work processes. At the same time, it is also necessary to improve the system of service of process and the court fees collection system, as factors that affect efficiency.

In order to improve the efficiency of judiciary, in the previous period the Republic of Serbia amended a number of procedural laws (Criminal Procedure Code, Civil Procedure Law, Bankruptcy Law, Law on General Administrative Procedure, Law on Enforcement and Security, Law on Non-Contentious Proceedings, and others). Bearing in mind that procedural laws are of the utmost importance for citizens and legal entities as participants in the proceedings, as they enable the enforcement and protection of their rights, it is necessary to continuously monitor the effects of implementation of these laws and amend them in accordance with the results achieved. It is also important to point out the fact that the level of social need for reform is not the same for all procedural laws. The aim of these changes should be primarily to improve the quality and enable faster conclusion of proceedings, i.e. their completion within a reasonable time, with respect for human rights, and in accordance with accepted international standards.

Along with procedural laws, court interpreters and expert witnesses also significantly influence the efficiency of court proceedings, and adequate measures must be taken to improve their work and clarify their roles and responsibilities in court proceedings.

In order to achieve the specific objective 4, reflected in *further advancement of mechanisms that enable effective management of the justice system, rational use of resources, dealing with and acting in cases in accordance with the law and within reasonable deadlines while respecting human and minority rights and freedoms, as well as the reduction of the total number of pending cases, taking into account also the reduction of the number of backlog cases*, it is necessary to implement the following measures:

1	Continuous monitoring and advancement of efficiency of the judicial network, including cost-benefit analyses related to relevant issues, bearing in mind specific areas;
2	Continuous monitoring of the caseload of the network of basic courts and the Higher Court in Belgrade, as well as higher courts from other appellate courts' jurisdictions, along with taking special measures and creating conditions for redistribution of cases aimed at alleviating the caseloads of these courts (e.g. increase in the number of judges in correlation to the number of cases, changes to the normative framework aimed at achieving equitable caseload, specialization of judges, automation of work processes, referral of cases, alternative dispute resolution, adequate premises, etc.)
3	Continuous monitoring of the caseload of the network of public prosecutors' offices in the jurisdiction of the City of Belgrade, along with taking special measures and adopting adequate internal strategic documents aimed at enhancing the clearance rate and achieving an equitable caseload, bearing in mind specific characteristics of special departments (e.g. increase in the number of deputy public prosecutors in

	correlation with the number cases, automation of work processes, adequate premises, etc.)
4	Adoption and efficient implementation of the Human Resources Management Strategy for the purpose of more effective/optimal planning, recruitment, assignment, motivation, and advancement within the judiciary;
5	Monitoring of the implementation of the Amended Unified Program for the Resolution of Backlog Cases and possibly introduction of changes in accordance with the implementation results;
6	Continuously reduce the number of pending cases and backlog cases by monitoring and improving mechanisms aimed at reducing the workload burden on the courts and by applying methods for alternative dispute resolution, and ensuring effective enforcement of court decisions by:
6.1	Advancing measures to reduce the number of pending cases;
6.2	Advancing measures to reduce the number of backlog cases, especially those older than three years, counting from the date of submission of the initial act;
6.3	Advancing the efficiency of the work of the administrative judiciary through: <ul style="list-style-type: none"> <li>➤ Amendments to the normative framework in order to introduce optimal organization of the administrative judiciary (introducing a multi-instance administrative judiciary and provision of specialization according to administrative areas);</li> <li>➤ Establishment of a new network of administrative courts (first instance and second instance/appellate administrative court) and strengthening the capacity of the administrative judiciary by appointing a required/sufficient number of judges;</li> <li>➤ Adoption of the new Law on Administrative Disputes in accordance with the new organization of the administrative judiciary and new solutions contained in the Law on General Administrative Procedure;</li> </ul>
6.4	Advancement of the efficiency of the work of commercial courts with the aim of improving the stability of business environment, while reducing the number of insolvency cases;
6.5	Advancement of the service of documents system;
6.6	Further development of the system of alternative dispute resolution

	<p>through:</p> <ul style="list-style-type: none"> <li>➤ Conclusion of settlements in cases where the State Attorney's Office is representing the Republic of Serbia;</li> <li>➤ Mediation, while considering the possibility of introducing the principle of partially mandatory mediation in certain types of disputes;</li> <li>➤ Conditional staying of criminal prosecution;</li> <li>➤ Broadening the scope of application of the misdemeanor plea agreement</li> </ul>
6.7	Advancement of the efficiency of collection of misdemeanor fines and court proceedings' costs;
6.8	Advancement of the court fees collection system;
6.9	Advancement of measures for resolving enforcement cases by: <ul style="list-style-type: none"> <li>➤ Improving the work of public enforcement officers,</li> <li>➤ Improving the system of court enforcement;</li> </ul>
6.10	Advancement of the system of notaries public and public enforcement officers;
6.11	Advancement of the work of expert witnesses and court interpreters and translators;
7.	Continuous advancement of the mechanisms for harmonization of case law by implementing the measures defined in the Plan of Activities of the Supreme Court of Cassation for the Harmonization of Case Law and by expanding the competencies of the Supreme Court of Cassation in the procedure involving regular legal remedies, which entails the strengthening of this court's capacities, and amendments and addenda to the applicable legislative framework for the purpose of harmonization with the new constitutional solutions;
8.	Continuous advancement of the mechanisms for the harmonization of practices of public prosecutors' offices by implementing the measures defined in the Activity Plan of the Republic Public Prosecutor's Office for the Harmonization of Practice of Public Prosecutor's Offices;
9.	Continuous advancement and modernization of judicial infrastructure;
10.	Further advancement and alignment of administrative internal work processes in the courts and public prosecutors' offices, and their modernization with the aim of relieving the judicial office holders of administrative tasks;
11	Monitoring of the application of procedural laws and their modification in accordance with established implementation results and using an <i>ex post</i> cost-and-

	benefit analysis, in relation to the objectives that were present at the time of the adoption of the laws.
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## VI. E-JUSTICE

Accelerated development of information and communication technology (ICT), and application of “smart solutions” which these technologies provide for different aspects of all systems, including the judiciary, resulted in the adoption of the Information Society Development Strategy in the Republic of Serbia until 2020.<sup>27</sup> The said Development Strategy designates the application of ICT in the judiciary as a priority and focuses considerable attention on the field of e-Justice, specifying that the citizens will be able to have all contacts with courts electronically by 2020, except for those contacts which by their nature require physical presence.

ICT is recognized in the EU as the main factor driving economic growth. Economic development should be directed towards tapping the potential of ICT in order to increase efficiency in all spheres of social life, to which a developed e-Justice will also contribute.

In 2013-2018 NJRS, e-Justice was classified under the principle of efficiency. However, the importance of ICT is also reflected in the fact that the “Digital Agenda for Europe” is among seven leading initiatives in the Europe 2020 economic strategy. AP23 has also shown that the application of e-Justice tools and mechanisms exceeds the scope of its role in advancing efficiency, and represents a horizontal mechanism permeating all five key principles of the judicial reform and organization, by way of:

- Empowering the central role of the High Court Council and the State Prosecutorial Council in the management of judiciary, providing for accurate record keeping and exchange of relevant data pertaining to the selection, performance appraisal, promotion and responsibilities of judicial office holders;
- Ensuring impartiality through automated case distribution;
- Contributing to a more efficient work of the judiciary through automation of case management (including evaluation of cases in terms of their complexity and more efficient hearing scheduling), the possibility to file electronic submissions, exchange

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<sup>27</sup> Information Society Development Strategy in the Republic of Serbia until 2020, “Official Gazette RS”, no. 51/2010.

of data among judicial bodies,<sup>28</sup> recording of trials, and electronic service of documents for the parties involved;

- Ensuring the transparency of work of the judiciary through accessibility of regulations and case law, following of case proceedings, as well as reporting on the work of judicial bodies and implementation of reforms;
- Providing a more efficient and cost-effective implementation of the professional development program using modern methods (e.g. “distance learning”);
- Providing for collection and processing of statistical data necessary for preparation of reports and analyses in the process of monitoring of the implementation of laws for the purpose of its advancement, as well as monitoring of budget-related aspects of the work of the judiciary.

Application of modern ICT, standardized software and centralized systems for case management in courts and prosecutors’ offices are necessary to implement key tenets of an effective judiciary: independence, impartiality, accountability, competence, efficiency and transparency. Therefore, continuous development of e-Justice is necessary, as well as development of mechanisms contributing to the achievement of all strategic objectives.

Pursuant to the EU initiative for global e-Justice, and taking 2013-2018 NJRS and the action plan for its implementation as a starting point, a system for e-Justice has been established that significantly contributes to an increase in efficiency of the judiciary. The e-Justice system provides a complete integrated system that supports basic processes and operational activities of judicial organs, as well as providing the basis for performance appraisals. Standards and indicators for measuring the degree of implemented reform objectives are defined by the judiciary itself.

In the previous period, significant progress has been made in advancing ICT systems in the judiciary through projects implemented by the Ministry of Justice - Division for e-Justice Development initiatives designed to enhance applications have been implemented; electronic exchange of data and centralized statistical reporting have been introduced; security and management of ICT infrastructure have been advanced; network, registers and databases have been established; and the working environment for end users in judicial institutions has been improved. The ICT system infrastructure, which needs to be continuously upgraded, has been considerably enhanced.

The Ministry of Justice has also provided support for judicial institutions through application of modern systems for case management in courts, public prosecutors’ offices and prisons. A centralized software (SIPRES) is in use in misdemeanor courts that is

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<sup>28</sup> See for more detail in the section “Efficiency of Judiciary”.



connected to the Ministry of Interior's system, which has made it possible to file misdemeanor orders electronically. A new, also centralized system, SIPRIS (Commercial Courts System), was created in commercial courts, while a public procurement procedure for the full roll-out of this software solution is currently under way at the Ministry of Justice. However, the AVP system, which is in use in most courts, has not yet been centralized. Hence, it is necessary to continue further developing more efficient and centralized case management systems in order to provide for the use of advanced systems and e-justice services. As regards the prosecutors' offices, there is a centralized case management system in place named SAPO (Standard Application for Prosecution Offices) that has yet to be implemented in all prosecutors' offices. With EU support funds, the Ministry of Justice is in the process of implementing the SAPO software implementation in the remaining public prosecutors' offices as part of the 2015 IPA project. In addition, the SAPA (Standard Application for Prison Administration) system is being implemented in all penitentiary institutions as part of the same project.

The Judicial Information System has been developed for the purpose of strengthening efficiency, and it is further to be enhanced, including e-Court, e-ZIO and PRONEP applications for electronic exchange of data, as well as applications for case law and central statistics. In addition, the Ministry of Justice has been continuously working to introduce a capability for "video hearings" for persons deprived of liberty, linking courts and prisons, which is at present operational between the Basic and Higher Courts in Sremska Mitrovica and the "Sremska Mitrovica" penitentiary.

Activities undertaken continuously to enhance transparency of the entire judicial system also have an important place. Work is continuously being done on the open data portal<sup>29</sup> of the Ministry of Justice which has made available the statistical data on the work of courts, the list of all notary public offices, directory of public enforcement officers, as well as the data from the register of mediators and expert witnesses. In addition to its contribution to judicial transparency, the open data portal is of great importance for the citizens and other participants in the proceedings since it facilitates access to justice and ensures that the parties are better informed about the entire judicial system.

To achieve the specific objective 6, reflected in *further advancement of e-services within the judiciary ensuring access to justice, increase in the quality of proceedings and decision-making, efficient case management, statistical monitoring and reporting on the work of judiciary, and transparency of the work of judicial organs*, it is necessary to carry out the following measures:

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<sup>29</sup> Open Data Portal, <https://data.gov.rs/sr/datasets/?organization=5a9808ffcbe3c80f19373d03>, accessed January 10, 2019.

1	Advance ICT system through significant infrastructure-related investments, software and human resources-related improvements:
1.1	Ensure further development of standardized and centralized ICT systems in courts;
1.2	Further implementation of the central system for case management (CMS) in all prosecutors' offices, enabling connectivity between prosecutor's offices and providing adequate user training;
1.3	Further implementation of the software-based random case distribution in all courts;
1.4	Implementation of software-based automated case distribution in all prosecutors' offices, with the provision of a tool for tracking random case assignment bearing in mind the specifics of the organization of the public prosecutor's offices;
1.5	More efficient utilization of hardware resources, availability of these resources, as well as integrating different IT technologies into a single logical and functional whole which would provide for availability of different services at any given moment;
1.6	Increase in the number of statistical parameters for efficiency of the judiciary which may be monitored via ICT and further development of the centralized systems of judicial bodies for the purpose of implementing central statistics;
1.7	Establishing human resources databases in all prosecutors' offices;
1.8	Continuous advancement of e-Academy;
2	Ensure uniform proceedings in the entire judicial system with regard to entry and exchange of data in the ICT system, which also entails training in this area of all ICT system users;
3	Continuous advancement of data exchange between the bodies within the judicial system and other state organs;
4	Advance utilization of existing capacities through enhanced case management efficiency and enabling monitoring the duration of court proceedings in real time;
5	Development of internal database of prosecutorial practice, accessibility of the database for all prosecutors' offices and connecting it to the Judicial Academy's database (e-Academy) and the case law database;
6	Creating normative framework and taking other measures to advance ICT security;
7	Further advancement of transparency of the work of judicial bodies and judicial

	professions through utilization of ICT tools;
8	Further expansion of options to initiate and conduct court proceedings electronically for the benefit of lawyers and citizens using the e-Court application or other commercial software bundles available on the market relying on Application Programming Interface (API) technology, in compliance with the prescribed standards;
9	Further opening of judicial data which are eligible for publication on the state's open data portal in compliance with the applicable regulations on personal data protection and through the process of public consultations, carried out by the Ministry of Justice at least once a year.

## VII. TRANSPARENCY OF JUDICIARY

That transparency is one of the fundamental principles underlying the work of judiciary in a modern society is a universally accepted view. The principle 14 of the Magna Carta of Judges<sup>30</sup> stipulates that justice shall be transparent and that information shall be published on the operation of the judicial system. The Resolution on Transparency and Access to Justice<sup>31</sup> of the European Network of Councils for the Judiciary requires the existence of an open and transparent system of justice as the principal guarantee of the rule of law, while the Opinion no. 9 (2014)<sup>32</sup> of the Consultative Council of European Prosecutors on European norms and principles concerning prosecutors unambiguously points out that transparency in the work of prosecutors is essential in a modern democracy.

Thus, the nature of the principle of transparency as a horizontal principle permeating all five key principles underlying the reform and organization of judiciary was properly acknowledged as such already in the 2013-2018 NJRS. During the 2013-2018 NJRS implementation period, significant progress has been made regarding the advancement of the transparency of work of the High Court Council and the State Prosecutorial Council, respectively, in terms of publication of their decisions, making it possible to follow case proceedings and in respect to accessibility of other electronic services for the citizens, thereby rendering better access to justice. Certain activities were also carried out to ensure uniformity of contents on web pages of judicial bodies, as well as continuous training of individuals tasked with public outreach and public relations in judicial bodies.

<sup>30</sup> Consultative Council of European Judges, CCJE (2010)3 Final, Magna Carta of Judges (Fundamental Principles), <https://rm.coe.int/16807482c6>

<sup>31</sup> Европска мрежа судских савета, Резолуција о транспарентности и приступу правди - European Network of Councils for the Judiciary (ENCJ), Resolution of Bucharest on Transparency and Access to Justice - May 2009; [https://www.encj.eu/images/stories/pdf/opinions/resolutionbucharest29may\\_final.pdf](https://www.encj.eu/images/stories/pdf/opinions/resolutionbucharest29may_final.pdf)

<sup>32</sup> Opinion no. 9 (2014) of the Consultative Council of European Prosecutors on European norms and principles concerning prosecutors, the Rome Charter for Prosecutors; <https://rm.coe.int/168074738b>

The High Court Council and the State Prosecutorial Council recognized the importance of planning and strategic orientation towards advancement of openness of their work as well as the work of courts and prosecutors' offices. The High Court Council adopted its communication strategies in 2013 and 2016, respectively, while the State Prosecutorial Council and the Republic Public Prosecutor's Office adopted their communication strategy in 2015 for a five-year period. In late 2018, the High Court Council reiterated its commitment to the strengthening of transparency and public relations, as well as the importance of a permanent two-way communication with the media by way of adopting its new communication strategy spanning a four-year period (2018-2022), whose strategic objectives and measures were also extended to the advancement of openness and proactive communication in all courts in the Republic of Serbia.

In an era of fast flow and exchange of information, judicial bodies should, to the extent permitted by the law and procedural rules, build the public trust by presenting continuously to the media and citizens in a responsible and professional manner the information that portrays the importance of the work of judiciary and efforts made to administer justice in an easy-to-understand way. At the same time, the judiciary must also strike a delicate balance between the legitimate right of the public to be informed and ubiquitous media attention on the one hand (in particular with regard to the so-called media cases which, as a rule, attract great public attention), and the respect for the presumption of innocence, as well as, on the other hand, protection of the right to privacy, fair trial, the rights of victims and witnesses and other parties in the proceedings.

In the upcoming period, it is necessary that the judicial bodies continue to advance the manner in which the results achieved in the work of courts and prosecutors' offices are presented through reports, press releases and press conferences the content and form of which shall be adapted to both expert public and the media and citizens. By carrying out these activities, capacities of individuals tasked with public relations for judicial bodies will be further strengthened, along with simultaneous strengthening of an open and proactive communication with the media. It is necessary that the High Court Council and the State Prosecutorial Council continue advancing the practice of publishing their decisions and other relevant information on the work of these institutions.

Efforts should also be focused on upgrading e-service for citizens whereby the range of available information on judicial proceedings and efficiency of the judiciary providing for a better access to justice is further expanded. Additional enhancements are necessary with regard to the content, scope and accessibility of information on the work of the High Court Council, the State Prosecutorial Council, the Judicial Academy, courts and prosecutors' offices, as well as the implementation of national and other strategic documents of importance for the functioning and reform of the judiciary. Aside from the measures stipulated in 2019-2024 DJS, it is also necessary to ensure continuous support for the full

implementation of objectives envisaged in the communication strategies of the High Court Council and the State Prosecutorial Council.

In order to achieve the specific objective 7, reflected in *further advancement of accessibility of judicial institutions, qualitative and quantitative data on the work of judicial bodies both on specific cases and at the level of the entire judiciary, as well as information on planning and implementation of the judicial reform*, it is necessary to implement the following measures:

1.	Continuous advancement of the normative framework and e-infrastructure required for efficient collection, processing and publication of statistical data on the work of judiciary in the manner which provides for a timely and full dissemination of information to expert and general public;
2.	Continuous advancement of e-service and expansion of options related to the monitoring of case proceedings and availability of other information on the work of judiciary;
3.	Consistent implementation of communication strategies of the High Court Council and the State Prosecutorial Council and other institutions participating in the implementation of the judicial reform:
3.1	Building functional and sustainable communication systems in the High Court Council and all courts, the State Prosecutorial Council and all prosecutors' offices, which are capable of responding to public requests, as well as implementation of planned and proactive communication with the media;
3.2	Publication of fully reasoned decisions and other relevant information on the work of the High Court Council and the State Prosecutorial Council on the web pages of these bodies, in accordance with the relevant legal provisions;
3.3	Continuous strengthening of capacities of individuals tasked with public relations in courts, prosecutors' offices and other judicial institutions participating in the reform process, as well as further strengthening of relations with media representatives through advancement of their knowledge and understanding of the judiciary;
3.4	Further efforts to render uniform the appearance, scope and content of information on the work of judicial institutions participating in the reform process available on official web pages;
4.	Regular publication of reports on the implementation of national and internal

	strategic documents of importance for the functioning and reform of the judiciary, on the web pages of relevant entities;
5.	Continuous updating and advancement of the regulations database of the Legal Information System of the Republic of Serbia and of the case law database in terms of the number and representativeness of decisions rendered, as well as advancement of accessibility of these databases for expert, scientific and general public.

Courtesy Translation

## VIII. MONITORING AND EVALUATION OF STRATEGY'S IMPLEMENTATION RESULTS

The process of drafting 2019-2024 DJS and the process of AP23 revision have been unfolding in parallel, hence their contents have been harmonized to the largest possible extent, both mutually, and with regard to contents of interim benchmarks as part of Chapter 23. Earlier dualism of strategic documents in the field of the judiciary has been thereby avoided, which was highlighted in previous analyses as a problem, while AP23, at the same time, takes over the role of action plan for the 2019-2024 DJS implementation.

Such focusing and specifying of development steps will also significantly facilitate their contextualization and interconnecting within the framework of the National Program for Adoption of the EU Acquis<sup>33</sup>, one of the priorities of which is "Democracy and Rule of Law". Monitoring and evaluation of the implementation success in further development in the field of the judiciary will be thus facilitated to a considerable degree. Finally, adjustments of the 2019-2024 DJS reform scope and revised AP23 facilitated the planning of project support to the development of the judiciary and helped avoid overlapping with other relevant national strategic documents.

For the reasons specified above, the 2019-2024 DJS implementation shall be under the competence of the body in charge of monitoring AP23 implementation and in accordance with the methodology stipulated in that strategic document. When it comes to a certain number of measures contained in the Strategy, the implementation of which has already begun and which are not part of the AP23, reporting will be carried out on the basis of the text of the Strategy in a separate document. Reports will be submitted once a year to the Coordination Body in charge of monitoring the implementation of the AP23 and always at the request of the Coordination Body.

With a view to achieving maximum efficiency of the mechanism for monitoring the advancement of the judiciary, ensuring as objective reports as possible, as well as strengthening accountability for the results achieved among the entities tasked with implementing the development measures, it is necessary to develop and implement training programs directed towards the strengthening of capacities of institutions in the process of self-assessment and reporting. Simultaneously, measures and activities need to be taken aimed at raising awareness of the institutions themselves regarding the importance of self-assessment and acquainting the general and expert public with the results achieved.

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<sup>33</sup> National Program for Adoption of the EU Acquis, Third Revision, February 2018.: [http://www.mei.gov.rs/upload/documents/nacionalna\\_dokumenta/npaa/npaa\\_2018\\_2021.pdf](http://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/npaa/npaa_2018_2021.pdf) , accessed January 17, 2019.

Given that the accession negotiations with the EU, specifically under Chapter 23, constitute the basic context in which judicial reform has been taking place, as well as in which further development of the judiciary will unfold, these programs should be carefully coordinated with the programs for strengthening capacities of other institutions (outside of the judiciary) tasked with the implementation of reform steps within the Chapter 23 framework, thereby providing for a continuation of the process of rendering the methodology uniform regarding monitoring, reporting, and evaluation of the success of development initiatives in this field, which was initiated by the adoption of AP23.

Courtesy Translation



## 1. ANNEX I – LITERATURE AND SOURCES

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