



**COUNCIL FOR IMPLEMENTATION OF
THE ACTION PLAN FOR CHAPTER 23**

**REPORT 1/2017 ON IMPLEMENTATION OF
THE ACTION PLAN FOR CHAPTER 23**

Belgrade, April 2017



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COUNCIL FOR IMPLEMENTATION OF THE ACTION PLAN FOR CHAPTER 23

REPORT 1/2017 ON IMPLEMENTATION OF THE ACTION PLAN FOR CHAPTER 23

(for activities due for I quarter of 2017, as well as continuous activities)

Introductory note

The Government of the Republic of Serbia established the Council for the implementation of the Action Plan for Chapter 23 on 11th December 2015, as a special working body of the Government for the expert support to the Negotiating Group for Chapter 23.

The Council for the implementation of the Action Plan for the negotiations for Chapter 23 shall monitor the implementation of the activities envisaged in the Action Plan on a daily basis, anticipate and instigate early warning mechanism in case of delays and other problems in the implementation of the Action Plan and coordinate the reporting process.

The Council shall submit monthly reports on the implementation of the Action Plan to the Head of the Negotiating team for negotiations for accession of the Republic of Serbia to European Union, President of the Negotiating Group on Chapter 23 and the Coordination Body Council.

In order to prepare the effective functioning of the monitoring mechanism, the Council organized a pilot reporting cycle in the end of 2015, in order to identify potential problems in the reporting process. The Council subsequently organized training for focal points from all institutions responsible for implementation of the AP Ch23, focusing in particular on the conclusions arising from the pilot reporting. For the purposes of the first reporting cycle, following the training session, the Council developed and delivered to all institutions the following documents: Guidelines for development of the reports, forms for reporting in Serbian and English language, as well as the final text of the Action Plan for Ch23 which was adopted by the RS Government on 27th April 2016.

The first official cycle of reporting was performed in the period from 9 to 27 May 2016. The Council for monitoring the implementation of the Action plan for Ch23 has organized public

presentation of the joint First and Second Report for the representatives of state institutions, the media, civil society and international organizations on July 1st 2016.

The second cycle of reporting was performed in the period from 1st. September until 20th September 2016.

The third cycle of reporting was performed in the period from 21st. November until 12th December 2016. The Council for monitoring the implementation of the Action plan for Ch23 has organized public presentation of the Fourth Report on the implementation of Action Plan for Ch 23 for the representatives of state institutions, the media, civil society and international organizations on December 22nd 2016.

The fourth cycle of reporting was performed in the period from 1st March until 20th March 2017.

Following the collection of reports on implementation of the Action Plan for Chapter 23 from the responsible institutions, consultations were performed with the European Commission. Taking into account the EC's instructions, the Council paid particular attention to the activities whose implementation is significantly delayed (at least 6 months). Consequently, the implementation statuses of these activities have been revised for the activities where it has been identified that no actions were undertaken in the last two quarters in order to make some progress in implementation..

Reports of the Council shall include the following:

1. Detailed report on implementation of the activities due for the reporting cycle (Serbian/English version)
2. Action plan for Ch23 with a special column including brief description of the status of implementation (Serbian/English version)
3. Statistical review of the status of implementation of the Action plan for Ch23 (Serbian/English version) on several levels:
 - implementation of the activities in entire Chapter
 - implementation of the activities in each Subchapter

JUDICIARY

1.1. INDEPENDENCE

1.1.1.1. Conduct analysis of provisions of the Constitution and proposing amendments to the Constitution taking into account opinion of Venice Commission and European standards. (IV quarter of 2015)

Activity is fully implemented. The working group for the analyses of current constitutional framework dealing with judiciary submitted the Analyses.

1.1.1.2. Initiating the process of amending the Constitution and the adoption of a proposal in the National Assembly to amend the Constitution. (III quarter of 2016)

Activity is not implemented. At this moment, no proposal for the amendment of the Constitution has been submitted.

1.1.1.3. Preparing the draft of the Constitution and conducting the public debate. (IV quarter of 2016)

Activity is not implemented.

1.1.1.4. Submitting the Draft of the Constitution to the Venice Commission on opinion. (I quarter of 2017).

Activity is not implemented.

1.1.2.1. The National Assembly appoints the remaining court presidents at the proposal of the High Judicial Council. (IV quarter of 2016)

Activity is almost completely implemented. This is regular activity of High Judicial Council, considering that termination of office for judges and court presidents is common occurrence, on grounds provided by the Law on judges. Often there is vacancy for positions of judges and court presidents, followed by the election procedure, or procedure of appointment candidates to the National Assembly, which takes some time.

At the session held on February 28th 2017, the High Judicial Council announced the election of the President of the Commercial Appellate Court, the President of Commercial Court in Belgrade the President of the Higher Court in Prokuplje, the President of the Second Basic Court in Belgrade, the President of the Basic Court in Krusevac, the President of the Basic Court in Surdulica and President of the Misdemeanor court in Loznica.

On National Assembly session held on November 4th 2015, remaining court presidents were appointed in following courts - Basic court in Pančevo, Higher court in in Pančevo and Basic court in Prokuplje. High Judicial council didn't propose candidates for court presidents of Higher court

in Vranje and Higher court in Prokuplje, so the process of proposing candidates for court presidents will be repeated. Also, there was no candidates for the position of the president of the Misdemeanor court in Negotin, so the process of proposing candidates for this court president will also be repeated. In the meantime, there was termination of office of the president of the Commercial court in Čačak, and there will be election for the court president.

Commissions of High judicial council made interviews on September 14th and 15th 2016, with candidates that applied for court presidents in following courts: Higher court in Vranje, Higher court in Pirot, Commercial court in Čačak, First basis court in Belgrade, Basic court in Valjevo, Misdemeanor court in Jagodina and Misdemeanor court in in Kruševac, after which followed procedure of appointment candidates to the National Assembly of Republic of Serbia.

At the session held on 25 October 2016, the High Judicial Council established the draft decision on the election of the court presidents and proposed that the National Assembly of the Republic of Serbia appoint the President of the High Court in Vranje, the President of the High Court in Pirot, the President of the Commercial Court in Cacak, the President of the First Basic Court in Belgrade, the President of the Basic court in Valjevo, the president of the Misdemeanor court in Jagodina, and the President of the Misdemeanor court in Krusevac.

1.1.3.1. Adoption of the Rules on criteria and standards for evaluation of qualification, competence and worthiness for election of judges and court presidents, in line with current amendments to the Law on Judges. (Criteria for election to office). Link with activity 1.3.1.4. (III quarter of 2016)

Activity is fully implemented. At the session held on 15 November 2016, the High Judicial Council adopted a Rulebook on criteria and standards for the evaluation of expertise, competence and worthiness of candidates for judges who are being elected for the first time ("Official Gazette of RS", No. 94/16) and a Rulebook on criteria and standards for evaluation of expertise, competence and worthiness for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for court presidents. ("Official Gazette of RS", No. 94/16).

The High Judicial Council at the session held on 14 February 2017 established a unified database of questions for the written test, based upon which assesses the skills and qualifications of candidates for judges who will be firstly elected to judicial office, in accordance with a Rulebook on criteria and standards for the evaluation of expertise, competence and worthiness of candidates for judges who are being elected for the first time. The unified database of questions posted on the website of the High Judicial Council www.vss.sud.rs

1.1.3.2. Adoption of the Rules on criteria, standards and procedures for evaluation of judicial assistants. (III quarter of 2016)

Activity is fully implemented. The activity was implemented ahead of schedule. At the session held on 29 March 2016, the High Judicial Council adopted the Rulebook on criteria, standards, procedures and authorities for the assessment of the work of judicial assistants. The Rulebook were published in the „Official Gazette RS", No. 32/16, came into force eight days after its publication, and will be implemented as of 1st June 2016.

1.1.3.3. Council makes decisions on election, promotion and dismissal of holders of judicial offices, according to the new criteria from: (Commencing from I quarter of 2016)

Activity is being implemented successfully.

a) Rules on criteria and standards for evaluation of qualification, competence and worthiness for election of judges and court presidents (Rules for election);

This part of the activity is fully implemented. See 1.1.3.1.

b) Rules on criteria, standards and procedures for evaluation of judicial assistants;

The HJC is obliged to fulfill this activity within 60 days from adoption of the amendments to the Law on organization of courts (adopted on December 18th 2015). At the session held on 29 March 2016, the High Judicial Council adopted the Rulebook on criteria, standards, procedures and authorities for the assessment of the work of judicial assistants. The Rulebook were published in the "Official Gazette RS", No. 32/16, came into force eight days after its publication, and will be implemented as of 1st June 2016.

c) The Rulebook for evaluation of judges and court presidents (appraisal rules);

as an interim approach until amending the Constitution and alignment of laws and bylaws to new Constitutional provisions.

The High Judicial Council is publishing detailed information on its website and by forwarding it to all courts, takes care of the promotion of the importance of evaluation of the work of judges and its impact on career development.

Commissions for implementing the evaluation procedure and awarding performance grades to judges, evaluated work of judges who had been elected for the first time in 2013 and the High Judicial Council appointed them to a permanent judgeship.

The High Judicial Council Evaluation Commission at the sessions held on the February 22th and 23th 2017 passed a decisions on the commencement of the evaluation process for six judges whose three year tenure is going to lapse in 2017.

The High Judicial Council regularly updates information concerning the evaluation of judges and court presidents and published them on its website www.vss.sud.rs.

1.1.3.4. The High Judicial Council monitors the results of implementation of judicial laws that are currently on the force as well as future judicial laws that is going to be adopted after constitutional changes. (Continuously commencing from II quarter of 2015)

Activity is being implemented successfully. High Judicial Council monitors application of judicial laws, for changes of the laws to ministry in charge of judiciary, and provides opinions on law drafts. Members of the High judicial council are members of the workgroups for preparation of the draft of the laws.

1.1.3.5. The State Prosecutorial Council makes decisions on promotion, election and termination of prosecutorial position, implementing new criteria from: (Commencing from II quarter of 2015)

Activity is being implemented successfully.

At the session held on 4th of October 2016 the State Prosecutorial Council made a decision to announce an election for deputy public prosecutors in the Republic of Serbia for the following prosecution offices: the High Public Prosecution Office in Belgrade – 4 deputies, the High Public Prosecution Office in Zrenjanin – 1 deputy, the High Public Prosecution Office in Sombor – 1 deputy, the Second Basic Public Prosecution Office in Belgrade – 3 deputies, the Third Basic Public Prosecution Office in Belgrade – 3 deputies, the Basic Public Prosecution Office in Smederevo – 1 deputy, the Basic Public Prosecution Office in Ub – 1 deputy, the Basic Public Prosecution Office in Novi Sad – 2 deputies, the Basic Public Prosecution Office in Backa Palanka – 1 deputy, the Basic Public Prosecution Office in Zrenjanin – 1 deputy, the Basic Public Prosecution Office in Ruma – 1 deputy, the Basic Public Prosecution Office in Senta – 1 deputy, the Basic Public Prosecution Office in Sabac, the Basic Public Prosecution Office in Krusevac – 1 deputy, the Basic Public Prosecution Office in Novi Pazar – 1 deputy, the Basic Public Prosecution Office in Aleksinac – 1 deputy.

The announcement for election of deputy public prosecutors a the above listed prosecution offices is published in the “Official Gazette of the Republic of Serbia”, No. 84/16 from 12th of October 2016, and 207 eligible candidates in accordance with the Law on Public Prosecution Office applied to it. On 2nd of December 2016 a written test was conducted for 150 candidates, whereas 133 candidates took the test, three of which did not pass the test. Results of the previous ranking of the candidates who took the test and the Judicial Academy candidates, who in line with Article 77a of the Law on Public Prosecution Office are not taking the written test, are published at the State Prosecutorial Council website on 6th of December 2016. Oral examination of all candidates that applied to the announcement is in the course.

With reference to the previously reported public announcement – the announcement for election of deputy public prosecutors in the Third Basic Public Prosecution Office in Belgrade (“Official

Gazette of the Republic Of Serbia”, No. 32/16) – after the State Prosecutorial Council submitted the Proposal for election of 22 deputy public prosecutors to the National Assembly, the National Assembly elected them at the session held on 7th of October 2016 (“Official Gazette of the Republic Of Serbia”, No. 82/16), and on 28th of October 2016 they took the oath.

a) the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of a candidate when proposing and electing to prosecutorial position (the Election rules),

By publishing detailed information at its web page and forwarding of it to all public prosecution offices, the State Prosecutorial Council takes care on promotion of importance of performance evaluation of public prosecutors and deputy public prosecutors and its influence to promotion in the career. (as of the second quarter of 2015)

Update, March 2017: With reference to the previously announced election for deputy public prosecutors in basic public prosecution offices (“Official gazette of the Republic of Serbia”, No. 84/16 from 12th of October 2016) – which was covered in detail in the report for the fourth quarter of 2016, after the conducted election procedure and upon finishing interviews, with 186 candidates in total, at the session held on 2nd of February 2017 the State Prosecutorial Council made the decision to propose to the National Assembly candidates for the first election for deputy public prosecutors, as follows:

For the Second Basic Prosecution Office in Belgrade – 3 deputy public prosecutors, for the Third Basic Prosecution Office in Belgrade – 3 deputy public prosecutors, for the Basic Public Prosecution Office in Smederevo – 1 deputy public prosecutor, for the Basic Public Prosecution Office in Ub – 1 deputy public prosecutor, for the Basic Public Prosecution Office in Novi Sad – 2 deputy public prosecutors, for the Basic Public Prosecution Office in Backa Palanka – 1 deputy public prosecutor, for the Basic Public Prosecution Office in Zrenjanin – 1 deputy public prosecutor, for the Basic Public Prosecution Office in Ruma – 1 deputy public prosecutor, for the Basic Public Prosecution Office in Senta – 1 deputy public prosecutor, for the Basic Public Prosecution Office in Sabac – 1 deputy public prosecutor, for the Basic Public Prosecution Office in Krusevac – 1 deputy public prosecutor, and for the Basic Public Prosecution Office in Aleksinac – 1 deputy public prosecutor.

With reference to announcement of election of deputy public prosecutors in High Public Prosecution Offices in Belgrade, Zrenjanin and Sombor, at the session held on 25th of January 2017 the State Prosecutorial Council determined a rank list of candidates for election of deputy public prosecutors at the stated prosecution offices, after which the rank lists were published, by posting at the webpage of the State Prosecutorial Council. Since based on the stated rulebooks the evaluation system is different, the Council determined two rank lists for candidates who applied for the High Public Prosecution Offices in Belgrade and for the High Public Prosecution Offices in Zrenjanin, because for those prosecution offices applied candidates already in position of a deputy public prosecutor and candidates elected for the first time.

On candidate lodged an objection in due time to the published rank list for election at the High Public Prosecution Offices in Belgrade, which was declined as ungrounded by the State Prosecutorial Council decision. After deciding upon the objection, the State Prosecutorial Council made a decision to determine a final rank lists for the announcement for election of deputy public prosecutors at the High Public Prosecution Offices in Belgrade, the High Public Prosecution Offices in Zrenjanin and the High Public Prosecution Offices in Sombor.

At the session held on 2nd of February 2017, based on the final rank list and proposal of the commission – work body, and in line with the provisions of Article 33 of the Regulation on work of the State Prosecutorial Council, the State Prosecutorial Council elected four deputy public prosecutors at the High Public Prosecution Office in Belgrade, one deputy public prosecutor at the High Public Prosecution Offices in Zrenjanin and one deputy public prosecutor at the High Public Prosecution Offices in Sombor, and those were candidates who fulfilled at the highest level criteria for determining qualification, competence and worthiness.

With reference to election of public prosecutors in Basic Public Prosecution Offices in Bor, Brus, Vrbas and Sombor, published at the “Official gazette of the Republic of Serbia”, No. 80/16 from 30th of September 2016, the previously established Commission, based on criteria and standards for proposing candidates for election of prosecutors with special jurisdiction, gave marks for the fulfilled criteria and submitted the marks to the Council with a view to determine the rank list, in line with Article 82 paragraph 1 of the Law on Public Prosecution Office. At the session held on 25th of January 2017 the State Prosecutorial Council determine the rank list of candidates for election of public prosecutors at the abovementioned basic public prosecution offices.

At the session held on 2nd of February 2017 the State Prosecutorial Council made a decision also on announcement for election of deputies of the Republic Public Prosecutor, published in the “Official gazette of the Republic of Serbia”, No. 8/17 from 3rd of February 2017. At the same session the State Prosecutorial Council made a decision on announcement for election at high and basic public prosecution offices, as follows:

The High Public Prosecution Office in Valjevo – 1 deputy, the High Public Prosecution Office in Novi Pazar – 1 deputy, the High Public Prosecution Office in Nis – 1 deputy, the High Public Prosecution Office in Kraljevo – 1 deputy, the High Public Prosecution Office in Prokuplje – 1 deputy, the High Public Prosecution Office in Uzice – 1 deputy, the First Basic Public Prosecution Office in Belgrade – 2 deputies, the Second Basic Prosecution Office in Belgrade – 1 deputy, the Third Basic Prosecution Office in Belgrade – 1 deputy, the Basic Public Prosecution Office in Obrenovac – 1 deputy, the Basic Public Prosecution Office in Pancevo – 1 deputy, the Basic Public Prosecution Office in Velika Plana – 1 deputy, the Basic Public Prosecution Office in Zrenjanin – 1 deputy, the Basic Public Prosecution Office in Sremska Mitrovica – 1 deputy, the Basic Public Prosecution Office in Becej – 1 deputy, the Basic Public Prosecution Office in Sabac – 2 deputies, the Basic Public Prosecution Office in Krusevac – 1 deputy, the Basic Public Prosecution Office in Kraljevo – 1 deputy and the Basic Public Prosecution Office in Nis – 1 deputy.

The announcement for election of deputy public prosecutors at the abovementioned prosecution offices was published in the “Official gazette of the Republic of Serbia”, No. 16/17 from 2nd of March 2017.

As already reported, at the session held on 20th of May 2016 the State Prosecutorial Council made a Decision on establishing a work body for interviewing with the applied candidates for election of deputy public prosecutors of the Prosecutor for Organized Crime A No. 370/16. After the conducted procedure, at the session held on 2nd of February 2017, the State Prosecutorial Council determined rank lists of candidates for election of deputies of the Prosecutor for Organized Crime, which were published afterwards on webpage of the SPC.

The decision on determining the final rank lists based on the announcement for election of deputies of the Prosecutor for Organized Crime was made by the State Prosecutorial Council at the session held on 21st of February 2017, when the State Prosecutorial Council elected for deputies of the Prosecutor for Organized Crime two candidates who fulfilled at highest level criteria for determining qualification, competence and worthiness, based on the final rank list and proposal of the commission – work body, in line with provisions of Article 33 of the Regulation on work of the State Prosecutorial Council.

Update-December 2016: At the session held on 23rd of September 2016 the State Prosecutorial Council adopted the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates during the procedure of proposing deputy public prosecutors for the first election, which was issued in the “Official gazette of the Republic of Serbia”, No. 80/16 from 30th of September 2016.

The Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates during the procedure of proposing deputy public prosecutors for the first election is harmonized with Article 77a of the Law on Public Prosecution Office, provisions of which are stipulating general conditions and procedures for determining qualifications and competence of candidates for deputy public prosecutors elected for the first time, whereas the State Prosecutorial Council is determined as an institution competent for organization of the test for examination of qualification and competence of candidates, including regulation of program and method of taking the test.

With reference to that, the Rulebook provisions foresee to set the final mark of the Judicial Academy initial education candidate as criteria for qualification and competence, if that person should be a candidate for a deputy public prosecutor elected for the first time to a position in a basic public prosecution office, in line with the mentioned Article 77a of the Law on Public Prosecution Office.

Activities January 2015-October 2016: In the first quarter of 2015, the working group for drafting of the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of a candidate during the procedure of proposing and electing bearers of prosecutorial

position was having a series of meetings, after which draft of the Rulebook was translated, and forwarded for the second time to the European Commission, more precisely to the Directorate for Enlargement and to the Directorate for Justice, with a view to provide opinion on harmonization of the text with the EU Common jurisprudence.

After obtaining the preliminary European Commission comments to the Rulebook draft, at the session held on 14th of May 2015 the State Prosecutorial Council adopted the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates during the procedure of proposing and electing bearers of prosecutorial position.

The Rulebook determines criteria and standards for evaluation of qualifications, competence and worthiness during procedure of proposing and electing candidates for public prosecutors and deputy public prosecutors. In accordance with the Rulebook, it was issued an announcement for election of the Republic Public Prosecutor and deputy public prosecutors in high public prosecution offices, published in the “Official Gazette of the Republic of Serbia”, No. 44/15, on 20th of May 2015.

Announcement for election of 85 public prosecutors in public prosecution offices in the Republic of Serbia, announced in the “Official Gazette of the Republic of Serbia”, No. 77/15 on 9th of September 2015, which is in the course, is also being conducted in line with the stated Rulebook.

The Parliament has voted on their appointment on December 21st 2015.

Commencing from January 1st 2016, the State Prosecutorial Council has announced election for the Prosecutor for War Crimes, for two Deputy Prosecutors at the Republic Public Prosecution Office, for two Deputy Prosecutors at the Prosecution Office for Organized Crime, for a Deputy Prosecutor at the Prosecution Office for War Crimes and for 22 Deputy Public Prosecutors at basic public prosecution offices. Based on Article 7 paragraph 7 of the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates during the procedure of proposing and electing prosecutorial office holders, and with reference to the announcement of election of deputy public prosecutors at basic public prosecution offices, at the session held on March 1, 2016, the State Prosecutorial Council made a decision to form the Commission for preparation and evaluation of written and oral tests, during the procedure of proposing candidates for deputy public prosecutors.

Based on Article 20, paragraph 4, related to Article 17, paragraph 4 of the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates during the procedure of proposing and electing prosecutorial office holders, and with reference to the announcement of election of the Prosecutor for War Crimes, at the session held on March 23, 2016, the State Prosecutorial Council made a decision to form the Commission for preparation and evaluation of written test and evaluation of the program of organization and enhancement of work of the public prosecution office.

At the session held on May 20, 2016, the State Prosecutorial Council made a decision to form a work body for conducting interviews with the applied candidates for the election of two Deputy Prosecutors at the Republic Public Prosecution Office, for two Deputy Prosecutors at the Prosecution Office for Organized Crime and a Deputy Prosecutor at the Prosecution Office for War Crimes.

On June 2nd 2016 it has been conducted written test of candidates. On Jun 10th 2016 SPC special working body conducted interviews with the candidates for War Crimes Prosecutor position and submitted list of candidates that was published on the SPC web page. Interviews were monitored by representatives of OSCE, HLC, EUD, BGHLC and media.

SPC Administrative office has received results of evaluation of work for the candidates who applied for the deputy prosecutor positions.

At the Eight regular session, the State Prosecutorial Council made the Decision on election of public prosecutors for permanent performing of a deputy public prosecutor position, based on Article 13 paragraph 1 point 3 of the Act on the State Prosecutorial Council, in line with the Rulebook on criteria and standards for performance evaluation of public prosecutors and deputy public prosecutors. Prior to making the Decision, the State Prosecutorial Council Administrative Office had submitted a letter to public prosecution offices requesting to submit data and opinion on qualification, work competence and worthiness of candidates in order to be elected for permanent performing of a deputy public prosecutor position. All of the deputy public prosecutors were determined by the Decision on performance evaluation “extremely successfully performs prosecutorial position”, and in line with the stated, they were elected to be deputy public prosecutors for permanent performing of position of a deputy public prosecutor.

In June 2016, with relation to the announcement on election of deputy public prosecutors in basic public prosecution offices (“Official gazette of the Republic of Serbia”, No. 12/16), the Commission for composing and evaluating written and oral tests for the procedure of proposing candidates for deputy public prosecutors was established based on Article 7 paragraph 7 of the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates when proposing and electing prosecutorial office holders and it organized written and oral tests for candidates that applied to the stated announcement. Lists of candidates with the achieved results were submitted to the State Prosecutorial Council for inspection by the Commission.

Related to the announcement for election of public prosecutors at the Third Basic Public Prosecution Office in Belgrade (“Official gazette of the Republic of Serbia”, No. 32/16), the Commission for composing and evaluating written and oral tests for the procedure of proposing candidates for deputy public prosecutors was established based on Article 7 paragraph 7 of the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates when proposing and electing prosecutorial office holders (“Official gazette of the Republic of Serbia”, No. 43/15) organized in July 2016 written and oral tests for candidates that

applied to the stated announcement. The list of candidates with the achieved results was submitted to the State Prosecutorial Council for inspection by the Commission.

At the session held on 21st of June 2016, the State Prosecutorial Council established a work group with the task to submit a report on candidates related to the stated announcements to the State Prosecutorial Council. The work group concluded that a large number of candidates have achieved the highest score – between 69 and 70 points – thus confirming quality of candidates, that several categories of candidates had applied, among others: prosecutorial assistants; trainees at the Judicial Academy initial education; candidates that had passed the Judicial Academy initial education; judicial assistants; holders of prosecutorial or judicial profession and other candidates. The work group found that the Council proposal was supposed to be encompassing the best candidates from the stated categories, striving at the same time to accomplish balanced approach to all categories of candidates, with a view to enhance quality of prosecutorial profession. When reviewing each candidate individually, belonging to the candidate group with the highest marks, the work group has been especially evaluating work biographies of candidates, years of work experience, special knowledge and skills and legal areas they were dealing with within their work experience.

At the Ninth regular session, the State Prosecutorial Council has made a decision to submit a proposal to the National Assembly for election of 22 deputy public prosecutors elected for the first time, in line with Article 75 paragraphs 1 and 2 of the Law on Public Prosecution Office.

b) the Rulebook on criteria, standards and procedures for evaluation of public prosecutors and deputy public prosecutors (the Evaluation rules), as transition order until changes of the Constitution and harmonization of judicial laws and bylaws with the new Constitutional solutions.

Normative framework and trial implementation: On 29th of May 2014, the State Prosecutorial Council has adopted the Rulebook on criteria and performance evaluation of public prosecutors and deputy public prosecutors.

The Rulebook has entered into force on the fifteenth day from the day of publishing in the “Official Gazette of the Republic of Serbia” and it is being applied as of 15th of January 2015. After the Rulebook on criteria and standards of performance evaluation of public prosecutors and deputy public prosecutors has entered into force, and upon obtained opinion of the Republic Public Prosecutor, the State Prosecutorial Council has made a decision on trial implementation of the Rulebook in a representative number of public prosecution offices in the Republic of Serbia. The Rulebook trial implementation lasted until 15th of December 2014.

After ending of the trial implementation, the State Prosecutorial Council has conducted an analysis and drafted a report on the Rulebook trial implementation, and submitted it to work group members for further analysis and possible implementation of recommendations, submitted by public prosecution offices where the Rulebook had been implemented provisionally. The Rulebook trial

implementation was monitored by the OSCE Mission to Serbia representatives, monitoring through visits to public prosecution offices organizational and practical implementation of it.

Implementation of evaluation criteria: At the session held on 2nd of February 2015, the State Prosecutorial Council has elected for the first time deputy public prosecutors for permanent performance of the deputy public prosecutor position, in line with provisions of the Rulebook on criteria and standards of performance evaluation of public prosecutors and deputy public prosecutors.

On May 9, 2016, the Administrative Office of the State Prosecutorial Council submitted letters to public prosecution offices to submit performance evaluations and the last mark for candidates applied to the stated announcements for the election, based on the decision on evaluation and in line with the provisions of the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates during the procedure of proposing and electing prosecutorial office holders and the Rulebook on criteria and evaluation of work of public prosecutors and deputy public prosecutors.

1.1.3.6. Efficient work of the State Prosecutorial Council work group for monitoring of implementation of judicial laws currently in effect, as well as of future laws that will be adopted after changes of the Constitution. (Continuously, as of the second quarter 2015)

Activity is being implemented successfully.

Update, March 2017: At the session held on 23rd of March 2017 the new Regulation on work of the State Prosecutorial Council (“Official gazette of the Republic of Serbia”, No. 29/17) was adopted, thus creating environment for efficient work of work group for monitoring of implementation of judicial laws currently in effect, as well as all future laws to be adopted after change of the Constitution. Namely, provisions of the Regulation represent baseline for establishment of work group for monitoring of judicial laws, with status of ad hoc work body, with competence for providing professional assistance to the Council when: providing opinion on amendments of current or adoption of new laws, regulating position and acting of public prosecutors and deputy public prosecutors, organization of public prosecution offices, as well as other laws applied by public prosecution offices; monitoring of implementation of effective judicial laws, as well as analysis of drafts of judicial laws with a view to provide opinions and suggestions. That would establish a system of continuous monitoring of implementation of all judicial laws, which would represent significant systematic progress, considering that until now activity on monitoring and analysis of judicial laws by the State Prosecutorial Council has been focused on individual laws and was having certain period of duration.

Provisions of the new Regulation on work of the State Prosecutorial Council stipulate that work group should have three members – one of which should be the Council elective member, one should be judicial position holder, with prominent role in scientific and theoretical work, and one should be a Faculty of Law Professor, as well as that the work group members should be selected by the Council with tenure of three years, and they can be reelected, except for the elective Council member, with tenure until expiration of the tenure within the Council. Finally, it is being stipulated

obligation for the work group for monitoring of judicial laws to submit the annual report on work to the State Prosecutorial Council.

Update, December 2016: Having in mind that the Analysis of the necessary number of deputy public prosecutors at the Republic of Serbia public prosecution offices drafted previously contains recommendations on urgent measures that need to be undertaken related to amendments of laws and bylaws, then related to making the Program on solving of old cases, as well as related to the necessary number, i.e. necessary urgent filling of vacant positions for bearers of prosecutorial position, as well as the need to increase the number of employees, certain activities for realization of the stated measures were being proposed.

With reference to that, it has been proposed initiation of a procedure for election of deputy public prosecutors for 18 vacant positions in basic public prosecution offices, as well as for election of 6 deputy public prosecutors at high public prosecution offices, in line with the previously approved financial resources. It should be underlined a fact that at the mentioned Analysis of the necessary number of deputy public prosecutors at the Republic of Serbia public prosecution offices was recommended urgent filling of 94 vacant positions of deputy public prosecutors, but that the announcement was made for filling of significantly lower number of positions, precisely for the lack of financial resources.

At the session held on 2nd of February 2015, the Council made a decision to establish a work group that will conduct functional analysis of real needs of bearers of prosecutorial position in the Republic of Serbia public prosecution offices, related to total number of active cases in public prosecution offices, number of bearers of prosecutorial position processing cases, with a view to determine direction of activities in the following period, in order to rationalize expenses in the Republic of Serbia public prosecution offices.

On 18th of March 2015, the work group submitted to all members of the State Prosecutorial Council analysis of workload of public prosecution offices along with tabular presentations, for information and opinion.

At the session held on May 20, 2016, the State Prosecutorial Council made a decision to form a work body in charge of determining real needed number of deputy public prosecutors in every single public prosecution office with a view to obtain necessary approval from the Ministry of Justice and correct and timely planning of budget for the following year.

The State Prosecutorial Council work body for determining real needs of public prosecution offices has made a detailed Analysis of necessary number of deputy public prosecutors at the Republic of Serbia public prosecution offices. At the session held on 18th of August 2016, the work body made a decision to post draft of the Analysis of necessary number of deputy public prosecutors at the Republic of Serbia public prosecution offices on the State Prosecutorial Council website and to submit it for public discussion. Draft of the Analysis of necessary number of deputy public

prosecutors at the Republic of Serbia public prosecution offices and table presentation can be downloaded on the State Prosecutorial Council website.

1.1.4.1. Adoption of Law on amendments and supplements to Law on the High Judicial Council which, within current Constitutional provisions introducing principle of the broadest transparency of this institution's work, envisaging the following: - Public sessions of the High Judicial Council; - Reasoned decisions; -Publication of the decisions and the report on work at the website of the High Judicial Council; While pursuant to the opinion of Venice Commission the amendments on: - improving procedure of election of High Judicial Council's members in the context of strengthening judicial independence, -introducing mechanisms of institutional liability of High Judicial Council which will be covered by the new law that shall be adopted upon the amendments to the Constitution. (III quarter of 2015)

The activity is fully implemented. The National Assembly passed the Law on Amendments to the Law on the High Judicial Council, which was published in the Official Gazette of RS, No. 106 on 21st December 2015.

- Committee on the Judiciary, Public Administration and Local Self-Government at its 54th sitting, held on 14th December 2015, and 55th sitting, held on 17th December 2015, considered the Bill amending and modifying of the Law on High Judicial Council in general and in detail.

- The Law on amendments and modifications of the Law on High Judicial Council was adopted at the Ninth Sitting of the Second Ordinary session of the National Assembly of the Republic of Serbia, held on 18th December 2015, and published in the "Official Gazette of the Republic of Serbia", No.106/15.

-By means of amendments and modifications of the said law, the principle of the utmost transparency of the performance of the High Judicial Council was introduced, and it refers to:

- public sittings of the High Judicial Council;
- reasoned decisions;
- publishing of decisions and progress reports on the website of the High Judicial Council.

1.1.4.2. Adoption of Law on amendments and supplements to the Law on the State Prosecutorial Council which, within current Constitutional provisions introducing principle of the broadest transparency of this institution's work, including: - Public sessions of the State Prosecutorial Council; - Reasoned decisions; -Publication of the decisions and the report on work at the website of the State Prosecutorial Council; While pursuant to the opinion of Venice Commission the amendments on: -improving procedure of election of State Prosecutorial Council's members, all in the context of strengthening judicial independence. -introducing mechanisms of institutional liability of State Prosecutorial Council which will

be covered by the new law that shall be adopted upon the amendments to the Constitution. (III quarter of 2015)

The activity is fully implemented. The Law on amendments and modifications of the Law on the State Prosecutorial Council was adopted at the Ninth Sitting of the Second Ordinary session of the National Assembly of the Republic of Serbia, held on 18th December 2015, and published in the "Official Gazette of the Republic of Serbia", No.106/15.

- By means of amendments and modifications of the said law, the principle of the utmost transparency of the performance of the High Judicial Council was introduced, and it refers to:

- public sittings of the State Prosecutorial Council;
- reasoned decisions;
- publishing of decisions and progress reports on the website of the State Prosecutorial Council.

1.1.4.3. Amending the Rules of procedure of the High Judicial Council in accordance with amended Law on the High Judicial Council. (IV quarter of 2015)

The activity is fully implemented. At the session held on 13 January 2016 the High Judicial Council adopted a Decision on the amendments and changes to the Rules of Procedure of the High Judicial Council, which were published in „Official Gazette RS", No. 4/16. The Ethics Committee was prescribed as a working body of the High Judicial Council; it stipulates that the sessions of the High Judicial Council are open to public and that the agenda, the minutes and conclusions of the sessions are published on the website of the Council, as well as any decisions that the Council adopt. Also, all decisions of the Council must be reasoned.

1.1.4.4. Complete transfer of budgetary competencies from Ministry of Justice to High Judicial Council pursuant to Article 32 Para 3 of the Law on Courts. (I quarter of 2017)

Activity is not implemented. Transfer of budgetary competences has been postponed by amendments of the Law on Organization of Courts and should be implemented as of January 1st 2018.

1.1.4.5. Strengthening the capacities of Administrative office of the High Judicial Council in the field of the analytical, statistical and managerial capacities, in accordance with extended scope of High Judicial Council's competencies. (Continuously, commencing from I quarter of 2015)

Activity is being implemented successfully.

Update, March 2017: From February 2017, employees in the Administrative Office of the High Judicial Council participate in the certification courses of IT skills.

Update, Decembar 2016: Within the project IPA 2013 - "Strengthening the strategic and administrative capacity of the High Judicial Council and State Prosecutorial Council" in November of 2016 nine employees from the Administrative Office of the High Judicial Council went on a five-day study visit to Greece in order to get better knowledge of the work of the judicial system of Greece.

In the period from 14 November to 16 December 2016, employees in the Administrative Office of the High Judicial Council participated / will participate in the certification courses:

- System Management continuity - course for ISO 22301
- Risk management - course for ISO 31000
- System Management of IT services - course for ISO/EIC 27001
- System to information security management - course for ISO/EIC 27001
- Project management - course for ISO 21500
- Communication and PR skills (two days training)

Activities for the period January 2015- October 2016: In relation to activity 1.1.4.5. and 1.1.4.8. the HJC and SPC is paying great attention to the improvement and strengthening of the capacities of their administrative offices and see this activity as continuous one.

As to its analytical and statistical performance, the Administrative Office of HJC has three employees working in this area in the Department for Status of Judges and one in the Financial Dpt. It has accurate daily data on the number of judges in Serbia, filled and vacant judicial positions; has introduces personal records for all judges in Serbia with personal and professional data; daily data on disciplinary proceedings before the Disciplinary Commission, acting in first instance and before the HJC, acting in second instance. Currently, the HJC together with the OSCE is working on making the *Guidelines for practice in disciplinary proceedings*.

As to the improvement, the HJC adopted a three year training program for the Administrative Office staff in various areas, especially covering the following topics: IT; budgeting issues; public procurement procedure; EU integration process; IPA projects; anti-corruption; how to improve managerial capacities. In these topics it has been agreed that the World Bank will help with the realization of the training program.

As to activity 1.1.4.3. the HJC has prepared changes and amendments to the Rules of Procedure of the HJC and will be adopted by the Council immediately after the adoption of the Law on changes and amendments to the Law on High Judicial Council which is pending before the Parliament. Changes and amendments will include detailed prescription of the procedure for the

implementation of Article 29 of the Law on Judges, which refers to the protection of the independence of judges. Moreover, changes and amendments will refer to public and transparent work of the HJC.

The HJC is ready to undertake from the Ministry of Justice budgetary competence in full capacity and will overtake people from the Ministry. In line Law on Organization of Courts, the HJC will take over jurisdiction of judiciary administration prescribed in Article 70 of the Law, from the Ministry of Justice, starting from 1st January 2017, which also prescribes that the HJC will take over all employees from the Ministry of Justice, working on the this positions.

Furthermore, the HJC started IPA 2013 with its partners Spanish-Greek Consortium for the Strengthening of the capacities of the HJC and SPC, out of which we expect high quality cooperation and improvement of our daily work. To achieve the project's objectives, experts from the Spanish General Prosecutor's Office and the General Council for the Judiciary, and Greek Ministry of Justice, together with colleagues of the High Judicial Council and State Prosecutorial Council of the Republic of Serbia will organize series of roundtables, workshops, trainings, conferences and study visits. Project activities will enable the transfer of EU best practices, valuable experiences and specialized know-how between the judicial and prosecutorial institutions of EU Member States and the beneficiary institutions of the Republic of Serbia.

At the session held on 15 March 2016, the High Judicial Council has given its consent to a permanent training program of the Judicial Academy for 2016, which, among other things, include a part that relates to the education of employees in the Administrative Office of the High Judicial Council. Training is planned for 12 different topics.

Within the project IPA 2013 - "Strengthening the strategic and administrative capacity of the High Judicial Council and State Prosecutorial Council" in February 2016 9 employees from the Administrative Office of the High Judicial Council went on a study visit to Spain, in order to get better knowledge of the work of the Judicial Council of Spain.

From 25 to 31 May 2016 the employees of teh HJC participated in a seminar organized by the Judicial Academy and the Ministry of Justice and with the support of the MDTF on human rights topic - Module civil law, Module criminal law and Module administrative law.

1.1.4.6. Changes of the Regulation of work of the State Prosecutorial Council in line with the amended Law on the State Prosecutorial Council (IV quarter of 2015)

Activity is fully implemented. At the session held on January 19, 2016, the State Prosecutorial Council made the Decision on amendments to the Rules of Procedure at the State Prosecutorial Council, thus harmonizing the Rules of Procedure of the State Prosecutorial Council with the Law on amendments of the Law on the State Prosecutorial Council adopted on December 18th 2015.

Update, March 2017: After establishment of the work group for drafting amendments to the Regulation of work of the State Prosecutorial Council on 16th of May 2016, it was concluded that more voluminous changes to the Regulation text were needed, especially in line with the obligations upon the Action plan for Chapter 23. The stated changes had as a result drafting of new text of the Regulation on work of the State Prosecutorial Council, adopted at the Council session on 23rd of March 2017, and then published in the “Official gazette of the Republic of Serbia”, No. 29/17 on 24th of March 2017.

Among the key portions of the new Regulation on work of the State Prosecutorial Council (“Official gazette of the Republic of Serbia”, No. 29/17) the following are standing out: detailed elaboration of principle of proceeding and decision-making – respecting completely the Law on the State Prosecutorial Council (“Official gazette of the Republic of Serbia”, Nos. 116/2008, 101/2010, 88/2011 and 106/2015), the Law on Public Prosecution Office (“Official gazette of the Republic of Serbia”, Nos. 116/2008, 104/2009, 101/2010, 78/2011, 101/2011, 38/2012 – decision of the Constitutional Court, 121/2012, 101/2013, 111/2014 - decision of the Constitutional Court , 117/2014, 106/2015 and 63/2016 - decision of the Constitutional Court), the Law on Free Access to Information of Public Importance (“Official gazette of the Republic of Serbia”, Nos. 120/2004, 54/2007, 104/2009 and 36/2010) and other relevant laws, systematic regulation of right of the Council President, and detailed regulation of rights and obligations of the Council members, as well as introduction of obligatory drafting of the Council annual work plan, in line with recommendations related to the need for strategic planning, proposed by representatives of the World Bank and the EU IPA 2013 project “Capacity building of the HCC and the SPC”.

In addition to the already stated, the new Regulation provisions create conditions for enhancement of quality of the Council work, by enabling establishment of numerous operative bodies – concretely ad hoc work bodies, which in practice will have permanent sessions and monitor the area of their competence. Therefore, in addition to the existing Ethical board, it is foreseen establishment of the Commissioner for independence, the Work group for monitoring of judicial laws and the Work group for educational programs, as well as work bodies with competence to continuously monitor certain areas, with a view to meet obligations from the Action plan for Chapter 23 (concretely activities 1.1.5.2., 1.1.3.6., 1.3.1.5., 1.3.1.6., 1.3.1.7., 1.3.2.2., 1.3.2.4. and 3.8.1.17.).

Acting upon provisions of the Law on State Prosecutorial Council (“Official gazette of the Republic of Serbia”, Nos. 116/2008, 101/2010, 88/2011 and 106/2015), the Law on General Administrative Procedure (“Official gazette of the Federal Republic of Yugoslavia”, No. 33/97 and 31/2001 and (“Official gazette of the Republic of Serbia”, No. 30/2010) and the Law in Administrative Disputes (“Official gazette of the Republic of Serbia”, No. 111/209), the new Regulation of work of the State Prosecutorial Council devotes its attention to the Council acts and the decision-making procedures in certain cases, having in mind the right to use legal remedies on some Council decisions, and also obligations to elaborate the Council decisions. The Regulation provisions also stipulate reasons and the procedures for asking for excusing a Council member. In line with the Law on Public Prosecution Office, Chapter 4 of the Regulation of work of the State Prosecutorial Council contains provisions determining the election procedure – the procedural part

of the election, i.e. the candidate proposing, and it is foreseen that this Chapter should start to be implemented as of 1st of September 2017, when the new Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates during the procedure of proposing and electing prosecutorial office holders is expected to be adopted, while the previously established Council work group is already drafting it.

1.1.4.7. Complete transfer of budgetary competencies from the Ministry of Justice to the State Prosecutorial Council. (I quarter of 2017)

Activity is not implemented. The State Prosecutorial Council has initiated organization of a meeting with representatives of the Ministry of Justice and the Ministry of Finance having in mind that during the upcoming period will take over from the ministry in charge of judiciary rights, obligations, cases and archives necessary for complete transfer of budgetary competences from the line ministry to the State Prosecutorial Council.

In accordance with the stated, the State Prosecutorial Council shall also take over civil servants and clerks in the line ministry working on tasks within the transferred area of work.

1.1.4.8. Capacity building of the State Prosecutorial Council Administrative Office in the area of analytics, statistics and managerial capacities, in line with expansion of the State Prosecutorial Council mandate. (Continuously, as of the first quarter 2015)

Activity is being implemented successfully.

Update, March 2017: At the beginning of March 2017 the Group for planning and enforcement of budget of public prosecution offices and the Group for financial-accounting operation, acting upon the letter of the Ministry of Finance, has drafted the Proposal for priority areas for funding for the period 2018-2020, with elaboration foreseeing further enhancement of capacities of the State Prosecutorial Council Administrative Office, in line with measures and activities foreseen by the Action plan for implementation of the National Judicial Reform Strategy for the period 2013-2018, the Action plan for implementation of the National Strategy for Fight against Corruption in the Republic of Serbia for the period 2013-2018 and the Action Plan for Chapter 23. The Proposal includes human resource strengthening, i.e. increase of capacities of financial departments and internal audit, because of drafting new methodology of the Council planning of budget and planning and enforcement of budget of public prosecution offices of the Republic of Serbia. Furthermore, capacity building of the Council Administrative Office within the human resource area, because of proceeding upon objections to work of prosecutorial position holders submitted to the Council by parties or other participants at proceedings. It is foreseen capacity building of the Council disciplinary bodies and administrative-technical assistance to the disciplinary bodies and professional-operational assistance in the area of record keeping and human resource development.

During the first quarter of 2017 continues implementation of the IPA 2013 project “Capacity building of the High Court Council and the State Prosecutorial Council”. Within the project the State Prosecutorial Council representatives have initiated detailed strategic planning. In addition

to that, during the reporting period has been performed precise drafting of the future IPA 2017 project, which has as objective further capacity building of the State Prosecutorial Council in the area of analytics, statistic and administrative capacities.

Activities for the 4th quarter 2016: After adoption of the Rulebook on internal administration and job classification at the State Prosecutorial Council Administrative Office in September and October 2016, with a view to enhance capacities of the State Prosecutorial Council Administrative Office, permanent employments were concluded based on the agreement on transfer of civil servants, at the position for monitoring and analysis of work of public prosecution offices, at the position for participation in normative operations, at the position for European integration and at the position for system and web administrator.

In line with the Law on civil servants and the Regulation on preparation of human resources plan in public institutions, it was submitted to the Ministry of Finance draft of the human resources plan for 2017, along with the proposal of financial plan for 2017, while taking care about the need to continuously strengthen capacities of the State Prosecutorial Council Administrative Office.

During the fourth quarter of 2016 it has been continued implementation of the IPA 2013 project “capacity building of the High Court Council and the State Prosecutorial Council”, which has as one of its objectives capacity building of the State Prosecutorial Council Administrative Office. In October 2016, within this project, was delivered education on planning and execution of budget for the employees at the Group for planning and execution of budget of public finances and the Group for financial-accounting affairs of the State Prosecutorial Council. Moreover, between 30th of October and 4th of November 2016, within this project was conducted an expert mission with Spanish experts for strategic planning and it was drafted a map of processes and a structure of the future the State Prosecutorial Council Strategic Plan.

In addition to that, educational support for the employees at the State Prosecutorial Council was provided by the World Bank, thus finalizing educational plan for 2017 and realizing training for the IT.

Activities for the period December 2014-July 2016: On 9th of December 2014, the State Prosecutorial Council made a decision foreseeing to fill a vacancy, Secretary of the Council, by conducting an internal competition, as well as that the internal competition is eligible for civil servants from the State Prosecutorial Council Administrative Office and from the Republic of Serbia public prosecution offices. The Competition Commission has conducted internal competition in line with the Rulebook on filling vacancies and position in the State Prosecutorial Council Administrative Office. At the session held on 26th of January 2015, and in line with provision of the Article 7 paragraphs 2 and 3 of the Decision on establishment and work of the Administrative Office, the Council has placed at the position the State Prosecutorial Council Secretary, for the period of 5 years, as of 26th of January 2015.

During the fourth quarter of 2014, the State Prosecutorial Council participated at the process of selection of tenderers for the IPA 2013 project: “Capacity building of the High Court Council and

the State Prosecutorial Council”, and upon selection of a partner from a EU member state, it commenced work on drafting a text for the Twinning contract. One of components within this project first result (building administrative capacities) is related to strengthening of internal organization of the SPC Administrative Office, including drafting of the strategic plan, capacity building plan and training needs assessment for the SPC Administrative Office employees, and within this measure, it shall be conducted needs assessment, organized workshops and round tables, drafted recommendations and delivered training for the staff. Beginning of the project implementation was during the second quarter of 2015.

During the third quarter of 2015 was signed a contract and implementation of the IPA 2013 project was initiated: “Capacity building of the High Court Council and the State Prosecutorial Council”. One of the components within this project first result (building administrative capacities) is related to strengthening of internal organization of the SPC Administrative Office, including drafting of strategic plan, capacity building plan and training needs assessment for the SPC Administrative Office employees, and within this measure, during the fourth quarter of 2015 shall be organized a workshop, within which shall be conducted needs assessment, followed by drafting of recommendations, while during the following quarters round tables are expected to be organized and delivering of training for the staff.

Based on Article 11, paragraph 4 and Article 13, paragraph 3 of the Decree on preparation of the human resources plan in public institutions (“Official gazette of the Republic of Serbia”, No. 8/2006), on December 22, 2015, the State Prosecutorial Council submitted to the Ministry of Finance the Proposal for human resources plan of the State Prosecutorial Council for 2016, with explanation, for approval.

The Proposal for human resources plan of the State Prosecutorial Council for 2016 is fully in line with the Law on Budget of the Republic of Serbia for 2016 (“Official gazette of the Republic of Serbia”, No. 103/2015).

The Ministry of Finance gave approval to the Proposal for human resources plan of the State Prosecutorial Council for 2016 by the Letter No. 112-01-100/2016-03 from April 4, 2016.

Drafting of the new Rulebook on internal organization and job classification in the Administrative Office of the State Prosecutorial Council is in the course and upon adoption of the Rulebook by the State Prosecutorial Council is shall be commenced filling in of job vacancies as soon as possible, primarily through taking over civil servants and conducting internal job competition.

It should be stressed that the State Prosecutorial Council is proposing volume and structure of budgetary resources necessary for current expenditures and expenditures for prosecutorial staff, with initially obtained opinion of the ministry in charge for judiciary and it is conducting allocation of the resources to public prosecution offices.

Monitoring over spending of budgetary resources determined for operations of public prosecution offices is conducted by the State Prosecutorial Council, the ministry in charge of judiciary and the ministry in charge of finance.

The State Prosecutorial Council has initiated organization of meetings with representatives of the Ministry of Justice and the Ministry of Finance, having in mind that during the upcoming period it will take over from the ministry in charge of judiciary rights, obligations, cases and archives necessary for complete transfer of budgetary competences from the line ministry to the State Prosecutorial Council.

In accordance with the stated, the State Prosecutorial Council shall also take over civil servants and clerks in the line ministry working on tasks within the transferred area of work.

At the session held on 22nd of July 2016, the State Prosecutorial Council adopted the Rulebook on internal regulation and job organization at the State Prosecutorial Council Administrative Office, in line with the State Prosecutorial Council Human Resources Plan for 2016, passed after obtaining agreement of the Ministry of Finance.

1.1.5.1. Amending Rules of Procedure of High Judicial Council to define clear procedure for public reacting in cases of political interference in the judiciary which includes regular/periodic, as well as extraordinary public reacting of High Judicial Council, concerning the political interference in the judiciary and its effective implementation. (III quarter of 2016)

Activity is fully implemented. The High Judicial Council, at the session held on 25 October 2016, adopted amendments to the Rules of Procedure of the High Judicial Council, which was published in the “Official Gazette of the RS”, no. 91/16. The above mentioned amendment stipulates the procedures of public reactions of the High Judicial Council in cases of political interference in the judiciary.

1.1.5.2. Amending Rules of Procedure of State Prosecutorial Council to define clear procedure for public reacting in cases of political interference in the operation of public prosecutor’s office which includes regular/periodic, as well as extraordinary public addressof State Prosecutorial Council, concerning the political interference in operation of public prosecutor’s office and its effective implementation. (III quarter of 2016)

Activity is fully implemented. Provisions of the new Regulation on work of the State Prosecutorial Council (“Official gazette of the Republic of Serbia”, No. 29/17), adopted at the Council session held on 23rd of March 2017, are prescribing procedure of the State Prosecutorial Council public reactions in cases of political influence to work of public prosecution office, including regular/periodic informing the public on existence of political or other illegal influence to work of public prosecution offices by the State Prosecutorial Council, once every year. In addition to that, it is also regulated procedure of extraordinary addressing of the State Prosecutorial Council to the public related to political or other illegal influence to work of public prosecution

offices, if needed. Article 9 of the Regulation defines that the Council Deputy President is informing on existence of political or other illegal influence to work of public prosecution offices, and he/she is in that case acting as the Commissioner for independence, whereas manner of the Commissioner's acting and informing shall be regulated in detail by the Council special decision.

1.1.6.1. Adoption and effective implementation of the Code of conduct for Members of Parliament (MPs) which regulates commenting judicial decisions and procedures. (Continuously, commencing from III quarter of 2016)

Activity is almost completely implemented. The Draft Code of Conduct for Members of Parliament was prepared during the previous term of office of the National Assembly by the Working Group established by the Committee on Administrative, Budgetary, Mandate and Immunity Issues.

During this term of office of the National Assembly, further work on the development of this act is expected, and introducing a provision which would regulate what is allowed with regard to commenting on judicial decisions and procedures will be considered.

1.1.6.2. Adoption and effective implementation of Code of conduct for Members of the Government of the Republic of Serbia, which regulates commenting judicial decisions and procedures. (Continuously, commencing from IV quarter of 2015)

Activity is being implemented successfully. The Government has adopted the Conclusion for passing the Code of conduct for Members of the Government of the Republic of Serbia, which regulates commenting judicial decisions and procedures on its 192nd meeting held on 23rd January 2016, at the proposal of the Ministry of Justice.

The conclusion was published in the Official Gazette of RS, No. 6 on 28 January 2016.

1.1.6.3. Amendments and effective implementation of the Code of ethics in Police in part which deals with liability of police officers for unauthorized publication to the media of information concerning current or planned criminal investigations (link with activity 3.5.2.11.) (Continuously, commencing from II quarter of 2016)

Activity is fully implemented. Article 7. of Police Code of Ethics ("Official Gazette of RS", No. 17/17), under the name "Protection of official information" prescribes that police officers do not disclose and do not use, without an authorization, data which they acquire in service or in connection to the service, and especially those which could threaten legal proceedings or the rights of third parties. Article 12. prescribes that behavior that is opposite to the provisions of this code represents behavior that is harmful to the reputation of the Ministry and police profession.

In accordance with the new Law on Police (Article 45, paragraph 3) on the proposal of the Ministry of Interior, the Government of the Republic of Serbia, adopted a completely new Police Code of

Ethics. In this regard, the new Code of Police Ethics contains the general norm "Protection of official information", which states that police officers do not disclose and do not use, without an authorization, data which they acquire in service or in connection to the service, which could threaten legal proceedings or the rights of third parties.

Also, in the Article 33 of the new Law on Police which was passed in February 2016 - "Standards of police action" states that employees of the Ministry do not impair the confidentiality of data which they acquire at work or in connection with work.

1.1.6.4. Drawing up electronic brochure on the limits of permissible commenting judicial decisions and procedures for political office holders and its publication on the web pages of the National Assembly and the Government of the Republic of Serbia. (III quarter of 2016)

The activity is fully implemented. The Department for Public Relations of the Republic Public Prosecution Office and the State Prosecutorial Council, with support of the GIZ project, the Ministry of Justice and with participation of the media representatives, has made a manual – The guide for communication between public prosecution offices, the media and the public with recommendations for concrete actions of both persons in charge of public relations from public prosecution offices and the media reporting on work of public prosecution offices. The stated manual contains the necessary review of leak of information, as well as concrete recommendations for better cooperation, explanation of the institute and method of work of the prosecution offices, but also rules for the PR employees with a view to establish the best possible cooperation with the media. Promotion of the manual was on February 15, 2016 with presence of the journalists and the prosecutorial office holders.

1.1.6.5. Introduction of European standards relating to respect of judicial decisions and limits of permissible critique of judicial decisions and procedures in the context of respect of judiciary's independence in the program of the Judicial Academy and the implementation of such training program in this area. (Continuously, commencing from III and IV quarter of 2016)

Activity is being implemented successfully. During September and October 2016, the SPC delivered four educative events: in Belgrade, Novi Sad, Nis and Kragujevac, within the education program organized by the Republic Public Prosecution Office and the State Prosecutorial Council, in cooperation with the Judicial Academy. At the events were analyzed implementation results of the Communication Strategy, with special emphasis on level of respect of presumption of innocence, followed by relation of relevant subjects towards the topic of prevention of leaking of information, concluded by the analysis of implementation of the Strategy in general.

1.1.6.6. Organizing workshops for journalists in order to adopt European standards and national regulations concerning respect for judicial decisions and concerning respect of

reporting on court proceedings. (Continuously, commencing from III and IV quarter of 2016)

Activity is being implemented successfully.

Update, March 2017: For the first quarter of 2017 was planned drafting of the result analysis from the previously held conferences, having in mind that the project foresaw holding of the fifth final conference where it should be analyzed results and given joint recommendations through a manual, drafted based on results from the previous conferences.

In addition to that, it is planned continuation of cooperation with the Judicial Academy, with a view to deliver more training for the public prosecution office representatives on implementation of the Communication Strategy of public prosecution offices, media appearances and cooperation with the media – advanced level of education for media appearance. Moreover, having in mind the importance of joint workshops with the media and the police representatives, especially in the area of prevention of leaking of information, currently are being made plans with the Judicial Academy and the IPA project's „Strengthening of educational activities and organizational capacities of the Judicial Academy“ representatives on possibilities, method and modalities of continuing this education.

Earlier activities: The Republic Public Prosecution Office and the State Prosecutorial Council, in cooperation with the Judicial Academy, and with support of the project “Judicial Efficiency”, funded by European Union, organized three out of five planned conferences so far (on 18th of November 2016 in Belgrade, on 2nd of December 2016 in Nis and on 9th of December in Novi Sad), on Prevention of leaking of information with a view to increase quality of prosecutorial investigation and professionalization of sharing of information with the public.

At the said conferences were gathered representatives of the prosecution office (approximately 97 persons), the Ministry of Interior, medical institutions (approximately 18 persons) and the media (approximately 88 persons), and there were discussed measures that need to be undertaken in order to prevent leaking of information, adoption of European standards and respect for internal norms, with a view to provide high quality reporting. As one of the measures during the current course of the mentioned conferences, it was proposed organization of future joint education for representatives of the prosecution office and the media. After delivery of the fourth conference, it is planned to draft a manual, containing concrete suggestions related to the steps that need to be undertaken in the forthcoming period towards prevention of leaking of information, such as education for the widest possible circle of journalists and prosecutors, with a view to build professional partner relations, thus providing reaching of high standards in the area of reporting.

1.1.6.7. More efficient prosecution of offences in cases of violation of Presumption of Innocence (Article 73, Law on Public Information and Media) and maintenance of records for these type of offences. (Continuously, commencing from I quarter of 2015)

Activity is being implemented successfully.

Update, March 2017: Based on the data submitted to the Supreme Court of Cassation by Misdemeanor Appellate Court on March 16, 2017, in the period between December 1, 2016 and March 15, 2017 no misdemeanor proceedings for the breach of Art. 73 of the Law on Public Information and Media were initiated. Out of all proceedings pending on December 1, 2016 before all misdemeanor courts (more precisely Belgrade Misdemeanor Court), one was completed in 2017.

Update, Decemeber 2016: Based on the report submitted to the Supreme Court of Cassation by Misdemeanor Appellate Court on December 9, 2016, in the period between September 1, 2016 and December 1, 2016, five misdemeanor proceedings for the breach of Art. 73 of the Law on Public Information and Media were initiated, and all five of them before Belgrade Misdemeanor Court. Only one of these proceedings are concluded in the current year so far.

Normative background: In accordance with the Law on Public Prosecution and with the Regulations on Administration in the Public Prosecution, Public Prosecutions are authorized to submit requests for initiating criminal proceedings in cases where there is grounded suspicion that the offense under the Art. 73 of the Law on Public Information and Media was committed, particularly having in mind provision of the Art. 3 of the CPC which stipulates that everyone is considered innocent until proven guilty by a final decision of the court, and that State and other authorities and organizations, the informative media, associations and public figures are required to adhere to this rule as well as to abstain from violating the rights of the defendant with their public statements on the defendant, the criminal offence and the proceedings. . Provisions of the article 136 of the Regulations on Administration in the Public Prosecution stipulate that these requests shall be filed in special, “Ptz” Registers of misdemeanor cases.

Implementation in the period January 2015-October 2016: These proceedings are conducted before misdemeanor courts. SIPRES introduction (automated case management system in misdemeanor courts), enabld (from January 2016) precise tracking of these types of proceedings. These statistics is collected by Misdemeanor Application Court on monthly basis, and by the Supreme Court of Cassation every six months, or annually. In accordance to the annual data delivered by the Misdemeanor Appellate Court for 2015 - the four (4) misdemeanor proceedings were conducted regarding the misdemeanor acts, provided in the Article 140 of the Law on Public Information and Media (presumption of innocence violation). None of these was completed by 04 May 2016, the date when relevant report was delivered to Supreme Court of Cassation.

Based on the report submitted to the Supreme Court of Cassation by Misdemeanor Appellate Court on September 15, 2016, between January 1, 2016 and September 15, 2016 only Novi Pazar

Misdemeanor Court completed one proceedings in 2015 for the breach of Art. 73 of the Law on Public Information and Media.

1.1.7.1. Quarterly publication of public call to civil society and professional organizations to submit suggestions and comments for defining further steps in the reform process. (Quarterly, commencing from IV quarter of 2014)

Activity is being implemented successfully. The Negotiation group has establish completely new and (in accordance with together opinion of all parties) very successful approach to cooperation with CSOs. During the process of drafting the AP Ch. 23, the Negotiation group Ch. 23 organized several rounds of consultations with CSOs using the methodology of public calls for comment and suggestions, regular meetings with the National Convent for EU as well as bilateral meeting. The every single proposal or comment received from CSOs was analyzed. The Negotiation group has submitted detailed report on consultative process and level/reasons of (non)implementation for all comments that had been received. Detailed reports on the consultative process could be found on <http://www.mpravde.gov.rs/tekst/8851/treci-nacrt-akcionog-plana-za-poglavlje-23-nakon-okoncanog-konsultativnog-procesa.php>

The Negotiation group has continued consultative process even after AP's adoption using two methods: regular meetings with the National Convent for EU as well as through the public calls for commenting on draft laws, strategies and action plans connect to implementation of the AP Ch. 23. On every joint meeting with CSOs, the Negotiation group and the National Convent formulate joint conclusions on relevant points on cooperation and possibilities of its improvement. On the last meetings some of the key topics was identification of the activities that can be implemented in cooperation with CSOs; discussion on the dedicated Action plan for national minorities; discussion on the National strategy for the prosecution of war crimes as well as discussion on Negotiation Position abstract.

In parallel Council for implementation of the AP CH.23 actively communicates with the representatives of CSO's using social networks (visit <https://twitter.com/SavetPg23>) as well as through the publishing all relevant info on the section of the MoJ web page dedicated to negotiation process with EU (visit <http://www.mpravde.gov.rs/tekst/2986/pregovori-sa-eu.php>).

It is important to mention that the Council regularly publishing reports on AP CH 23 implementation in Serbian and English accompanied with statistics on efficiency of implementation on abovementioned web page.

On July 1st 2016 Council organized public presentation of the First Report on AP CH23 for numerous representatives of the state institutions, CSOs and international partners.

The Council has invited representatives of NKEU to take part in the next training on reporting methodology for focal points, scheduled for October 14th .

Representatives of the NKEU also took part in the meeting of the NG Ch.23 and Council Ch.23 with the EU integration Committee of the National Parliament held in October 2016.

President of the NG Ch. 23 took part in the NKEU conference on Ch. 23 held in November 2016. Representatives of the NKEU actively contribute to all conferences, round tables and public debates on implementation of the activities from the AP CH.23 (all of three subchapters) and comment upon draft policy papers drafted by various state authorities.

The Council for monitoring the implementation of the Action plan for Ch23 has organized public presentation of the Fourth Report on the implementation of Action Plan for Ch 23 for the representatives of state institutions, the media, civil society and international organizations on December 22nd 2016.

All reports and other documents relevant for the AP CH. 23 implementation are being continuously published on the MoJ webpage.

1.1.7.2. Submitting, publishing and consideration of quarterly reports on comments and suggestions of civil society organizations on defining further steps in reform process. (Quarterly, commencing from II quarter of 2015.)

Activity is being implemented successfully. See 1.1.7.1.

1.1.7.3. Periodically organizing roundtables to discuss achieved goals, shortcomings and possibilities of improving cooperation in creating and implementing reform steps, following the good practice of providing the motivated feedback on CSOs' suggestions. (Continuously, commencing from II quarter of 2015.)

Activity is being implemented successfully. See 1.1.7.1. More, in July 2016, on the initiative of the Office for Cooperation with Civil Society and in cooperation with CSOs "Civic Initiatives" and "Trag Foundation", meeting of representatives of civil society and the Commission for Developing Civil Code was organized, in order to discuss civil society proposals and suggestions regarding the draft of this document related to the status of associations, endowments and foundations. On this occasion, the Analysis of the Civil Code provisions regarding civil society, conducted by an independent expert and for the TACSO Resource Centre of "Civic Initiatives", was presented to the members of Commission. The next meeting of this Commission and CSO representatives is scheduled for October 2016, when each article of the Civil Code that is relevant for civil society will be discussed in detail. In June 2016 the initiative for changing Civil Code provisions regulating CSOs position, signed by 247 CSOs from 57 cities and municipalities of Serbia, was submitted to the Ministry of Justice.

In accordance with conclusions from the meeting of the joint work group of the State Prosecutorial Council and the High Court Council for estimation of access of national minorities to the judicial system, held on 20th of July 2016, foreseeing holding of a joint workshop during the second half of September 2016 on access of national minorities to legal aid for the State Prosecutorial Council, the High Court Council, the civil society organizations and representatives of national minorities, representatives of the State Prosecutorial Council and the High Court Council held in August 2016 a preparatory meeting for organizing the said joint workshop and sent invitations to the competent state institutions, national councils of national minorities, civil society organizations and international organizations for participation at the workshop, scheduled for 30th of September 2016.

1.1.7.4. Improving other types of cooperation with civil society (jointly organized workshops, common publications, researches and raising awareness campaigns) in the process of defining reform steps, in accordance with: a) Guidelines (prepared with the support of experts from TAIEX) for cooperation between institutions (which participate in Chapter 23) and civil society and b) Guidelines for inclusion of civil society in legislative process. (Continuously, commencing from III quarter of 2014.)

Activity is being implemented successfully. See 1.1.7.1.

1.2. IMPARTIALITY AND ACCOUNTABILITY

1.2.1.1. Conduct analysis of current Information and Communication Technology systems in terms of hardware, software the current quality of data as well as human resources in courts, public prosecutors offices and prisons, with focus on urgent, but also medium and long-term changes, with recommendations for their improvement. (The same activity 1.3.6.6. and 1.3.8.2.) (II quarter of 2016)

Activity is partially implemented.

Update, March 2017: Based on information gathered during reporting period, it was realized that a comprehensive data quality assessment and human resource wasn't conducted properly by the IPA project "Judicial efficiency project (JEP)".

Comprehensive analysis of whole ICT infrastructure was finished during reporting period.

Earlier activities: Analysis of current ICT system in terms of hardware was conducted with MDTF & USAID support, where experts assessed all hardware components (servers, desktops, network

equipment) throughout courts and prosecutors' offices. Analysis was a prerequisite for activity 1.2.1.2. Human resource analysis was done also by short term contract under MDTF project and significant findings were made in terms of needed human resources for managing case management systems.

Furthermore, presented activity will be fulfilled with comprehensive analysis of whole ICT infrastructure which will be finished during December 2016 through IPA project "Judicial Infrastructure Assessment project"(JIA), as well as with activities on the Framework agreement "Technical assistance to Justice Sector" which will define, among other, roadmap for centralized court case management system.

1.2.1.2. Drawing up Guidelines which determine the directions of ICT system development in Serbia (conceptual model) and which include data on infrastructure of Information and Communication Technology and costs of its maintenance, software and human resources (the same activity 1.3.6.7 and 1.3.8.3.). Guidelines will be based on the results of Judicial Functional review and Analysis of current state of play. (During II quarter of 2016)

Activity is fully implemented. The Guidelines has been adopted by the ICT Sectorial Council that includes representatives of all judicial stakeholders (see 1.2.1.3.) on its session held on April 13th 2016.

1.2.1.3. Institutionalization of coordination and management of ICT system through public-private or public-public partnership, particularly focusing on the elimination of the risks of corruption. (Continuously, commencing from II quarter of 2016)

Activity is being implemented successfully.

Update, March 2017: The third session of the Sectoral Council for Information and Communication Technology was held on 24 February 2017. At this meeting, a decision on the strategic orientation for the selection and implementation of a case management system in courts of general jurisdiction and the Administrative Court was rendered, in accordance with the proposed solution described in the document "Feasibility Study - the most sustainable solution for a centralized system for automated case management information", which has emerged as one of the results of the project "Technical assistance to the justice sector" (EuropeAid / 132633 / C / SER / multi, FWC 2016/377045) funded by the European Union.

Earlier activities: Bearing in mind necessity to have the widest possible consensus of all relevant stakeholders in the process of decision making the MoJ initiate establishing of the **Sectoral Council for Information and Communication Technologies** (hereinafter: ICT Sectorial Council). The ICT Sectorial Council has been established on April 13th 2016. The ICT Sectorial Council comprises of fourteen representatives appointed by the judicial institutions relevant for the use and management of ICT, namely: the High Judicial Council, the Supreme Court of Cassation, the

Republic Public Prosecutor's Office, the State Prosecutorial Council, the Judicial Academy, the Directorate for Execution of Criminal Sanctions, the State Attorney's Office, the Chamber of Enforcement Agents, Notary Public Chamber, the Directorate for seized property management, Department of Justice, Department for Material and Financial Affairs of the Ministry of Justice, Department for European integration and international projects of the Ministry of Justice and the Department of e-justice Ministry of Justice.

The term of office of members of the ICT Sectoral Council is four years and may be reappointed. Expert and administrative work for the Sectoral Council performs Department of e-justice of the Ministry of Justice.

The scope of work of the Sector Council is to institutionalize the coordination and management of ICT in the judiciary, in accordance with the activities of the Action Plan for Chapter 23 and work plan of the Department for e-justice of Ministry of Justice.

Within its scope Sectoral Council:

- Create a strategy for the development of information and communication technology in the justice sector;
- Provide strategic orientation and choice for the implementation of a case management system;
- Make recommendations in terms of responsibilities and institutional set-up over the case management system to the Ministry of Justice;
- Coordinate policies towards public-public or public-private partner concerned by the judiciary authorities and the internal org. units within the Ministry of Justice;
- Coordinate the exchange of information on the state of information and communication technology in the justice sector, identifies operational problems and propose to organizational unit from the Ministry of Justice in charge of e-justice measures for their elimination and the further improvement of the judicial information systems;
- Provides guidelines for the harmonization of various donor projects in the field of information and communication technologies in order to maximize the utilization of the justice sector;
- Participate in the preparation of laws, regulations, standards and measures in the field of ICT in the judicial authorities;
- Recommends the introduction of new electronic services in the judiciary;
- Monitor the preparation, development and implementation of regulations, standards, plans, programs, projects, and hardware and software solutions in the judicial authorities;
- Make recommendations for training programs for employees in the judiciary to improve the quality of work on existing ICT platforms;
- Make recommendations in terms of ensuring the sustainability of ICT systems in the justice sector.

Further coordination of national budget and funds is expected in I quarter of 2017, when it should be cleared if donor funds are available for further innovation in terms of ICT in judiciary.

1.2.1.4. Developing activities and preparation of appropriate methodological instructions for "cleaning" of existing data in accordance with the recommendations of the previous analyses, for the implementation of methodological instructions for "cleaning" the data. (Same activity 1.3.6.9. and 1.3.8.5.) (II quarter of 2016)

Activity is not implemented.

Update, March 2017: Since there is no progress regarding this activity in last 3Q it can't be considered as successfully implemented, because manuals, instructions for cleaning existing data and plan for data cleansing are missing. To manuals and instructions for cleaning was adequate, it is necessary to analyze the current state of data for cleaning, then at the request of the CEPEJ and other international organizations to make the analysis of future data for the cleaning, which would be later used in reporting purpose.

Earlier activities: Development of activities for appropriate instructions for "cleaning" of existing data has started on Justice Efficiency Project (JEP). Project has begun a data quality assessment of court systems based on a combination of field research and system checks within the AVP case management software. This work includes a set of data collection and field observation reports, which has been analyzed and with recommendations for improvements.

It is envisaged that, in the next reporting period, JEP will prepare a set of instructional manuals which will be followed by proper training. Unfortunately, JEP hasn't provided instructional manuals, as well as plan for data cleaning, due to administrative issues on the project regarding human resource allocation, so manuals and plan will be provided for Q4/2016 reporting period.

Supreme Court of Cassation, gratifying to the support of Multi Donor Trust Fund (MDTF), managed by the World Bank, has engaged the short-term consultant, during 2015, to create recommendations (based on the analysis of the current situation) toward the higher-quality use of the existing statistical data regarding the courts' work. The same recommendations should also comprise the instructions regarding "cleaning" of the existing data in the analysis of the courts' work being drafted annually by the Supreme Court of Cassation, exactly for the reason of its "uncleanness". Moreover, Supreme Court of Cassation, as the main beneficiary of the project "Improvement of efficiency of the judiciary", financed by the EU, actively cooperates with the experts engaged on the project regarding determination of categories in the applications for the electronic case-management (above all, in the AVP), where the "cleaning" of data is needed.

Update, March 2017: Based on information gathered during reporting period, it was realized that instruction manuals and plan for data cleaning still missing.

1.2.1.5. Organization of focused training of end-users of existing platforms for the use of methodological instructions for "cleaning" the data, the implementation of "cleaning" and addition to the information in the ICT system. (Same activity 1.3.6.10, and 1.3.8.6.) (During II and III quarter of 2016.)

Activity is not implemented.

Update, March 2017: Since there is no progress regarding this activity in last 3Q it can't be considered as successfully implemented, due to lack of all prerequisites regarding this activity, which were given in 1.2.1.4.

Earlier activities: After instruction manuals are developed and approved, a set of training programmes to educate judges, prosecutors and staff regarding problems with data entry will be delivered, as well as systemic and programmatic approaches to alleviating the problem.

Depending on the reason of creation of "unclean" data, the JEP project team will support the courts and PPOs in data cleaning, but also JEP will address all possible changes in AVP in order to avoid further input of "dirty" data.

Update, March 2017: Based on information gathered during reporting period, it was realized that instruction manuals and plan for data cleaning still missing, so methodological "cleaning" of data hasn't started yet.

1.2.1.6. Drawing up protocol on input and exchange of data in ICT system (and scanning of documents) with the purpose of unification of conduct in entire judicial system and training programs for staff in the judiciary with the aim of improving the quality of the existing ICT platforms. The same activity 1.3.6.11. and 1.3.8.7. (III quarter of 2016)

Activity is almost completely implemented.

Update, March 2017: By December 2016, professional staff of the Supreme Court of Cassation – statisticians and IT experts – supported by the MDTF and its consultants, held 11 workshops with over 400 participants on, among other topics, support of the ICT sector to statistical reporting for general and special purposes.

Bearing in mind the large number of attendees to these workshops, the Supreme Court of Cassation will continue during 2017 with these types of exchanges between colleagues (i.e. peer-to-peer exchange).

On the other hand, at the initiative of the Supreme Court of Cassation, MDTF in early 2017 began a certified IT training for ICT court staff in the Supreme Court of Cassation and the state-level

courts (SQL), as well as judges and other court personnel of the Supreme Cassation Court and state-level courts on the basic skills of computer use (ECDL). These and similar training will be held with the support of MDTF-a throughout 2017 and is planned to be attended by more than 700 participants - judges and court staff.

Also, the “Judicial Efficiency” short-term expert, Kristian Turkalj drafted a Report on Performance Management in Judiciary, accompanied with the manual, which were presented to all key stakeholders, including the Supreme Court of Cassation and appellate courts.

The third session of the Sectoral Council for Information and Communication Technology was held on 24 February 2017. At this meeting, a decision on the strategic orientation for the selection and implementation of a case management system in courts of general jurisdiction and the Administrative Court was rendered.

Earlier activities: Presented activity has been executed by the “Justice Efficiency Project” (JEP), which delivered interoperability roadmap with cost estimates for future investments, identification and description of main data exchanges in the justice community and draft standards for data exchange within the judiciary and master data dictionary. Roadmap highlights the way of improvement the interoperability within the judiciary institutions and with other identified relevant create institutions. Delivered Roadmap shaped technological platform of interoperable data exchange, (integration platform); organizational entity which manages integration platform and represents institutional side in data exchange (integration platform operator) and mechanism of drafting and adopting interoperability specifications within judiciary.

JEP project also identified judicial data dictionaries (XML schemas (XSD definitions)) which facilitates interoperability of systems on the semantical level and predefined common model comprised of data elements identified in judicial domain. Representative forms of interaction are identified and the are referred to delivery of case file which was conducted in one court to another court of competent jurisdiction, including potential return of case file Information about payments from the Treasury records; Information about court fee payments from the Treasury; General delivery of documents between state institutions in the judiciary system including chambers; Interaction between courts and public postal operator in sending registered mail; Initializing criminal proceeding by the public prosecutor’s; Checking if there is pending criminal proceeding from the event from misdemeanor proceeding (misdemeanor courts and courts of general jurisdiction; Interaction between courts and the Ministry of Interior in terms of criminal records; Access to the records of residence - identification of addresses of persons (Ministry of Interior and the courts, the Ministry of Interior and Prosecutor's Office).

Furthermore, Supreme Court of Cassation launched during 2015 the training programs for staff in the judiciary (judicial assistants and judicial advisers) from the national court instances (initially in the Appellate and than also in Higher Courts) as regards the exchange of data (decisions among these court instances involved), in cooperation with the Office of the Council of Europe, with the support by MDTF (in the frame of the existing legislation, as well as within the frame of the

activities of horizontal and vertical harmonization of the court jurisprudence, as provided in the Activity Plan, with the purpose of harmonization of the court jurisprudence (<http://www.vk.sud.rs/sites/default/files/attachments/PlanAktivnostiVrhovnogKasacionogSuda.pdf>). In accordance with the conclusions made during the training activities held 18 June and 19 June 2015, the standards have been created and adopted, with regard to the format and method of storage of the final court decisions, delivered to the first instance courts and/or to the parties, as well as conduct with these decisions within the same court itself. By respecting these standards, Supreme Court of Cassation, Administrative Court and the Appellate Courts are preparing their decisions for the upload in the application for the case-management which they use – SAPS, since it enables vertical and horizontal exchange.

JEP project will develop judicial data dictionary and XSD schemas for the most important data exchanges in the justice community, prioritized jointly with the Ministry of Justice. Data dictionary will be available as full-fledged XSD schema, and human-readable forms such as HTML documentation and Excel spreadsheet.

JEP will also explore possibilities to support actual implementation of limited number of data exchanges through Judicial Enterprise Service Bus based on recently procured Microsoft BizTalk server.

1.2.1.7. Conducting trainings under the Program of activities 1.2.1.6. with the aim to initiate uniform acting in input and exchange of data in ICT system. Uniform acting is periodically verified pursuant to institutional solutions related to ICT management system referred to in activity 1.2.1.3. Same activity 1.3.6.12. and 1.3.8.8. (Trainings: during IV quarter of 2016 and I quarter of 2017. Supervision over uniformity of acting: periodically, commencing from I quarter of 2017)

Activity is not implemented. It's envisaged (by the JEP) that training curriculum and instructional materials for the use of data for uniform input and its exchange will be prepared during 2017.

1.2.1.8. Maximize the use of case management systems through: -electronic scheduling of the hearings;

-data collection on the adjournments and the reasons for them;

-requirement that judges schedule next hearing in standardized timeframe already when postponing the previous hearings.

(Same activity under 1.3.6.13 and 1.3.8.9.) (I quarter of 2016- IV quarter of 2018)

The activity is being implemented successfully.

Update, March 2017: According to data provided in February 2017, gathered by members of the Backlog Reduction Working Group, which operates under the auspices of the Supreme Court of

Cassation, all courts have begun to record delayed hearings in all types of proceedings, but the reasons for not holding, or postponement are not track-recorded in all courts, as the AVP does not support this module, i.e. there is no option to enter this information.

During reporting period, Ministry of Justice was successfully started with e-filing project implementation, by which the analysis of business processes for document filling, as well as to actively monitor and interact with the court case in terms of downloading electronic documents, management of calendar, which provides information on scheduled hearings and reasons for disposal. Currently, system is tested on a limited number of data, thus complete implementation is foreseen in late 4th quarter of 2017.

Earlier activities: In the first quarter of 2016, the Supreme Court of Cassation and the Backlog Reduction Working Group (BLR WG) conducted a survey of all courts in the Republic of Serbia on the use of existing applications for case management for:

- Electronic scheduling of hearings
- Determining the number held, missed and deferred hearings
- Determining the reasons for postponing the hearings
- Scheduling the next hearing in standardized time periods when postponing the previous one.

Results of the research showed the following (sorted by customers of different applications):

1. AVP (basic, higher and commercial courts, including the Appellate Commercial Court) has the ability to record held, missed and deferred hearings, but these data are irregularly and in different ways entered in the application itself. Research has shown that a large number of courts - the users of this application, are not aware of these opportunities, which confirms the need for training for work in the AVP.

AVP does not possess the possibility of recording the reasons of postponing hearings, but some courts use the column "Notes" in this part of the application and the reasons for it are entered here.

2. SAPS (Supreme Court of Cassation, Administrative Court, appellate courts, the Higher Court in Sremska Mitrovica, the Basic Court in Sremska Mitrovica) has the ability to record held deferred, and missed hearings, as well as the reason for omission or postponement. The only first-instance court that uses all these advanced options is the Administrative Court, while the Higher and Basic Court in Sremska Mitrovica (in which the SAPS was introduced experimentally) do not know that such opportunities exist, and they therefore do not use them.

3. SIPRES (Misdemeanor Appellate Court and misdemeanor courts), as the most recently developed and introduced application to the courts in the Republic of Serbia, has all of these features: the electronic scheduling of hearings, and the number of hearings held, missed and postponed, and records the reasons for the omission or postponement hearings, as well as electronic, i.e. automatic scheduling of the next hearing in standardized intervals. However, all

misdemeanor courts do not use all the possibilities. This application of the misdemeanor courts was introduced in late 2015, and all of its functions are being used in full capacity from the second half of 2016.

Upon the initiative of the Supreme Court of Cassation, as of September 2016 the Judicial Efficiency Project conducts a “refreshment” AVP training in its partner basic courts (30 basic courts), predominantly to courts staff in registry offices, as well as to other interested AVP users. The training encompasses the advanced use of some of the AVP categories. This training is only an ad hoc intervention, while awaiting continuous education on the use of case management applications in use in courts.

1.2.1.9. Develop an assessment of the current situation and determine the standards and methods for data exchange between bodies within the judicial system (interoperability of existing ICT systems within the judiciary). Same activity under 1.3.6.14. and 1.3.8.10. (During IV quarter 2016)

Activity is partially implemented.

Update, March 2017: Interoperability Roadmap with assessment of the current situation was delivered during last reporting period, but still detailed methods and standards needs to be improved.

Earlier activities: Interoperability Roadmap with assessment of current situation is early drafted. Further development of the assessment of the current situation and methods for data exchange will be done during 2017.

1.2.1.11. Preparing and adoption of the Program for weighing of cases that provides gradually approach in the introduction of case weighing system as one of the criteria for its allocation. (During III and IV quarter of 2016)

Activity is partially implemented. At the session held on March 14th 2017, High Judicial Council drafted decision on establishment of the Working Group for drafting and adoption of the Program for weighting of cases that provides gradually approach in the introduction of case weighting system as one of the criteria for its allocation. Funding is provided from the budget of the Republic of Serbia and the IPA 2012 Efficiency of Justice.

1.2.1.12. Amendments to the Law on judges in part which deals with allocation of cases by chance, aiming at implementation of Program for weighing of cases. (I quarter of 2017)

Activity is not implemented. Realization of this activity is related to realization of the activity under number 1.2.1.11. and it’s realization is possible after meeting necessary prerequisites.

1.2.1.13. Adoption of amendments to the Law on Public Prosecutor’s Office in order to ensure transfer of competencies for adoption of Rules on administration in the public

prosecution and transfer of supervision over its implementation from Ministry of Justice to State Prosecutorial Council. (IV quarter of 2016)

Activity is not implemented.

1.2.1.14. Adopt amendments to the Court Rules of Procedure in order to clarify rules concerning random allocation of cases (by chance), which will take into account complexity of cases as one of criteria for case allocation (in line with Program for weighing of cases that provides gradually approach in the introduction of case weighing system as one of the criteria for its allocation- Activity 1.2.1.11). (During IV quarter of 2016 and I quarter of 2017)

Activity is not implemented. Realization of this activity is related to realization of the activity under number 1.2.1.11. and it's realization is possible after meeting necessary prerequisites.

1.2.1.15. Adopt amendments to the Rules on administration in public prosecutors offices in order to clarify rules of random allocation of cases (by chance), which will take into account complexity of cases as one of criteria for case assignment (in line with Program for weighing of cases that provides gradually approach in the introduction of case weighing system as one of the criteria for its allocation- Activity 1.2.1.11). (During IV quarter of 2016. and I quarter of 2017)

Activity is partially implemented. After receiving preliminary comments from the European Commission to the draft of the Rulebook, the working group for drafting the Rulebook on case weighing in public prosecution offices has held several meetings during the II quarter of 2015 when were harmonized draft of the Rulebook with the preliminary comments of the European Commission. At the work group meetings were also present representatives of the OSCE Mission to Serbia, which were supporting drafting of the Rulebook. In October 2015 the work group submitted draft of the Rulebook to the State Prosecutorial Council President for review.

1.2.1.16. Establishing preparatory departments in courts, which are in charge of, inter alia, weighing of cases. (During I and II quarter of 2017)

Activity is not implemented. Realization of this activity is related to realization of the activity under number 1.2.1.11. and it's realization is possible after meeting necessary prerequisites.

1.2.1.17. Establishing preparatory departments in public prosecutors' offices, which are in charge of, inter alia, weighing of cases. (During I and II quarter of 2017)

Activity is not implemented. Realization of this activity is related to realization of the activity under number 1.2.1.11. and it's realization is possible after meeting necessary prerequisites.

1.2.1.18. Preparing the program of training for work in preparatory departments for weighing of cases and carrying out training of judicial and prosecutorial assistants for work in preparatory departments for weighing of cases. (During I and II quarter of 2017)

Activity is not implemented. Realization of this activity is related to realization of the activity under number 1.2.1.11. and it's realization is possible after meeting necessary prerequisites.

1.2.1.19. Commencement of the implementation of provisions of Law on organization of the courts that regulates jurisdiction for the performance of duties of judiciary administration in order to transfer jurisdiction of Ministry of Justice in the field of following duties: supervision over the work of courts, supervision over the results of the work of courts, collecting of statistical data and analysis of statistical data from Ministry of Justice to High Judicial Council. (Commencing from I quarter of 2017)

Activity is not implemented.

1.2.2.1. Amending the Law on the Anti-Corruption Agency in order to strengthen competencies, entrusted to Agency, in relation to monitoring of implementation of the provisions concerning: conflicts of interests, verification and cross-checking of information from assets declaration which have been delivered by the judicial office holders. Connected activity 2.2.1.1. (III quarter of 2016)

Activity is almost completely implemented. See more under 2.2.1.1.

1.2.2.2. Regular notification by institutions to the Anti-Corruption Agency concerning taking the judicial office and concerning termination of the judicial offices in order to, in more efficient manner, check the existence of conflict of interests. (Continuously, commencing from III quarter of 2015)

The activity is being implemented successfully. Pursuant to the Article 43, par. 1 of the Law on the Anti-Corruption Agency (hereinafter Law on the ACA) “the body in which the official holds an office shall notify the ACA that the official has assumed office or that the office has terminated, within seven days from the day of assuming or terminating office. The ACA shall keep a Register of Officials“.

Update, March 2017: In the Register of officials there are currently 3.523 judges (out of which 2.624 are active) and 891 public prosecutors (out of which 671 are active).

Acting upon requests of judges and prosecutors, as of III quarter of 2015, the Anti-Corruption Agency has finalized 16 proceedings, out of which most pertained to granting approval for engagement in another job or activity (6), granting opinion on implementation of the Law on the Anti-Corruption Agency (4) and resolving conflict of interest upon request for opinion on suspicion on occurrence of conflict of interest (3).

In proceedings initiated *ex officio*, i. e. upon report, total of 4 warning measures were issued as follows:

- due to violation of Article 27 and 32 of the Law on the Anti-Corruption Agency, because the judge was in conflict of interest situation;
- due to violation of Article 35 par. 1 of the Law on the Anti-Corruption Agency, i.e. failure of a judge to transfer his managing rights in a business company co-owned by him, within 30 days of election, to a legal entity or natural person, who shall exercise the managing rights on behalf of the official until termination of the office;
- due to violation of Article 34, par. 1 and 2 in relation to Article 31, par 1 of the Law on the Anti-Corruption Agency, i.e. failure of a judge to notify the Anti-Corruption Agency on engagement in other job and activity at the moment of entry into office;
- due to violation of Article 82 of the Law on the Anti-Corruption Agency, i.e. failure of a judge to notify the Anti-Corruption Agency on all offices he discharges within specified time limit.

The Anti-Corruption Agency also issued one measure of public announcement of decision on violation of the Law on the Anti-Corruption Agency when determined that former judge had violated Article 38, par. 1 of the Law on the Anti-Corruption Agency, given that upon termination of office and without approval of the Anti-Corruption Agency, he took employment in a business company, being a party in proceedings on which he had decided acting in a capacity of judge.

Earlier data: Obligation to notify the ACA on entry/termination of office for judges and public prosecutors has been in force as of January 1, 2010.

In the Register of officials there are currently 3.551 judges (out of which 2.678 are active) and 884 public prosecutors (out of which 671 are active).

1.2.2.3. Regular notifications to the High Judicial Council on submitted notices to Anti-Corruption Agency on undertaking the judicial offices and their termination. (Continuously, commencing from III quarter of 2015)

Activity is being implemented successfully. High judicial council sent a letter to all court presidents, informing them of their obligation to regularly report to High judicial council about filed reports to Anticorruption agency, regarding judge's coming into office, and termination of office. High judicial council has an employee in charge of monitoring this activity.

On 11 February 2016 meeting was held between representatives of the Agency for fight against corruption, the High Judicial Council and State Prosecutorial Council. It was agreed that the High Judicial Council and State Prosecutorial Council should, through electronic notification, inform the Agency for fight against corruption of any final decision on the dismissal of a judge or public

prosecutor on the completion of disciplinary proceedings; that in cases where citizens submit a complaint to the Agency on the performance of a judge will be forwarded to the High Council Judicial without documentation, and if the documentation is required, the High Judicial Council will request the case file by telephone from the Agency; also, the State Prosecutorial Council was asked to put on its web site a list of all public prosecutors and deputy public prosecutors.

1.2.2.4. Regular notifications to the State Prosecutorial Council on submitted notices to the Anti-Corruption Agency on undertaking the prosecutorial office and its termination. (Continuously, commencing from III quarter of 2015)

Activity is being successfully implemented. The State Prosecutorial Council is continuously and within the stipulated time frame submitting to the Anti-corruption Agency information on entering of persons into the prosecutorial position, as well as on cessation of performing the position, whereas the list of all prosecutorial position holders is being published and regularly updated at the Council webpage, at the internet address www.dvt.jt.rs. See more under 1.2.2.5.

1.2.2.5. Improvement of cooperation between High Judicial Council and State Prosecutorial Council on the one side and Anti-Corruption Agency through regular meetings and consideration of problems on the other side in order to coherently and timely implement duties of submitting reports on assets and incomes (assets declaration) of judicial office holders. (Continuously, commencing from III quarter of 2015)

Activity is being implemented successfully.

Update, March 2017: Total of 5.068 Reports of judges and 1.587 Reports of public prosecutors have been processed and published to date.

The next meeting of representatives of the Anti-Corruption Agency, High Judicial Council and State Prosecutorial Council, aimed at improving cooperation as to consistent and timely compliance with obligation to report assets and income and notify on entry/termination of office related to judicial office holders, is scheduled for March 21, 2017.

Holding of the regular meeting between the State Prosecutorial Council representatives and the Anti-corruption Agency representatives is scheduled for 21st of March 2017, with a view to enhance cooperation and to review current problems.

Update, December 2016: Total of 4.991 Reports of judges and 1.501 Reports of public prosecutors have been processed and published to date.

The meeting with the representatives of High Judicial Council and State Prosecutorial Council was held in September 2016. The issues discussed relate to the method of submitting notification on entry into/termination of public office for those judges and prosecutors being referred to work outside the main court/prosecutor's office as well as regular publishing and updating of the lists of prosecutors and deputy prosecutors at the website of State Prosecutorial Council. It was also generally agreed that the analysis of acting upon complaints by the Anti-Corruption Agency, prosecutor's offices, courts and police should be conducted as to identify risk areas leading to long proceedings as well as recommendations aimed at decreasing the respective risks, i.e. increasing efficiency of the work of all these institutions.

Activities in the period October, 2015-October, 2016. Pursuant to the Article 43, par. 2 and 4 of the Law on the ACA “an official shall, within 30 days of election, appointment or nomination, submit to the ACA a disclosure report on his/her property and income, or entitlement to use an apartment for official purposes, and on the property and income of spouse or common-law partner, as well as of minors living in the same household (hereinafter the Report), on the day of election, appointment or nomination“.

The Report shall also be filed within 30 days from the day of termination of office with the status as of the day of the termination of office.

In addition to that, pursuant to the Article 44 of the Law on the ACA “an official shall file a Report, no later than 31 January of the current year, with the status as of 31 December of the previous year, if any significant changes occurred in respect of data from the Report filed previously“.

High judicial council sent a letter to the Anticorruption agency, requesting a meeting regarding issues in process of strict implementation of obligation to send reports regarding assets and income. On 16th of November 2015, at the session with representatives of the Anti-corruption Agency, Zorana Kepnik Hinic and Dragomir Trninic, and a representative of the High Court Council, Majda Krisikapa, and the State Prosecutorial Council Branko Stamenković, determined that judges, public prosecutors as well as deputy public prosecutors are regularly reporting their property to the Agency, but that there are few cases where bodies, where an official is performing a public position, are not informing the Agency that the officials have taken their position, i.e. that their position has expired, within seven days from the day of taking the position, i.e. the day of expiration of the position for the registry of officials.

Having in mind the above-mentioned, it is concluded to send letters to all courts and public prosecution offices in the Republic of Serbia and to inform them about obligations set in the Article 43 and 44 of the Law on the Anti-corruption Agency. It was also made an agreement to hold meeting once in three months, and that the following meetings are to be on 15th of March, 15th of June, 15th of September and 15th of December 2016.

On 11 February 2016 a second meeting was held between representatives of the Agency for fight against corruption, the High Judicial Council and State Prosecutorial Council. It was agreed that

the High Judicial Council and State Prosecutorial Council should, through electronic notification, inform the Agency for fight against corruption of any final decision on the dismissal of a judge or public prosecutor on the completion of disciplinary proceedings; that in cases where citizens submit a complaint to the Agency on the performance of a judge will be forwarded to the High Council Judicial without documentation, and if the documentation is required, the High Judicial Council will request the case file by telephone from the Agency; also, the State Prosecutorial Council was asked to put on its web site a list of all public prosecutors and deputy public prosecutors.

1.2.2.6. Analysis and amending normative framework which regulates: -requirements for dismissal of judges with the aim of specifying the requirements; -statute of limitations for disciplinary misdemeanor; -sanctioning regime and practice (IV quarter of 2015 - IV quarter of 2016)

Activity is not implemented.

March 2017: Since there is no progress regarding this activity in last 5Q it can't be considered as successfully implemented.

Earlier activities: Due to changes in composition of the MoJ, HJC and SPC leading structure, it was necessary to appoint a new members of the working group and start its work again. In mid time, the OSCE Mission to Serbia has delivered the Analysis of disciplinary system in judiciary that could be used as a base for one part of the conclusions.

1.2.2.7. Analysis, and in case the results of the analysis indicate the need, amending normative framework which regulates: -requirements for dismissal of public prosecutor's office holders with the aim of specifying the requirements; -jurisdiction for conducting disciplinary procedure and decision making, with the aim of examination of double jurisdiction of disciplinary commission; -statute of limitations for disciplinary misdemeanor; -sanctioning regime and practice. (IV quarter of 2015-IV quarter of 2016.)

Activity is not implemented.

March 2017: Since there is no progress regarding this activity in last 5Q it can't be considered as successfully implemented.

Earlier activities: Due to changes in composition of the MoJ, HJC and SPC leading structure, it was necessary to appoint a new members of the working group and start its work again. In mid time, the OSCE Mission to Serbia has delivered The Analysis of the disciplinary system for judicial office holders that could be used as a base for one part of the conclusions.

1.2.2.8. Amending Rules of Procedure of High Judicial Council which envisages establishment of Board of Ethics of High Judicial Council as a permanent working body. (IV quarter of 2015)

Activity is fully implemented. At the session held on 13 January 2016 the High Judicial Council adopted a Decision on the amendments to the Rules of Procedure of the High Judicial Council, and published in the „Official Gazette RS ", No. 4/16. By this decision the Ethics Committee were established.

1.2.2.9. Analysis and in case the results of the analysis indicate the need, amending Code of Ethics for Judges in order to clarify provisions which define disciplinary liability of judges for non-compliance with Code of Ethics for Judges. (IV quarter of 2015-II quarter of 2016)

Activity is not implemented.

Activity is not implemented.

March 2017: Since there is no progress regarding this activity in last 3Q it can't be considered as successfully implemented.

Earlier activities: High judicial council formed workgroup for analysis of Code of Ethics, and drafting Rules of procedure for Ethics committee of High judicial council.

1.2.2.10. Analysis, and in case that the analysis results show it is needed, changes of the Code of Ethics for public prosecutors and deputy public prosecutors with a view to precisely define provisions foreseeing disciplinary liability for bearers of prosecutorial position for not observing the Code of Ethics (IV quarter 2015 – II quarter 2016)

Activity is being implemented successfully. The State Prosecutorial Council is continuously monitoring implementation of the Code of Ethics for public prosecutors and deputy public prosecutors through work of the Council Ethical Board as work body with advisory role, as well as through work of public prosecutors in cases of objections of citizens or institutions to work of certain bearers of prosecutorial position. Special portion of monitoring this area represents work of the Council disciplinary bodies, namely, disciplinary prosecutor and his deputies, as well as the disciplinary council.

The stated work bodies or institutions, and professional and regular public did not propose suggestions to the Council directed towards changes of the Code with a view to precise the stated provisions. The Council shall continue to closely monitor this area.

1.2.2.11. Adoption of Rules of Procedure of Board of Ethics of High Judicial Council which will regulate monitoring of compliance with Code of Ethics for Judges and conducting activities of evaluation and training of judges on ethics. (IV quarter of 2015)

Activity is fully implemented. See 1.2.2.8.

1.2.2.12. Organizing seminars for judicial office holders on integrity rules and ethics. (Continuously, commencing from I quarter of 2015)

Activity is being implemented successfully.

Update, March 2017: At the session held on 18 January 2017 the Council has given approval to the Program of continuous training for judges and court staff for 2017. The said program is prescribed by a special training program „The judicial / prosecutorial ethics "with the theme: „International standards in the field of judicial / prosecutorial ethics and their application in the Republic of Serbia- overview" then „conflict of interest (incompatibility of functions reporting suspected the existence of conflicts of interest, the exemption)", then „Hypothetical questions, examples of cases scenarios" and „disciplinary proceedings in cases of violation of the code of ethics and the establishment of clear channels for consideration of the concerns regarding ethical issues. "

During the reporting period, the Royal Netherlands Embassy has delivered an invitation for a seminar regarding Integrity of civil servants, which will be held from 10th-19th May 2017, in the Netherlands. The State Prosecutorial Council has forwarded this invitation to all public prosecution offices, so that every person who works on development of the integrity plans may apply for participation in the seminar.

Update, Decemebr 2016: On 26th of October 2016, within the IPA 2013 project “Capacity building of the High Court Council and the State Prosecutorial Council”, was organized an Ethical seminar for judges, public prosecutors and deputy public prosecutors, where in addition to the normative framework and practice in the Republic of Serbia, to the participants were presented international standards and comparative solutions.

It is in course development of schedule of realization of education in the area of ethics for 2017. It is planned 10 days of education; 4 for judges and 4 for prosecutors respectively, and 2 days of initial education (a day for court ethics and a day for prosecutorial ethics).

Activities in the period January 2015- October 2016: During 2013 the State Prosecutorial Council and the OSCE Mission to Serbia have been organizing several round tables on the occasion of presenting draft of the Code of Ethics for public prosecutors and deputy public prosecutors. Round tables were organized at the level of appellate public prosecution offices, where were also present representatives of professional associations.

On 2nd of October 2013, based on the Article 13 paragraph 1 point 15 of the Act on the State Prosecutorial Council and the Article 47 of the Act on public prosecution office, the State Prosecutorial Council passed the Code of Ethics for public prosecutors and deputy public prosecutors, purpose of which is to establish standards of professional ethics for bearers of prosecutorial position. Following that, the Council submitted a letter to public prosecution offices informing bearers of prosecutorial position on the stated, and each deputy public prosecutor was

handed out a copy of the Code of Ethics, while members of peers were informed about basic duties, ethical principles, as well as about liability foreseen for violation of the Code of Ethics.

On 29th of May 2014 the State Prosecutorial Council appointed members of the Ethical board.

With aim to support establishment of the State Prosecutorial Council Ethical board, on 29th of October 2014 was held a round table, having as topic Exchange of experience with the Disciplinary prosecutor and a member of the Standing commission for court and prosecutorial ethics, independence and incompatibility of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. At the round table were presented competence and operations of the Standing commission for court and prosecutorial ethics, also were presented practical cases.

At the session held on 13th of March 2015, the State Prosecutorial Council made a decision on establishment of a Work group for drafting of the Regulation of work for the State Prosecutorial Council Ethical board, which will draft the said bylaw, with support of the OSCE Mission to Serbia. It will regulate closely composition, election, competence and method of deciding of the State Prosecutorial Council Ethical board. During the first and the second quarter of 2015, the group was holding meetings related to drafting the Regulation draft.

During May 2015 members of the Ethical board were visiting the Office of the Disciplinary prosecutor of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, where one of the topics was implementation of the Code of Ethics and cases of disciplinary proceedings from current practice of the High Judicial and Prosecutorial Council.

As of November 2015 6 one-day workshops were delivered, 3 of which were devoted to the judges' (participants were judges working at the Belgrade, Novi Sad and Kragujevac appellate territories) and 3 to the prosecutorial ethics (participants were prosecutors working at the Belgrade, Novi Sad and Kragujevac appellate territories). By July is scheduled one more training for judges and prosecutors respectively (Nis appellate territory).

At the session held on 15 March 2016 the High Judicial Council has given approval to the Program of continuous training for judges and court staff in 2016. The said program prescribes a special training program „The judicial / prosecutorial ethics" with the theme: „International standards in the field of judicial / prosecutorial ethics and their application in the Republic of Serbia - overview"; „Conflict of interest (incompatibility of functions reporting suspected the existence of conflicts of interest, the exemption)"; „Hypothetical questions, examples of cases scenarios" and „Disciplinary proceedings in cases of violation of the Code of Ethics and the establishment of clear channels for consideration of the concerns regarding ethical issues". Seminars on the Code of ethic implementation are regularly organized within the continuous and initial education for judicial office holders (12 seminars for more than 250 participants were conducted until November 2015.).

In July, it was delivered one more two-day workshop within the initial education (the first day was court and the second day was prosecutorial ethics for the candidates of the fifth generation of the Judicial Academy). This training was conducted for 204 participants.

1.2.2.13. Drawing up brochure for judges for increasing awareness on ethics' rules, containing examples of permissible/impermissible conduct publishing brochure on the website of High Judicial Council. (IV quarter of 2015)

Activity is being implemented successfully. Judges can find relevant information regarding violation of provisions of Code of Ethics on the internet site of the High judicial council, via decisions of High judicial council in this matter. All decisions are anonymized.

Beyond that, in cooperation with OSCE, High judicial council has performed the Analysis of decisions of the disciplinary bodies of High judicial council, in order to achieve uniform conduct and uniform law application of disciplinary bodies and High judicial council in similar cases. Analysis is available on the internet site of the High judicial council, along with decisions of the disciplinary bodies.

1.2.2.14. Drafting and publishing at the State Prosecutorial Council website brochure intended for bearers of prosecutorial position, with a view to raise awareness on rules of ethics, containing examples of inadequate behavior of public prosecutors and deputy public prosecutors (IV quarter of 2015)

Activity is being implemented successfully. The State Prosecutorial Council regularly publishes decisions of disciplinary bodies of the Council at the Council website at the address www.dvt.jt.rs.

Within the presentation there are two separate electronic links, i.e. internet links intended for achieving this activity. At the link www.dvt.jt.rs/odluke-disciplinskih-organa.html can be found mentioned decisions of the body, while at the link <http://www.dvt.jt.rs/podnosenje-prijava.html> can be filed disciplinary charges or submitted complaints to work of bearers of prosecutorial position.

1.2.2.15. Proactive approach of judges and High judicial council in creation and monitoring of Code of Ethics for Judges. (Continuously)

Activity is being implemented successfully. Judges can find relevant information regarding violation of provisions of Code of Ethics on the internet site of the High judicial council, via decisions of High judicial council in this matter. All decisions are anonymized.

1.2.2.16. Changes of the Rulebook on disciplinary proceedings and disciplinary liability of public prosecutors and deputy public prosecutors with a view to introduce proactive approach of disciplinary bodies in monitoring of observance of the Code of Ethics for public prosecutors and deputy public prosecutors (IV quarter of 2015)

Activity is being implemented successfully.

Update, March 2017: Within the IPA 2013 project “Capacity building of the High Court Council and the State Prosecutorial Council” international experts, in cooperation with the State Prosecutorial Council disciplinary bodies, which submitted comments and suggestions, have presented on 18th of January 2017 the final report and recommendations related to proposals and guidelines for establishment of baselines for capacity building of the State Prosecutorial Council disciplinary bodies. The document is evaluating the current situation and presenting concrete and easily implementable recommendations for enhancement of further work of this body. Also, on 6th of February 2017 was held the final meeting with the international experts, within the same project, regarding the e-system for disciplinary proceedings, where in cooperation with the State Prosecutorial Council disciplinary bodies, the report text has been finalized, as well as the recommendations for the e-system for disciplinary proceedings. After that, on 24th of February 2017, the final report was submitted to the State Prosecutorial Council.

Within the IPA 2013 project “Capacity building of the High Court Council and the State Prosecutorial Council”; international experts are conducting an analysis of the Rulebook on disciplinary proceedings and disciplinary responsibility of public prosecutors and deputy public prosecutors. On 12th of December 2016 was held a meeting with representatives of the State Prosecutorial Council and disciplinary bodies with the international experts, where the report text drafted by the international experts has been finalized. The State Prosecutorial Council shall take into consideration recommendations of the stated report during its future work.

The State Prosecutorial Council is continuously monitoring implementation of the Code of Ethics for public prosecutors and deputy public prosecutors through work of the Council Ethical board as work body with advisory role, as well as through work of public prosecutors in cases of complaints of citizens or institutions to work of certain bearers of prosecutorial positions. Special portion of monitoring this area represents work of the Council disciplinary bodies, namely, disciplinary prosecutor and its deputies, as well as the Disciplinary council.

The stated work bodies and professional or general public did not present suggestions to the Council toward changes of the Code with a view to make the said provisions more precise. The Council shall continue to closely monitor this area.

1.2.2.17. Effective implementation of Rules of Procedure on disciplinary proceedings and disciplinary liability of judges. (Continuously)

Activity is being implemented successfully. Disciplinary bodies of the High judicial council file yearly report to the High judicial council, regarding their work. These reports can be found on internet site of High judicial council.

1.2.2.18. Effective implementation of the Rulebook on disciplinary proceedings and disciplinary liability of public prosecutors and deputy public prosecutors. (Continuously)

Activity is being implemented successfully.

Update, March 2017: During the reporting period, the Disciplinary prosecutor filed one motion for conducting disciplinary proceedings. Moreover, three proceedings for determining disciplinary responsibility against prosecutorial position holders are in the course, as well as a proceeding upon an appeal lodged to the State Prosecutorial Council to the Disciplinary Commission Decision from 26th of October 2016, pronouncing to a prosecutorial position holder the disciplinary sanction of public warning.

Update, December 2016: Disciplinary bodies nominated by the State Prosecutorial Council decision from 22nd of July 2016, started their work also based on the proposal to engage a disciplinary procedure filed by the Disciplinary Prosecutor. Two procedures against prosecutorial position holders are currently in the course.

Earlier activities: The State Prosecutorial Council appointed in 2013 disciplinary bodies and established a work body working on advancing of the Rulebook on disciplinary proceedings and disciplinary liability of public prosecutors and deputy public prosecutors in order to provide the best possible proceeding of the State Prosecutorial Council upon petitions and disciplinary charges.

The adopted Rulebook on amendment of the Rulebook on disciplinary proceedings and disciplinary liability from 2014 introduces, among other things, annual obligation to regularly submit reports on proceeding to the State Prosecutorial Council by the Disciplinary prosecutor, or, if needed, for the set timeframe, in order to monitor proceeding of the Council in this area.

Analysis of performance report for disciplinary bodies in public prosecution offices with undertaking of legally foreseen measures, shows that within the time frame of 1st of January until 31st of December 2014 the Disciplinary prosecutor has 127 active cases in total, representing increase of number of cases in 44% compared to the previous year, when it was received 88 cases. Out of total number of cases, disciplinary charges were filed against 139 bearers of prosecutorial position, representing increase in 143% compared to 2013, when disciplinary charges were filed against 57 bearers of prosecutorial position.

At the session held on May 20, 2016, the State Prosecutorial Council has made a decision to conduct procedure of appointment of disciplinary bodies.

In line with the stipulated provision of Article 14 paragraph 4 and provision of Article 15 paragraph 4 of the Rulebook on disciplinary proceedings and disciplinary liability of public prosecutors and deputy public prosecutors, at the beginning of July 2016 the State Prosecutorial Council Work Body was conducting interviews with the applied candidates in order to gain direct insight into qualifications, competence and worthiness of the candidates.

At the session held on 22nd of July 2016, the State Prosecutorial Council passed the Decision on appointment of the Disciplinary Prosecutor and its deputies, as well as the Decision on appointment of the President, two members of the Disciplinary Commission and their deputies, by selecting from the list of the voluntarily applied candidates, prosecutorial office holders, and from the list of candidates, proposed by their peers, those candidates who showed qualifications,

competence and worthiness when performing prosecutorial work and who enjoy the highest reputation among their peers.

1.2.2.19. Conduct analysis of provisions that regulate functional immunity of judicial office holders. (II quarter of 2016)

Activity is not implemented.

March 2017: Since there is no progress regarding this activity in last 5Q it can't be considered as successfully implemented.

Earlier activities: Due to changes in composition of the MoJ, HJC and SPC leading structure, it was necessary to appoint a new members of the working group and start its work again.

1.2.2.20. Implementation of measures in accordance with conducted analysis. (III quarter of 2016)

Activity is not implemented. Implementation of the concrete measures will be possible after submitting the Analysis.

1.3. COMPETENCE/EFFICIENCY

1.3.1.1. Adoption of the Law on amendments and supplements of the Law on Judicial Academy that provides in its Article 5 that the Law on Judicial academy shall be amended in order to enable to the Judicial academy to perform programs of professional development of public notaries and bailiffs, based on agreement with both Chamber of Public notaries and Chamber of Bailiffs. The amendments is going to be made to the Article 16 of the Law on Judicial academy by increasing the number of members of Program Council, in order to enable participation of the representative of the Initial training candidates in the work of the Program Council. The amendment has been drafted to the Article 43, paragraph 2. of the Law on Judicial academy which specifies cases when continuous training is mandatory. (III quarter of 2015)

Activity is fully implemented. The National Assembly passed the Law on Amendments to the Law on the Judicial Academy, which was published in the Official Gazette of RS, No. 106 on 21 December 2015.

- The Law amending and modifying the Law on Judicial Academy was adopted at the Ninth Sitting of the Second Ordinary session of the National Assembly of the Republic of Serbia, held on 18th December 2015, and published in the "Official Gazette of the Republic of Serbia", No.106/15.
- Amendments to the Law on Judicial Academy provided as follows: the Judicial Academy would be able to implement the professional advanced studies programmes intended for the enforcement officers, public notaries, public notaries' assistants and public notaries' junior clerks/trainees,

based on the contract made with the Chamber of Enforcement Officers, i.e. Chamber of Public Notaries; Programme Council composition was extended by including the representative of the initial training users'; the final exam board composition was determined and the fee of mentors engaged in the initial training programme would be aligned to the fee paid to the mentors engaged in the programmes intended for judicial and prosecutorial assistants and trainees; it was provided that the initial training attendance would be regarded as an experience in the legal field and it was determined in which cases the permanent training would be obligatory (shift in specialized training, major modification of regulations, introduction of new working methods, resolving inefficient performance of judges and the public prosecutor assistants discovered by evaluation of their work results).

1.3.1.2. Adoption of the Law on amendments and supplements of the Law judges in a way that proscribes specific rules in order to determine qualification and competence of the candidates for the first election on judicial function and provides that the candidates who finished the Initial training at the Judicial academy are exempted from taking the specialized exam which is organized by High Judicial Council, and also, the final grade from the Initial training at the Judicial academy is equalized with the grade from that specialized exam. (III quarter of 2015)

Activity is fully implemented. The National Assembly passed the Law on Amendments to the Law on Judges, which was published in the Official Gazette of RS, No. 40 on 7 May 2015.

- By means of modifications and amendments to the Law on Judges the rules were prescribed on the basis of which the High Judicial Council would particularly evaluate the completed initial training at the Judicial Academy and determine the candidates' competence and training for the first appointment to the judicial post in basic court and misdemeanor court verified in an exam organized by the High Judicial Council. The candidates who completed initial training with the Judicial Academy are exempted from the obligatory exam and the criteria for competence and qualification evaluation for judicial position is the final exam grade achieved in the basic training at the Academy.

The rules also prescribed the time frame for the High Judicial Council approval of the programme and the method of passing of the exam provided by the law.

1.3.1.3. Adoption of the Law on amendments and supplements of the Law on Public Prosecution in a way that proscribes specific rules in order to determine qualification and competence of the candidates for the first election of the Deputy Public Prosecutor for holding the function of the Deputy Public Prosecutor in First Instance Public Prosecutor's Office, wherein the candidates who finished the Initial training at the Judicial academy are exempted from taking the specialized exam which is organized by State Prosecutorial

Council, and also, the final grade from the Initial training at the Judicial academy is equalized with the grade from that specialized exam. (III quarter of 2015)

Activity is fully implemented. The National Assembly passed the Law on Amendments to the Law on Public Prosecution, which was published in the Official Gazette of RS, No. 106 on 21st December 2015.

-By means of modifications and amendments to the Law on Public Prosecution the rules were prescribed on the basis of which the State Council of Prosecutors would particularly evaluate the completed initial training at the Judicial Academy and determine the candidates' competence and qualification for the first appointment to the post of the deputy public prosecutor, prescribing that the competence of the candidate running for the deputy public prosecutor post for the first time would be verified in an exam organized by the State Council of Prosecutors. The candidates who completed initial training with the Judicial Academy are exempted from the obligatory exam and the criteria for competence and qualification evaluation for judicial position is the final exam grade achieved in the basic training at the Academy.

The rule was introduced prescribing that the number of the trainees for the prosecutor post for each public prosecutor's office would be determined by minister in charge.

The law provided for the prescribed timeframe within which the State Council of Prosecutors would be obliged to stipulate the programme and the method of passing of the exam provided by the law, including the timeframe within which the minister would pass an act specifying the number of the trainees for the prosecutor post.

1.3.1.4. Adoption of the rules for election (Rules on the Criteria and Standards for the Evaluation of the Qualification, Competence and Worthiness of Candidates for election of judges and presidents of courts), which reflects amendments of the Law on judges that the candidates who finished the Initial training at the Judicial academy are exempted from taking the specialized exam which is organized by High Judicial Council, and also, the final grade from the Initial training at the Judicial academy is equalized with the grade from that specialized exam. Linked with activity 1.1.3.1. and 1.3.1.2. (III quarter of 2016)

Activity is fully implemented See activity 1.1.3.1.

1.3.1.5. Number of attendees of initial training is determined taking into account conclusions and recommendations from Strategy of Human Resources for Judiciary (activity 1.3.4.2.) (Continuously, commencing from IV quarter of 2016)

Activity is not implemented.

March 2017: Implementation will start after adoption of the HR Strategy.

Earlier activities: Within the IPA Judicial Efficiency Project, during the third quarter of 2017, shall be developed a proposal for the Ministry of Justice of the Strategy for Human Resources in Judiciary. The working group for drafting of the Strategy has been established by the NSRP Commission on its session held on December 2016.

1.3.1.6. Implementation of measures for improvement of program of Judicial Academy in accordance with the results of Functional Analyses of Judicial Academy needs such as:

- Improvement of the entrance exam for students of initial training;**
- Improvement of initial and continuous training program through the drawing up and adoption of annual curriculum of training that covers all areas of law (including EU law and human rights) and skills necessary for work in judiciary, which include the practical skills, along with all areas of law, depending on the category of the specific student and in particular usage of ICT system, legal analysis, methodology and method of decision drafting. Annual training curriculum has to encompass education in the field of management intended for court managers, court presidents and public prosecutors;**
- Improving continuous training through a wider range of participants, potentially through prescribing the minimum number of training days per holder of judicial office annually, whereby the training must include not only judicial officials but also presidents, secretaries and managers, judicial and prosecutorial assistants, administrative staff and persons engaged in judicial professions;**
- Improvement of transparency of elections of short-term trainers;**
- Improvement of methods of teaching through workshops, simulations and the introduction of distance learning;**
- Improvement of the final exam; (Continuously, commencing from I quarter of 2015)**

Activity is being implemented successfully.

Update, March 2017: During the first quarter of 2017, within the previously initiated IPA project „Strengthening of educational activities and organizational capacities of the Judicial Academy“ (Europe Aid/135635/IH/SER/RS), the State Prosecutorial Council representatives participated at work meetings with experts engaged in the project. Focus of work of both local and international experts has been on the project component 3.3 – “Enhancement of work of new structures within the Judicial Academy competencies”, and it resulted in draft of the “Protocol on mentorship” and the “Guidelines for selection and evaluation of mentors”, internal acts of the Judicial Academy regulating in detail the stated segment of work of the Academy. With reference to that, the State Prosecutorial Council representatives have drafted the Analysis of Draft of the “Protocol on mentorship” and the “Guidelines for selection and evaluation of mentors”, providing broad

suggestions from the aspect of prosecutorial profession, both in general and in particularities, related to provisions of the stated Protocol and Guidelines.

At the session held on 25th of January 2017 the State Prosecutorial Council members concluded that proposal for the Continuous education program for 2017 is practically the same as the Continuous education program for 2016, whereas they have presented the following objections and proposals: inconsistent use of the term “public prosecutor”, “deputy public prosecutor” and “prosecutors”, necessity to extend the continuous education program based on the Law on prevention of domestic violence to the period longer than a day and its improvement with broader defined topics, introduction of education of employees at the State Prosecutorial Council Administrative Office (similar to already existent education for the employees at the High Court Council Administrative Office). It is proposed widening of the program for education and professional advancement of administrative staff in courts and public prosecution offices (in order to also encompass topics such as notion of personal data and obligation to protect personal data, as well as topics related to the Law on free access to information of public importance), then providing educational programs on protection of whistleblowers and educational programs on trials within reasonable time also for prosecutorial office holders, and only to judicial, as well as to adapt the special program of education for court presidents and then to provide it to public prosecutors.

Implementation of measures for enhancement of initial and continuous education program of the Judicial Academy will be possible also based on provisions of the new Regulation of work of the State Prosecutorial Council (“Official gazette of the Republic of Serbia”, No. 29/17), based on which shall be established a special work group for education program that shall be established by the Council by a decision, as ad hoc work body, in charge of: determining initial education program; providing agreement to continuous education program for public prosecutors and deputy public prosecutors and education program for prosecutorial staff; determination of special education program for prosecutorial assistants and trainees, providing agreement to appointment of permanent lecturers coming from prosecutorial position holders; determining number of attendees of initial education; decision-making on obligatory continuous education in cases of election for a public prosecution office of a higher rank, changes of specialization, significant changes in legislation, introduction of new techniques of work or elimination of flaws in work noticed during performance evaluation.

Provisions of the new Regulation of work of the State Prosecutorial Council regulate that the work group for education program has three members – one of which is the Council elective member, two are prosecutorial position holders, as well as that the work group members are elected by the Council to a three-year term and they can be reelected, except for the Council elective member, whose term lasts until the expiration of the tenure as the Council member. Finally, it is defined an obligation of the work group for education program to submit an annual report on work to the State Prosecutorial Council. The State Prosecutorial Council shall thus provide continuity in work on implementation of measures for enhancement of program of the Judicial Academy, which shall definitely contribute to enhancement of the Academy program quality.

Update, December 2016: During the fourth quarter of 2016 has been continued implementation of the project Strengthening of educational activities and organizational capacities of the Judicial Academy, Europe Aid/135635/IH/SER/RS, within which the Judicial Academy, in cooperation with a consortium led by the British Council, is conducting an analysis related to training needs assessment with a view to enhance education for the judiciary system. With reference to that, the State Prosecutorial Council representatives have been nominated to participate at work meetings, organized in relation to the stated project components.

A round table for court presidents was organized at the end of September 2016, which was in overall devoted to enhancement of court management and enhancement of efficiency of court performance.

Earlier activities:The Programme for Continues Education for judicial office holders adopted by the High Judicial Council and State Prosecutorial Council reflects the Serbia Judicial Functional Analysis recommendations.

The Functional Analysis has been taken into the consideration when Programme Council updated the annual continuous training programme and established the new working groups for each legal area composed of the prominent representatives of judiciary and academia but also of the Judicial Academy staff. Further, the body of lecturers has been expanded conducting at the same the training of the trainers based on modern methodologies recommended by the EJTN. Finally, the methodology designed by the Programme Council includes the workshops and skill based training for the advanced educational programs.

The entrance exam is been conducted in line with the amended Rulebook and new softer for processing exam materials and questioners and results has been applied.

The system for the final exam materials has been introduced in preparing the hypothetical cases for the exam that in results ensured more rigorous control of the candidate skills and knowledge.

In addition as the part of the newly established practice the observers from the international community have been invited to follow the entrance and the final exam process.

The body of lecturers is formed by express of interest among the professionals while the final selection of the lectures is made by the Programme Council based on the merit criteria and as of mid-January 2016 the list of the lecturers for 2016 will be available at the new the Judicial Academy web page . Consequently, all comments and suggestions will be submitted to the Programme Council for the review in the transparent manner.

The development of curricula and training for the new target groups (such as the new legal professions, the court managers etc.) were supported mainly by the international partners with the active participation of the Judicial Academy staff. The intensive enrolment of the process enhanced the capacity of the Judicial Academy staff for the curricula development, training and evaluation

and resulted in the governance sponsored training programme for the judicial and prosecutorial assistance and on disciplinary procedures for judges, prosecutors and court staff.

The IPA Project Support to the Judicial Academy shall update and enhance continuous and initial education programs of the Academy in line with new methodologies of teaching and transfer of knowledge and relevant legal changes and also good case law (including EU law and human rights).

Beginning of the project supported by the MDTF as of the second quarter of 2016 was prerequisite for beginning of realization of education for court presidents and court managers; delivery of the activity is scheduled for the end of September 2016.

At the session held on 22nd of July 2016, the State Prosecutorial Council approved the continuous education program for 2016 of the Judicial Academy.

1.3.1.7. Development of monitoring system concerning quality of initial, continuous and specialized training that implies bidirectional evaluation system that would allow the assessment of the results of training or degree of advancement of knowledge of the participants, as well as the assessment of the quality of the program and trainers in cooperation with the Institute for quality assurance of education and with Faculty of Philosophy – Department for pedagogy and andragogy. The system assumes that initial training candidates are evaluated by mentors and at the end of education they are passing the final exam, simulation of trial, evaluated by the commission. Continuous education is being evaluated through standard questionnaires, evaluating the following aspects, quality of lecturers and conditions of work. The further monitoring and evaluation enhancement shall be achieved through introduction of e-learning system, enabling more precise and complex measurement of different aspects of education process. (Continuously, commencing from I quarter of 2015)

Activity is being implemented successfully.

Update, March 2017: During February 2017. The training was held for future lecturers, prosecutors, corruption related, supported by the American Embassy and its OPDAT program, where associates of the Academy from Pedagogy and Andragogy department had the opportunity to be introduced to modern approaches related to this trainings by American lecturers who had experience in work with judicial function bearers. Those methods will be apply to our ToT seminars.

The work group is formed to which the Guidelines were presented for election of mentors and mentor evaluation (two-way evaluation) and Mentorship Protocol, both developed with support by IPA Project- Support to the Judicial academy. There are also several evaluation forms that are almost finished. One is Transitional (after half of period), where mentor assesses whether something needs to be improved or adequate progress is achieved. The other is Evaluation questionnaire (at the end of the period) where mentor assesses: technical competence, functional and organizational competence, analytic competence, and social and personal competence, ranking

marks from 1 to 5. There are also on-going preparations for testing the forms that initial training candidates uses to evaluate their mentors.

Development of the system of quality assurance of initial, continuous and specialized education has been conducted also during the first quarter of 2017, within the previously initiated project „Strengthening of educational activities and organizational capacities of the Judicial Academy“, Europe Aid/135635/IH/SER/RS. Namely, the State Prosecutorial Council representatives participated at work meetings with experts engaged in the project, whereas focus of work of both local and international experts has been on the project component 3.3 – “Enhancement of work of new structures within the Judicial Academy competencies”, and it resulted in draft of the “Protocol on mentorship” and the “Guidelines for selection and evaluation of mentors”, internal acts of the Judicial Academy regulating in detail the stated segment of work of the Academy. With reference to that, the State Prosecutorial Council representatives have drafted the Analysis of Draft of the “Protocol on mentorship” and the “Guidelines for selection and evaluation of mentors”, providing broad suggestions from the aspect of prosecutorial profession, both in general and in particularities, related to provisions of the stated Protocol and Guidelines.

Undertaking measures with a view to develop a the system of quality assurance of initial, continuous and specialized education, through bidirectional evaluation system, will also be possible within engagement of members of the work group for education program, which shall be established by the Council by a decision as ad hoc work body, in line with provisions of the new Regulation on work of the State Prosecutorial Council (“Official gazette of the Republic of Serbia”, No. 29/17), which has been explained in detail in reports under the previous activities (Numbers 1.3.1.5. and 1.3.1.6.).

Update for December 2016: During the fourth quarter of 2016 has been continued implementation of the project Strengthening of educational activities and organizational capacities of the Judicial Academy, Europe Aid/135635/IH/SER/RS, within which the Judicial Academy, in cooperation with a consortium led by the British Council, is conducting an analysis related to training needs assessment with a view to enhance education for the judiciary system. With reference to that, the State Prosecutorial Council representatives have been nominated to participate at work meetings, organized in relation to the stated project components, encompassing also enhancement of the system of dual evaluation, as well as improvement of quality of work of lecturers and conditions for work.

Through the IPA Project Support to the Judicial Academy is being drafted a recommendation for enhancement of mentor work and updating of the initial training program. Recommendations will be related to drafting of the advanced program for mentors based on the best comparative solutions of the Dutch and the Spanish academies. The project also supports development and introduction of a database for continuous education, thus contributing to increased level of transparency of education at the Academy (selection of topics, lecturers, target groups, priorities).

Earlier activities: The Judicial Academy formed the working group (members are the professors from the Law School of the University of Belgrade and from the Faculty for Philosophy (the Andragogy department) and judges of the courts of appeal) for development of the criteria for bidirectional system for monitoring of quality of initial, continuous and specialized training.

The working group is tasked with design of the comprehensive evaluation system that will translate into the enhanced evaluation that will be implemented through the pilot training. Further, subject to the evaluation results the possible changes will be made to the indicators related to the training impact. It is expected that the evaluation system will include the tracking of the training impact for the participants performance for the extend period of time by conducting the evaluation six months or one year after the training. The Judicial Academy will continue to use the evaluations as the basis for the selection of trainers.

The work group, especially members who are andragogues, during the May, had meetings with the experts of the Judicial academy of Spain, engaged by the IPA project for strengthening the Academy, in order to represent the recommendations for advancement of evaluation system of the lecturers before the Program Council, and to be involved in operational functioning of the Academy.

1.3.1.8. Implementation of measures for improvement organization of work of Judicial Academy in accordance with the results of Functional analyses of Judicial Academy needs such as:

-An introduction of the Center for Documentation and Research;
-Increase in the number of employees in accordance with the planned program-organizational changes. Through direct aid program of USAID, engaging 12 new employees aimed at strengthening inner capacities of the Academy in order to exert the training development, further development of criteria for the determination of lecturers and mentors, the training evaluation, as well as the communications and promotions. (The Academy, when the project is done, is planning to sign the contract on permanent employment with engaged persons, and to deliver their wages from regular budget income of the Academy.) (Continuously, commencing from I quarter of 2015.)

Activity is being implemented successfully. The Judicial Academy started the project with USAID related to the advancement of the Judicial Academy capacity in line with the Serbia Judicial Functional Review.

Within the USAID support project to the Judicial Academy it is finalized recruitment of the planned staff, six persons has been engaged for the limited period of time, and six by the contract. The new employees have been assigned to financial sector, IT sector (esspecially for data base update of the ECHR decisions), advancement of the mentor system and evaluation, PR and

regional office in Kragujevac. In addition to that, it has been drafted the Judicial Academy Development Strategic Plan for 2016-2020.

The Documentation and Research Centre will be run by the designated JA staff while core research and legal studies will be coordinated with relevant experts.

1.3.1.9. Ensuring adequate infrastructural preconditions for the work of the Judicial Academy with increased capacity, through the adaptation and equipping of the adequate building in line with the decision of the Republic of Serbia Government, from the session held on April 9, 2015 on allocation of the building that is located in center of Belgrade and has 2800 m², with current market value of 3 million euro. (Continuously, commencing from I quarter of 2015.)

Activity is being implemented successfully.

Update, March 2017: In the other half of March 2017 the EU Delegation announces invitation for hiring consultants for preparing the tender documentation for public procurement for the contractors.

The Judicial Academy, from its own budget resources, has financed design of the Preliminary project design, which was finished on May 2, 2015. The Preliminary project design was submitted for procedure of obtaining necessary permits and licenses in line with the Republic of Serbia law. The Academy has financed, also from its own budget resources, expenses related to drafting final project, conducted upon adoption of the Preliminary project design, expenses of permits and appliances for utilities (water, electricity, heating, etc.). By the end of 2015 (the initial deadline October 2015 has been postponed), the Academy shall have all necessary permits and projects for initiation of works. The Preliminary project design and the preliminary estimation has been successfully presented to EU Delegation (the Judicial Academy infrastructure improvement) and the funds has been secured within the IPA 2015.

The JA contribution for the reconstruction works amounts 180 000 Euros in addition the Government contribution of 3, 5 mill Euros (estimated market value of the building) while the expected EU contribution within the IPA 2015 of 2,8 mill Euros.

All necessary permits have been obtained. IPA 2015 the permit acquiring phase for construction operation is realized, while the Delegation of the EU have been announced public invitation for team selection that will deal with tender documentation for under construction operations.

1.3.1.10. Preparing assessment of budgetary load which includes several years transition plan, due to complete transfer of Judicial Academy to financing at the expense of the budget of the Republic of Serbia. (IV quarter of 2015)

Activity is not implemented.

March 2017: Since there is no progress regarding this activity in last 5Q it can't be considered as successfully implemented.

Earlier activities: Activities are implemented in line with the Action Plan for Chapter 23. The Judicial Academy has actively participated in the budget planning process.

The expert in charge for in-depth analyses of the budgetary aspects of reforms has been engaged.

The outcome analysis of the Judicial academy is improved in 2014., and includes projections of the expenses for mentors and assistants, for lecturers, as well as the assessment of the expenses to increase the number of the employees in the Academy. The analysis also provides potential savings.

1.3.1.11. Develop the cooperation of the Judicial Academy with its EU counterparts in the European Judicial Training Network (EJTN) and ensure participation of judges and prosecutors in EJTN's activities:

- by inserting the financial support of these activities in the annual national IPA programme;

- And by preparing the adoption of a Memorandum of understanding with DG Justice to take part in the Justice programme (and enable the costs of participation in EJTN's activities to be covered by the operating grant that the EJTN receives from DG Justice) (Continuously from 2015, until a Memorandum of understanding is concluded)

Activity is being implemented successfully. The Judicial Academy is actively participating, in the capacity of the observer, in the EJTN activities.

Currently the Judicial Academy is cooperating with EJTN in the area of enhancement of methodology for training of trainers and resources for these activities is been secured from the JA budget and support of international partners (OSCE and USAID). The continues expansion of the cooperation is expected and will be subject of the 2016 IPA.

The Judicial academy is conducting the pilot project the training of the trainers according to the EJTN methodology. It is the long term training (a year period of time) with the group to improve skills of lecturing, also on subjects meaning in-depth representation of all possible aspects, not only in practice, but also the problems they can deal in proceedings. There is a special emphasis on evaluation of the knowledge of the participants of the future seminars in which this group is going to play role of the lecturers, in a manner that evaluation doesn't look like testing, but that the lecturers can truly get the real picture of the knowledge improving in this area after the training.

1.3.2.1. Defining criteria for referring judges to additional training based on the performance appraisal results, and based on the results of the evaluations from previous trainings. Referring judges to additional training according to the results of performance appraisal; implementation of training. (Defining criteria: I quarter of 2017. Referring: Continuously, commencing from II quarter of 2017)

Activity is not implemented.

1.3.2.2. Defining criteria for referring public prosecutor's office holders to additional trainings based on performance appraisal results, and based on the results of evaluations from previous trainings. Referring public prosecutor's office holders to additional trainings. (Defining criteria: I quarter of 2017. Referring: Continuously, commencing from II quarter of 2017)

Activity is partially implemented. Realization of the activity will be possible based on the new Regulation of work of the State Prosecutorial Council ("Official gazette of the Republic of Serbia", No. 29/17), provisions of which are regulating establishment of a work group for education program that shall be established by the Council by a decision, as ad hoc work body, in charge of, among other things, decision-making on obligatory continuous education in cases of election for a public prosecution office of a higher rank, changes of specialization, significant changes in legislation, introduction of new techniques of work or elimination of flaws in work noticed during performance evaluation.

Provisions of the new Regulation of work of the State Prosecutorial Council regulate that the work group for education program has three members – one of which is the Council elective member, two are prosecutorial position holders, as well as that the work group members are elected by the Council to a three-year term and they can be reelected, except for the Council elective member, whose term lasts until the expiration of the tenure as the Council member. Finally, it is defined an obligation of the work group for education program to submit an annual report on work to the State Prosecutorial Council. The State Prosecutorial Council shall thus provide continuity in work related to determination of criteria for referring the prosecutorial position holders to additional education based on the performance evaluation results, as well as evaluation results from previous educations, as well as on referring the prosecutorial position holders for additional education.

1.3.2.3. Annual curriculums for training for judges are proposed and adopted taking also into account performance appraisal results of judges. (Linked activity 1.1.3.3.) (Continuously, commencing from II quarter of 2016)

Activity is being implemented successfully. See under activity 1.1.3.3, additionally.

Update, March 2017: Training program for 2017 was adopted by the Program Council of the Judicial academy in December 2016, and determined the priority topics that will be processed this year based on expected law amendments, and also on result evaluation.

The Academy Program Council determined priority topics for education annually based on, among other things, performance evaluation. The programs are regularly being submitted to the High Court Council and the State Prosecutorial Council for adoption, and they are also having in mind performance evaluations when approving the programs.

The training program for 2016. is adopted by the SPC and HJC during March.

The internet presentation of the Judicial academy edited program as well as the acquired approval, in the spirit of transparency.

1.3.2.4. Annual curriculums for trainings for public prosecutor's office holders are proposed and adopted taking also into account performance appraisal results of public prosecutors or deputy public prosecutors. (Linked activity 1.1.3.5.) (Continuously, commencing from II quarter of 2016)

Activity is being implemented successfully. Undertaking measures with a view to propose annual education programs for prosecutorial position holders and adoption thereof, having in performance evaluation results of public prosecutors, i.e. deputy public prosecutors, will also be possible within engagement of members of the work group for education program, which shall be established by the Council by a decision as ad hoc work body, in line with provisions of the new Regulation on work of the State Prosecutorial Council ("Official gazette of the Republic of Serbia", No. 29/17), which has been explained in detail in reports under the previous activities (Numbers 1.3.1.5., 1.3.1.6. and 1.3.12.4.).

1.3.3.1. Production of a mid-term situation assessment taking into account conclusions and recommendations from Functional review, on the following:

- judicial network in terms of costs, current state of play of infrastructure, efficiency and access to justice;**
- needs and scope of workload; workload of judges and public prosecutors especially taking into account human, material, technical resources and possible further changes in structure of courts, recruitment and education of staff.**

(The same activity 1.3.4.1. and 1.3.5.1.) (During II and III quarter of 2016)

Activity is fully implemented. The final text of the Assessment was adopted by Commission for implementation of the National Justice Reform Strategy 2013-2018 in March 2017. The Assessment included the recommendations as follows:

General recommendations:

- Continuous provision of adequate institutional capacity, human resources and infrastructure**

Having regard to strategic importance of reforms in the area of justice and fundamental rights (Chapter 23 of the negotiations with the European Union), the mentioned elements are essential

for the effective functioning of the judiciary. With qualitative planning of human administrative, technical and infrastructural capacities emphasis is placed on strengthening institutions and creating preconditions for measurable results in the practical implementation of the legislation in line with EU standards.

- **Financial sustainability of reforms**

The financial sustainability of the reform process of the judiciary is an essential factor for the success of reforms. This factor contains more dimensions of which is most prominent need for allocating adequate budget for the smooth functioning of the institutions in the field of judiciary. Taking into account current and future needs, process of planning has to be improved in order that inputs of all budget users are adequately taken into account. In addition, financial sustainability is the criteria for achieving the mechanisms of external assistance reform (sectoral budget support under the Instruments for pre-accession assistance, etc.).

- **Continuous monitoring of the effectiveness of implemented reforms**

The process of adoption of the EU acquis implies radical changes in the normative and institutional framework. Specific performance parameters and expected impact evaluation may be defined during the process of harmonization of regulations, however crucial influence of the newly adopted solutions can be defined only after a specific period of time.

The measures defined by the Action Plan 23 within which is implemented Midterm analysis represent a good example of defining the model for monitoring reforms. Midterm analysis 2016 has a task to evaluate the effect of reform in relation to the efficiency of judiciary related to the recommendations of the Functional analysis from 2014.

In the coming period, it would be important to consider defining of such measures in national strategic documents. In addition to the established mechanisms for monitoring the implementation of the reforms and national policy documents (NJRS and accompanying Action Plan; Action Plan for Chapter 23), a two-year overview, as a practical mechanism and the performance monitoring of key reforms compared to previous round of analysis, has been introduced.

- **Strengthen planning mechanisms and coordination of activities related to the strengthening of institutional capacity**

Continuous professional training of judicial officials and other staff in judiciary, employees of the Ministry of Justice, members of the legal profession, law enforcement bodies and other relevant services in relation to the judiciary, is a necessary factor of efficiency and quality of judiciary. In addition to the procedures in training regulated in laws, in the Republic of Serbia numerous projects financed from international funds and projects of bilateral cooperation, including educational activities, have been carried out. In order to achieve the effect and realize complete absorption of numerous actions by national institutions, it is necessary to establish and strengthen mechanisms for coordination of planning and conducting training.

- **Continue with education in the judiciary and education in other relevant entities about newly adopted legal solutions, for the high-quality application**

In the coming period it is necessary to continue to invest in systematic and sustainable system of training in judiciary. In strategic terms, it is necessary to carry out activities with the aim of quality career guidance for staff in judiciary, which will be defined by the Strategy for human resources in the judiciary.

• **Inter-institutional cooperation**

Considering the role of the Ministry of Justice in the reform process as well as the role of the courts, prosecution, legal profession, law enforcement bodies and other important entities in the justice sector, multi-disciplinary approach to reforms and coordination of activities and mutual cooperation in the implementation of the national strategic documents are necessary precondition.

• **Importance of institutional analysis and evaluation**

In order to increase the efficiency of public prosecution and efficient planning of human resources, budgeting, investing, or directing future reforms, in August 2016 was prepared the Analysis about the necessary number of deputy public prosecutors in the Public Prosecutor's Office in the Republic of Serbia. This analysis should be taken into account when creating midterm Strategy for human resources in the judiciary and other activities referring to improvement of the existing documents and development of new strategic documents in the field of judiciary.

Individual recommendations

I Sustainable human resources policy of the judiciary

Human resources are the most important resource and precondition for efficient judicial system. Modern standards that have been introduced, as well as novelties in terms of infrastructure and functioning of the judiciary on a daily basis, require a detailed analysis of the current situation and development of innovative principles in the politics of human resources. In the coming period, the institutions that are holders of judicial reform, special attention shall devote to the development and effective implementation of the midterm human resources strategy for the judiciary (the Action Plan for Chapter 23, Activity 1.3.4.2, and 1.3.4.3.). It is necessary to harmonize bylaws and documents that were affected by the adoption of new laws, especially the CPC, in order that actual state suits to the present needs, having in mind the obligations arising from the fulfillment of activities under Chapter 23 and Chapter 24 (Rulebook on the criteria for determination of the number of staff at the Public Prosecutor's Office). In the context of defining a system of effective and sustainable system of human resources in judiciary, the efficiency of the judiciary should be observed through a comprehensive analysis of the number and position of judicial and prosecutorial assistants. It is required to:

-consider the need to increase the number of judicial and prosecutorial assistants and introduction of a system of career progression. Given the importance of associates in courts and prosecutors' workload and effect in relation to an increase in performance in the courts, it is necessary to thoroughly examine the possibilities and effects of introducing a system of career officers and assistants. Opportunities in the administration of the judiciary as a whole, provided by professional career in the judiciary, would significantly affect the motivation of associate in judiciary,

employees who are not elected to judicial position, and would represent an incentive for persons beginning professional career as a trainee in courts and prosecutors' offices;

-continue to develop a system that ensures sustainable planning and recruiting high-quality and competent personnel, that contributes to the efficiency of the judiciary as a whole in the short term and in the long term;

-analyze the need to optimize the number of administrative public prosecutorial staff. An adequate number of public prosecutors should be accompanied by an adequate number of administrative public prosecutorial staff. Considering work dynamic, in the coming period particularly should be considered the need to increase the number of recording secretaries in relation to the number of prosecutors.

-analyze the possibilities for continuous training of judicial and prosecutorial staff in the Judicial Academy in coordination with international projects.

II Efficiency

- In further steps of the reform carefully analyze the judicial authorities network from the aspect of adequacy. Consider the degree of compatibility of prosecutors' network with the courts network, aiming to increase efficiency, access to justice and reduce the costs of functioning of the judicial system and rationalization of use of human and material resources;

- Consider the possibility of adoption of the Program for backlog reduction at the Public Prosecutor's Office;

- Analyze the opportunities for further promotion and use of the institute, which contribute to relieving the courts (plea agreement).

III Infrastructure

- continue with activities in improvement of the infrastructure in judiciary, in particular considering the increase in the infrastructure capacity in prosecution. Improvement of physical conditions is directly related to improvement of efficiency and increase of users satisfaction in judiciary, as well as staff themselves. Mechanisms for improvement of cooperation with local governments in terms of finding optimal solutions for spatial capacities of judicial facilities, as well as improvement of collaboration of users of judicial facilities, shall be considered.

IV The development of ICT

- Further improvement of existing ICT applications in the judiciary, through the existing strategic documents for promotion of ICT in the judiciary system and work on the implementation of planned projects. Increasing the level of use of software solutions and systems of electronic records and case management system;

- Development of the training program at the Judicial Academy – consider the directions of ICT system reform in the judiciary and develop training modules, in accordance with the strategic documents of ICT systems in the judiciary.

1.3.3.2. Further improving the infrastructure judicial network, improvement of infrastructure and internal procedures, according to results of mid-term assessment from the activities 1.3.3.1, 1.3.4.1. and 1.3.5.1. (Continuously, commencing from I quarter of 2017)

Activity is being successfully implemented. As it has been said in the report for activity 1.3.3.1. the final text of the Assessment was adopted by Commission for implementation of the National Justice Reform Strategy 2013-2018 in March 2017.

The Assessment contains data on improvement of the judicial infrastructure within the period covered by the Assessment (2014-2016). “The reporting period covered by this Analysis is **characterised by a high level of investments and infrastructure improvements** in the judiciary and the system of enforcement of penal sanctions. In the past two years 29 buildings of judicial authorities have been renovated across Serbia, i.e. more than 60,000 square meters in which the courts and public prosecutor’s offices are situated. In 2014, 29 buildings were worked on, 49 buildings in 2015, and 2016 marked the commencement of the largest investments, including the Palace of Justice in Belgrade.

In addition, smaller investments in 40 facilities were also realised in the amount of RSD 86,806,000.00 (cca. EUR 700,000.00), covering the total area of 23060.00 m².

The total investment for the said period: RSD 1,938,813,000.00 (cca. EUR 15.5 mil)”

Aimed at long-term improvement of the judicial authorities infrastructure in the Republic of Serbia, a project "*Assessment of the Infrastructure in the Judiciary*," funded by the European Union (IPA 2012), commenced in December 2015. *For more details about the project, please refer to the Section 5.Projects.*

The Assessment also included the recommendations relevant for improving judicial infrastructure: “continue with activities in improvement of the infrastructure in judiciary, in particular considering the increase in the infrastructure capacity in prosecution. Improvement of physical conditions is directly related to improvement of efficiency and increase of users satisfaction in judiciary, as well as staff themselves. Mechanisms for improvement of cooperation with local governments in terms of finding optimal solutions for spatial capacities of judicial facilities, as well as improvement of collaboration of users of judicial facilities, shall be considered.”

In upcoming period the Council Ch. 23 will invite representatives of all relevant stakeholders to report on implementation of abovementioned recommendations.

1.3.4.1. Production of a medium-term situation assessment taking into account conclusions and recommendations from Functional review on the following:

- judicial network in terms of costs, current state of play of infrastructure, efficiency and access to justice;**

-needs and scope of workload; workload of judges and public prosecutors especially taking into account human, material, technical resources and possible further changes in structure of courts, election and education of staff.

(The same activity 1.3.3.1. and 1.3.5.1.) (During II and III quarter of 2016)

Activity is fully implemented. See 1.3.3.1.

1.3.4.2. In accordance with the results of the assessment from the activities 1.3.3.1, 1.3.4.1. and 1.3.5.1., draw up and adopt midterm Strategy on human resources in judiciary which will, inter alia, address the following questions: -The number and structure of judges and prosecutors; -Status, number and structure of judicial assistants and prosecutorial assistants; -Management, number and professional structure of administrative staff in the judiciary. (During III and IV quarter of 2016).

Activity is partially implemented. As it has been said in the report for activity 1.3.3.1. the final text of the Assessment was adopted by Commission for implementation of the National Justice Reform Strategy 2013-2018 in March 2017. The Assessment also included recommendations in order to improve HR in judiciary.

General recommendations

- **Continuous provision of adequate institutional capacity, human resources and infrastructure**

Having regard to strategic importance of reforms in the area of justice and fundamental rights (Chapter 23 of the negotiations with the European Union), the mentioned elements are essential for the effective functioning of the judiciary. With qualitative planning of human administrative, technical and infrastructural capacities emphasis is placed on strengthening institutions and creating preconditions for measurable results in the practical implementation of the legislation in line with EU standards.

- **Strengthen planning mechanisms and coordination of activities related to the strengthening of institutional capacity**

Continuous professional training of judicial officials and other staff in judiciary, employees of the Ministry of Justice, members of the legal profession, law enforcement bodies and other relevant services in relation to the judiciary, is a necessary factor of efficiency and quality of judiciary. In addition to the procedures in training regulated in laws, in the Republic of Serbia numerous projects financed from international funds and projects of bilateral cooperation, including educational activities, have been carried out. In order to achieve the effect and realize complete absorption of numerous actions by national institutions, it is necessary to establish and strengthen mechanisms for coordination of planning and conducting training.

- **Continue with education in the judiciary and education in other relevant entities about newly adopted legal solutions, for the high-quality application**

In the coming period it is necessary to continue to invest in systematic and sustainable system of training in judiciary. In strategic terms, it is necessary to carry out activities with the aim of quality career guidance for staff in judiciary, which will be defined by the Strategy for human resources in the judiciary.

- **Importance of institutional analysis and evaluation**

In order to increase the efficiency of public prosecution and efficient planning of human resources, budgeting, investing, or directing future reforms, in August 2016 was prepared the Analysis about the necessary number of deputy public prosecutors in the Public Prosecutor's Office in the Republic of Serbia. This analysis should be taken into account when creating midterm Strategy for human resources in the judiciary and other activities referring to improvement of the existing documents and development of new strategic documents in the field of judiciary.

Individual recommendations

I Sustainable human resources policy of the judiciary

Human resources are the most important resource and precondition for efficient judicial system. Modern standards that have been introduced, as well as novelties in terms of infrastructure and functioning of the judiciary on a daily basis, require a detailed analysis of the current situation and development of innovative principles in the politics of human resources. In the coming period, the institutions that are holders of judicial reform, special attention shall devote to the development and effective implementation of the midterm human resources strategy for the judiciary (the Action Plan for Chapter 23, Activity 1.3.4.2, and 1.3.4.3.). It is necessary to harmonize bylaws and documents that were affected by the adoption of new laws, especially the CPC, in order that actual state suits to the present needs, having in mind the obligations arising from the fulfillment of activities under Chapter 23 and Chapter 24 (Rulebook on the criteria for determination of the number of staff at the Public Prosecutor's Office). In the context of defining a system of effective and sustainable system of human resources in judiciary, the efficiency of the judiciary should be observed through a comprehensive analysis of the number and position of judicial and prosecutorial assistants. It is required to:

-consider the need to increase the number of judicial and prosecutorial assistants and introduction of a system of career progression. Given the importance of associates in courts and prosecutors' workload and effect in relation to an increase in performance in the courts, it is necessary to thoroughly examine the possibilities and effects of introducing a system of career officers and assistants. Opportunities in the administration of the judiciary as a whole, provided by professional career in the judiciary, would significantly affect the motivation of associate in judiciary, employees who are not elected to judicial position, and would represent an incentive for persons beginning professional career as a trainee in courts and prosecutors' offices;

-continue to develop a system that ensures sustainable planning and recruiting high-quality and competent personnel, that contributes to the efficiency of the judiciary as a whole in the short term and in the long term;

-analyze the need to optimize the number of administrative public prosecutorial staff. An adequate number of public prosecutors should be accompanied by an adequate number of administrative public prosecutorial staff. Considering work dynamic, in the coming period particularity should be considered the need to increase the number of recording secretaries in relation to the number of prosecutors.

-analyze the possibilities for continuous training of judicial and prosecutorial staff in the Judicial Academy in coordination with international projects.

- Development of the training program at the Judicial Academy – consider the directions of ICT system reform in the judiciary and develop training modules, in accordance with the strategic documents of ICT systems in the judiciary.”

Within the IPA Judicial Efficiency Project, during the third quarter of 2017, shall be developed a proposal for the Ministry of Justice of the Strategy for Human Resources in Judiciary.

1.3.4.3. Implementation of mid-term Strategy on human resources in judiciary (Continuously, commencing from I quarter of 2017- IV quarter of 2019.)

Activity is not implemented. Implementation will be possible after adoption of the HR Strategy.

1.3.5.1. Production of a mid-term situation assessment taking into account conclusions and recommendations from Functional review, on the following:

- judicial network in terms of costs, current state of play of infrastructure, efficiency and access to justice;

- needs and scope of workload; workload of judges and public prosecutors especially taking into account human, material, technical resources and possible further changes in structure of courts, selection and education of staff.

(The same activity 1.3.3.1. and 1.3.4.1.) (During II and III quarter of 2016)

Activity is fully implemented. See 1.3.3.1.

1.3.5.2. Implementation of measures aimed at balancing the number of cases per judge and public prosecutor/deputy public prosecutor according to the results of the assessment (e.g. encouraging voluntary mobility of judicial office holders with adequate compensation). (Continuously, commencing from I quarter of 2017)

Activity is being successfully implemented. As it has been said in the report for activity 1.3.3.1. the final text of the Assessment was adopted by Commission for implementation of the National

Justice Reform Strategy 2013-2018 in March 2017. The Assessment also included recommendations in order to improve HR and balancing workload in judiciary (see 1.3.3.1).

In upcoming period the Council Ch. 23 will invite representatives of all relevant stakeholders to report on implementation of abovementioned recommendations.

The Supreme Court of Cassation has already reported that after the meeting with presidents of all courts in the Republic, held by the Supreme Court of Cassation, during which the Annual Report on Work of All Courts for the Year 2016 was presented, the president of Belgrade Higher Court suggested in his brief dated March 24, 2017, that the Supreme Court of Cassation delegates the cases of Belgrade Higher Courts to other competent courts in the Republic of Serbia (i.e. other higher courts), to adjudicate upon second instance civil cases. Belgrade Higher Court president gave the following reasons for this proposal: judges, i.e. chambers of second instance civil department of this court are much more burdened with cases than other judges of the same departments in other higher courts; namely, the total number of remaining pending cases at the end of 2016 in the second instance department of Belgrade Higher Court was 12,557, i.e. 965.92 cases per judge, whereas the total number of remaining pending second instance civil cases in all other higher courts was 17,521, i.e. 182.51 per judge.

There are 13 judges in the second instance civil department (“Gz”) of Belgrade Higher Court, compared to 96 judges who deal with the same type of cases in all other higher courts.

In the same brief, Belgrade Higher Court president suggested that the SCC delegates 5,000 second instance civil cases received during 2016 to other competent courts (i.e. higher courts), not only to achieve equal workload allocation but also equal access to court for all parties.

Article 62 of the Law on Civil Proceedings prescribes that the highest court in the Republic of Serbia can decide for a certain case to be adjudicated by a different competent court from its jurisdiction, if this suggested by parties or a respective court, if obvious that the cases would be managed more efficiently or in case of other reasons. Delegation of cases to another competent court can be requested in the second instance proceedings as well.

The Supreme Court of Cassation preliminary finds that conditions prescribed by law are met in the respective case, i.e. that the reasons to delegate second instance civil cases of Belgrade Higher Court to other competent courts are grounded, given that, due to exceptional workload of second instance civil department of Belgrade Higher Court, it is obvious that the proceedings will be conducted more efficiently in other competent courts and that the parties will be able to exercise their rights to a trial within reasonable time and equal access to court, in line with Art. 2 and 10 Para 1 of Law on Civil Proceedings, *en lieu* with Art. 32 of the Constitution of the Republic of Serbia and Art. 6 of the ECHR.

With this in mind, the Supreme Court of Cassation has asked Belgrade Higher Court to formalize its 24/03/2017 proposal and submit data on the cases which will be subject to delegation. The Supreme Court of Cassation, according to annual reports on the work of all the higher courts, has preliminarily determined which higher courts will be objects of the delegation, taking into account their current workload of second instance civil cases (“GZ”). Taking into account the previous

experience of the Supreme Court of Cassation, in 2013 and 2015, when it conducted the delegation of the same types of cases the Higher Court in Belgrade and the Higher Court in Novi Sad, the Supreme Court of Cassation has begun technical preparations for this procedure: set up case management electronic "withdrawal" of second instance civil cases the Higher Court in Belgrade (which uses AVP) system in the Supreme Court of Cassation (using SAPS) in collaboration with the Ministry of Justice, and after the arrival of the formal request for the delegation from Belgrade Higher Court, it will prepare decision templates, case files, etc., for the effective conduct of the proceedings of the delegation.

1.3.6.1. Amending a Civil Procedure Code in order to improve efficiency particularly in part which deals with: service of documents, hearing recording and discipline during the proceedings, particularly taking into account EU standards and practices of the ECtHR and the Constitutional Court and regular reporting to the Commission for the Implementation of the National Judicial Reform Strategy for the period 2013-2018 on the results of the implementation of the amended law. (Amendments of legislation – IV quarter of 2016. Quarterly reporting on the impact of legislative amendments – commencing from I quarter of 2017)

Activity is partially implemented. The working group for drafting of the CCP amendments has been established and external expert has been contracted by JEP Project.

1.3.6.2 Amending Criminal Procedure Code in order to improve efficiency of the proceedings in particular in part dealing with service of documents, trial recording and discipline during the proceedings taking into account EU standards, jurisprudence of the ECtHR and the Constitutional Court, as well as regular reporting to the Commission for the Implementation of the National Judicial Reform Strategy for the period 2013-2018. on the results of the implementation of the amended law (related activity 1.3.10.1.) (Amendments to the CPC - I quarter of 2017. Quarterly reporting on the impact of legislative changes –commencing from II quarter of 2017)

Activity is not implemented.

1.3.6.3. Adoption of Law on Enforcement and Security in order to improve efficiency of enforcement procedure in accordance with RoLE Project Report and Overall Assessment of the Enforcement Regime of Civil Claims in the Republic of Serbia (Activity 1.3.7.1.) and regular reporting to the Commission for the Implementation of the National Judicial Reform Strategy for the period 2013-2018 on the results of the implementation of the amended law. (Amendments to the law - III quarter of 2015. Quarterly reporting on the impact of legislative changes –commencing starting from I quarter of 2016)

The activity is being implemented successfully.

Update, March 2017: In implementing the systemic measures of a special program for solving backlog enforcement cases, the Republic of Serbia with the adoption of the new Law on Enforcement and Security enabled a comprehensive backlog reduction in the matter of civil enforcement, because the cases of this type prevented the normal functioning of the judiciary. Implementation of joint Instructions of the Supreme Court of Cassation, the High Judicial Council and the Ministry of Justice (see First report) in basic courts has been supported by the European Union through its project from pre-accession funds IPA 2012, "Judicial Efficiency."

The National Assembly of the Republic of Serbia adopted on 27 December 2016. **an authentic interpretation of the provisions of Article 48 of the Law on Enforcement and Security** ("Official Gazette of RS", No. 106/15)¹, which refer to the duty of the court which decides on the enforcement proposal that when there is no equivalence of identity of the debtor specified in the judgement (or enforceable document) and the debtor specified in the enforcement proposal, the enforcement creditor must be requested to submit a public or certified document proving that the obligation has been transferred from the debtor specified in the enforceable document to the debtor specified in the enforcement proposal. If the creditor does not possess such a document, they have a duty to provide evidence of such transferral through a final decision issued in civil, misdemeanour or administrative proceedings.

By the implementation of the measures with this support, excellent results were achieved and the number of enforcement cases only in 2016 was reduced by 811.432 cases compared to 2015. More information on pending enforcement cases that remained in the courts (age, structure, etc.) can be found in the Annual Report on the work of all courts in the Republic of Serbia for the year 2016.

| | Pending at the beginning | Total incoming | Total disposed | Pending at the end |
|------|--------------------------|----------------|----------------|--------------------|
| 2015 | 1.939.807 | 234.008 | 380.628 | 1.793.787 |
| 2016 | 1.855.129 | 352.207 | 1.225.471 | 981.865 |

According to MOJ report **the application of the Law has steadily resulted in a decrease of enforcement cases in courts, i.e. the reduction of the backlog of enforcement cases in Serbia.** In the first two quarters of implementing the new Law, starting from the basic value of **1,793,187** unresolved enforcement cases on 31.12.2015, the number of enforcement cases resolved in basic and commercial courts through suspension pursuant to **Article 547** of the Law is **828,462** on December 30th, 2016, **contributing to the reduction of backlogged enforcement cases by 46%**. The total number of dismissed enforcement cases pursuant to Article 547 of the Law in basic courts

¹ http://www.parlament.gov.rs/upload/archive/files/lat/pdf/ostala_akta/2016/RS77-16%20lat.pdf, accessed on 19.03.2017.

on December 30th, 2016 amounts to **813,564**. The total number of adjourned enforcement cases in commercial courts pursuant to Article 547 of the Act on 30.12.2016 is **14.898**.²

Update December 2016: As of 1 December, from a total of **1,464,958** unresolved enforcement cases before the basic courts on the day 31.08.2016.g., 305,670 have been suspended, 7,858 were transferred to the work of EA's (total 313,528), i.e. the number of cases resolved within the three months is **338,066**. The number of unresolved cases as of 01.12.2016.g. is **1,136,963** (33% resolved since the implementation of the Law).

Before the commercial courts, as of December 1, from a total of 38,224 pending enforcement cases on 31.08.2016, 3,310 were terminated, 1,002 was transferred to the work of EA's (total 4,812) and the number of cases resolved within three months is **31,985**.

The Ministry of Justice has supported the organization of the conference "New Legislation on Enforcement and Security" in the hotel "Park" in Novi Sad on 2nd and 3rd December 2016, and a representative of the Ministry of Justice, the Head of the Department for Judicial Professions, participated as a panelist and presenter for the purpose of considering and clearing issues of implementing the new Law on Enforcement and Security, and exchanging experiences to ensure consistency of practice. Target group of this conference were enforcement agents, but also judges from Supreme Court of Cassation, commercial courts, higher courts and basic courts as well as the representatives of the business environment attended this conference.

During the third and fourth quarters of 2016, the president of the Supreme Court of Cassation and the SCC justices – members of the BLR WG, as well as other WG members who are judges of other courts – visited a number of basic courts in order to identify challenges in the implementation of the new Law on Enforcement and Security (LOE), as well as the common Guidelines of the SCC, MOJ and HJC (please see the First report), which led to deadlocks in registering enforcement cases which remain in court, which are to be referred to public enforcement agents, and which are to be suspended. These courts were given organizational, technical and legal guidelines and advice. Every court was asked to design an activity plan which will be carried out in courts through the end of 2016, and the progress monitoring system was introduced.

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Earlier activities: The analysis conducted in 2014 by the IPA RoLE project had shown a need for a comprehensive reform. Therefore, upon a protracted drafting and consultation process, the new **Law on Enforcement and Security** has been adopted on **18 December 2015**, and is to enter into force on the most part on **1 July 2016**. The main novelties of the new LoES are:

- broadening of the competence (jurisdiction) of enforcement agents (in order to maintain and increase the speed of the enforcement proceedings and reduce excessive workload of the courts and make provisions on division of competences between courts and enforcement agents more precise);

² These numbers might increase, as not all courts have up-to-date records.

- transferal of backlogged utility cases into the competence of enforcement officers, by which the expenses and fees in those proceedings are also regulated;
- more stringent requirements for enforcement agent candidates, such as mandatory initial training;
- precise procedural provisions that should eliminate present ambiguities causing excessive delay in proceedings;
- detailed and unambiguous provisions on enforcement of pecuniary claims against real property as most valuable assets;
- reaching a compromise between the speed of the enforcement proceedings (primarily embodied in the acting of enforcement agents) and the harmonization of case law (by way of reintroduction of the right of appeal - jurisdiction of higher courts).

The LoES has adopted many recommendations given in the RoLE Report, which are based on international standards and best practice.

Report on the implementation of the new LoES is being prepared and will be submitted to the Commission for the Implementation of the National Judicial Reform Strategy for the period 2013-2018 in accordance with the deadlines set by the Secretariat of the Commission.

From May 1, 2016 through the day this report was drafted, the Supreme Court of Cassation actively monitored the implementation of the final provisions of the new Law on Enforcement and Security as well as the Instructions for its implementation as of April 26, 2016: the Court, Ministry of Justice, High Judicial Council and Judicial Academy, supported by the MDTF and Judicial Efficiency project, held four meetings/workshops with court presidents and judges from basic and commercial courts, aimed at identifying and addressing challenges and disputed legal issues related to the implementation of the new LoE. In addition, the Supreme Court of Cassation collects and analyzes statistical basic and commercial courts' statistical reports on a monthly basis, thus monitoring the implementation of the Art. 546 and 547 of the new LoE, according to which, after creditors' declarations, all enforcement cases can be categorized as cases which remain in courts, cases which are deferred to public enforcement agents, and cases which are closed ex off.

According to preliminary results, in all basic courts in Serbia 606,536 enforcement cases will remain court cases (37.73%), 22,910 cases (1.43%) were deferred to public enforcement agents, whereas 977,954 cases (60.84%) were closed ex off. In all commercial courts in Serbia, 46,948 cases (89.33%) remain in courts, 2,454 cases (4.67%) are deferred to public enforcement agents, whereas in 3,153 cases (6%) the proceedings were closed ex off.

By September 1, 2016, the Supreme Court of Cassation collected disputed legal issues from all basic and commercial courts, and at the moment these are being classified and categorized. The 2016 Annual Judges' Conference, held in Vrnjačka Banja on October 9-12, 2016, will dedicate to round tabled to discussing these issues (in civil and commercial sessions).

1.3.6.4. Amending Court Rules of Procedure in order to facilitate implementation of Uniform Backlog Reduction Program. (III quarter of 2015)

Activity is fully implemented. During the fourth quarter of 2016, the Supreme Court of Cassation, supported by MDTF-JSS held a series of workshops with court personnel of all courts in the Republic of Serbia, the administration on the implementation of the amended court rules, the quality of reporting. One of the topics of these workshops was the reporting in accordance with the requirements of the Single program for solving old cases.

The SCC justices took part in drafting amendments of Book of Court Rules, to enable efficient implementation of the Unified Backlog Reduction Program as well as case-law harmonization. This bylaw is still in the draft phase. According to the Law on Courts' Organization, the Supreme Court of Cassation provides an opinion to the proposal of the Book of Court Rules, which is then signed by the Minister. The draft amendments include measures which enable implementation of the Unified BLR Program: special labeling of backlog cases on the case cover by the following stamps: OLD CASE – for cases pending more than 2 years; URGENT-OLD CASE – for cases pending for more than 5 years; VERY URGENT-OLD CASE – for cases pending for more than 10 years. Furthermore, the amendments introduce “Case Duration Tracking”: first instance courts closely track the cases older than 2 years, second instance courts closely track legal remedy proceedings that last longer than one year. All courts track cases older than 2, 5 and 10 years from the first entry date.

The amendments to the Book of Court Rules were published in the Official Gazette of the Republic of Serbia No. 39/2016 on April 15, 2016, and came into force on April 23, 2016.

1.3.6.5. Amending Uniform backlog reduction program in accordance with initial results of implementation and the conclusions of the regular meetings of the Working Group for the implementation of the Uniform Backlog Reduction Program. (II quarter of 2016)

Activity is fully implemented.

Update, March 2017: With the implementation of measures prescribed by the Amended Backlog Reduction Program, the Supreme Court of Cassation has shown in its Annual Report on Work of All Courts for the year 2016 the number of all pending backlog cases (cases in which the proceedings take more than two years from the date of filing of the initial act) for the period 2012-2016, and it separates the indicators that include all pending backlog cases and the indicators on the number of backlog cases without the enforcement cases.

Compared to 2012, at the end of 2016 there were 814.101 backlog pending cases less. Counting the number of cases without enforcement cases, compared to 2012, there are now 14.955 backlog cases less.

**REPORT ON PENDING BACKLOG CASES ON DECEMBER 31 - ACCORDING TO THE
DATE OF THE INITIAL ACT**

| | Number of judges | TOTAL PENDING BACKLOG CASES on Dec 31, 2012 | Number of judges | УКУПНО TOTAL PENDING BACKLOG CASES on Dec 31, 2013 | Number of judges | УКУПНО РЕШЕНИХ СТАРИХ ПРЕДМЕТА на дан 31.12.2014. | Number of judges | TOTAL PENDING BACKLOG CASES on Dec 31, 2015 | Number of judges | УКУПНО TOTAL PENDING BACKLOG CASES on Dec 31, 2016 |
|---|------------------|---|------------------|--|------------------|---|------------------|---|------------------|--|
| | 2012. | | 2013. | | 2014. | | 2015. | | 2016. | |
| TOTAL COUNTRY WIDE WITH ENFORCEMENT: | 2.380 | 1.729.768 | 2.652 | 1.773.475 | 2.595 | 1.822.001 | 2.522 | 1.740.400 | 2.569 | 915.667 |
| TOTAL COUNTRY WIDE WITHOUT ENFORCEMENT: | 2.165 | 140.418 | 2.365 | 127.773 | 2.331 | 126.878 | 2.256 | 133.365 | 2.299 | 125.463 |
| Commercial Courts (all enforcement cases) | | 22.771 | | 29.872 | | 31.804 | | 32.180 | | 24.303 |
| * Basic Courts (I, Iv) | | 1.566.579 | | 1.615.830 | | 1.663.319 | | 1.574.855 | | 765.901 |
| * In Commercial Courts, all enforcement cases were considered, while only I and Iv cases were considered in Basic Courts * The cases related to reasonable time were not included in Higher Courts for 2014 and 2015 | | | | | | | | | | |

In the reporting period, from 2012 to 2016, there is a trend of increasing the number of resolved backlog cases in the Republic, except for 2014, when due to the shift of the court network there was a reasonable delay in the functioning of the courts, and in 2016, due to systematic measures taken, there has been a marked increase in the number of old cases resolved, bearing in mind the total number of solved cases (for example, in 2012 it was 413,186 old cases solved, and in 2016 1,068,063 old cases).

More information on the structure of the backlog cases can be found in the [Annual Report on the Work of All Courts in the Year 2016](#).

The “Judicial Efficiency” project contributed to the enforcement backlog reduction by engaging additional manpower in courts which were particularly burdened with enforcement cases. This resulted in: 50% reduction in courts which have additional support, and 50.38% reduction in Belgrade First Basic Court (from 1,019,791 to 506,055 backlogged cases). The Project supported other activities in 30 partner courts: updated the backlog reduction program’s template, drafted recommendations for their implementation for each of partner courts, supported courts in developing their BLR 2017 plans, facilitated best-practices exchange between judges and courts staff through workshops held in Uzice and Sabac.

Following measures prescribed by the Amended Unified BLR Program, the Second Basic Court in Belgrade, pursuant to the decision of the acting president of that Court of March 3, 2017, formed the info-service to support alternative dispute resolution. The purpose of establishing such a service is to provide information to citizens and clients on the possibilities of achieving a peaceful

settlement of the dispute. In implementing this decision, on March 29, 2017 the Second Basic Court in Belgrade issued the Instruction on the work methods of this service, prescribing records, appointment of mediators and other formalities relevant to the implementation of the Law on Mediation. The working group for the implementation of the Unified BLR Program will follow the work of the service and, depending on the effects of its establishment, it will recommend its formation in other courts. Belgrade Second Basic Court currently implements this initiative without the support of donors.

Update, December 2016: According to the Revised Unified BLR Plan, Enhancing the efficiency of the judiciary, with the participation of members of the BLR Working Group S for monitoring the implementation of the Single Programme, created a new form of individual Backlog Reduction Program, which is designed according to the needs of basic courts, but can easily be adapted and the needs of other courts of first instance. This draft was first presented at the training on the management of the court, which on 22 November 2016 was held for all the presidents of basic courts, and held by the president and deputy president of the Supreme Court of Cassation and the staff of the High Judicial Council. Previously, with the support of MDTF-JSS similar training (two-day) was held for the presidents of courts of second instance - ie. Republic level courts and courts of appeal. The Supreme Court of Cassation plans to support the maintenance of these training and in the following year, the same program will be offered to the presidents of all courts in the Republic.

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On August 10, 2016, the Supreme Court of Cassation adopted the Amended Unified Backlog Reduction Program (<http://www.vk.sud.rs/sites/default/files/files/ResavanjeStarihPredmeta/Izmenjeni%20JP%202016-2020%20.pdf>), which is applied as of September 1, 2016. The application of the Program was extended through 2020. The Amended Program encompasses earlier Unified Backlog Reduction Program and Special Program for Resolving Backlog Enforcement Cases (“Mini Strategy”). Also, the Amended Program foresees system (strategic) measures, general, special measures for backlog enforcement cases, individual measures for courts, measures to be undertaken by the Ministry of Justice, measures to be undertaken by the Supreme Court of Cassation, and special measures for Belgrade courts. Detailed classification of measures is a novelty compared to the earlier Unified BLR Program. As one of the novelties, the Amended Program introduces concrete objectives in numbers of backlogged cases in courts of certain type and instance in 2020.

The implementation of the Amended Unified Backlog Reduction Program is, as earlier, monitored by the SCC’s Working Group, composed out of the Chief Justice and justices and staff of the Supreme Court of Cassation, and judges of first instance and second instance courts of general and specialized jurisdiction.

1.3.6.6. Conduct analysis of current Information and Communication Technology systems in regards to hardware, software, the current data quality and human resources in courts,

public prosecutors' offices and prisons, focusing on urgent, but also medium and long-term necessity of changes, along with identifying recommendations for its improvement. (The same activity as 1.2.1.1. and 1.3.8.2.) (II quarter of 2016)

Activity is partially implemented. See 1.2.1.1.

1.3.6.7. Drawing up Guidelines which determine directions of ICT system development in Serbia (conceptual model) and which include data on infrastructure of Information and Communication Technology and costs of its maintenance, software and human resources (II quarter of 2016)

Activity is fully implemented. See 1.2.1.2.

1.3.6.8. Institutionalization of coordination and management of ICT system through public-private or public-public partnership particularly taking into account the elimination of the risks of corruption. (Commencing from II quarter of 2016.)

Activity is being implemented successfully. See 1.2.1.3.

1.3.6.9. Developing activities and preparation of appropriate methodological instructions for "cleaning" of existing data in accordance with the recommendations of the previous analyses, for the implementation of methodological instructions for "cleaning" the data. (Same activity 1.2.1.4, and 1.3.8.5.) (II quarter of 2016)

Activity is not implemented. See 1.2.1.4.

1.3.6.10. Organization of focused training of end-users of existing platforms for the use of methodological instructions for "cleaning" the data, the implementation of "cleaning" and addition to the information in the ICT system. (Same activity 1.2.1.5, and 1.3.8.6.) (During II and III quarter of 2016.)

Activity is not implemented. See 1.2.1.5.

1.3.6.11. Drawing up protocol on input and exchange of data (including scanning of documents) in ICT system with the aim of unification of conduct in entire judicial system as well as training programs for employees of the judiciary with the aim of improving the quality of the existing ICT platforms. The same activity 1.2.1.6. and 1.3.8.7. (III quarter of 2016)

Activity is almost completely implemented. See 1.2.1.6.

1.3.6.12. Conducting trainings in accordance with the program defined through activity 1.3.6.11. with the purpose of unification of conduct of input and exchange of data in ICT system. Conduct periodic audits of case management system entries to ensure accuracy, uniformity and consistency and compliance with institutional solutions related to ICT management system of activities 1.3.6.11. The same activity 1.2.1.7. and 1.3.8.8. (Conduct trainings: Commencing from IV quarter of 2016 and I quarter of 2017. Periodic audits over uniformity of acting - periodically, commencing from I quarter of 2017)

Activity is not implemented. See activity under 1.2.1.7.

**1.3.6.13. Maximize the use of case management systems through: -electronic scheduling of the hearings;
- data collection on the reasons of non-maintenance of the hearings;
- scheduling next hearing in standardized time periods already when postponing the previous hearings. (Same activity under 1.2.1.8. and 1.3.8.9.) (I quarter of 2016- IV quarter of 2018)**

The activity is being implemented successfully. See 1.2.1.8.

1.3.6.14. Develop an assessment of the current situation and determine the standards and methods for data exchange between bodies within the judicial system (interoperability of existing ICT systems within the judiciary). Same activity under 1.2.1.9. and 1.3.8.10. (IV quarter of 2016)

Activity is partially implemented. See 1.2.1.9.

1.3.6.16. Amending Rules of Procedure on internal organization and systematization of jobs in Ministry of Justice and employment of IT experts in accordance with new systematization. (Continuously, commencing from I quarter of 2016)

Activity is being implemented successfully. Due the austerity measures, MoJ ensured project support regarding strengthening capacities in part dealing with ICT support. MDTF supported MoJ through the engagement of the full time ICT consultant as well as through the short term expert support.

1.3.6.17. Amending Rules of Procedure on internal organization and systematization of jobs in Supreme Court of Cassation and employment of IT experts in accordance with new systematization. (Continuously, commencing from I quarter of 2016)

Activity is partially implemented. Pursuant to the provisions of the Law on the Maximum Number of Employees in Public Administration, Serbian Government passed the decision on the number of employees in each public institution, including courts. According to this decision, the number of court staff in the Supreme Court of Cassation was reduced from 226 to 200. The reduction affected permanent positions, i.e. positions contracted for indefinite time. Provisions of Art. 11, Para. 1 of the same Law (in effect through 2018), prescribes that further reduction of employees will occur each year by June 30. The Law provides neither percentage nor number of positions to be reduced, we assume that these will be determined by the Government's decision, as earlier.

Relying to the Government's Decision, as well as the cited Law provisions, at the beginning of 2016 the SCC amended its Systematization Act, by merging several positions and functions into one. Having in mind the general hiring ban in public sector, in effect as of 2014, the Supreme Court of Cassation currently has no possibility to increase the number of its staff by engaging a civil servant IT expert.

Anyway, through the project support (MDTF, IPA 2012 JEP...) SCC has been supported by ICT consultants. On this way, effects of the Law that prohibits employment of civil servants has been reduced for the next two years period.

However, with the support of MDTF-JSS contracted training for the staff of the courts in the context of education, courses were organized with the awarding of certificates for ISO standards applied in the work of ICT services in the courts and a number of staff from ICT services attending these courses which end up the end of the calendar year. All participants who pass the course will receive certificates for attending the course.

In addition, in the process of contracting through the MDTF-JSS training for taking ECDL 1 and ECDL2 courses, both for judges, consultants and employees of the Supreme Court of Cassation, as well as for employees in its ICT sector.

The VKS, all employees in the ICT sector will be attending one selected course for ISO and one of our ECDL courses.

1.3.6.18. Forming and efficient work of the teams in courts in charge of reduction of backlogged cases (Continuously, commencing from IV quarter of 2014 and I quarter of 2015)

Activity is being implemented successfully. The teams had been established in all courts in accordance with Unified BLRP.

1.3.6.19. Signing of Memoranda on Cooperation between courts and other relevant institutions and services (e.g. the Post office), with the aim of efficient resolution of backlogged cases. (Continuously, commencing from IV quarter of 2014)

Activity is being implemented successfully.

Update, March 2017: During the meeting held on 1 and 2 February 2017, the Backlog Reduction Working Group, which operates under the auspices of the Supreme Court of Cassation, analyzed the backlog reduction programs of individual courts and gave some suggestions for their improvement. One of the proposals concerned the mandatory formation of teams, regardless of the size of a particular court, as well as the signing of memoranda of cooperation with external institutions. After the publication of the Conclusions of the meeting, members of the Working Group shall submit all courts, which are directly supervised by them, suggestions for improving the programs, which will include these measures.

The SCC Working Group that monitors implementation of the Unified BLR Plan issued conclusions of its meeting held on November 8 and 9, 2014 (<http://www.vk.sud.rs/sites/default/files/attachments/Zaklju%C4%8Dci%20sa%20sastanka%20Radne%20grupe%2C%20odr%C5%BEanog%208.%20i%209.%20novembra%202014.%20godine.pdf>) and instructed all courts of general and special jurisdiction to specify which memoranda of cooperation they signed and with which institutions in their individual BLR plans, which they all did. The courts will be obliged to report on the implementation of these memoranda in their individual BLR plans for 2016.

During the first quarter of 2016, the members of the Working Group for implementation of the Unified Backlog Reduction Plan conducted a research on the number of concluded MoUs between courts and other institutions and organizations, as well as on their implementation. The research has shown the following:

- MoUs have been concluded only by the first-instance courts: Basic, Higher, Commercial and Misdemeanor.
- Subsequently to the initial period upon the adoption of the Unified Backlog Reduction Plan in 2013, very few courts (especially among those established 01 January 2014), concluded any new agreement.
- Despite the lack of the formal mechanisms for cooperation, the majority of courts hold periodical meetings with the local institutions and organizations, accomplishing the same purposes this way.
- The Courts conclude MoUs most often with: the branches of „Post of Serbia“, Center for Social Work's departments, local police administration or police station, public prosecutors' offices, local Bar Associations. Additionally, courts also conclude agreements with the academic and educational institutions (high schools and universities).

- There are not many courts that concluded inter-sectoral thematic agreements – such as those on protection of minors as participants in the court proceedings, or with regard to women as victims of domestic violence.

Analysis of the results obtained is planned as one of the activities of revision of the Unified Backlog Reduction Plan.

The Amended Unified Backlog Reduction Program retains signing of memoranda of understanding with external entities as one of the individual measures for courts, particularly recommending MOUs related to the service of the court documents (first and foremost with local units of public agency “Pošta Srbije”).

1.3.6.20. Analyze and, if necessary adopt amendments to Law on Notaries and the set of accompanying laws, in accordance with EU standards, with the support of experts and based on the results of implementation. (Periodically, commencing from I quarter of 2016)

The activity is being implemented successfully.

Update, March 2017: In the reporting period, the Ministry of Justice continued to monitor and analyse **judicial statistics related to the entrusting of the implementation of inheritance proceedings** and undertaking of actions in non-contentious proceedings,

| No. of cases entrusted to notaries in 2016 | | |
|--|---|--|
| No. of cases entrusted to notaries inheritance procedure death certificates | Evaluation of assets and inventory | No. of cases entrusted to notaries for conducting inheritance procedure |
| 20.713 | 501 | 13.900 |

Regarding the transfer of non-judicial non-contentious cases to notaries a trend of increased transferral of cases was noted in the last two quarters of 2016, when the number of death certificates was four times the number in the first half of the year, and the number of cases entrusted to notaries for conducting inheritance procedure was seven times the number in the first half of the year.

Basic courts in Novi Sad, Leskovac and Cacak have entrusted the highest number of cases, while the second Primary Court in Belgrade in the second half of 2016 also entrusted a significant number of cases. However, 10 courts in 2016 did not entrust cases to notaries are not trusted with the implementation of the inheritance proceedings nor inventory and evaluation of assets.

Pursuant to the provisions of Article 29 Para. 2 and 3 of the Law on Verification of Signatures, Manuscripts and Transcripts ("Official Gazette of RS", Nos. 93/14 and 22/15), in the cities or municipalities for which notaries have not been appointed by the date of entry into force of this Law, signatures, manuscripts and transcripts may be verified, as entrusted tasks, by the basic courts i.e. municipal administrations, until 1 March 2017 at the latest. In the cities or municipalities for which notaries have not been appointed, until the appointment of the notaries, the signatures, manuscripts and transcripts shall be verified, as entrusted tasks, by the basic courts, court units, as well as the registration offices of the basic courts and the municipal administration, in accordance with Article 13 Paragraphs 4 and 5 of the Law on the Seats and Territorial Jurisdictions of Courts and Public Prosecutors Offices ("Official Gazette of RS", No. 101/13), until appointment of a notary.

Therefore, from March 2nd onwards, most courts have been liberated from the duty to provide certification services, and may allocate employees who performed these tasks to new duties.

In order to ensure the smooth transferral of competences to notaries and to inform citizens, a notice was published on the website of the Ministry of Justice, with an overview of the competent authorities for verification of documents and signatures in different territories of Serbia: <http://www.mpravde.gov.rs/vest/15008/izmene-u-overi-potpisa-rukopisa-i-prepisa-od-1-marta-2017-godine.php>, <http://www.mpravde.gov.rs/obavestenje/15027/obavestenje-gradjanima-sa-pregledom-nadleznog-organa-za-overu-isprava-i-potpisa.php>

A table that lists the municipalities or cities in which notaries have not yet been appointed, along with information on the basic courts, court units, receiving offices or local municipalities that continue to carry out verification of documents and signatures, has been prepared and published, including a list of cities or municipalities in which notaries have been appointed. There are currently 77 such institutions, of which 12 are courts. The Ministry of Justice will promptly inform the public of any new appointment of a notary.

In order not to burden citizens with additional fees having in mind the aforesaid transfer, the Minister of Justice enacted on March 2, 2017 amendments to the Notary Tariff („Official Gazette of RS”, 17/2017), as agreed with the Chamber of Notaries. The amendments provide exemptions from payment of rewards for the verification of signatures and photocopies and reduction of fees for the certification of transcripts and photocopies. Namely, the notary fee for the verification of signatures and photocopies will from now on not be paid for the following acts:

- a) used to receive state social insurance, social protection, protection of war veterans and civil war invalids, protection of the rights in accordance with the regulations governing financial support for families with children, as well as acts initiated in the process of exercising rights of victims of domestic violence;
- b) relating to enrolling of children in preschools, institutions of primary and secondary education, and for the first enrolment in higher education institutions;
- c) any act used by an unemployed person for employment and the exercise of rights on this basis.

Refugees and displaced persons from the territory of the former Yugoslavia and displaced persons from the territory APKM, on the basis of appropriate documents proving their status, within six months from the issuance, pay the amount of fee for the certification of photocopies, reduced by 70% of the fee.

The Minister of Justice has also enacted amendments to the Bylaw on Notary Office and Working Hours of Notaries (“Official Gazette of RS”, 31/2012, 87/2014, 15/2017), as agreed with the Chamber of Notaries, allowing for the possibility of the working hours of notaries to be extended to 19 h (7 pm) for verification of signatures, copies and photocopies, without additional charges. The usual working hours of notaries are 9 am – 5 pm (bylaw is available in Serbian: <http://beleznik.org/images/pdf/zakon/pravilnik-o-jb-kancelariji-i-radnom-vremenu-jb-2017.pdf>).

The Ministry of Justice has actively participated in drafting of amendments to the Law on State Survey and Cadastre, in order to enhance the service delivered by notaries as well as their interaction with the Real Estate Cadastre, in accordance with European standards. Four meetings/round tables have been organised and official opinions were sent twice.

Update, December 2016: Minister of Justice at the beginning of December enacted a detailed opinion with the accompanying forms and instructions for handling by diplomatic and consular missions concerning the disputed competences for drafting powers of attorney in both of the relevant forms (notary record and solemnization), the consent of third parties (in both forms) and hereditary statements, and all pursuant to the Vienna Convention on consular relations ("Official Gazette of the SFRY - International Treaties and other agreements, No. 5/66) and the Law on Foreign Affairs.

The working group for the introduction of interventions in the contents of the Price Register is currently being formed, which will include representatives of the Ministry of Justice, in order that the application of the Republic Geodetic Authority is made more versatile and easier to use by the notary.

The Ministry of Justice has issued several opinions on the public tariffs and with respect to interpretation of the law.

Representatives of the Department of Judicial Professions of the Ministry of Justice on 26 October 2016 participated in the conference and presentation of the World Bank report "Doing Business 2017 - STRENGTHENING THE COMPETITIVENESS OF SERBIN" as a panelist and moderator at which they discussed ways to improve the position of the Republic of Serbia in the areas of "the transfer of ownership rights" and "Enforcing contracts".

The Law on Amendments and Supplements to the Law on Notary System (“Official Gazette of RS” no. 106/2015) has been adopted on 18 December 2015, and is applicable from 29 December 2015. The amendments address technical problems in the practical application of the law, which needed to be rectified in order to ensure its effective and uniform application as well as improve

oversight and monitoring over the work of notaries by the Ministry of Justice and the Chamber along with the provisions on disciplinary proceedings and disciplinary bodies.

Important legislative amendments were also enacted on 21 January 2015, amending provisions of the Law on Notarial System, as well as the set of accompanying laws – Law on Non-Contentious Procedure, Law on Real Estate Transfer, Family Law and Inheritance Law. Amendments from 18 December 2015 (“Official Gazette of RS” no. 106/2015) do not interfere in any way in the competences of notaries but include the following:

- Simplification of the procedure for appointment of notary trainees, introduction of a new category of notary associate, making more precise what different categories of individuals working in notary offices are authorized to perform.
- The official territory of the notary encompasses the territory of the basic court in which the official seat of the notary is located; a court may entrust the performance of tasks only to such notaries whose official seats are located in its territory. The court may entrust a notary with conducting of proceedings, or undertaking actions in non-contentious proceedings under the conditions laid out in the law governing these proceedings. The court may not entrust a notary with tasks that, under the law governing civil proceedings, fall within the jurisdiction of the court, with the exception of securing the evidence and the service of documents. The court may not entrust a notary with tasks that, under the provisions of the law governing enforcement and security proceedings, fall within the jurisdiction of the court. The court may not entrust a notary with tasks that fall under the jurisdiction of another state authority under the law governing jurisdiction and proceedings before said authority. The amendments also introduce provisions on the costs of these proceedings, allowing them to be conducted from 2016.

The Law amending the modifying the Law on Public Notaries prevented stalling of the proceedings in certain segments of public notaries work, providing thereby the faster and more efficient fulfillment of the clients’ rights.

Some of the provisions of the valid law were exempted, due to the lack of prospects of carrying out these provisions in future (as in case of the provision envisaging drafting of certain acts in the form of the public notary minutes, etc).

This law improved the normative framework necessary for establishing the efficient and sustainable public notaries’ system.

In order to implement this law it was necessary to provide means in the budget of the Republic of Serbia, so as to pay the fees to the members of the exam and disciplinary board. Financial means for the members on the both boards are envisaged by the budget of the Ministry of Justice as the part of financial means intended for board members fees.

By the day of entering into force of this law the Article 30a of the Law on the out-of-court proceedings (“Official Gazette of the Republic of Serbia”, No. 25/82 and 48/88 and "Official

Gazette of the Republic of Serbia", No. 46/95 – other law, 18/05 – other law, 85/12, 45/13 – other law, 55/14 and 6/15).

For the purpose of application of provisions of the competences of notaries to act as a trustee of the court, the Ministry of Justice, Supreme Court of Cassation and High Judicial Council have enacted on 13 May 2016 “Instructions for the Implementation of Provisions of Arts. 30a and 110a of the Law on Non-Contentious Procedure and Art. 98 of the Law on Notary System”, enabling the extension of notary competences to inheritance proceedings, thereby alleviating courts of this non-contentious judicial workload.

The Ministry of Justice carefully monitored and analyzed judicial statistics related to the entrusting of the implementation of inheritance proceedings and undertaking of actions in non-contentious proceedings, given that the Law on Non-Contentious Procedure provides that the court shall decide on the appropriateness of entrusting to the notary to carry out certain procedures and to undertake certain procedural actions from the court’s jurisdiction. Certain courts, such as the Basic Court in Novi Sad, have been receptive and eagerly entrusted notaries with new tasks, while others still show reserves towards these provisions, stating that they will begin applying them from the third quarter 2016.

Bearing in mind that in accordance with Article 29 Paragraph 2 of the Law on Verification of Signatures, Manuscripts and Transcripts ("Official Gazette of RS", no. 93/2014, 22/2015) basic courts, and municipal governments are to retain the delegated competence for verifying signatures, manuscripts and transcripts until 1 March 2017, the Ministry of Justice in the reporting period collected relevant data to assess the situation and take appropriate action, i.e. in view of preparation of amendments to legislation which is planned for no later than the first quarter of 2017.

1.3.6.21. Drawing up and adopting remaining by-laws and Chamber regulations envisaged in Law on Notaries such as:

- the Code of Professional Ethics,
- bylaws on monitoring and control by the Ministry of Justice,
- training programs. (II quarter of 2016.)

The activity has been implemented successfully.

Update, March 2017: The Executive Board of the Notary Chamber of Serbia drafted a proposal for a training program for notaries, which will be adopted once the Ministry of Justice of the Republic of Serbia issues its positive opinion. A comparative law analysis and the drafting of a by-law that will regulate in greater detail the supervision of notaries by the Notary Chamber are also underway. The training program for notaries and the by-law on supervision and control are expected to be adopted by the end of the second quarter of 2017.

Update, December 2016: The Executive Board of the Notary Chamber of Serbia has drafted the proposed Programme of Training of Notaries, which will be adopted after obtaining the opinion from the Ministry of Justice of the Republic of Serbia, and the comparative law analysis and drafting of the proposed bylaw, which would in detail regulate the oversight over the work of notaries by the Notary Chamber, are also under way.

The adoption of the Programme of Training of Notaries and the Bylaw on Oversight and Control is expected in the first quarter of 2017.

Earlier activities: The Law on Amendments and Supplements to the Law on the Notary System specifies in more detail the competences of the Ministry of Justice and Notary Chamber regarding monitoring and oversight and amends rules on disciplinary proceedings. Therefore, the need and purpose for adoption of secondary legislation has been consumed by the law amendments.

Based on an analysis of the application of the Notarial Tariff, conducted by the Notary Chamber of Serbia, **amendments to the Notary Tariff** have been enacted by the Minister of Justice (“Official Gazette of RS”, 12/2016) on 12 February 2016 and have entered into force on 20 February 2016. Many of the changes follow the amendments of the law, rationalising the costs of proceedings before notaries, for the purpose of increasing legal certainty (for example, it is now provided that a solemnisation of a preliminary contract costs 50% of the price of the main contract, and, if concluded before the same notary, this price paid is calculated into the price of the main contract). Upon obtaining the opinion of the Notary Chamber, the Minister of Justice has also established the **Tariff for Notaries as Court Commissioners in Inheritance Proceedings** (“Official Gazette of RS”, no. 12/2016), also effective as of 20 February 2016. These legislative amendments enable the smooth transition of competences in conducting inheritance proceedings from courts to notaries, respecting that no additional burden is thereby created for parties involved.

The latest amendments to the Law on Notary System from 18 December 2015 have improved the provisions on monitoring and control by the Ministry of Justice and the Notary Chamber, and have made the competences more precise. Therefore, the law does not now provide for the adoption of special rulebook on monitoring. The **Rulebook on the Composition, Method of Work and Decision-Making of the Commission of the Ministry of Justice Which Decides on Appeals against decisions of the Disciplinary Committee of the Notary Chamber** has been adopted (“Official Gazette of RS”, No. 16 of 26 February 2016). On the basis of this bylaws, the Commission of the Ministry has three members - a notary, an employee of the Ministry of Justice and prominent lawyers with at least ten years of experience in the legal profession. The President and members of the Commission have been appointed by the Minister of Justice.

A proposal for the **Code of Professional Ethics of Notaries** has been made and its adoption is expected to take place towards the end of the II Quarter of 2016, at the Second Regular Session of

the Chamber Assembly, which is scheduled for 26 June 2016. The Executive Committee of the Notary Chamber adopted a decision in the III Quarter of 2015, under which the **commissions for the control and supervision of notaries** have been established, and the **Supervision and Control Plan** as well as the **form of the Supervision Record were enacted**. The proposal for the Program of Training for Notaries was drafted and sent for comments. The adoption of this document is expected to take place towards the end of the II / during III Quarter of 2016.

1.3.6.22. Conducting of notary state exam and appointment of additional number of notaries, in accordance with the Law on the Notariat and rulebook on the number of notaries' positions and the official seats of notaries. (Continuously, commencing from III quarter of 2015)

The activity is being implemented successfully.

Update, March 2017: On March 17, 2017, **152 notaries** were working in the territory of the Republic of Serbia, while **21 notary assistants and 273 interns** were engaged by notaries and recorded in the relevant directories. Therefore, a total of **446 persons are authorized to perform verification of signatures, manuscripts and transcripts**. No person is engaged in the notary office as a notary associate. Notary offices currently have a **total of 631 employees**.

In the reporting period, decisions were made on entering **83 notary interns** in the Directory kept by the Chamber.

Eight notary assistants have been appointed by the Ministry of Justice for the territory of the First Basic Court in Belgrade-city municipalities Palilula and Zvezdara, the Second Basic Court in Belgrade- city municipality Vozdovac, the Third Basic Court in Belgrade - city municipality Zemun and Surčin as well as the territory of the Basic Court in Valjevo and the Basic Court in Pozarevac.

The decision on determining the open competition for the appointment of notaries for the territory of Basic Courts in Bor, Brus, Veliko Gradiste, Dimitrovgrad, Knjazevac, Petrovac na Mlavi, Priboj, Raska, Trstenik, Mionica, Bujanovac, Zrenjanin, Novi Sad and Šid was passed. The decision on determining the open competition for the appointment of notary assistants for the territory of the Basic Court in Uzice and Novi Sad, as well as the decision on the determining of the open competition for the appointment of a public notary for the territory of the Basic Court in Krusevac was also passed. Therefore, the Notary Chamber of Serbia issued two public calls for the appointment of notaries, in accordance with the Ministry of Justice decisions, as well as two public calls for the appointment of notary assistants. The procedures in relation to the public calls are underway.

The public call for the appointment of 16 notaries in the territories of 15 basic courts was published in the Official Gazette of the RS No. 011-2017 on February 17, 2017, while the public call for the appointment of one notary in the territory of the Basic Court in Kruševac was published in the

Official Gazette of the RS No. 021-2017 on March 10, 2017 and was still open at the time when this report was made.

In the regular December examination, **nine candidates** passed the notary examination in its entirety. Preparations for organizing the implementation of the March regular notary exam period are currently underway.

Update December 2016: On **7 December 2016, 152 notaries** were engaged in the activity in the territory of the Republic of Serbia, and 18 notary assistants were registered in the Directory of Notary Assistants, which is kept by the Executive Board of the Chamber.

After the competition published in the “Official Gazette of RS ”, no. 64/2016 of 22/07/2016, **five notaries have been appointed**, in the territory of the Basic Court in Uzice, Arandelovac, Despotovac, Vranje and the Third Basic Court in Belgrade. Four of these notaries started being engaged in the notary activity in the reporting period.

After the competition published in the “Official Gazette of RS ”, no. 62/2016 of 13/07/2016, **four deputy notaries have been appointed** for the area of Second and Third Basic Court in Belgrade. In the reporting period, decisions were issued on the **registration of 9 notary interns** in the Directory, which is kept by the Chamber.

A decision on the dismissal of a notary was passed in the reporting period.

In the regular October examination, eight candidates passed the examination in its entirety. Preparations for organizing the implementation of the December regular exam period are currently underway.

The total number of candidates who have passed the notary exam is 329.

On 16 September 2016, 149 notaries perform notarial activities on the territory of the Republic of Serbia.

The procedure for the appointment of notaries is currently being conducted pursuant to the competition published in “Official Gazette of RS”, no. 64/2016 of 22/07/201. for the territory of the Basic Court in Užice, the Basic Court in Arandelovac, Despotovac Municipal Court, the Basic Court in Vranje and the Third Basic Court in Belgrade.

The procedure for the appointment of notarial assistants pursuant to the competition published in “Official Gazette of RS”, no. 62/2016 of 13/07/2016 for the area of the First, Second and Third Basic Court in Belgrade.

Decisions on the termination of activities have been made, upon personal request of two notaries. In the June examination, two candidates passed the examination in its entirety (out of the three candidates who sat the exam). Preparations for organizing the implementation of the October regular exam period are currently underway, which, inter alia, include the preparation of new material for the exam, harmonized with current legal regulations.

The total number of candidates who have passed the notary exam is 321.

The list of notaries and their contact data, together with an interactive map, are available at the Internet presentation of the Notary Chamber, <http://beleznik.org/index.php/sr/pronadi-svog-javnog-beleznika/spisak-javnih-beleznika-i-kontakti>, and are updated in accordance with the latest appointments. On the website of the Ministry of Justice <http://www.mpravde.gov.rs/sekcija/6904/sve-o-javnim-beleznicima.php>, a list of all notary offices is available, as well as information about notary activities.

1.3.6.23. Strengthening the capacity of the Ministry of Justice department in charge of supervision of notary system. (Continuously, commencing from III quarter of 2015)

The activity is being implemented successfully.

Update, March 2017: With respect to supervision and oversight, **twelve on-field visits** were performed with the aim of verification of compliance with the conditions in terms of premises and equipment of notaries' offices.

One case on a request for access to information of public importance was treated.

Complaints, petitions and letters from government agencies and organizations and citizens were addressed in **eleven cases**; in addition to complaints in written and in electronic form, verbal complaints over the phone were addressed.

During the reporting period, the **Commission of the Ministry of Justice** which decides on appeals against decisions of the Disciplinary Commission of the Chamber of Notaries has brought decisions in **2 disciplinary cases** (cases on appeals against decisions of the Disciplinary Commission of the Chamber of Notaries, both appeals were denied).

Representatives of the Department of Judicial Professions of the Ministry of Justice on 28 February 2017 participated in the course "**Electronic conduct of the notary public book- Joint alphabetical directory**".

MoJ employees also participated in the **Regional Conference "Empowering Women through Access to land"** jointly organized by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, in framework of the project Open Regional Fund for South East Europe – Legal Reform (ORF LR) and the UN FAO in cooperation with the International Union of Notaries. The conference was held 9 -10 March 2017 in Tirana, Albania.

During 2016, the **Commission of the Ministry of Justice which decides on appeals against decisions of the Disciplinary Commission of the Chamber of Notaries brought decisions in seven disciplinary cases** (cases on appeals against decisions of the Disciplinary Commission of the Chamber of Notaries). Of those, five appeals were denied, two were partially adopted and the first instance decisions were revised (and in both cases due to the wrongful application of the law in the first instance decision). **17 requests for the establishment of disciplinary responsibility**

of notaries were submitted, mostly because of breach of professional ethics and professional inadequacy (Ministry of Justice submitted 5 requests and Chamber of Notaries submitted 12 requests). **Eight monetary fines, one permanent ban to practice the notary profession, one temporary ban, two temporary measures of suspension, one written warning and one written reprimand were sentenced.** One disciplinary proceeding was suspended and two requests for the establishment of disciplinary responsibility of notaries were denied. With respect to supervision and oversight, **36 on-field visits were performed** with the aim of verification of compliance with the conditions in terms of premises and equipment of notaries' office. **Four on-field supervision visits** over the work of notaries related to billing and collection of fees and notary awards for their work and supervision of the management and the keeping the records concerning the operations were also performed.

Update, December 2016: During the reporting period, **inspection** was performed in order to verify compliance with the conditions in terms of premises and equipment of notary offices **in five notary offices** due to registering a change of address of the office. **Supervision** was performed regarding the calculation and payment of remuneration and notary fees as well as over the operations and keeping of records concerning the operations performed by a notary **in four notary offices**, on the territories of Kraljevo and Belgrade. Also, technical acceptance of the offices of the new notaries appointed for Užice, Arandelovac, Despotovac, Vranje and Belgrade was performed. Complaints, petitions and letters from government agencies and organizations and citizens were addressed **in 20 cases**; in addition to complaints in written and in electronic form, verbal complaints over the phone were addressed.

A request was filed for the establishment of disciplinary responsibility of a notary appointed for the territory of the Basic Court in Novi Becej.

The **Commission of the Ministry of Justice held a session to decide on appeals** against decisions of the Disciplinary Committee of the Notary Chamber, in one disciplinary case.

Based on the cooperation between the Notary Chamber of Serbia and the OSCE Mission to Serbia, with the support from the Judicial Academy, on 27 and 28 October 2016, the training of future trainers of notaries was provided, which was attended also by MoJ employees who perform oversight of the notaries.

Earlier activities: During the first and second Q of 2016 Employees of the Ministry of Justice continued to attend seminars for notaries in order to become familiar with notary activity and the problems notaries encounter.

With the support of the **RoLE Project**, on **10-11 February 2016** employees of the **Ministry of Justice** participated in a **workshop with representatives of the ministries of justice of Macedonia and Montenegro** in order to exchange experiences and to improve the administrative capacity of the Department of the Judicial Professions.

During the reporting period, the Ministry of Justice in cooperation with the Notary Chamber of Serbia actively exercised the powers specified in the new legal framework:

- 29 on-field monitoring with the aim of verification of compliance with the conditions in terms of premises and equipment of notaries' offices was performed;
- 3 on-field monitoring over the work of notaries in terms of billing and collection fees and notary awards for their work and supervision of the management and the keeping the records concerning the operations performed by the notary;
- 35 complaints, petitions and letters from government agencies and organizations and citizens were answered, as well as written complaints and in electronic form, and oral complaints by telephone;
- 3 requests for determination of disciplinary responsibility of notaries were submitted; The MoJ Commission which decides on appeals a has made decisions in three disciplinary cases.

During the 3rd Q of 2016 the head of the Department for Judicial Professions has been appointed. Inspection was performed in order to verify compliance with the conditions in terms of premises and equipment of notary offices in five notary offices in Belgrade, Bujanovac, Valjevo, Vranje and Požarevac due to registering a change of address of the office. Supervision was performed regarding the calculation and payment of remuneration and notary fees as well as over the operations and keeping of records concerning the operations performed by a notary in one notary office in Novi Bečej.

- Complaints, petitions and letters from government agencies and organizations and citizens were addressed in 23 cases; in addition to complaints in written and in electronic form, verbal complaints over the phone were addressed.

1.3.6.24. Promotion of notary system (Continuously)

The activity is being implemented successfully.

Update, March 2017: In the reporting period, the Notary Chamber of Serbia applied for admission in the Council of the Notariats of the European Union (CNUE) in the capacity of a member-observer. The adoption of a decision on admission in connection with the application is expected.

In the first quarter of 2017, the continuation of cooperation was agreed with the European Law Students' Association (ELSA), for the purpose of ensuring professional practice for law school students in the final years at notary offices in Belgrade, Niš and Novi Sad. The professional practice will be held during the second and third quarters of 2017.

In view of the fact that the Notary Chamber of Serbia became a full-fledged member of the International Union of Notaries (UINL) at its 28th Congress on October 19, 2016, a representative

of the Notary Chamber of Serbia, as an elected delegate to the UINL European Affairs Commission (CAE), will take part in the CAE plenary meeting, which will be held in Budapest on March 24-25, 2017.

Update, December 2016: On 19 October 2016, the Notary Chamber of Serbia, at the 28th Congress of the International Union of Notaries, as its 87 member, was admitted as a full member of this international organization, which was founded in Buenos Aires in 1948, and the main objectives of which are to promote, coordinate, and develop the affairs and activities of notaries across the world, as well as to secure the reputation and independence of notaries, and cooperation between notary chambers. The Ministry of Justice actively participated in the admission process to the UINL, and the Minister of Justice was called to deliver a speech at the Congress.

On 4 November 2016, the Notary Chamber of Serbia and the Supreme Court of Cassation, with the support from the OSCE Mission to Serbia, organized the first joint Conference on the topic “Entrusted transactions, disputable issues in the notary profession, and judicial practice to date”. Around 130 people participated in the work of the Conference, which was opened by the Minister of Justice, among them being the representatives of the Ministry of Justice of the RS, the representatives of the Supreme Court of Cassation, the representatives of the basic, high, and appellate courts, notaries, as well as the representatives of the Notary Chamber of the FR of Germany. The Conference was divided into three thematic units: Disputable issues, judicial practice, the need to standardize the judicial and notary practices, solutions from the comparative law, and the form of legal transactions in real estate transactions.

Upon the invitation from the International Union of Notaries (UINL), a representative of the Notary Chamber of Serbia attended VI plenary meeting of the European Affairs Commission (CAE) of the International Union of Notaries, which was held in Barcelona on 18 and 19 November 2016, and which Commission, as a continental commission of the International Union of Notaries, has the following objectives: provision of assistance to the European notary chambers for the purpose of strengthening of the organization and improvement of professional practice; promotion of the initial and continuous training of notaries, particularly through the mediation of notary academies or other similar institutes for training; discussion on concrete problems of notary chambers the members of the Commission, as well as cooperation with the Council of the Notariats of the European Union (CNUE).

The Notary Chamber of Serbia organized the first Days of Consultative Meetings of Notaries, which were held in Niš on 26 and 27 November 2016. The Days of Consultative Meetings of Notaries were attended by the representatives of the Ministry of Justice of the RS and over 120 notaries, notary assistants, notary interns, and those employed in notary offices. The essential topics of the Consultative Meetings were: Entrusted transactions – compilation of death certificates and conducting of probate proceedings and the Deliberations about disputable issues that have appeared in the notary practice.

Earlier activities: On 15 June 2015 the visit of the President of the Council notarial EU to the Ministry of Justice and the Notary Chamber of Serbia was organized in order to assist in gaining observer status in the CNUE, as well as with the aim of membership in the International Union of Notaries – UINL. In the period 15-19.11.2015. the inspection visit of the Commission for International Cooperation UINL was organized. Both visits received media coverage and were evaluated as successful.

The Notary Chamber of Serbia organized a Regional Conference of Notaries held on 12 October 2015 in Belgrade to mark the first anniversary of their work and with the aim of exchanging knowledge and experience in monitoring and control of notaries, with special emphasis on the supervision of notaries by the Ministry of Justice, the court and Notary Chamber. Meetings with regional, European and international notarial organizations have been organized, receiving media coverage.

In order for the Notary Chamber of Serbia to become a member of the International Union of Notaries (UINL), **inspection visits of the UINL International Notarial Co-operation Commission** were organized in the period between November 15-19, 2015 and January 17-20, 2016, and they received media coverage.

Representatives of the Chamber held a lecture on the notariat at the Belgrade Conference of Jurists, which was organized by students of the Belgrade University School of Law between April 15 and 17, 2016.

For the purpose of application of provisions of the competences of notaries to act as a trustee of the court, the Ministry of Justice, Supreme Court of Cassation and High Judicial Council organised a conference on 13 May 2016 during which the “**Instructions for the Implementation of Provisions of Arts. 30a and 110a of the Law on Non-Contentious Procedure and Art. 98 of the Law on Notary System**” were presented.

Representatives of the MoJ and Notary Chamber attended the 28. Conference of Civil Law Notaries in Salzburg, Austria on 21-22 April 2016 (“**not@r 4.0: The Digital Agenda of the Notariat**”) and subsequently reported on the findings: <http://www.mpravde.gov.rs/obavestenje/12641/predstavnici-ministarstva-pravde-i-javnobeleznicke-komore-srbije-ucestvovali-na-28-konferenciji-evropskih-javnih-beleznika.php>.

Notary tariff information is accessible on the website of the MoJ: <http://www.mpravde.gov.rs/tekst/12041/javnobeleznicka-tarifa.php>. At the invitation of the International Union of Notaries and the Notary Chamber of Montenegro, representatives of the Notary Chamber attended a session of the UINL Commission for European Affairs (CAE), which was held in Podgorica on April 22-23, 2016. The session was attended by more than 70 Commission members from nearly all European countries, and, in addition to regular reporting to the delegates, an academic session was held on the international notary cooperation, validity of

notary documents abroad, and the advantages of the direct electronic registration of real estate rights in the cadastre on the basis of notary documents.

At the invitation of the International Union of Notaries, representatives of the Notary Chamber of Serbia and the Ministry of Justice participated in the 5th World Notariat University, i.e. seminar for young notaries (below 35 years of age), notary assistants, notary candidates, and supporters of the development of the notary system, which was held in Rome between July 24 and 31, 2016. Representatives of the European notariat participated in the seminar, along with notary assistants who represented chambers from Latin America (Brazil, Argentina), Mauritius and Senegal. The seminar was attended by 68 participants from 28 states, there were 21 speakers from 10 states, and 13 topics were covered in six workshops and seven joint conferences. The representatives of Serbia presented the Serbian notariat and legislation.

In the reporting period, the Ministry of Justice participated in the drafting of news regarding notaries and inheritance proceedings (http://www.b92.net/info/vesti/index.php?yyyy=2016&mm=09&dd=11&nav_category=12&nav_id=1175549) and cooperated with the Serbian Notary Chamber in organizing Notary Offices' Open House Days, to be held on the occasion of the second anniversary of the introduction of the notariat in the Republic of Serbia. This promotional activity is expected to take place towards the end of the III quarter.

1.3.6.25. Further implementation of trainings for notaries. (Continuously)

Activity is being implemented successfully.

Update, March 2017: The Notary Chamber of Serbia continuously implements initial trainings for newly appointed notaries, before the commencement of their activities, with the participation of the notary members of the Expert Council of the Notary Chamber of Serbia, and also, through its representative, participates in the work of the Program Council of the Judicial Academy.

Before they commence with professional activities, notaries also attend a mandatory training on the operation of the Central Information System.

Update, December 2016: The Notary Chamber of Serbia continuously provides initial training courses for the appointed notaries, before they start being engaged in the activity, with the participation of the members of the Expert Council of the Notary Chamber of Serbia from the ranks of notaries. On 14 October 2016, the training for 5 (five) newly appointed notaries was provided on the topic „A notary as a commissioner of a court in probate proceedings“.

Based on the cooperation between the Notary Chamber of Serbia and the OSCE Mission to Serbia, with the support from the Judicial Academy, on 27 and 28 October 2016, the training of future

trainers of notaries was provided. The participants in the training, in addition to notaries, were also the representatives of the Ministry of Justice and of the Business Registers Agency.

Prior to the commencement of engaging in their activity, notaries also attend the mandatory training for the work in the Central IT System. Related to this, the Notary Chamber of Serbia, with the technical support from the Ministry of Justice, on 1 November 2016, organized the training for 5 (five) newly appointed notaries in the use of the equipment for remote access to the communications network of courts (tokens) required for access to the application including the register of contracts on sale/purchase of real estate.

The Notary Chamber of Serbia, with the support from the OSCE Mission to Serbia, in the period from 30 November to 2 December 2016, organized training courses for notaries, notary assistants, and notary interns on the topic „A notary as a commissioner of a court in a probate proceeding“, which training courses were attended by a total of around 230 trainees from notary offices, which is actually the largest number of trainees of a training course organized by the Notary Chamber of Serbia up to now.

Earlier activities: The Judicial Academy signed with the Chamber of Public Notaries the Memorandum of Cooperation and supported the forming and functioning of the working group (members are the Law School of the University of Belgrade, the public notaries , the judges of the Supreme Court of Cassation) for the respective curriculum development.

On 23-24 June 2015 training was held in cooperation with the High Council of Notaries of France. In the framework of cooperation with the High Council of Notaries of France, representatives of the Serbian Notary Chamber organized on 27 and 28 July 2015 a study visit to the notary institutions in Paris. The visit was organized to enhance the professional capacity of the Serbian Notary Chamber in the field of supervision and monitoring over the work of notaries, as well as improving the cooperation between French and Serbian notaries.

In cooperation with the Judicial Academy, the Notary Chamber of Serbia in the reporting period implemented the mandatory theoretical and practical training of notaries on the topic: Notaries as Court Commissioners in Inheritance Proceedings, with the participation of professors from the Belgrade University School of Law and non-contentious judges.

In cooperation with the High Council of Notaries of France, a training course for notaries was held on March 25, 2016 on the following topic: the Introduction of the Electronic Signature and the Electronic Access to Registers.

The Notary Chamber of Serbia implements continuous theoretical and practical training of appointed notaries that takes place before they start performing their duties, with the participation of lecturers who are members of the Professional Council of the Notary Chamber of Serbia and experts from the region. Before starting to perform their activities, notaries also attend obligatory training on the Central IT System of Real Estate Transactions.

In accordance with the transfer of competencies within the area of non-contested claims, the Judicial Academy has been organizing training for public notaries in this field in cooperation with the Chamber of Public Notaries. It has been delivered 12 seminars as of the first quarter of 2016. During the education all public notaries in Serbia were encompassed. The Judicial Academy Program Council has been enlarged by additional members – representatives of public notaries.

1.3.6.26. Adoption of program for training of mediators and its implementation. (Continuously, commencing from III quarter of 2015.)

The activity is being implemented successfully.

Update, March 2017: In the period from 12.12.2016 until 03.10.2017 basic training was conducted **5 times** (including twice in 2017), by **4 organizations**, whereby a total of 67 persons (31 in 2017) in this period completed this training. The PUBLIC COMPANY "OFFICIAL GAZETTE" conducted specialised training “resolution of collective and individual labor disputes” on 25.11.2016. (9 participants) and the Chamber of Commerce conducted training on Consensual financial restructuring on 12.12.2016. (13 participants) and 14.12.2016. (21 participants).

To date, licenses to conduct training for mediators have been issued to **nine organizations**. However, only **six organisations have performed training during 2016**. Information on the organizations which have been granted permission to conduct training for mediators is publicly available on: <http://www.mpravde.gov.rs/registar.php?id=9572>.

The Judicial Academy is performing an updating of its program for mediators’ training.

| Trainings conducted during 2016 | Number of issued certificates |
|--|--------------------------------------|
| “JP Službeni glasnik“ PUBLIC COMPANY "OFFICIAL GAZETTE” | 39 |
| Basic training | 21 |
| Specialized training for mediators in resolving individual and collective labor disputes | 18 |
| “Partneri za demokratske promene Srbija“ PARTNERS FOR DEMOCRATIC CHANGE SERBIA | 290 |
| Basic training | 246 |
| Specialized training - family mediation | 14 |
| Specialized training of mediators - abuse at work (mobbing) | 30 |
| “Fakultet političkih nauka“ FACULTY OF POLITICAL SCIENCE - UNIVERSITY OF BELGRADE | 17 |
| Basic training | 17 |

| | |
|--|------------|
| “Centar za konstruktivno rešavanje sukoba Srbije“ CENTER FOR CONSTRUCTIVE CONFLICT SETTLEMENT OF SERBIA | 137 |
| Basic training | 74 |
| Specialized training - economy | 43 |
| Specialized training - the settlement of consumer disputes in tourism | 20 |
| “Privredna komora Srbije, Beograd” CHAMBER OF COMMERCE | 34 |
| Specialized training for mediators: consensual financial restructuring (advanced level) | 13 |
| Specialized training for mediators: consensual financial restructuring | 21 |
| “Nacionalno udruženje merijatora“ NATIONAL ASSOCIATION OF SERBIAN MEDIATORS | 85 |
| Specialized training - case management in mediation | 33 |
| Specialized training - advanced mediation skills | 52 |
| IN TOTAL | 602 |

In the period from October to December 2016, Partners for Democratic Change Serbia (Partners Serbia), in cooperation with the Serbia National Association of Mediators (NUMS) conducted 2 Basic Training for Mediators, one from October 5th to 9th, 2016, and the other from November 30th December 4th, 2016, with a total of 49 participants trained.

On November 29th, 2016 NUMS organized a public debate in Novi Sad, on the topic "**Mediation in Serbia - Efficient and Humane Resolution of Disputes**", during which 16 mediators obtained 6 hours of training in advanced negotiation skills. The list of participants who have completed this training was delivered to the Ministry of Justice on December 6th, 2016.

The Centre for Constructive Conflict Resolution Serbia conducted a specialized training in the field of mediation in commercial disputes (10.16.2016, with 21 participants).

From 23 to 25 November 2016, within the project "Mediation in commercial disputes" a training was held for future trainers for mediators, during which 12 participants were trained from the Serbian Chamber of Commerce and the Judicial Academy. Trainers in this training were experts Leonardo D'Urso (Italy) and Constantin-Adi Gavrilă (Romania).

The Ministry of Justice has found that organizations that have received licenses to conduct training are not submit timely relevant information as well as records of participants and it has taken appropriate measures to improve their work and cooperation in this field.

At the end of October the Academy organized a conference related to launching of the project "Commercial mediation in Serbia". At the conference were presented schedule of activities and some of the topics which will be covered by the project (decrease of court fees, additional professional advancement of mediators, as well as proposals for amendments of the Law on

mediation). The target group was composed of judges and prosecutors, lawyers, representatives of the Chamber of Commerce. In November was organized training of trainers. Future trainers will give lectures based on basic training program for mediators.

Earlier activities: The law envisages establishing an effective system of training for mediators. The Bylaw on the Program of Basic Training for Mediators ("Official Gazette of RS", No. 146/2014), Bylaw on the Template of the Certificate for Completed Basic and Specialised Training of Mediators ("Official Gazette of RS", No. 11/2015) and Bylaw on Detailed Conditions and Procedure for Issuing Permits for the Implementation of Basic and Specialized Training of Mediators and Supervision of the Implementation of Training ("Official Gazette of RS", No. 13/2015) have been enacted in 2015.

Licenses to conduct training for mediators have been issued to four organisations. Information on the organizations which have been granted permission to conduct training for mediators is publicly available on <http://www.mpravde.gov.rs/registar.php?id=9572>.

Licenses to conduct training for mediators have been issued to eight organisations. Further information is publically accessible: <http://www.mpravde.gov.rs/registar.php?id=9572>. Basic and specialised training of mediators are regularly conducted.

Based on the mediation education program, accredited by the Ministry of Justice during the first quarter of 2016, round tables covering the topic are being continuously organized.

The first round table for judges of the Belgrade appellation dedicated to the new Law on mediation and settlement of disputes has been organized during May, and by the end of the year there is going to be organized three more round tables for the remained three Appellations on the same subject. Besides that, the Academy is organizing trainings for the judges on the Mediation. The first seminar was organized on June 15th 2016 with 30 participants of the Second first level Court in Belgrade. Such continuous training will be also organized during 2016.

Since the beginning of the implementation of training for mediators after the adoption of the new law, basic training was conducted a total of 18 times by the three organizations, and by 20 September 2016, 283 individuals have completed this training.

Specialized training has been held in the following areas:

- Family Mediation: once, with 14 participants;
- Settlement of collective and individual labor disputes: once, with a total of 9 participants;
- Mediation in cases of abuse at work-mobbing: three times, with a total of 77 participants;
- Mediation involving commercial disputes: once, with a total of 22 participants;
- Mediation involving consumer disputes and tourism: once, with a total of 20 participants.

In the framework of the NUMS Annual Conference, 4-hour professional development has been recognized for a total of 96 participants.

1.3.6.27. Continuous updating of Registry of Mediators and improvement of access to information on licensed mediators and accredited training institutions. (Continuously, commencing from III quarter of 2015)

The activity is being implemented successfully.

Update, March 2017: A total number of **449 mediators have been registered by March 12th, 2016**. Licences are granted on a continuous basis and the register is continuously updated.

All the registries are publicly available: <http://www.mpravde.gov.rs/registar.php?id=9572>; <http://www.mpravde.gov.rs/intermediaries.php>.

In the first quarter of 2017, the Ministry of Justice and NUMS received a large number of inquiries (by telephone and e-mail) on how to access the Registry of Mediators. Much interest was expressed on the organizations/institutions that are accredited for the implementation of Basic and Specialized Training for Mediators. All interested parties are given necessary information.

Earlier data: A novelty of the Law and MoJ bylaws which implement it is a system of licensing of mediators and keeping a register of mediators as a public central electronic database, available on the website of the Ministry, <http://www.mpravde.gov.rs/intermediaries.php>.

The Minister of Justice has published a public invitation for issuing licenses for mediation and registration in the Register of Mediators on 4 February 2015. A total number of **268 mediators have been registered in 2015**. The first licenses to mediators were issued on the 15 April 2015, while the last licenses were issued on 17 December 2015.

A total number of 392 mediators have been registered by 9 September 2016, out of which 187 are from Belgrade.

A total number of **419 mediators have been registered by 12 December 2016**.

1.3.6.28. Establishment of the Commission for the revocation of the license for mediation by the Minister of Justice and systematization of an adequate number of jobs in the Ministry of Justice to conduct professional and administrative tasks for the Commission, , as well as keep of the Register of Mediators and monitor over the implementation of the training programs. (IV quarter of 2015)

Activity is fully implemented. Commission for the revocation of the license for mediation has been established on 13 November 2015, consisting of Ljubica Milutinovic, Judge of the Supreme Court of Cassation, Blazo Nedic, mediator, Nela Kuburović, Assistant Minister of Justice.

Within the MoJ Sector of Judiciary-Department for Judicial Professions, one position is systematized and filled for conducting professional and administrative tasks related to the mediation system.

1.3.6.29. Raising public awareness of mediation and improvement of promotion of alternative dispute resolution through the activities such as:

- Publishing information on the website;
- Publication of informative brochures and public service announcements;
- Informing the media;
- Designing infographics;
- Organizing round tables and workshops (Continuously, commencing from III quarter of 2014)

The activity is being implemented successfully.

Update, March 2017: The Ministry assessed the mediators' Annual Reports for 2016 in the reporting period and performed a comprehensive assessment of existing capacities and training needs of judges, judicial staff and court presidents, to ensure adequate planning and implementation. Basic information on the current status of implementation of the mediation system was provided: <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:653399-Bilans-medijacija-Vise-vole-spor-nego-dogovor>.

In the reporting period, the Ministry held several meetings for the purpose of development of the system and undertaking concrete actions, including meetings with representatives of the Supreme Court of Cassation and the "Judicial Efficiency" project, relating to future project activities, including promotional activities, as well as five unofficial meetings of the working group for the improvement of application of mediation, divided in sub-sections.

The Ministry of Justice supported the **formation of the national section of the European Association of Judges for Mediation – "GEMME"** („Groupement européen des magistrats pour la médiation“) which was agreed on 28 February 2017, when it was decided that a judge of the Appellate Court in Novi Sad will represent the Serbian Section at the GEMME meeting in Paris on 4 March 2017.

Within the project "**Serbia Pilot Court Mediation**", implemented by the Partners for Democratic Change Serbia (Partners Serbia), with the support of the Royal Netherlands Embassy in Serbia a **series of meetings** related to the provision of support to case managers were held with pilot courts

- High and Basic courts in Cacak, Commercial Court in Belgrade and Second Basic Court in order to further provide support in forming of offices for Providing Support to Alternative Dispute Resolution. The **Bar Association of Cacak** has also been assisted to develop its own mediation case referral system, including **working on raising awareness among attorneys on the benefits of mediation**. The Bar Association of Cacak informed all local and regional stakeholders, including 18 basic courts, 3 commercial courts and 5 high courts, local police offices and stations, chambers of commerce and industry, local self-government units, and business associations, on the **establishment of its Mediation Center** and a possibility to resolve their disputes through the mediation service of the Bar Association of Cacak (official opening will be end of April).

On December 15th, 2016, a **workshop for lawyers** was organized in Belgrade. The main purpose of this event was to inform lawyers on the concept of mediation and address the misconception that mediation may negatively affect their income. Lecturers at the event provided additional information on the mediation legal framework, the role of a mediator and attorneys in mediation, and benefits of mediation over litigation, etc. On 31.03 Partners Serbia will organize a two-day training *“Mediation Advocacy Training – Skills building seminar for legal representatives in mediation proceedings”*.

NUMS has launched an initiative to provide free mediation services for citizens. The goal of the initiative is multifaceted and presupposes several elements to be determined to ensure mass participation, efficiency, accessibility, quality and control of services provided. Over 150 members from all over Serbia responded to the initiative and expressed their willingness to actively participate in providing free mediation services. For this purpose NUMS planned to use the premises of the Association in 12 Kneza Milosa Street, in Belgrade (where the largest number of members responded to the action) and other premises available to the Mediators all over the country. The Association used to have two offices leased by the Belgrade Chamber of Commerce in the capital city. Belgrade Chamber of Commerce unilaterally canceled the Lease and therefore further activities on implementation of the program of providing free mediation services have been postponed until further notice.

On March 8, 2017 Blazo Nedic, the President of NUMS, has appeared in **ten-minute story on mediation in the context of an afternoon show "150 Minutes"** on TV PRVA. In the interview available here (<http://www.prva.rs/web-tv/emisija/150-minuta/31750/150-minutes---08032017/94603/2-deo.html>) Mr. Nedic has provided information on which types of disputes are suitable for mediation and what needs to be improved in order to reach more frequent usage of mediation in Serbia. On March 14, 2017 Mr. Nedic, was a guest on the show News at 18h on TV PRVA SRPSKA. Mr. Nedic spoke about the benefits of mediation and objectives of the Ministry of Justice for mediation to be recognized as a way of alternative dispute resolution. The video is available on the following link <https://www.facebook.com/NumsSrbija/?fref=ts>.

Within the EBRD "**Commercial Mediation in Serbia**" Project, organization is underway for a Conference on **“Commercial Mediation as a Dispute Prevention and Resolution Tool”**, which will be held on April 27th at the Chamber of Commerce and Industry of Serbia, to be opened by the Minister of Justice.

The Judicial Academy is preparing a realization of info-sessions related to promotion and

enforcement of the mediation for judges and judicial assistants, submitting court cases to mediation before commercial courts and courts of general jurisdiction. **Number of info-sessions planned from April to December 2017 is 22.**

Update, December 2016: The Ministry of Justice has endorsed the initiative of the Serbian Chamber of Commerce to actively promote arbitration as an alternative means of dispute resolution, and the Minister of Justice participated on 29/09/2016 at the round table "**Alternative methods of dispute resolution in commerce - the advantage of domestic arbitration**", which presented the advantages of both arbitration and mediation. More about the event can be viewed via the following link: <http://www.mpravde.gov.rs/vest/13753/arbitraza-kao-alternativni-nacin-resavanja-sporova.php>.

Within the project "**Commercial Mediation in Serbia**," of the European Bank for Reconstruction and Development (EBRD), on October 28th, 2016 the project **kick-off Conference was held, entitled "Commercial Mediation: Past Experiences and Future Challenges"**. The Conference was attended by over 120 mediators, presidents of primary and commercial courts, judges, lawyers, businessmen and representatives of regional chambers of commerce. Attendees were addressed by His Excellency Denis Keefe, Ambassador of Great Britain; Daniel Berg, EBRD Director; Cedomir Backovic, the Assistant Minister of Justice in charge of European Integration and International Projects; Dragomir Milojevic, the President of the Supreme Court of Serbia; Miroslav Miletic, the Vice-president of Chamber of Commerce and Industry of Serbia; Dragoljub Djordjevic, the President of the Bar Association of Serbia; Nenad Vujic, the Director of the Judicial Academy; Blazo Nedic from Partners Serbia; and Ales Zalar, the former Minister of Justice of the Republic of Slovenia, in front of the European Centre for the Rehabilitation and Development of Slovenia. All those present emphasized the importance of this Project and stressed that mediation is a big step forward in alternative dispute resolution and to the increase of the efficiency of the judiciary in Serbia.

During the second part of the Conference, **a roundtable was held on the topic "How to Improve the Quality of Services and Increase the Number of Mediation Requests."** The speakers at this Roundtable were Gordana Ajnspiler Popovic, the Judge of the Supreme Court of Cassation; Gordana Mihailovic, Lawyer and Mediator; Ivana Nincic, the Consultant for the Reform of the Judicial Profession at the Ministry of Justice; Nebojsa Djuričić, the Judge and Chairman of the Board of the Forum of Judges of Serbia; Jasmina Milutinovic, the President of the Bar Association of Cacak; Bozana Jakisic, the Coordinator of the Bureau for Mediation at the Chamber of Commerce and Industry of Serbia; Nevenka Tomasevic, the Manager for Problem Loans at the Addiko Bank. It was emphasized that the main task is to offer the business community the possibility of alternative dispute resolution through mediation, as a more efficient, cheaper and faster procedure, which will provide a significant contribution to the further economic development and create a better and a more favourable environment for new investments in Serbia.

During the Project, the capacity of the Centre for Services and Mediation of the Chamber of Commerce and Industry of Serbia for the provision of mediation services will be increased, and support will be provided to law schools in Serbia, to include mediation in their regular curricula.

The Ministry of Justice has initiated the establishment of the Working Group for the Enhancing of the Application of Alternative Dispute Resolution Methods, which will be composed of experts and representatives of all relevant activities who will within the scope of their responsibilities work to ensure that the reform activities in the next four years are effectively and efficiently planned and successfully implemented. The main task of the working group will be to draft and adopt a joint action plan and through regular meetings, providing guidance and expert opinions, coordinate the work of the holders of the proposed activities, initiate cooperation with other institutions, whose participation would be of particular importance for improving the application of methods of alternative dispute resolution. In order to establish a Working Group with representatives of all relevant institutions, a call was submitted for filing of proposals of representatives. Answers from all institutions were received, other than the Bar Association of Serbia; the response of this institution is still pending. The Ministry of Justice informed the presidents of all courts on 11/10/2016 about formation of the working group, its goals and members from among the judges. During the reporting period, the Ministry of Justice has drafted a preliminary draft of an action plan for improving the application of methods of alternative dispute resolution, which will be further elaborated in the working group. The Working Group will also include representatives of the Judicial Academy, judges from the Supreme Court of Cassation (in an advisory role), and the NGO sector.

The Ministry also in cooperation with the JA and judges designed a questionnaire on the HR and infrastructure capacities of the courts, court presidents, judges and staff, for the purpose of assessing the current state of play.

At the 2016 **presentation of the CEPEJ Evaluation Report: European Judicial Systems** – efficiency and quality of justice in Aero klub, on 23 November 2016, organised by the MoJ in cooperation with the CoE office in Belgrade, to which also presidents of courts were invited, the findings of the report related to ADR and its impact of decreasing of caseload was particularly stressed.

In the reporting period, the NGO sector also worked actively on the promotion of ADR.

Within the project "**Serbia Pilot Court Mediation**", implemented by the Partners for Democratic Change Serbia (Partners Serbia), with the support of the Royal Netherlands Embassy in Serbia, a series of meetings related to the provision of support to case managers were held. On October 3rd, 2016, a meeting was held with the judge of the Second Basic Court, Nebojsa Djuričić, and associates, where it was decided to establish the Office for Providing Support to Alternative Dispute Resolution, design the Rulebook for the Office and print leaflets that will be used to promote services provided by the Office, as well as mediation. Leaflets were printed on October 22nd, 2016 and delivered to the Second Basic Court. At the meeting with the President of the

Commercial Court in Belgrade, Jovan Kordic, and judicial associates, it was discussed how the case-management forms will look, along with the questionnaire form for the selection of mediators, a letter of completion, as well as how to adapt the Rulebook to the needs of the Commercial Court.

On November 28th, 2016 Blazo Nedic, the President of the Serbian National Association of Mediators (NUMS) was a guest on TV Kopernikus, and on that occasion he spoke about mediation in commercial disputes. Video of this interview is available in Serbian at the following link: https://www.youtube.com/watch?v=awnAlIBv_rs&feature=youtu.be.

On November 29th, 2016, the Serbian National Association of Mediators (NUMS) organized a **public debate in Novi Sad – “Mediation in Serbia – Efficient and Humane Resolution of Disputes”**. The debate was organized within the project supported by the US Embassy in Serbia, at the Hall I of the Assembly of the Autonomous Province of Vojvodina, and was attended by over 50 mediators from Vojvodina. The attendees were addressed by Snezana Sedlar, Vice-President of the Assembly of the Autonomous Province of Vojvodina; Ivana Nincic, the Consultant for the reform of judicial professions at the Ministry of Justice of the Republic of Serbia; Blazo Nedic, the President of NUMS; Andrijana Covic, Independent Expert on Human Rights at the Office of the Provincial Ombudsman; Miladin Nesic, the Ombudsman of Backa Topola; and Slavenka Cukvas Gavric, Lawyer and Mediator from Novi Sad.

NUMS has also initiated providing **pro bono mediation services** by its members, by sending out a questionnaire assessing the interest and capacities of mediators.

Earlier activities: In order to increase the visibility of the Agency for Amicable Settlement of Labor Disputes and efficient performance of its competences, the Agency has prepared promotional posters and in cooperation with courts has posted them on the notice boards of courts in the territory of the Republic of Serbia.

Requests for donor support through projects that deal with the promotion of mediation have been made by the Ministry of Justice and by the non-governmental sector - relevant associations concerned with mediation in resolving disputes.

On Saturday, 28 November 2015, the **Second annual conference of the National Association of Mediators in Serbia (“NUMS”)** was held, attended by over 130 mediators and other participants from over 20 cities in Serbia. Participants were addressed the Minister of Justice of the Republic of Serbia, Nikola Selakovic, who stressed the importance of organizing the conference, bearing in mind that the Ministry is open to hear all suggestions and support activities that will enable efficient and effective implementation of a system of alternative dispute resolution. Speakers in the first panel were Leonardo D'Urso, ADR Center Rome, from Italy who spoke on the legal framework for the use of mediation in Italy, and Joe Lowther, Head of the USAID Project for

better business conditions (BEP), who shared a practice of the United States in the field of alternative dispute resolution. The second panel discussion on the agreement reached in mediation.

On 23 December 2015, in cooperation with the Regional Cooperation Council, the Ministry of Justice hosted a regional conference and kick-off meeting, for the purpose of establishing a network of mediator associations.

On 29 January 2016, in cooperation with MoJ and NUMS, a report on mediation was made by the Radio-television Serbia (RTS):

<http://www.rts.rs/page/stories/ci/story/124/%D0%94%D1%80%D1%83%D1%88%D1%82%D0%B2%D0%BE/2191378/%D0%A3%D0%BC%D0%B5%D1%81%D1%82%D0%BE+%D0%BC%D0%B5%D0%B4%D0%B8%D1%98%D0%B0%D1%86%D0%B8%D1%98%D0%B5+%D0%B3%D1%80%D0%B0%D1%92%D0%B0%D0%BD%D0%B8+%D1%80%D0%B0%D0%B4%D0%B8%D1%98%D0%B5+%D0%B1%D0%B8%D1%80%D0%B0%D1%98%D1%83+%D1%81%D1%83%D0%B4%D0%BE%D0%B2%D0%B5+%D0%B7%D0%B0+%D1%80%D0%B5%D1%88%D0%B0%D0%B2%D0%B0%D1%9A%D0%B5+%D1%81%D0%BF%D0%BE%D1%80%D0%BE%D0%B2%D0%B0.html>

In the reporting period, the **NGO sector** has actively worked on the promotion of alternative dispute resolution. Most notably, the **National Association of Mediators in Serbia** (“NUMS”) is implemented the US Embassy supported **project “Mediation as efficient dispute resolution in Serbia”** from Sept. 2015 to August 2016. **Partners for Democratic Change**, supported by the Embassy of the Kingdom of Netherlands in Serbia, from December 2015 implement the 15 month-long project **“Support to the Implementation of Mediation in the Judiciary”**, in cooperation with MoJ, SCC, BAS, Lawyer Academy, NUMS and “pilot” courts.

Comparable statistical data on the application of mediation as an ADR method will be available in the first quarter of 2017, when the data from 2015 and 2016 will be compared.

A Kick-off event “SEE Network of Associations of Mediators” was held in Bled, Slovenia, 7-8 June 2016, during which representatives of the MoJ RS, SCC and NUMS participated and presented the mediation system of Serbia. It has been agreed that the Regional Cooperation Council will initiate and support regular meetings and work of the SEE Network of Associations of Mediators as the activity envisaged in RCC Regional Action Plan in Justice Dimension 2014-2016, SEE2020 Strategy and SWP 2017-2019. Mediation systems in SEE have similar problems and objectives, in particular the problem of creating a sustainable system of alternative dispute resolution, thus regular exchange of good practices and experiences is the important added value for all participants. Network will serve as a platform to learn from the experiences of the Associations of Mediators in EU MS and to share ideas and proposals of possible common initiatives to raise public awareness. Regarding possible common activities, participants identified minimum 4 areas where regional activities are beneficial: training for different target groups (judges, lawyers, mediators, administration); influencing the programme of the faculties of law (cooperation with SEELS); public awareness raising and promotion of mediation; and

development of manuals and studies in the field of mediation. These activities can be made concrete only after the RCC budget for the next year is established.

A “Commercial Mediation in Serbia” two-year project has started in the reporting period, to be implemented within a period of 15th August 2016 and 30th June 2018, supporting the Chamber of Commerce and Industry of Serbia, the Judicial Academy of Serbia and law schools in strengthening commercial mediation. The Project is implemented by an international consortium consisting of the “European Centre for Dispute Resolution (ECDR) from Slovenia, "ADR Centre" from Italy, "ADR Group" from Great Britain and Partners for Democratic Change Serbia, contracted by the European Bank for Reconstruction and Development (EBRD) to carry out the project, with the following activities planned: Activity 1: Training of Commercial Mediation Trainers at the Chamber of Commerce; Activity 2: Support to the Mediation Centre at the Chamber of Commerce and Industry of Serbia; Activity 3: Mediation Skills Training for Court Mediators; Activity 4: Mediation Awareness Raising. The Project leader met with representatives of the Ministry of Justice in the reporting period to determine priorities and future joint activities.

In the reporting period, the Ministry of Justice has collected relevant statistics and information on current and planned activities in the field of support to the mediation system. A larger project that would include mediation as an alternative means of dispute resolution, i.e. as a mechanism for backlog reduction and shortening of the duration of proceedings is a priority in the future project planning of Ministry of Justice.

1.3.7.1. Adoption of new Law on Enforcement and Security considering results and recommendations contained in the RoLE Project Report and Overall Assessment of the Enforcement Regime of Civil Claims in the Republic of Serbia, providing for, in particular:

- **Broadening of scope of competences of enforcement officers;**
- **Transferal of old utility cases into competence of enforcement officers and regulation of expenses and fees in those proceedings;**
- **Introduction of mandatory initial training for enforcement officer candidates. (IV quarter of 2015)**

Activity is fully implemented. On December 18th 2015 the Parliament of the Republic of Serbia adopted the Draft Law on Enforcement and Security. The amendments have accepted many of the recommendations contained in the Analysis. A translation of the draft with the analysis of the implementation of the adopted recommendations has been sent to the European Commission in October 2015.

The Government has, at its 167th meeting held on 30 October 2015, at the proposal of the Legal System and Public Administration Committee, established in the proposed text, the Bill on

Amendments to the Law on Enforcement and Security, and concluded to, pursuant to Article 123 item 4. of the Constitution of the Republic of Serbia and article 150, paragraph 1 of the Rules of Procedure of the National Assembly ("Official Gazette of RS", No. 20/12 - revised text), submit to the National Assembly the Bill on Enforcement and Security for further proceedings.

The National Assembly passed the Law on Enforcement and Security, which was published in the Official Gazette of RS, No. 106 on 21 December 2015.

The proposer of the Law is the Ministry of Justice.

- Committee on the Judiciary, Public Administration and Local Self-Government, at its 54th Sitting, held on 14th December 2015, and at the 55th Sitting, held on 17th December 2015, considered the Bill on enforcement and security in general and in detail.

- The Law on Enforcement and Security was adopted at the Ninth Sitting of the Second Ordinary Session of the National Assembly of the Republic of Serbia, held on 18th December 2015, and published in the "Official Gazette of the Republic of Serbia", No. 106/15.

-By means of the effects analysis of the of the Law on Enforcement and Security, adopted in 2011, and amended three times, it was observed that the proceedings provisions of the law did not precisely regulate the enforcement officers' authorities in the enforcement proceeding and the security proceedings, their relation to court, legal means against acts to be passed, relation to enforcement creditor and enforcement debtor, etc.

- By means of the new Law on Enforcement and Security all the segment relating to the proceedings, material –and-legal part and the part on the enforcement officers status were elaborated and reconstructed in detail.

This Law enabled achieving compromise between the enforcement proceeding speed and standardization of the court practice (by means of an appeal), and the enforcement officers authority was extended (in order to retain and speed up the enforcement proceedings), the most important enforcement officer's acts were subjected to the legal remedy – appeal, to be adjudicated by the court, whereby the enforcement officers practice from the the same basic or commercial court area was aligned, the general part of the enforcement proceedings was reordered for the sake of making it easy-to-survey and systemic, clearer solutions were reached in order to avoid misunderstandings in practice.

This law shall enter into force on 1st July 2016, with the exception of the provisions of the Article 393, Paragraph 5, Article 470, Paragraph 2, Article 472, Paragraph 3, Article 473. Paragraph 2, Article 474. Paragraph 4, Article 481, Article 482. Paragraph 3, Article 483, Paragraph 2, Article 496. Paragraph 1, Article 97, Paragraph 2, Article 499, Paragraph 3 and 4, Article 501, Paragraph 4, Article 503, Paragraph 4, Article 504, Article 505, Paragraph 7, Article 509, Paragraph 4, Article 512, Paragraph 2, Article 516, Paragraph 3, Article 523, Paragraph 5, Article 524, Paragraph 6, Article 530, Article 532 , Paragraph 5, Article 540 Paragraph 3, Article 548 and

Article 549 of this law which entered into force on the eighth day from the date of its publishing in the “Official Gazette of the Republic of Serbia”.

Moreover, the **Law on Amendments to the Law on Court Taxes** (“Official Gazette of RS”, no. 106/2015) which has entered into force, predominantly, on 29 December 2015, was enacted in order to harmonise the system of collection of court taxes with the Law on Enforcement and Security. Namely, the amendments reduce the amount of court fees charged by the court in cases where enforcement is implemented by the enforcement agent and abolish the payment of court fees for the enforcement ruling of the court regarding the motion to enforce on the basis of an enforceable or authentic document. Thereby, **a significant regulatory improvement with respect to costs of these proceedings has been made**, which has put an end to the “duplication” of fees charged by the court and enforcement agent, which existed since the introduction of this new legal profession in the judicial system in 2012. Additionally, in order to gain benefits from the system of enforcement agents, the jurisdiction for enforcing of taxes has been transferred to this legal profession, while parties are exempted from payment in the cases of entrusting of certain court proceedings or actions to notaries.

1.3.7.2. Enacting of by-laws and Chamber regulations necessary for implementation of Law on Enforcement and Security, in particular for:

- **Establishing clearly defined professional standards and reporting criteria (substantive and financial), professional ethics, disciplinary proceedings, and system of monitoring and control by the Ministry of Justice and the Chamber, for a functional and transparent system of accountability of enforcement officers;**
- **Conducting initial and continuous training programs. (II quarter of 2016)**

Activity is fully implemented.

Update, March 2017: The Administrative Board of the Chamber of Enforcement Agents adopted on 17th January 2017 the **Rulebook on the Form of the Enforcement Agent’s Assistant Identification Card, Issue and Annulation of the Enforcement Agent’s Assistant ID and Register of Issued ID Cards**, which came into force after the **approval of the Ministry of Justice of the Republic of Serbia on 13th March 2017.**

With support of the **USAID „Business Enabling Project“**, a **training on financial management** was held in the premises of the Judicial Academy at Novi Sad on 26th and 27th January 2017, in Niš on 23rd and 24th February 2017 and in Kragujevac on 2nd and 3rd March 2017, led by the representatives of the organization „Partners for democratic changes“, and where participants were enforcement agents from the jurisdiction of the Appeal Courts in Novi Sad, Niš and Kragujevac.

The Bylaws on training of the Chamber have not been enacted and official training has not yet been organised. In the meantime, Chamber of Public Enforcement Agents regularly informs

enforcement agents and deputy enforcement agents on all conferences and trainings of importance for their professional improvement.

Drafting of the Professional Standards of Conduct of EA's is underway. The Ministry is defining the queries for the software which will assist in performing of oversight over the work of EA's, while the groups of information have already been defined and sent to the software company to develop. The software will, apart from enabling oversight over the records of the EA's, will enable the MoJ to follow the way EA's charge for their work, and will enable the creation of a real analysis of costs of proceedings as well as received amounts.

Update, December 2016: The Assembly of the Chamber of Enforcement Agents adopted on its session held on 19.11.2016. the Statute of the Chamber of Enforcement Agents and Code of Ethics of Enforcement Agents, which are currently undergoing approval procedure within the Ministry of Justice.

Bearing in mind the fact that the Code of Ethics was adopted, the Ministry of Justice started establishing a working group in order to complete the drafting of the regulation on standards of professional conduct.

For Enforcement Agents and Deputy Enforcement Agents who need it, preparatory training for passing bar exam is in progress and will be finished by 10.12.2016.

In organisation of the Office of the Commissioner for Information of Public Importance and Personal Data Protection, a special training was held in Belgrade on 29. and 30.11.2016 on personal data protection, where 5 Enforcement Agents from Serbia participated (of total 5 places available for Enforcement Agents).

In cooperation with Supreme Court of Cassation and USAID "Business Enabling Project", and with support of the Ministry of Justice of the Republic of Serbia, Chamber of Enforcement Agents organized an expert conference in hotel "Park" in Novi Sad on 2. and 3.12.2016. where issues of implementation of the new Law on enforcement and securities were discussed, experiences in its application exchanged and some positions with the objective of creation of uniform practice.

Target group of this conference were enforcement agents, but also judges from Supreme Court of Cassation, commercial courts, higher courts and basic courts as well as the representatives of the business environment attended this conference.

With support of the USAID "Business Enabling Project" the education workshop on financial management was held on 8. and 9.12.2016. in the Judiciary Academy in Belgrade, delivered by the representatives of the "Partners for Democratic Change Serbia", attended by 25 enforcement agents from the area of jurisdiction of the Court of appeal in Belgrade.

In the meantime, Chamber of Enforcement Agents regularly informs enforcement agents and deputy enforcement agents on all conferences and trainings of importance for their professional improvement.

Earlier activities: A set of bylaws necessary for the implementation of the new law have been enacted and published in the "Official Gazette of RS", No. 58 of 22 June 2016, applicable from 1 July 2016:

- Rulebook on the Enforcement Agent Examination;
- Rulebook on the Enforcement Agent and Deputy Enforcement Agent Identification Card Template, on the issuing, annulment and recordkeeping of Identification Cards;
- Rulebook on the Procedure of Public Competition for the Appointment of Enforcement Agents, the Composition of the Selection Committee and the Mode of its Operation;
- Rulebook on the Form, Appearance and Size of the Seal of the Enforcement Agent;
- Rulebook Amending the Rulebook on Disciplinary Proceedings against Enforcement Agents;

Likewise, the Rulebook on the Registry of Enforcement Agents, Deputy Enforcement Agents and Partnerships and Rulebook on the General Conditions for the Conclusion of Contracts on the Insurance of Enforcement Agents ("Official Gazette of RS", no 62/2016) have been enacted on 13 July 2016.

Most importantly, the new Enforcement Agent Tariff ("Official Gazette of RS", No. 59 of 28 June 2016) has been enacted and has become applicable on 1 July 2016, concurrently with the new law. The new tariff introduces a new method of calculating fees, which is more transparent, precise and allows the creditor and the enforcement debtor to more easily identify the costs of enforcement proceedings.

The Assembly of the Chamber of Enforcement Agents adopted on 26 March 2016 a new Statute of the Chamber of enforcement agents and Code of professional ethics for enforcement agents, in accordance with the new Law on enforcement and Security, which are currently being revised, upon receipt of comments for improvement from the Ministry of Justice.

1.3.7.3. Regular monitoring and control of the implementation of the system of enforcement officers by the Chamber of Enforcement Officers and Ministry of Justice, as prescribed by the Law on Enforcement and Security and relevant by-laws; Regular reporting to Strategy Implementation Commission and undertaking of necessary measures in order to solve problems and improve quality of work and efficiency. (Continuously, commencing from III quarter of 2015)

The activity is being successfully implemented.

Update, March 2017: On the day 17 March 2017 **234 enforcement agents** and **28 deputy enforcement agents** carry out activity on the territory of the Republic of Serbia.

During the reporting period, the Ministry of Justice has continued with intensified supervision over the work of enforcement agents. In the period December 2016 – Mart 2017, within the activities of the Department of Judicial Professions relating to the supervision of the work of enforcement agents, the following activities were carried out:

- 130 new complaints and petitions were received, in which actions are taken, as well as in cases in which the parties have re-addressed the department;
- 1 proposal for initiating disciplinary proceedings against enforcement agents were submitted;
- 1 decision on proposal for repetition of disciplinary proceedings against enforcement agent.

From 10.11.2016. to 03.03.2017, the newly formed Disciplinary Commission for conducting disciplinary procedure against enforcement agents received 5 requests for determining disciplinary responsibility. Two request for determining disciplinary responsibility were initiated by Ministry of Justice and tree were initiated by the Chamber of Enforcement Agents. One procedure has been suspended because of obsolescence of initiating disciplinary prosecution.

During 2016, the previous Enforcement Agent Disciplinary Commission, established by the Minister of Justice on 14 October 2014 and which started to work in March 2015, acted in 10 cases. One procedure was initiated by the Ministry of Justice, five by the Chamber of Enforcement Agents and four were initiated both by Ministry of Justice and Chamber of Enforcement Agents.

The Commission brought the following disciplinary measures:

- 3 disciplinary measures - permanent ban on performing activity;
- 5 disciplinary measures- a fine (money penalty);
- 2 disciplinary measures- warnings.

In the period between 01.12.2016 and 01.03.2017 a total of **151 complaints on the work of Enforcement Agents were submitted to the Chamber**. In the same period, the Service of the Chamber of Enforcement Agents acted regarding to **270 complaints**, whereby total 7 supervision proceedings over the acting of Enforcement Agents were initiated. Also, after considering submitted complaints, total 1 motion on initiating of the disciplinary proceedings against the enforcement agent is submitted. In the same time, total 120 cases were concluded.

Chamber of Enforcement Agents regularly submits quarter reports to the Commission for implementation of the National Strategy of the judiciary reform for the period 2013-2018 and undertakes the necessary measures in accordance with the law.

Update, December 2016: On the day 14 December 2016 **234 enforcement agents** and **29 deputy enforcement agents** carry out activity on the territory of the Republic of Serbia.

During the reporting period, the Ministry of Justice has continued with intensified supervision over the work of enforcement agents. In the period September - December 2016, within the activities of the Department of Judicial Professions relating to the supervision of the work of enforcement agents, the following activities were carried out:

- **114 new complaints and petitions were received**, in which actions are taken, as well as in cases in which the parties have re-addressed the department;
- **3 on-field monitoring over the work** of the enforcement agents;
- **1 proposals for initiating disciplinary proceedings** against enforcement agents were submitted;
- With the support of the project USAID BEP on 13. September 2016, a workshop was held on the subject „Dialogue between Justice and Economy - step towards efficient enforcement system”;
- During the reporting period, the **Disciplinary Commission has been appointed**;
- **One Administrative Court procedure was addressed**, regarding the annulment of the decision on dismissal of an EA.

The Service of the Chamber of Enforcement Agents performs the supervision over the work of enforcement agents and acts upon complaints on their work. Within the Service of the Chamber of Enforcement Agents two persons are permanently employed on the work on supervision and acting regarding complaints against the enforcement agents' performance.

From 01.09.2016 and 01.12.2016 **a total of 139 complaints** on the work of Enforcement Agents are submitted. In the same period, the Service of the Chamber of Enforcement Agents acted **regarding 220 complaints**, whereby a **total 20 supervision proceedings** over the acting of Enforcement Agents were initiated. Also, after considering submitted complaints, one motion on initiating of disciplinary proceedings against the enforcement agent has been submitted. In the same time, a total 170 cases were resolved.

Chamber of Enforcement Agents regularly submits quarter reports to the Commission for implementation of the National Strategy of the judiciary reform for the period 2013-2018 and undertakes the necessary measures in accordance with the law.

Earlier activities: On the day 16 September 2016 236 enforcement agents and 30 deputy enforcement agents carry out activity on the territory of the Republic of Serbia.

During the 3rd q of 2016, the Ministry of Justice has continued with intensified supervision over the work of enforcement agents. In the period June - August 2016, within the activities of the Department of Judicial Professions relating to the supervision of the work of enforcement agents, the following activities were carried out:

- 87 new complaints and petitions were received, in which actions are taken, as well as in 94 cases in which the parties have re-addressed the department;
- In July 2016 a decision on termination of activities of an enforcement agent was passed due to reaching limit for working life;
- In August 2016 a decision on termination of activities of an enforcement agent was passed upon a personal request;
- In July and August 2016 two rulings on the dismissal of enforcement agents were made, after the completion of disciplinary proceedings;
- The drafting of the new identity cards for all enforcement agents and deputy enforcement agents is underway.

The Disciplinary Commission for the Implementation of Disciplinary Proceedings against Enforcement Agents five cases have been finalised in the reporting period with 5 disciplinary measures being imposed – a warning; a fine in the amount of 70,000.00 dinars and three disciplinary measure for permanent prohibition of enforcement agent activity. Seven cases were dealt with, upon the submitted lawsuits to the Administrative Court for setting aside the decision of the Disciplinary Commission, as well as in one case of the request for extraordinary review of a court decision rendered in an administrative dispute regarding the annulment of the decision of the Disciplinary Committee.

During the reporting period, a Disciplinary Prosecutor of the Ministry of Justice has been appointed.

In the period January - May 2016 in the framework of the activities of the Department of Judicial Professions relating to the **supervision of the work of the enforcement agents**, the following activities were carried out:

- 3 on-field monitoring over the work of the enforcement agents;
- 2 proposals for initiating disciplinary proceedings against enforcement agents were submitted;
- 141 new complaints and petitions were received in which actions are taken and in 284 cases of re-submission of complaints by parties; information about work of the enforcement agents were by telephone were provided to the citizens on daily level;
- In May 2016, the decision on the dismissal of one enforcement agent at his own request was made;
- In May 2016, 3 decisions which imposed a suspension of enforcement agent activities were passed;

- 8 proposals for initiation of disciplinary proceedings against enforcement agents were submitted to the Disciplinary Commission (2 proposals by the MoJ and 6 by Chamber of Enforcement Agents); the process is completed in six cases (including proceedings initiated prior to the reporting period which ended in the reporting period), and 6 disciplinary measures were sentenced- 1 warning and 5 fines. In five cases, the procedure is still ongoing;
- 3 cases on the submitted complaints to the Administrative Court for setting aside the decision of the Disciplinary Commission were answered as well as 1 case on the request for review of judicial decisions in administrative proceedings on the complaint to the Administrative Court for setting aside the decision of the Disciplinary Commission for the implementation of disciplinary proceedings against enforcement agents.
- 55 certifications on passing the enforcement agent exam were brought as well as the decision on the appointment of five enforcement agent deputies.

Reports to the Commission for the Implementation of the National Judicial Reform Strategy for the period 2013-2018 are submitted regularly.

1.3.7.4. Improvement of the efficiency of the system of enforcement officers in accordance with the results contained in the RoLE Project Report and Overall Assessment of the Enforcement Regime of Civil Claims, the Law on Enforcement and Security and problems noted in the course of monitoring of functioning of the system through implementation of measures such as:

- **Establishment of a special department/ internal panel of the Chamber of Enforcement Agents to monitor and determine fulfilment of professional standards by enforcement officers and process complaints against them;**
- **Administrative capacity building for employees of Ministry of Justice charged with oversight of work of enforcement agents;**
- **Regularly conducting continuous training of enforcement officers, including corrective training as a possible sanction for established irregularities in the work of enforcement officers;**
- **Disseminate information on procedure for complaints against enforcement agents. (Continuously, commencing from IV quarter of 2015)**

The activity is being successfully implemented.

Update, March 2017: The Ministry of Justice in the reporting period regularly answered to all complaints of parties.

Adoption of the Regulation on Initial Training for Public Enforcement Agents and Regulation on Professional Improvement of Public Enforcement Agents is expected in the II quarter of 2017. Organized regular implementation of the regular trainings for Public Enforcement Agents and Deputy Public will start after the entry into force of these Regulations.

With support of the USAID „Business enabling project“ and in cooperation with regional chambers of commerce conferences on „Dialog between judiciary and economy – step forward to the effective enforcement“ were held in Sombor on 23rd February 2017 and in Čačak on 3rd March 2017, where participants were representatives of the Chamber of Public Enforcement Agents and which were attended by public enforcement agents from the jurisdiction of the competent higher court, as well as the representatives of the business community.

With support of the Ministry of Justice of the Republic of Serbia, Supreme Court of Cassation , Judicial Academy and USAID „Business enabling project“, the Chamber of Enforcement Agents organizes at the end of March 2017 **III annual conference of enforcement agents**, gathering judges from the Constitutional Court of Serbia, Supreme Court of Cassation, Commercial Appeal Court, appeal courts in Belgrade, Novi Sad, Niš and Kragujevac, commercial courts, higher courts from Belgrade, Novi Sad, Niš and Kragujevac and basic courts from Belgrade, Novi Sad, Niš and Kragujevac, as well as representatives of the academic and business community.

Update, December 2016: Regular implementation of the regular trainings of Enforcement Agents and deputies of Enforcement Agents will start as soon as the Bylaw on Initial Training for Enforcement Agents and Bylaw on Continuous Professional Training of Enforcement Agents are adopted.

With support of the USAID "Business Enabling Project" and in cooperation with regional chambers of commerce the conferences on "Dialog between judiciary and commercial sector - step further to the effective enforcement" were held in Valjevo on 13.09.2016., in Kruševac 20.10.2016. and in Pančevo 25.10.2016, where the representatives of the MoJ and Chamber of Enforcement Agents participated and attended by the enforcement agents from the jurisdiction of the respective higher court.

In cooperation with Supreme Court of Cassation and USAID "Business Enabling Project", and with support of the Ministry of Justice of the Republic of Serbia, Chamber of Enforcement Agents organised an expert conference in hotel "Park" in Novi Sad, on 2. and 3.12.2016. where issues of implementation of the new Law on enforcement and securities were discussed, experiences in its application exchanged and some positions with the objective of creation of uniform practice. Target group of this conference were enforcement agents, but also judges from Supreme Court of Cassation, commercial courts, higher courts and basic courts as well as the representatives of the business community attended this conference. Total 188 enforcement agents, deputy enforcement agents and enforcement agents assistants attended this conference.

During the third and fourth quarter were distributed questionnaires to courts in order to determine problematic issues in practice. A program was drafted based on the answers, and it reflects problems in practice after six months of implementation of the new Law on Enforcement and Security.

Earlier activities: The Chamber of Enforcement Agents increased its administrative capacities by establishing the Expert Service and employing of competent and qualified personnel. Expert service of the Chamber of enforcement agents consists of Secretary General, two advisors for supervision of performance of enforcement agents, one advisor for international cooperation and professional training, one public relations advisor, one office manager and one IT administrator.

Within the *RoLE* project, with the objective of promotion of enforcement agents, numerous panels were organized in different part of Serbia during 2015 and 2016. On these events actual issues related to the implementation of the Law on enforcement and securities were discussed, as well as in the meantime adopted amendments to the Law, and from the beginning of 2016 a new Law on enforcement and securities was presented. During the seminars and professional education events, experts introduced the procedure of reporting on enforcement activities to the enforcement agents. In cooperation with the MoJ and Chamber, a promotional video on profession of enforcement agents and duty for settlement of claims by debtor is made. On 22 April 2016 in the newspaper "Večernje Novosti" a report was made on the new LoES and the profession of enforcement agents: <http://www.mpravde.gov.rs/vest/12672/kako-je-profesija-izvrsttelja-uvvedena-u-srpski-pravosudni-sistem.php>;
<http://www.mpravde.gov.rs/files/Izvrsttelji%20SMALL%20FINAL%20FINAL.A.pdf>.

From the adoption of the LoES, 7 panel discussions and seminars related to the presenting of the new law were organized intended for professional education of enforcement agents. From 26 to 27 March 2016 the Second Annual Conference of Enforcement Agents were organized at Zlatibor with more than 200 participants, enforcement agents, deputy enforcement agents and assistant enforcement agents, as well as representatives of judiciary, governmental and other organizations and with guests from Macedonia and Montenegro. During the annual meeting prominent experts gave lectures to enforcement agents.

The final conference of the IPA project *RoLE* was held on 23 May 2016, organized by and with the participation of Chamber of EA's, Ministry of Justice, the European Union Delegation in Serbia and GIZ and key stakeholders. A roundtable "Dialogue of the judiciary and the economy - a further step toward the efficient enforcement" was held on 23 June 2016, in cooperation with USAID BEP project and the Judicial Academy, with the participation of the Minister of Justice and Assistant Minister in charge of the Department of Justice, aimed at ensuring better enforcement of judgments and recovery of commercial claims. The section on enforcement was improved on the website of the Ministry of Justice, and the news relevant to the implementation of the new law is continuously updated: <http://www.mpravde.gov.rs/vest/13131/pocinje-primena-novog-zakona-o-izvrsttelju-i-obezbedjenju.php>; <http://www.mpravde.gov.rs/vest/13215/demanti-teksta-oprostenog-650000-neplacenih-racuna-telekoma-i-infostana-koji-je-objavljen-u-listu-politika-7-jula-2016-godine.php>.

1.3.7.5. Improvement of efficiency of judicial enforcement in line with the results of the RoLE Project Report and Overall Assessment through enacting of the Law on Enforcement and Security, in particular, through:

- more precise procedural provisions which shall eliminate present ambiguities causing excessive delay in proceedings;
- detailed and unambiguous provisions on enforcement of pecuniary claims against real property as most valuable assets;
- more precise provisions on division of competences between courts and enforcement agents;
- harmonizing of case-law through introduction of right to appeal (jurisdiction of higher courts);
- increasing of the scope of competences of enforcement officers thereby reducing excessive workload of the courts;
- training of judges on enforcement proceedings;
- application of the relevant parts of the Strategy and the accompanying Action Plan for the Improvement of the Judicial System of Enforcement including Special set of measures for solving the backlog of enforcement cases in the courts in Serbia 2015-2018, adopted on 18 November 2014. (Continuously, commencing from I quarter of 2016)

The activity is being successfully implemented.

Update, March 2017: During the meeting with the presidents of all courts in the Republic, held on March 17, 2017, in which the Annual report on the Work of All Courts in year 2016 was presented, President of the Supreme Court presented the guidelines for the improvement of the judicial system of enforcement, in accordance with the contents of this AP activity. The Supreme Court of Cassation considered that without measures provided for in this guidance, it is not possible to resolve all the remaining old enforcement cases in the courts. In fact, despite the large number of old enforcement cases resolved in 2016, roughly the same number of pending enforcement cases has remained in the courts, out of which 455,091 aged over 5 years and 117,840 aged over 10 years in the basic courts, so that the individual measures taken by the courts, and supported by donors - and the EU Delegation MDTF - are not enough to achieve the goals envisaged by the Amended Unified BLR Program. It is necessary to take systematic measures through the amendment of the Law on Enforcement and Security in order to prescribe the suspension of the enforcement of forced collection of receivables to 1,000.00 dinars, in the case of a failed inventory in order to sell movables or unsuccessful public sale of movable property of the debtor if the creditor fails to submit a new asset execution, as well as special measures relating to the centralization of activities for effective implementation of enforcement in Belgrade and major cities in one place (one building, one auction site, one register sales, free ads on public service with information on means of communication, telephones, sites, through which one could find the time and the auction site and view the list of objects to be auctioned).

It is necessary to further improve the judicial system of civil enforcement due to the fact that the parallel and competing jurisdiction of the courts and the new judicial profession has not equaled the powers of public enforcement agents with powers of enforcement judges when it comes to the means at their disposal to obtain information that is crucial for the effective implementation of the procedure (access electronic registers APR, RGA, RF PIO, etc.).

In terms of training, judges who act in enforcement cases, both basic and higher as well as commercial and Commercial Appellate Court should be a priority.

Since March 2017 the realization of the first round of trainings for judges of the high courts has begun on the Law on Enforcement and Security - appeal procedure. During March the following trainings took place: four two-days training with focus group from all four appellations. Also, during March, the training program for first instance judges of the basic courts was developed, which will be realized in the second quarter of the 2017.

Update, December 2016. See activities under 1.3.6.3.

Earlier activities: Pursuant to the new LoES, enforcement creditors in whose favour an enforcement ruling based on an enforceable or authentic document, or a security ruling, was rendered before enforcement agents began operating in the Republic of Serbia, related to which enforcement or security proceedings are still being conducted on 1 May 2016, shall declare, during the period lasting from 1 May 2016 to 1 July 2016, whether they want the court or an enforcement agent to implement enforcement. If the enforcement creditor fails to provide said declaration within the specified period of time, enforcement proceedings shall be discontinued. Therefore, on 28 April 2016 the MoJ has informed enforcement creditors of the relevant provisions of LoES and has provided enforcement creditors with a simple, electronic means of informing courts of their decision on how the enforcement should be implemented: <http://www.mpravde.gov.rs/obavestenje/12611/izjasnjenje-izvrsnih-poverilaca-.php>.

A Conference titled “**New Law on Enforcement and Security – new solution for old cases**” was held on 27 April 2016 for the purpose of preparation for implementation of the new LoES and addressing disputed questions relating to transitional and final provisions of the LoES. During the Conference representatives of relevant courts were informed in detail by representatives of the MoJ and SCC on the contents of the joint instructions given on 5 April 2016 by MoJ and SCC addressing this topic, which are accessible online, on the website of the MoJ, HJC and the SCC.³ The conference was organised by the Supreme Court of Cassation, High Judicial Council and

³ <http://www.mpravde.gov.rs/obavestenje/12632/uputstvo-za-postupanje-po-zakonu-o-izvršenju-i-obezbedjenju.php>

<http://www.mpravde.gov.rs/files/Uputstvo%20ZIO.pdf>

<http://www.vk.sud.rs/sites/default/files/attachments/Uputstvo.pdf>

Ministry of Justice, supported by the IPA “Judicial Efficiency” Project, which will further support courts in implementing LoES and the instructions.

As of the first quarter of 2016 is in the course obligatory education encompassing all judges dealing with enforcement cases in basic, high, commercial courts and in the Commercial Appellate Court, based on the High Court Council Decision – in total around 360 judges were participating at 19 seminars. The planned education in the previous reporting period was realized.

1.3.8.1. Amending Court Rules of Procedure in part dealing with: 1. Criteria for defining input of data based on a previously defined list of data, the input of which is necessary to monitor the statistical parameters of efficiency of judiciary by using Information and Communication Technology, and in particular of length of proceedings. 2. Introduction of a system that envisages assignment of uniform number to court case file, which is retained until conclusion of legal remedies proceedings (linked with activities in subchapter II, anticorruption). (Continuously, commencing from II quarter of 2015)

Activity is being implemented successfully. Additionally, see under 1.3.6.4.

Update, March 2017: No changes from the previous report with regard to amending the Judicial Rules of Procedure. However, in its Annual Report on the Work of All Courts in the Republic for the year 2016, the Supreme Court of Cassation introduced, in accordance with CEPEJ guidelines, the performance indicators that include different types and duration of proceedings in days (disposition time), for more details see the [Annual Report all courts in the Republic of Serbia for the year 2016](#).

1.3.8.2. Conduct analysis of current Information and Communication Technology systems in terms of hardware, software the current quality of data as well as human resources in courts, public prosecutors offices and prisons, with focus on urgent, but also medium and long-term changes, with recommendations for their improvement. (The same activity as 1.2.1.1. and 1.3.8.2.) (II quarter of 2016)

Activity is partially implemented. See 1.2.1.1.

1.3.8.3. Drawing up Guidelines which determine directions of ICT system development in Serbia (conceptual model) and which include data on infrastructure of Information and Communication Technology and costs of its maintenance, software and human resources. Guidelines will be based on the results of Functional analysis of judiciary and Analysis of current state of play (activity 1.2.1.1, 1.3.6.6. and 1.3.8.2.). (The same activity 1.2.1.2. and 1.3.6.7.). (II quarter of 2016)

Activity is fully implemented. Ibid as under 1.2.1.2.

1.3.8.4. Institutionalization of coordination and management of ICT system through public-private or public-public partnership particularly taking into account the elimination of the risks of corruption. (The same activity 1.2.1.3. and 1.3.6.8.). (Commencing from II quarter of 2016)

Activity is being implemented successfully. Ibid as under 1.2.1.3.

1.3.8.5. Developing activities and preparation of appropriate methodological instructions for "cleaning" of existing data in accordance with the recommendations of the previous analyses, for the implementation of methodological instructions for "cleaning" the data. (Same activity 1.2.1.4, and 1.3.6.9.) (II quarter of 2016)

Activity is not implemented. See 1.2.1.4.

1.3.8.6. Organization of focused training of end-users of existing platforms for the use of methodological instructions for "cleaning" the data, the implementation of "cleaning" and addition to the information in the ICT system. (Same activity 1.2.1.5. and 1.3.6.10.) (During II and III quarter of 2016)

Activity is not implemented. See 1.2.1.5.

1.3.8.7. Drawing up protocol on input and exchange of data (including scanning of documents) in ICT system with the aim of unification of conduct in entire judicial system and training programs for staff in the judiciary with the aim of improving the quality of the existing ICT platforms. The same activity 1.2.1.6. and 1.3.6.11. (III quarter of 2016)

Activity is almost completely implemented. See 1.2.1.6.

1.3.8.8. Conducting of trainings in accordance with the program defined in activity 1.3.8.7. with the purpose of unification of conduct of input and exchange of data in ICT system. Uniformity of acting and periodical verification of compliance with institutional solutions related to ICT management system of activities 1.3.8.4. The same activity 1.2.1.7. and 1.3.6.12. (Conduct trainings: Commencing from IV quarter of 2016. Supervision over uniformity of acting - periodically, commencing from I quarter of 2017)

Activity is not implemented. See activity under 1.2.1.7.

**1.3.8.9. Maximize the use of case management systems through:
-electronic scheduling of the hearings;**

**-data collection on the reasons of non-maintenance of the hearings;
-scheduling next hearing in standardized time periods already when postponing the previous hearings. (Same activity under 1.2.1.8. and 1.3.6.13.) (I quarter of 2016 - IV quarter of 2018)**

The activity is being implemented successfully. See 1.2.1.8.

1.3.8.10. Develop an assessment of the current situation and determine the standards and methods for data exchange between the bodies within the judicial system (interoperability of existing ICT systems within the judiciary). Same activity 1.2.1.9. and 1.3.6.14. (IV quarter of 2016)

Activity is partially implemented. See 1.2.1.9.

1.3.9.1. Conduct analysis of the normative framework which regulates: the issue of binding of jurisprudence, right to legal remedy and jurisdiction for deciding on legal remedy; publishing judicial decisions and judicial reasoning taking into account the views of the Venice Commission. (Commencing from II quarter of 2014- II quarter of 2016)

Activity is not implemented.

March 2017: Since there is no progress regarding this activity in last 3Q it can't be considered as successfully implemented.

Earlier activities: Due to changes in composition of the MoJ, HJC and SPC leading structure, it was necessary to appoint a new members of the working group and start its work again.

1.3.9.2. Defining rules which regulate anonymization of judicial decisions in different areas of law prior to their announcement in accordance to rules of European Court for Human Rights. (II quarter of 2016)

Activity is fully implemented.

Update, March 2017: The Plenary Session of the Supreme Court of Cassation, at its meeting held on 20 December 2016, adopted the Rules on replacing and omission (Pseudonymisation / anonymization) of data in judicial decisions.

Rules governing the method of substitution and omission of information in judicial decisions of the Supreme Court of Cassation, including the method and techniques of anonymization / pseudonymisation in decisions in electronic and written form are defined by this document.

All decisions of the Supreme Court shall be published in full on the website, but the data on parties, whose identity is determined or can be determined by comparison with other available data, and replaced or omitted.

Rules on replacing and omission (pseudonymisation / anonymization) of data in judicial decisions shall apply from 1 January 2017.

Draft Rules on replacing and omission (Pseudonymisation / anonymization) of data in judicial decisions, were developed by a working group of the Supreme Court, with the support of the OSCE Mission in Serbia, which will, after the adoption of the Guidelines of the High Judicial Council (see the Third Report) organize four round tables (in appellate courts seats) for all courts of general and special jurisdiction to which they will be presented and the Rules of the Supreme Court of Cassation and HJC Guidelines. The first such event is scheduled for March 21st 2017.

Update, December 2016: In November 2016, the Working Group adopted the draft Rules of omission / replace data in judicial decisions of the Supreme Court of Cassation, which, together with the established descriptors (keywords) as an integral part of the Ordinance delivered to all the judges of the Supreme Court of Cassation in order to inform before taking. General Session of the Supreme Court of Cassation shall discuss this Ordinance 20/12/2016. years. Besides of this document, the Working Group, also in November 2016, drafted the letter of the Supreme Court of Cassation, the High Judicial Council containing a proposal Guideline on anonymization of court decisions, and to whom the High Judicial Council is to deliver all courts in the Republic.

Earlier activities: In March 2016, the President of the Supreme Court of Cassation has formed a working group to amend the SCC Anonymization Act, made up of judges and advisors of this Court. Working Group is supported by the OSCE Mission to Serbia. The working group was formed with the task of amend current SCC Anonymization Act in accordance with the existing European standards, not only of the European Court of Human Rights, but also the EU Court of Justice and national courts of EU member states and EU legislation regulating data protection personality (Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46 / EC (General data Protection Regulation; Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention , investigation, detection or prosecution of criminal offenses or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977 / JHA; Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offenses and serious crime). Amended rules should also serve as a model for other courts that their decisions are published on the website, or otherwise making available to the public.

The Working Group of the Supreme Court of Cassation, supported by the OSCE Mission to Serbia, completed drafting the new Act on pseudonymization/anonymization of court decisions, and it was published on the Court's website on June 28, 2016 (http://www.vk.sud.rs/sites/default/files/attachments/Pravilnik%20o%20anon%20sud%20odluka_NOVI_27062016.pdf) along with the call to participate in the electronic public debate by submitting comments through September 1, 2016. The round table scheduled to be held on September 23, 2016, which the OSCE Mission to Serbia will also support, and to which independent institutions and CSOs will participate, will mark the end of the public debate, after which the Working Group will define the final proposal of the Act and submit it to the SCC Plenary Session for adoption. The Supreme Court of Cassation will also propose to the High Judicial Council to issue Guidelines on court decisions' anonymization, in line with the new Act.

1.3.9.3. Amending normative framework which regulates: the issue of binding of jurisprudence; right to legal remedy and jurisdiction for deciding on legal remedy; publishing judicial decisions and judicial reasoning. (Commencing from III quarter of 2016)

Activity is not implemented.

March 2017: Since there is no progress regarding this activity in last 3Q it can't be considered as successfully implemented.

Earlier activities: Due to changes in composition of the MoJ, HJC and SPC leading structure, it was necessary to appoint a new members of the working group and start its work again.

1.3.9.4. Improving access to regulations and case law, through establishment and promotion of comprehensive and widely available electronic databases of legislation and case law, with respect to the provisions governing data confidentiality and personal data protection, and bearing in mind the provisions of the Law on publishing laws and other regulations, the Law on Judicial Academy and the Law on Courts. (Continuously, commencing from III quarter of 2014)

Activity is being implemented successfully.

Update, March 2017: Judicial academy, in accordance with adopted Action plan to year 2020, developed its own base of court practice (eCASE/eJURIS) which, besides decisions of ECHR relevant to Serbia, will contain practice of the national courts, including the practice of the Constitutional Court relevant for protection of human rights and freedoms. Besides, eJURIS will contain cross-linking models for provisions in national legislation with provisions of European Convention in concrete verdicts of ECHR chosen by clearly defined criteria and also analyzed. At the moment, eJURIS contains 115 chosen verdicts of the ECHR related to the Republic of Serbia

in which at least one provision of the Convention is breached. Employees of the Academy filled the database, who were trained to use it.

ECHR database is still active and in use, but needs of the Judicial academy exceeded its possibilities, which issued a decision to create new platform (eJURIS) to meet the needs of the Academy, and in such manner to be more appealing to the judges and prosecutors. eJURIS is one of the components of the eACADEMY concept that represents one of the priorities in the last year. It is a set of services that the Judicial academy will offer in electronic form, and to which will be possible to access by Judicial academy portal.

In order to expand its base of case law, the Supreme Court of Cassation became involved in the initiative for the creation of the network for the exchange of information related to the case law from the European Court of Human Rights and the highest courts of the Member States of the Council of Europe (Superior Courts' Network), led by the Case-law Department (Jurisconsult) the European Court of Human rights in the context of 16th Protocol to the European Convention on Human rights and Fundamental Freedoms. In the context of the upcoming steps, it is expected to get the access to intranet and protected Web page and the regular exchange of information on case law and legislation.

For the same reasons, the Supreme Court of Cassation started to publish a selection of comparative jurisprudence of the neighboring and related legal system, contentious legal issues of crucial importance to the work of the Supreme Court of Cassation. For example, on the website of the Supreme Court of Cassation one can find the decisions of the Supreme Court of Hungary (2013-2016) relating to foreign currency clause: <http://www.vk.sud.rs/sr/%D0%B2%D0%B0%D0%BB%D1%83%D1%82%D0%BD%D0%B0-%D0%BA%D0%BB%D0%B0%D1%83%D0%B7%D1%83%D0%BB%D0%B0>.

Compulsory publication of judicial decisions, as a positive legal obligation, was one of the themes within the third working consultations on the harmonization of case law with judicial advisors and assistants of the Supreme Court of Cassation, the state-level courts, appellate courts and higher courts, which took place on March 6 and 7, 2017 at the Hotel "Vojvodina" in Zrenjanin, during which the SCC judges presented to the relevant judicial assistants examples of case law of the European Court of Human rights, as well as the comparative experiences from the region.

In line with the Agreement of the Appellate Courts' Presidents on Organization, Venue and Timing of Joint Sessions, the Judicial Efficiency Project organized a workshop on January 26-28, 2017 for Supreme Court of Cassation Judges and appellate courts' presidents. The draft Guidelines on Case-law Department Organization was discussed. Meanwhile, the text of the Guidelines was agreed upon, and the appellate courts' presidents signed it on March 17, 2017.

PUBLIC ENTERPRISE "OFFICIAL GAZETTE":

Ensuring Continuous Availability of the Database of Case Law in accordance with the Changes in the Number of Judges

The number of access sessions for the free of charge access codes for the database of case law available to the courts was aligned with the Decision Amending the Decision on the Number of Judges in Courts (Official Gazette of the RS, No. 104/16). In every other aspect, the status of the activity remains unchanged compared to the previous reporting period.

Continuous Improvement of the Contents of the Database of Case Law

During I quarter of 2017, about 850 new court decisions related to civil, criminal and administrative law matters, legal opinions, as well as the questions and answers of the courts relevant to the harmonization of court practice were published in the database of case law. The Rules on Replacement and Omission (Pseudonymisation and Anonymisation) of Data in Court Decisions, which is applicable as of 1 January 2017, were published in this database as well. At the moment when this Report was concluded, the database of case law comprised about 20,350 court decisions.

Other Electronic Databases within the Legal and Information System of the Republic of Serbia

In I quarter of 2017, the Legal Acts in English database within the Legal and Information System of the Republic of Serbia was updated with the translations of the latest, i.e. unofficially revised texts of the judicial laws adopted at the Fourth Sitting of the Second Regular Session of the National Assembly of the Republic of Serbia in 2016 (Law on Prevention of Domestic Violence, Criminal Code, Law on Confiscation of Property Derived from Criminal Activity and Law on Organization and Competence of State Authorities in Suppression of Organized Crime, Terrorism and Corruption), as well as individual laws which are of significance for the economic activities of business entities, and which were adopted at the Sixth and Seventh Sitting of the Second Regular Session of the National Assembly in 2016. Furthermore, during this reporting period, the translations in English of the laws which are of particular significance for the implementation of Chapter 23, and which had not been translated at the earlier stage (Law on Gender Equality, Law on Prohibition of Discrimination, Law on Prevention of Discrimination against Persons with Disabilities and Law on Migration Management), were published as well. At the moment of reporting, this database contained more than 130 translations of the laws of the Republic of Serbia.

In I quarter of 2017, the database Opinions, Models, Literature was continuously updated by publishing more than 450 new documents. At the moment of reporting, this database included more than 6,450 published acts.

Information for Citizens and State Authorities on Free of Charge Available Electronic Databases of Regulations and Case Law

During this reporting period, additional 4 presentations of the Legal and Information System of the Republic of Serbia were organized within the Education Centre of the PE *Official Gazette*, with regard to the application of the Building Legalization Law, i.e. to the European standards and

case law in the context of the application of the Law on Protection of the Right to a Trial within a Reasonable Time.

Participation in Other Projects

An Agreement on Business Cooperation was concluded between the PE *Official Gazette* and the Republic Secretariat for Public Policies on January 9, 2017 for the purpose of establishing a unified public register of administrative procedures and other business requirements, for the realization of which the Republic Secretariat for Public Policies shall be held responsible in accordance with the Action Plan for the Implementation of the Open Government Partnership Initiative in the Republic of Serbia for 2016 and 2017 (Official Gazette of the RS, No. 93/16) and the Government's Conclusion 05 No. 021-12698/2016 of December 29, 2016. By this agreement the PE *Official Gazette* enabled the Republic Secretariat for Public Policies to access certain data from the electronic database Register and Texts of Regulations in Force and Other Acts which is kept within the Legal and Information System of the Republic of Serbia, i.e. the list of the titles of the laws, ordinances, decisions and rules contained in the subject database along with the links to the latest versions of these legal acts. The aim of this business cooperation is to enable the Republic Secretariat for Public Policies to access always up-to-date information in electronic form for the needs of a unified public register of administrative procedures and other business requirements, as well as to provide affirmation of the Legal and Information System of the Republic of Serbia and refer to its possibilities.

PUBLIC ENTERPRISE "OFFICIAL GAZETTE":

Continuous Updating of Electronic Database of Legislation in Force Available to Everyone

In compliance with the Law on Publishing Laws and Other Regulations (Official Gazette of the RS, No. 45/13), the electronic database Register and texts of regulations and other acts in force in the Legal and Information System of the Republic of Serbia, which is available free of charge to all citizens, is being continuously updated by publishing the basic and consolidated versions of regulations' texts with links to PDF files of the official gazettes in which the basic texts of the regulations, amendments and addenda, corrigenda and decisions of the Constitutional Court impacting the regulations' texts are published.

Ensuring Continuous Availability of the Database of Case Law in accordance with the Changes in the Number of Judges

At the moment when the Legal and Information System of the Republic of Serbia was established, and with a view to fulfilling the obligation laid down in the Law on Publishing Laws and Other Regulations, the PE Official Gazette made available the database of case law, free of charge, to the legally prescribed circle of users (with the aim of fulfilling this obligation, 496 free of charge

access codes with more than 4,800 access sessions were opened). Since the number of access sessions for the free of charge access codes for the database of case law was activated for the courts and Public Prosecutor's Offices in compliance with the Decision on the Number of Judges in the Courts (Official Gazette of the RS, No. 106/13), i.e. in compliance with the Decision on the Number of Deputy Public Prosecutors (Official Gazette of the RS, No. 106/13), in case of any subsequent amendments to the said Decisions, i.e. in cases where new Decisions were adopted (Official Gazette of the RS, Nos. 115/13, 5/14, 12/14, 52/14, 132/14, 30/15, 49/15, 63/15, 88/15, 94, 15, 114/15, 6/15, 11/16, 48/16 and 73/16) according to which the number of judges in a certain court, i.e. the number of deputy Public Prosecutors, was increased, the number of access sessions was aligned with the said decisions, in compliance with the Opinion of the Republic Secretariat for Legislation No. 01-00-31/2014 of January 27, 2014.

The number of access sessions for the free of charge access codes for the database of case law available to Public Prosecutor's Offices was aligned with the Decision Amending the Decision on the Number of Deputy Public Prosecutors („Official Gazette of the RS, No. 80/16). In every other aspect, the status of the activity remains unchanged compared to the previous reporting period.

Continuous Improvement of the Contents of the Database of Case Law

In compliance with the Law on Publishing Laws and Other Regulations (Official Gazette of the RS, No. 45/13) and since the moment of its establishing, the contents of the electronic database of case law within the Legal and Information System has been continuously improved through publishing of the decisions of the Republic of Serbia courts of general and special jurisdiction, of the Constitutional Court and of the judgements of the European Court of Human Rights pertaining to the Republic of Serbia. Through this database of case law, 2,500-3,500 of court decisions inclusive of all the relevant pieces of metadata (type and name of the court, field of law, legal matter, type of decision, date when the decision is passed, publishing method, regulation of relevance for the decision and relevant law) are publicly released annually. As a rule, integral versions of court decisions are published in this database, which were made publicly available on the web sites of the courts, while ensuring that each decision is related to the applicable regulations on which the decision is based and complying with the regulations governing data confidentiality and personal data protection. As a rule, the court decisions are accompanied with the selected judicial reasoning that was drawn up and published by the court, i.e. with an authorial rationale or an abstract from the court decision. At the moment when this report was concluded, the database of case law comprises more than 18,800 court decisions.

During the reporting period, the PE Official Gazette addressed the courts and public prosecutor's offices on several occasions (in July 2014 and in June 2015), with the aim of obtaining their suggestions, all with a view to achieving functional and content-related improvement of the database of case law.

During IV quarter of 2016, about 700 new court decisions related to civil, criminal and administrative law matters, legal opinions, as well as the questions and answers of the courts relevant for the harmonization of court practice were published in the database of case law. At the moment when this Report was concluded, the database of case law comprised about 19,500 court decisions.

Links between the Legal and Information System of the Republic of Serbia and the EU Acquis

The connection with the legal acts of the European Union was established by linking the Legal and Information System to the relevant databases of the European Union, which provide access to the legal regulations of the European Union. The access to the European Union law additionally contains the link to the EUR-Lex web site (www.eur-lex.europa.eu), which provides free of charge access to the European Union law and other documents that are considered to be of public nature and, within this web site, the access to the Official Journal of the European Union, which is the most important source of information on the activities of all the institutions and bodies of the European Union. Access to the European case law contains useful links to the web sites of the European judicial authorities, such as: the Court of Justice of the European Union (www.curia.europa.eu) and the European Court of Human Rights (<http://hudoc.echr.coe.int>), as well as to the portals and databases of the case law such as those of: the European e-Justice Portal (<https://e-justice.europa.eu/>) and database of the European Judicial Network (www.ejn-crimjust.europa.eu).

The connection with the legal acts of the European Union is additionally provided by linking individual documents in the Legal and Information System (such as, for example, explanations of the laws, etc.) to the relevant acts from the EUR-Lex electronic database. Thus, displaying of the European Union acts with which the Republic regulations are aligned is provided, in accordance with the concordance table that is attached to the explanations of a draft law.

Other Electronic Databases within the Legal and Information System of the Republic of Serbia

The Legal Acts in English database within the Legal and Information System of the Republic of Serbia is being continuously updated with unofficial signed translations in English of the recently adopted laws, as well as of the system laws of the Republic of Serbia, which are of significance for the EU accession process, as well as for economic activities (the Law on Enforcement and Security, Law on Protection of Whistleblowers, Law on Mining and Geological Surveys, Advertising Law, Law on Inspection Supervision, as well as the consolidated versions of the Law on Notary Public Office, Law on Electronic Commerce, Law on Public-Private Partnership and Concessions, Law on Fire Protection, Law on Waste Management, etc.). At the time when this Report was delivered, this database contained 120 translations of the laws of the Republic of Serbia into the English language.

The Legal and Information System additionally includes the electronic databases of other information on the legal system of the Republic of Serbia, such as the database Opinions, Models, Literature in which opinions and other acts produced in the course of operations of the public authorities and state and other organizations, legal literature, model acts and other information of significance for interpretation and implementation of legal norms are systematized. This electronic database is being continuously updated; it contains links to other databases in the Legal and Information System of the Republic of Serbia, and at the time when this Report is submitted, it includes more than 5,600 documents on the legal system of the Republic of Serbia.

Special attention was paid to the judgements of the European Court of Human Rights that are systematized in a separate program package, Guide through the Judgements of the European Court of Human Rights, according to the legal fields to which specific Articles of the European Convention for the Protection of Human Rights and Fundamental Freedoms pertain. At the time when this Report is completed, the Guide through the Judgements of the European Court of Human Rights comprises more than 150 most important judgements of the European Court of Human Rights (translations of complete judgements or translations of certain parts of the judgements with authorial comments), some of which were translated into Serbian for the first time, and it is continuously updated with judgements, comments on the judgements and other legal materials dedicated to the implementation of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

In IV quarter of 2016, the Legal Acts in English database within the Legal and Information System of the Republic of Serbia was updated with translations in English of the laws which are of particular significance for the implementation of Chapter 23 (Law on Organization and Competence of State Authorities in War Crimes Proceedings, Law on Peaceful Settlement of Labour Disputes, Law on Prevention of Harassment at Work). At the moment of reporting, this database contained 125 translations of the laws of the Republic of Serbia into the English language. The translation of the latest, i.e. unofficially revised texts of the judicial laws adopted at the Fourth Sitting of the Second Regular Session of the National Assembly of the Republic of Serbia in 2016 has commenced.

Also, in IV quarter of 2016, the Opinions, Models, Literature database was continuously updated with the latest documents on the legal system of the Republic of Serbia, including the acts related to the negotiations with the European Union (Revised National Programme for the Adoption of the EU Acquis – November 2016, Annual Progress Report of the European Commission for Serbia for 2016 and 2016 Communication on EU Enlargement Policy, as well as the reports on the implementation of the Action Plan of Chapter 23). At the moment of reporting, this database included about 6,000 published acts.

Information for Citizens and State Authorities on Free of Charge Available Electronic Databases of Regulations and Case Law

From the moment when the Legal and Information System of the Republic of Serbia was established, the Public Enterprise Official Gazette has been efficiently providing technical support to all the users of the Legal and Information System of the Republic of Serbia, as well as to the citizens who, due to their lack of online access, cannot access the regulations or information on the legal system of the Republic of Serbia. Within the Education Centre, PE Official Gazette organizes seminars aimed at gathering distinguished lecturers that will acquaint the participants with the issues of significance for the implementation of regulations. In these seminars, special attention is paid to the presentation of the Legal and Information System of the Republic of Serbia. Through the work of the User Support Service and through presentations on the Legal and Information System of the Republic of Serbia, public awareness on the database of the regulations of the Republic of Serbia in force that is available free of charge, on the database of case law that is available free of charge to the legally prescribed circle of users, i.e. on the existence of the Legal and Information System, in which information on the legal system of the Republic of Serbia is collected and continuously updated, is gradually being developed. During this reporting period, 15 presentations of the Legal and Information System of the Republic of Serbia were organized within the Educational Centre of the PE Official Gazette.

In IV quarter of 2016, additional 10 presentations of the Legal and Information System of the Republic of Serbia were organized within the Education Centre of the PE Official Gazette, as well as in other significant institutions (Development Fund of the Republic of Serbia, Chamber of Commerce and Industry of Serbia and Agency for Managing Disputes in Privatization Process).

Participation in Other Projects

In accordance with the initiative of the European Forum of Official Gazettes, a workshop for implementation of European Legislation Identifier (ELI) was organized and held on February 1, 2016. The introduction of ELI ensures simple and quick public access to the information on national legislation and on legislation of the European Union, i.e. a harmonized stable link (referencing) between the EU legislation and the Member States. The result would be the creation of a faster and more efficient search system and method of exchange of publicly available information.

With the aim of achieving cooperation between the PE Official Gazette and the Republic Secretariat for Public Policies that implements the Project of Establishing of the Public Register of Procedures and Other Administrative Requirements for Economic Entities, whereby simplification of administrative procedures and reduction of costs for the public sector should be achieved, two meetings were held (on May 26, 2015 and on June 15, 2016 – a presentation). Cooperation on this Project would result in linking of the Legal and Information System of the

Republic of Serbia, i.e. of the database of regulations in force with the public register of procedures and other administrative requirements for economic entities that should be established by the end of 2017.

Program Improvement of the Legal and Information System of the Republic of Serbia

Update, December 2016: The upgraded version of the Legal and Information System of the Republic of Serbia was launched on September 23rd. The latest program enhancement provides the users with the following:

- better user experience, adaptation of the Legal and Information System of the Republic of Serbia to the use of persons with visual impairments, improved system performances - enabled greater speed and better stability when accessing this system, thus ensuring better availability to the free of charge information on regulations which is complete, original, timely and established by law;
- possibility of using the system on mobile phones and other portable devices;
- numerous enhancements of the free of charge available database Register and Texts of Regulations in Force and Other Acts which, inter alia, include faster access to the latest regulations, division of the Register database into three sub-registers (Republic Regulations, Regulations in the Field of Education and International Agreements), easier search of by-laws, new levels of classification which offer additional criteria of advanced search, preview of the regulation's versions, regulation's structure, simultaneous view of the content-related documents, enabling tracking of the chronology of legal predecessors in the identification card of the regulation, etc.

For the purpose of making optimum use of the new functionalities, the notification on launching of the upgraded version of the Legal and Information System of the Republic of Serbia has been sent to the Ministry of Justice, courts and other authorities to which the database of case law is available free of charge, as well as to the users of the Legal and Information System of the Republic of Serbia.

Earlier activities: Based on the Business Program of the PE Official Gazette for 2015, which was approved by the Government of the Republic of Serbia, a public procurement was conducted to respond to the needs for program improvement of the Legal and Information System of the Republic of Serbia and on April 25, 2016, the takeover of the improved software for the maintenance of this system took place.

This program improvement, which is, at the time of completion of this Report, in its final phases, will include adjustments of the Legal and Information System of the Republic of Serbia so that it can be used by the persons with visual impairments, improved availability of free information on regulations, browsing of documents included in this system on mobile devices, facilitated tracking of the contents of legal regulations in force at a certain moment in time to respond to the needs of

the users that are realizing certain rights and obligations over a certain period of time, simultaneous view of a law and its by-laws in order to inspect the legal regulation of a certain field of law governed by individual laws, etc.

SCC update, December 4TH Q:

During a recent visit to the Croatian courts, the Supreme Court of Cassation met with the local databases of case law, and the solutions implemented by the Croatian Supreme Court. VKS judges that participated in this visit have agreed to the same or a similar system was applicable to the Supreme Court of Cassation, and the courts of appeal, and is therefore referred to projects in this area which closely cooperates - MDTF-JSS and Improving Efficiency Justice - that facilitating technical exchanges between the Supreme Court and the Croatian Supreme Court, in order to examine possibilities of "copy" of this model. The first such visit is planned for the third week of December 2016 and the second in January 2017.

Earlier activities: The Supreme Court of Cassation enjoys additionally the support of Judicial Efficiency project in activities related to the case-law database improvements.

Redesigned web site of the Supreme Court of Cassation has a comprehensive case-law database, which contains decision of the current courts, as well as the decision of earlier Serbia Supreme Court. The database contains approx. 4,500 decisions which are all anonymized in accordance with Court Decisions Anonymization Act. On August 21, 2015 the SCC entered Memorandum of cooperation with the Judicial Academy, which regulates exchange of decisions in their respective databases – the SCC and the JA. By the end of 2015 the SCC plans to expand its database with appellate courts' and state courts' decisions (Administrative, Misdemeanor Appellate and Commercial Appellate Court), and with support of DOJ office within US Embassy in Belgrade. The SCC also plans to establish database of courts' decisions with the purpose of horizontal and vertical exchange between the courts which use SAPS (the SCC, Administrative Court and appellate courts).

The Comprehensive electronic database of the case load of the European Court of Human Rights has been formed within Judicial Academy. The database is still active and it is being presented to judges at all educational events on human rights.

The Supreme Court of Cassation has improved the search criteria using key word system in its case law data base. Also, the Court has involved more of its staff in the process of anonymization and uploading of decisions, so that in the first quarter of 2016 more than 400 decisions were anonymized and published in the case law data base, which now contains more than 5,000 decisions of this Court and former Serbia Supreme Court.

By the end of September 2016, supported by the US DOJ, the case law data base should be enriched and upgraded to contain unanonymized decisions which will be internally accessible by judges and judicial advisors immediately after they exit the Court.

1.3.9.5. Capacity strengthening and improvement of efficiency of operation of departments for jurisprudence in Supreme Court of Cassation, courts on Republic level and appellate courts. (Continuously, commencing from II quarter of 2015)

Activity is being implemented successfully.

Update, March 2017: In accordance with the adopted MDTF Training Plan for the year 2016 in the field of harmonization of court practice for judicial advisors of the SCC's and appellate courts' case-law departments (as the main target group), and other judicial assistants (as the secondary target group) during November and December 2016 and January 2017, four field workshops for a total number of 80 judicial assistants were organized by the Supreme Court of Cassation, with the support of Multi-donor Trust Fund (MDTF). Topics of the workshops were:

- How to use the database of the European Court of Human Rights in Serbian
- Interactive study of selected examples from ECHR practice, with exercises of the legal qualifications of the factual situations under the European Convention on Human Rights.

The training plan for 2017 proposed further development of the advanced level of training for judicial advisors / assistants from the Supreme Court and courts of appeal, and the expansion of basic training for judicial assistants in higher courts and the state-level courts.

- Through selection of comparative jurisprudence (which is published on the website of the Supreme Court of Cassation as of March 2017) introduced the activity of identifying (and translation, where necessary) of selected examples of case law from neighboring jurisdictions and related legal systems, key for contentious legal issues of domestic jurisprudence, which persist for a long time in the Civil Department of the Supreme Court of Cassation.

Earlier activities: This activity is carried out under the auspices of the Case-law Harmonization Activity Plan which the SCC adopted in April 2014, as well as of the Agreement of the Presidents of Appellate Courts' Presidents on the Organization, Venue and Timing of Joint Appellate Courts' Sessions, which was concluded on the initiative and under supervision of the SCC. In 2015 SCC Case-Law Department was strengthened by additional judicial assistants – advisors which take part in the work of the Department and implement its decisions. In June 2015, supported by the CoE Belgrade Office and MDTF-JSS, the SCC organized the first workshop for judicial assistants and advisors of case-law departments in state level and appellate courts, which aim to strengthen capacities of these departments regarding respective laws and bylaws (which refer to the work of

these departments), and different skills (communication, case management, reporting). The SCC plans to continue these activities through a December 2015 workshop which will also encompass case-law departments all higher courts. The reduction of court staff planned under the draft Law on salary system of the employed in the public sector may seriously affect the realization of all case-law activities.

As already reported in the initial report, the Supreme Court of Cassation during 2015 enjoyed support of MDTF and Council of Europe's Belgrade Office in conducting activities of capacity building of case-law departments in the SCC, other state level courts, appellate courts and higher courts. The Supreme Court of Cassation organized two workshops for those who are its key stakeholders – judicial advisors and assistants from the Supreme Court of Cassation, Administrative Court, appellate courts (including Commercial and Misdemeanor Appellate Courts) and higher courts. The SCC expects these to be only the first meetings in a row of those which will improve the uniformity of the process and its formalization. These meetings defined the following conclusions and recommendations:

1. All state-level courts, appellate courts and higher courts must establish Case-law Departments, or at least case-law registries (smaller higher courts), and such organization as well as the actual competences must be determined in the courts' annual work plans.
2. It is necessary to:
 - a. Define in the annual work plan that judicial assistants in the Case-law Departments are engaged in this work only, in every court in which the number of judicial assistants allows this.
 - b. Adopt the unified nomenclature (thesaurus) of legal institutes (terms) for all areas of law and all the courts. The key words for each case have to be registered on case files as a special text box.
 - c. Strengthen the position of the Case-law Departments in every court by providing ICT and other tools. Build capacities of these departments through training, meetings and best-practices exchange.
3. All state-level courts, appellate and higher courts must keep their decisions in electronic format in a single electronic storage, preferably computer, designated for this purpose, which is accessible through a protected internal network, in the format which is suitable for classification and search (Word or PDF).
4. Create a horizontal and vertical network of judicial advisors and assistants engaged in case-law harmonization.
5. Carry out a SAPS training in all courts which use this case management application, to enable horizontal and vertical exchange of decisions between courts.
6. The Supreme Court of Cassation will provide support to the courts facing challenges in applying ICT technologies for implementation of these conclusions and case-law harmonization.

Under the auspices of the Annual Judges' Conference "Judicial Days 2015", Supreme Court justices conducted a workshop for judicial assistants who attended the Conference on importance and mechanisms of case-law harmonization.

The Supreme Court of Cassation will pursue these activities throughout 2017 with the assistance of EU-funded "Judicial Efficiency" project.

Supported by the MDTF, the Supreme Court of Cassation began conducting workshops on monthly basis for its Case-law Department advisors, aiming at raising awareness of the latest jurisprudence of the European Court for Human Rights related to Serbia and other countries. Also supported by the MDTF, the network of court advisors and assistants from case-law departments of appellate courts, which should facilitate timely exchange of latest jurisprudence between the courts.

1.3.10.1. Commission for monitoring the implementation of the Criminal Procedure Code reports quarterly and annually to the Strategy Implementation Commission, whereby it provides an overview of deficiencies in the implementation of the Criminal Procedure Code and suggests potential measures to remedy identified problems, particularly given the impact of the introduction of the prosecutorial investigation on the backlog. (Continuously, commencing from I quarter of 2015)

Activity is being implemented successfully. Strategy Implementation Commission periodically holds the meetings dedicated to the implementation of the Criminal Procedure Code, where competent institutions present their reports; Republic Public Prosecutor's Office, Supreme Court of Cassation, High Judicial Council, State Prosecutorial Council. In the reports competent institutions state problems identified in the implementation of the Criminal Procedure Code. The next session on that topic is scheduled for June 2016.

1.3.10.2. Strategy Implementation Commission, on the basis of the report of the Commission for monitoring the implementation of the Criminal Procedure Code, recommends undertaking measures to competent institutions aimed at eliminating identified problems. (Continuously, commencing from II quarter of 2015)

Activity is being implemented successfully. Strategy Implementation Commission, based on the reports of competent institutions presented on the meetings of Strategy Implementation Commission, discuss on identified problems and then recommends corrective measures in order to eliminate problems identified and stated in the reports.

1.3.10.3. Competent institutions to which Strategy Implementation Commission recommended implementation of corrective measures, quarterly report to the Strategy Implementation Commission on the implementation of recommended measures. (Continuously, commencing from II quarter of 2015)

Activity is being implemented successfully. Republic Public Prosecutor's Office, Supreme Court of Cassation, High Judicial Council, State Prosecutorial Council and Ministry of Justice quarterly report to the Strategy Implementation Commission on the implementation of recommended measures for every session aimed at assessment of CPC implementation.

1.3.11.1. Conduct a mid-term review or analysis, as of 2015, of implementation of National Judicial Reform Strategy for the period 2013-2018 and updating the Action Plan for implementation of National Judicial Reform Strategy for the period 2013-2018. (IV quarter of 2015)

Activity is fully implemented. Since the EC and Government of the RS confirmed the text of the Action Plan for Ch. 23, the Ministry of Justice and Negotiation Group for Chapter 23 started its work on alignment of the Action Plan for NJRS with the Action plan with Ch. 23. The methodology that had been used means: removing activities completed from the adoption of the AP NJRS to adoption of the AP CH. 23; removing activities existed in both documents; alignment of timeframes, deadlines and sources of budgeting. This solution provides rationalization of HR and time use, avoiding gaps and overlaps in reporting and establishing simple and efficient system of reform monitoring. After public debate on AP NJRS amendments, the Implementation Commission and the Governemnt adopted revised text. .

1.4. WAR CRIMES

1.4.1.1. Adoption and effective implementation of the National Strategy for investigation and prosecution of war crimes. -Drafting, public debate and adoption of the Strategy - Implementation of National Strategy (The same activity 1.4.3.1.) (I quarter of 2016. (for adoption) Continuously, commencing from I quarter of 2016. (for implementation))

Activity is being implemented successfully.

Update, March 2017: In previous moths WCPO continued implementation of the National Strategy for investigation and prosecuting war crimes. WCPO office continued to send to the War crimes investigation service of the Ministry of Interior documents and cases that should be incorporated in the data base of all the mass crimes whose creation is the obligation according to the National Strategy. WCPO office also transmitted to the service documents that it received from

the ICTY and on from the regional counterparts. It is expected that after implementation (scanning) and processing all those documents data base will be finished, and then both the WCPO office and War crime investigation service of the Ministry will be able to use it.

WCPO office had several meetings with Witness protection unit of the Ministry of Interior and in the following month it is expected that memorandum of understanding will be signed between these two organs (also obligation envisaged in the National Strategy).

The MoJ continuously works on the Strategy implementation:

- A) The Analysis on alignment of Serbian normative and institutional framework with relevant acquis dealing with WVs rights has been drafted;
- B) The Criminal Code was amended in order to align it with UN International Convention for the Protection of All Persons from Enforced Disappearance;
- C) The MoJ regularly performs its duties in regional and cooperation with the ICTY;
- D) The MoJ supported by MDTF consultant works on drafting model of monitoring mechanism for the National Strategy;
- E) In cooperation with the OSCE Mission to Serbia and other stakeholders the MoJ works on developing trial monitoring for war crime proceedings;
- F) In cooperation with the OSCE Mission to Serbia and other stakeholders the MoJ works on establishing sustainable training for judges, public prosecutors and police officers in fields relevant for investigation and prosecution of war crimes;
- G) In cooperation with the OSCE Mission to Serbia and other stakeholders the MoJ works on promotion of regional cooperation and reconciliation.

Update, December 2016: WCPO has started implementing the National Strategy in those parts where the Strategy envisaged obligation and measures for the WCP Office. Among other measures the WCP Office fulfilled the goal no. 2 from the Strategy that deals with raising the efficiency of the war crime proceedings. WCP office in the previous months has registered and taken over the cases of potential war crimes from the regular prosecutor offices. WCP office is currently working on these cases according to the law, and most of the cases has been send with appropriate request to the War crimes investigation service of the Ministry of Interior.

War Crimes investigation service will also use this cases received from WCP office to implement it in the database of all the mass crimes committed during the armed conflict in former Yugoslavia. Creation of such database is also an obligation envisaged in the National Strategy for investigation and prosecution of war crimes.

For progress made in implementation of the Strategy regarding victims' rights see 1.4.4.3.

Earlier activities: The Government has, at its 20th session on 20 February 2016, at the proposal of the Legal System and Public Administration Committee, on the basis of Article 45, paragraph

1 of the Law on Government ("Official Gazette of RS", no. 55/05, 71 / 05 - correction, 101/07, 65/08, 16/11, 68/12 - CC, 72/12, 7/14 - CC and 44/14), adopted the National Strategy for investigation and prosecution of war crimes, in the proposed text.

The National Strategy for investigation and prosecution of war crimes was published in the Official Gazette of RS, No. 19 on 2 March 2016.

The proponent of the strategy is the Ministry of Justice.

Implementation has already started and special body in charge for monitoring will be established after forming of the new Government.

1.4.1.2. Considering austerity measures and procedures prescribed by Government of the Republic of Serbia, as well as transfer of cases dynamics, gradually strengthening the capacities of War Crimes Prosecutor's Office (WCP) through electing: deputy public prosecutor and hiring/transfer of prosecutorial assistants: -two deputies special prosecutor III quarter one assistant/advisor during III quarter of 2015; -two deputies special prosecutor and three assistants/advisors during I quarter of 2016; -one deputy special prosecutor and two assistants/advisors during I quarter of 2017; one deputy special prosecutor during I quarter 2018; one deputy special prosecutor and one assistant/advisor during IV quarter 2018; Potential recruitment of military experts in line with prosecutorial strategy (1 quarter 2016); (Continuously, commencing from – I quarter 2016)

Activity is not implemented.

Update, March 2017: Due to significant delays in appointment procedure and no recorded appointment since the AP adoption, this activity can not be considered as a successfully implemented.

Update, December 2016: The State Prosecutorial Counsel finished the election lists of WCP candidates and sent the proposal to the Government of RS on September 26th 2016.

Earlier activities: On Jun 10th 2016 SPC special working body conducted interviews with the candidates for War Crimes Prosecutor position and submitted list of candidates that was published on the SPC web page. Interviews were monitored by representatives of OSCE, HLC, EUD, BGHLC and media.

At the session held on 9th of September 2016, based on Article 7 paragraph 7 of the Rulebook on criteria and standards for evaluation of qualifications, competence and worthiness of candidates during proposing and electing prosecutorial office holders, the State Prosecutorial Council issued

the decision on establishment of the Commission for drafting and evaluating the written and the oral tests, when proposing candidates for deputy public prosecutors, with reference to announcement of the election of two deputies to the Republic Public Prosecutor, two deputies to the Prosecutor for Organized Crime and a deputy to the Prosecutor for War Crimes (“Official gazette of the Republic of Serbia”, No. 36/16).

On 14th of September 2016, the Commission for drafting and evaluating the written and the oral tests, when proposing candidates for deputy public prosecutors, held the written and the oral tests for the candidates that applied to the said announcement.

The State Prosecutorial Counsel finished the election lists of WCP candidates and sent the proposal to the Government of RS on September 26th 2016.

1.4.1.3. Developing the Draft Prosecutorial Strategy for investigation and prosecution of war crimes in Serbia in the light of the Completion Strategy of the ICTY and Draft National Strategy for investigation and prosecution of war crimes, with the involvement and support of the ICTY, MICT, ICC, Regional prosecutors and NGOs, establishing: -the criteria for the selection of war crime cases and creation of the list of priority and more important war crime cases that must be resolved in order to fulfill obligation that all allegations are properly investigated and that all priority and important cases are subsequently prosecuted and tried. The Strategy shall be based on the following principles: - maintaining autonomy of the WCP, through, inter alia, provision of adequate staffing; -focused investigations and criminal prosecutions; - investigating and prosecuting the most responsible perpetrators of the crimes irrespective of their rank; - focusing on the victim during investigation and the proceedings; -paying particular attention to the protection of witnesses; - strengthening the cooperation amongst various stakeholders; Prerequisite for the development of the Strategy is to determine: -which allegations of war crimes have been investigated by WCP in accordance with international standards; -which viable investigations are pending before the WCP; - which viable investigations are pending before the Police; -which viable investigations need to be prioritized over other based on identified criteria (category 1 - 3 cases); -what timeline is envisaged for the investigation and prosecution of all category 1 – 3 cases. (support obtained from ICTY and MICT) (The same activity 1.4.3.2) (I quarter of 2016)

Activity is not implemented.

March 2017: Since there is no progress regarding this activity in last 5Q it can't be considered as successfully implemented.

Earlier activities:

Update, December 2016: The draft of the Prosecutorial strategy is finished and the after the election of the new Prosecutor for War Crimes, the new Prosecutor can review it, after which the strategy can be finally adopted.

Earlier activities: Having in mind the obligation and duties imposed by the National Strategy, War Crime Prosecutor office decided to form the working group that will rewrite and adopt the final Prosecutorial Strategy for war crimes. Working group was formed on 25 of February 2016 and it was decided that it will consist not only from the representatives of the War Crime prosecutor office but also from the representatives of other state organs that are dealing with war crimes and other related issues like witness protection and support. It was seen that their participation is crucial for successful war crime proceedings in future. Representatives of Republic public prosecutor office and Council for the implementation of the Action plan for Chapter 23 are also members of the Working group.

The first meeting of the working group for adopting the Prosecutorial Strategy was held on 15 March 2016. On the first meeting, working group discussed the existent draft of the prosecutorial strategy and the best possible solutions for implementation of obligations from the National Strategy in order to achieve results towards better quality and more effective war crime proceedings in Serbia.

The second meeting was held on 18 May 2016. During the second meeting members of the working group worked on the amended version gave their further suggestions regarding concrete activities that could raise the effectiveness of the prosecutor office and Ministry of Interior's investigation service; the criteria's for prioritization of OWCP cases, activities regarding the cooperation of the OWCP and other state organs in order to make such cooperation more effective in the future and improvement of the witness protection and support system. Members of the working group agreed that on the third meeting the final text of the prosecutorial strategy including all the activities and time frames will be finished.

The War Crime prosecutor office have discuss the final draft of the Prosecutorial strategy and obtained the comments from the legal experts. All this was done before scheduling the final meeting of the Working group for adopting the Prosecutorial Strategy that should adopt the final version of the Strategy.

1.4.1.4. Discussing the prosecutorial strategy on expert meeting with the participation of local judges, members of the police and lawyers involved in war crime proceedings and representatives of the ICTY, MICT, ICC, regional prosecutors and NGOs. Adoption and start of implementation of the Prosecutorial strategy, aligned with the relevant suggestions from the experts meeting. (Continuously, commencing from II quarter of 2016)

Activity is not implemented. This activity will be finished as soon as the working group publish their final version of the Prosecutorial Strategy. (As soon as the new prosecutor is elected).

1.4.1.5. Complete insight and research of International Criminal Tribunal for former Yugoslavia (ICTY) and Residual Mechanism (MICT) archives (about war crimes on the territory of former Yugoslavia including documents not only from Serbia but also from BiH and RH, as well as general and specific allegations already investigated by independent prosecutors of ICTY), analysis of the discovered documents through the established liaison officers based on EU project that will ensure that all priority and serious allegations or war crimes are properly investigated and subsequently prosecuted and tried in line with prosecutorial strategy. -Identifying ICTY/MICT materials and evidence which are relevant to the cases identified as a priority under activity 1.4.1.3 above and transfer of identified documents and evidence from the ICTY and MICT to the War Crime Prosecutor Office (support obtained and memorandum of understanding signed). -Transferring the ICTY know-how through:

- Cooperation of the WCP with the ICTY/MICT on concrete cases in which the evidence was transferred in order to also obtain general and case specific knowledge, expertise and strategies from the ICTY and MICT investigators/prosecutors (transparency is ensured as information and expertise are obtained from independent experts)
- Cooperation of the WCP with the ICTY/MICT on concrete cases in which the evidence was transferred in order to share the strategy and transfer knowledge and practice on jurisprudence relating to crimes and types of responsibility that will be used as allegation in concrete cases (transparency is ensured as information and 113 expertise are obtained from independent experts)
- Presence of the WCP advisor in the ICTY and MICT prosecutor's office on ad hoc basis related to concrete national cases, analyzing ICTY prosecutor's case files and developing a strategy for concrete cases that will be prosecuted by the WCP before the High Court in Belgrade. (Continuously commencing from III quarter of 2015)

Activity is being implemented successfully.

Update, March 2017: After several months EU liaison officer project within the ICTY is restarting again in April 2017 when next liaison officer will go from WCPO office to the ICTY premises to continue working. Situation is the same with the prosecutorial offices from the Republics of former Yugoslavia.

The Cooperation with ICTY prosecutor office in 2015 went pursuant to case specific requests coming from Belgrade. Such cooperation was successful in the cases "Srebrenica", "Strpci" (in both cases Indictments raised) and several investigations. However, pursuant to activity 1.4.1.5 it is expected that search of ICTY archives extend to the wider regions of former Yugoslavia and not only to specific cases. Also it is expected that cooperation with ICTY prosecutor office gets more substantial in the upcoming period, in the sense that it is expected ICTY prosecutor office to be more active. It would be very useful if the prosecutor share the information on the cases where their investigations were not finished but there is some reasonable doubt against some defendants or groups of persons.

Specific sub activities were already organized in Serbian prosecutor office to support activity 1.4.1.5. The most recent one was expert meeting organized by the MICT prosecutor's experts who held training in Belgrade. The training had a purpose to share the knowledge in the process of requesting variation of protective measures for witnesses from the MICT Court. Namely, when the witness who was given protection by the ICTY Court, has to testify before the Belgrade Court, the domestic organ has to initiate the process for variation of ICTY protective measures. So far proceedings that were initiated from Serbia were not successful and because of that it was obvious that this training is the most urgent one.

The trainings that are envisaged in the near future will share the know-how of the ICTY prosecutor's office regarding complex types of responsibility like command responsibility.

In addition to aforementioned liaison officer from Serbian War Crime Prosecutor office (within the EU liaison officer project) is currently in the ICTY premises working on specific requests sent from Belgrade office.

War Crime prosecutor office is currently drafting requests to organize next expert meetings with the representatives of the ICTY and MICT that will train and share the experience with the members of the War Crime prosecutor office.

For the specific cooperation with the ICTY prosecutors in the terms of training and transferring knowledge the prosecutor office is waiting the election of the new War Crime Prosecutor.

1.4.1.6. Establishing a system of training and education in the field of international criminal law for the related group of judges and prosecutors: - induction training for the newly appointed members of state bodies dealing with war crimes; - continuous education training for judges and prosecutors in line with National strategy and prosecutorial strategy (ensuring that the latest IHL developments are included). (Continuously commencing from IV quarter of 2015)

Activity is being implemented successfully.

Update, March 2017: Implementation of the IPA 2015 Project implementing by the OSCE Mission to Serbia starts and it will include numerous activities aimed at establishing sustainable system of training. Having that in mind, Judicial Academy and Police Academy will take part in work of the Project's Steering Committee as observers.

Update, December 2016: Part of the training is envisaged in the existing draft of the Prosecutorial strategy (whose adoption is expected), and parallel with that, training program of the OSCE is expected to start in two months. In the OSCE Project Proposal is envisaged organization of trainings for police officers, judges and public prosecutors in several topics of the key importance for their work.

Earlier activities: The working group for drafting of the National Strategy defined kind of road map for establishment of the system of training and education, not only in the field of international criminal law, but in all relevant fields. The draft Strategy defines key areas of training as well as the key steps for establishing the system.

Trainings in the field of international criminal law are held continuously according to previously adopted program for judges and prosecutors as the integral part of the continues and initial training programme.

Working group that is writing the Prosecutorial Strategy for prosecuting war crimes envisaged the specific activities regarding establishing additional system of training in the field of international criminal law (in line with the National Strategy) for all newly elected employees in the state organs that are dealing with war crimes in Serbia.

For the final program of the system of training adoption of the Prosecutorial Strategy is required.

1.4.1.7. Preparation of analysis (report) of legislative and factual status and needs of the War Crimes Investigation Service of the Ministry of Interior (WCIS) in order to determine needs for its reform. Special emphasis on issues: - whether the WCIS should be moved under the “General Police Directorate”; - whether the process of hiring staff should be changed, taking into account potential impact of possible previous participation of the candidates in armed conflict in former Yugoslavia); whether incentives should be introduced to attract competent staff; -whether the office has sufficient investigators and analysts and proper methodology; - establishment of joint investigative teams and working procedures between the WCP and WCIS. (II quarter of 2016)

Activity is fully implemented.

Update for December 2016: Especially accented issues from the analysis (report) of the legislative and factual status and needs of the War Crimes Investigation Service of the Ministry of Interior – questions 1 and 4. Questions 2, 3 and 5 have no changes.

1. The standpoint of the Ministry of Interior of the Republic of Serbia is that the War Crime Investigation Service should not be extracted from the Criminal Police Department and placed under the direct jurisdiction of the Police Directorate.

Rationale: Implementing its operative actions the War Crime Investigation Service only within the Criminal Police Department is able to perform communication directly with other departments/units of the same Department by engaging of additional number of police officers, and to be provided of additional material resources, and in that way the better mutual coordination is established and operative actions are more effective.

4. By-law on the internal organization and job classification in the Ministry of Interior determined by the Minister in accordance with the Law on Police provides 29 operative work positions (out of which 23 are filled) and 6 analytical work positions (out of which 3 are filled) within WCIS. In this regard the War Crime Investigation Service suggests that currently number of operative and analytical work positions should be increased up-to five (5).

Earlier activities: The draft analyses has been submitted in mid-December. The analysis (report) of legislative and factual status and needs of the War Crimes Investigation Service of the Ministry of Interior in order to determine needs for its reform was prepared and submitted for confirmation to the relevant authorities within the hierarchical structure of the Ministry of Interior, on 22 of February 2016.

Especially accented issues from the analysis (report) of the legislative and factual status and needs of the War Crimes Investigation Service (WCIS) of the Ministry of Interior:

1. The current organizational structure of the Ministry of Interior of the Republic of Serbia does not provide the War Crimes Investigation Service to be a separate organizational unit from the Criminal Police Department, functioning under the General Police Directorate;

2. WCIS supports the aspect that members of the Ministry of Interior who participated in armed conflicts should not be engaged in investigation of war crimes;

3. The standpoint of WCIS is that new skilled staff and retaining the existing ones should be attracted by incentives, since there is a basis in the Law on the Organization and Jurisdiction of Government Authorities in War Crimes Procedure ("Off. Gazette of RS", no. 67/2003, 135/2004, 61/2005, 101/2007 and 104/2009);

4. By-law on the internal organization and job classification in the Ministry of Interior determined by the Minister in accordance with the Law on Police provides 29 operative work positions and 6 analytical work positions within WCIS, out of which 23 positions filled with war crime investigators and 3 analysts. Pursuant to the Criminal Procedure Code ("Official Gazette of RS", No. 72/11, 101/11, 121/12, 32/13, 45/13 and 55/14) as well as by other laws and by-laws which regulate the acting of war crime investigators, the working methodology is agreed in coordination with the War Crimes Prosecutor's Office within which work priorities are determined.

5. The Prosecutor's Strategy for Prosecuting War Crimes from 2016 to 2026 which is managed by the War Crimes Prosecutor's Office of the Republic of Serbia provides development of cooperation between the War Crimes Prosecutor's Office and WCIS. The strategy also provides establishing of joint strategy team in order to define guidelines and directions of acting in matters of mutual interest, establishing joint operational teams together with the prosecutor as the head of

procedure, as well as organizing of periodical mutual round tables in order to exchange experiences and improve their mutual activities.

1.4.1.8. Implementation of measures to improve the status and capacity of the War Crimes Investigation Service of the Ministry of Interior in accordance with the results of the analysis (report) under 1.4.1.7. (Continuously, commencing from III quarter of 2016)

Activity is not implemented.

1.4.1.9. Enhancement of the WCP web-site to enable the public to monitor what activities and when have been performed by the WCP in relation to specific criminal charges. (Continuously, commencing from II quarter of 2015)

Activity is being implemented successfully. New web page of the War Crime prosecutor office is on line. The WCPO web page is being regularly updated with decisions, news, analyses, reports, etc.

1.4.1.10. Preparation of a report by the War Crimes Prosecutor's Office, which will be available to the public indicating what has been done in respect of all criminal charges since 2005, to determine and to represent whether all allegations of war crimes are investigated appropriately. (the same activity 1.4.3.5.) (II quarter of 2016)

Activity is not implemented.

March 2017: Since there is no progress regarding this activity in last 3Q it can't be considered as successfully implemented.

Earlier activities: The WCPO has drafted the Report. The finalization and publication is postponed until the election of the new War Crime Prosecutor who should approve the substance of the report.

1.4.2.1. Organizing the Expert meeting/Conference on the subject "Type and level of sentences and establishing the criteria applied in the war crime cases before the ICTY, and national jurisdictions in Croatia, Serbia and BiH, with the participation of judges, prosecutors and attorneys that are dealing with war crimes in Serbia. (III quarter of 2015)

Activity is fully implemented. The expert meeting has been held on December 11th, 2015. The representatives of all relevant institutions in the area of war crimes investigation and proceeding from region and ICTY took part in the discussion.

1.4.2.2. Publishing and follow up the conclusions from the Conference. (Commencing from IV quarter of 2015)

Activity is not implemented.

March 2017: Since there is no progress regarding this activity in last 5Q it can't be considered as successfully implemented.

Earlier activities: Process of drafting conclusions is currently ongoing based on written suggestions of the expert meeting participants.

1.4.2.3. Preparation, publication and distribution of Reports on the Higher, Appellate Court and Supreme Court of Cassation case law on sentencing policies in war crime proceedings for judges' prosecutors and lawyers. (I and II quarter of 2016)

Activity is partially implemented. Through its website, in the section dedicated to the case-law, the Supreme Court of Cassation publishes all decisions in war crimes cases it deals with.

1.4.3.1. Adoption and effective implementation of the National Strategy for investigation and prosecution of war crimes. -Drafting, public debate and adoption of the Strategy - Implementation of National Strategy (I quarter of 2016. (for adoption) Continuously, commencing from I quarter of 2016 (for implementation))

Activity is being implemented successfully. Ibid as 1.4.1.1.

1.4.3.2. Developing the Draft Prosecutorial Strategy for investigation and prosecution of war crimes in Serbia in the light of the Completion Strategy of the ICTY and Draft National Strategy for investigation and prosecution of war crimes, with the involvement and support of the ICTY, MICT, ICC, Regional prosecutors and NGOs, establishing: -the criteria for the selection of war crime cases and creation of the list of priority and more important war crime cases that must be resolved in order to fulfill obligation that all allegations are properly investigated and that all priority and important cases are subsequently prosecuted and tried. The Strategy shall be based on the following principles: - maintaining autonomy of the WCP, through, inter alia, provision of adequate staffing; -focused investigations and criminal prosecutions; - investigating and prosecuting the most responsible perpetrators of the crimes irrespective of their rank; - focusing on the victim during investigation and the proceedings; -paying particular attention to the protection of witnesses; - strengthening the cooperation amongst various stakeholders; Prerequisite for the development of the Strategy is to determine: -which allegations of war crimes have been investigated by WCP in accordance with international standards; -which viable investigations are pending before the WCP; - which viable investigations are pending before the Police; -which viable investigations need to be prioritized over other based on identified criteria (category 1 - 3 cases); -what timeline is envisaged for the investigation and prosecution of all category 1 – 3 cases. (support obtained from ICTY and MICT) (The same activity 1.4.1.3.) (I quarter of 2016)

Activity is not implemented.

Ibid as 1.4.1.3.

1.4.3.3. Discussing the prosecutorial strategy on expert meeting with the participation of local judges, members of the police and lawyers involved in war crime proceedings and representatives of the ICTY, MICT, ICC, regional prosecutors and NGOs. Adoption and start of implementation of the Prosecutorial strategy, aligned with the relevant suggestions from the expert meeting. (The same activity 1.4.1.4.) (Continuously, commencing from IV quarter of 2015)

Activity is not implemented. This activity will be finished as soon as the WCP is appointed and the Strategy adopted.

1.4.3.4. Cooperation on individual cases between the WCP and the ICTY and MICT on sharing the strategy in cases of high level officers and transferring the knowledge on judicial practice relevant for types of responsibility and crimes (command responsibility; crimes against humanity; specific direction of aiding and abetting). (Continuously, commencing from II quarter of 2015)

Activity is being implemented successfully. Cooperation is ongoing and successful.

For the specific cooperation with the ICTY prosecutors in terms of training and transfer of knowledge, election of the War Crime Prosecutor is being awaited.

1.4.3.5. Preparation of a report by the War Crimes Prosecutor's Office, which will be available to the public indicating what has been done in respect of all criminal charges since 2005, to determine and to represent whether all allegations of war crimes are investigated appropriately. (the same activity 1.4.1.10.) (II quarter of 2016)

Activity is not implemented.

March 2017: Since there is no progress regarding this activity in last 3Q it can't be considered as successfully implemented.

Earlier activities: Ibid as 1.4.1.10.

1.4.4.1. Analysis of current practice in the implementation of Article 102, paragraph 5 of the Criminal Procedure Code in order to identify existing needs for amending the Article and better protection of witnesses. (II quarter of 2016)

Activity is fully implemented. The Analysis was developed as a part of the comprehensive Analysis of the alignment of Serbian normative and institutional framework with relevant acquis dealing with WVs' rights.

1.4.4.2. Conduct an independent and impartial assessment of conduct and work of the Ministry of Interior's „Witness protection Unit“ (WPU) in order to determine potential

needs for Unit's reform, as well as corrective measures, particularly focusing on: - whether the process of hiring staff should be improved (whether possible previous participation of the candidates in armed conflict in former Yugoslavia should be an obstacle in the selection process); - concrete working methodology, content and procedures in the WPU's work; - material-technical capacities -establishment of joint working teams and procedures between the WCP and WPU. Link with activities - Chapter 24 6.2.11.1. and 6.2.11.2. (Continuously, commencing from IV quarter of 2015)

Activity is partially implemented.

Update, March 2017: Since there is no track record on measures undertaken in order to implement conclusions from the Assessment, this activity can not be considered as successfully implemented anymore.

The Commission for implementation of witness protection Programme made decision to start assessment on October 12th 2015. Within a period October-December 2015 three meetings of the Commission aimed drafting the assessment has been held. Commission made decision to request opinion from WCPO on WPU's work (identified issues, recommendations and suggestions on its work).

In February 1, 2016, the Commission for implementing the Protection Program completed the independent analyses of work in Protection Unit within the Ministry of Interior. The Commission has defined all necessary measures which should be taken in the Conclusion of analyses, so that the work on the Unit could be improved, as well as on a propriety way addressed on recommendations.

In the next period in mentioned Conclusion of analyses the implementation of suggested measures will be applied and all activities suggested in Chapters 23 and 24.

1.4.4.3. Activities aimed at establishing and improvement of the service for the support and assistance to witnesses and victims national wide network, based on results of the previous analyses, and taking into account already established services for the support and assistance to victims in courts and public prosecutor's offices.

(AP Ch. 24: 6.2.11.8, 6.2.11.10. and AP Ch: 23: 3.7.1.21.) (Continuously, commencing from I quarter of 2016)

Activity is being successfully implemented.

Update, March 2017: In respect of the activities 1.4.4.3 and 3.7.1.20 of the Action Plan for Chapter 23 and 6.2.11.8 of the Action Plan for Chapter 24, in the reporting period, i.e. as of 1st February 2017 the Services for informing and support to the injured parties and witnesses have started to work in all High public prosecution offices in the Republic of Serbia and the Organized Crime Prosecution Office, thus establishing the network of the Services for support to the injured parties and witnesses in judicial institutions in the Republic of Serbia, having in mind already

established Services in high courts. These Services undertake measures and activities with the goal to enable, the victims and witnesses of crime efficient enforcement of right to receive information and right to access support services during the proceedings, in order to facilitate their participation in criminal proceedings and for purpose of greater efficiency of proceedings.

Republic Public Prosecution Office, jointly with the State Prosecutorial Council, and the OSCE Mission to Serbia, has continued to build capacities of public prosecution offices in the area of providing information and support to the injured parties and witnesses and, with reference to that, prepared a new brochure on the Services for informing and support that contains basic information and contact data of all Services in public prosecution offices, and at the same time it participated at drafting of the Communication manual for public prosecution offices on communication with the witnesses and the injured parties. In addition to that, it is initiated education in the area of providing information and support to the injured parties and to the witnesses, both for persons working at the Services and for prosecutorial office holders. For this year is foreseen delivery of eight one-day seminars on providing information and support to the injured parties and witnesses. Within the reporting period were delivered the following seminars: 27-28 February 2017 in Nis, 13-14 March 2017 in Kragujevac and 20-21 March 2017 in Novi Sad, while seminars in Belgrade shall be delivered on 3-4 April 2017.

Update, December 2016: In addition to the report for 3.7.1.2. Working group established by the Republic Public Prosecutor's Office, finalized the text of the General mandatory guidelines on performance of Services for information and support to victims and witnesses in the Public Prosecutor's Offices. Republic Public Prosecutor on December 5, 2016 issued General mandatory guidelines O no. 2/2016 which was delivered to the Public Prosecutor's Offices.

Also, in the reporting period, the Republic Public Prosecutor's Office provided necessary assistance and ordered the Prosecutor's Offices for Organized Crime to establish the Service for support and assistance for victims and witnesses in the first quarter of 2017.

Earlier activities: The Republic Public Prosecution in cooperation with the British Embassy and the OSCE Mission to Belgrade established the Information Office for Injured Parties and Witnesses in the Higher Public Prosecutor's Offices in the centers of appellate regions as follows: On 10 April 2014 in Belgrade, on 15 December 2015 in Novi Sad, Kragujevac and Niš. In cooperation with the OSCE Mission trainings were held for these Offices on 24 September 2015, 24 November 2015 and 25-26 April 2016. The next training is scheduled for 30 May 2016. Also, with the support of the OSCE Mission, an information brochure was printed with the necessary data on these Offices and handed to each person together with a call for their statement. In August 2016, the working group established by the Republic Public Prosecutor's Office in March 2016, has prepared, with the support of the OSCE Mission in Serbia, the first draft of the Guidelines on performance of Services for information and support of victims and witnesses in Public Prosecutor's Offices.

Also, with the help of the OSCE Mission in the Republic of Serbia, in September 2016, work on the development of the Communication manual for prosecutors and support officers on communication with victims and witnesses of crime has begun.

On 20 February 2015, the Republic Public Prosecution signed a Memorandum of Understanding and Cooperation with the Victimology Society and has plans on further development of the system for informing injured parties and witnesses. Subsequently, the Information Office for Injured Parties and Witnesses should evolve into Support Offices for Injured Parties and Witnesses. Establishment of these kind of offices is also planned in other higher and basic public prosecutor's offices.

The War crime prosecutor office representatives are involved in the work of the working group tasked with harmonizing the procedural framework with the *acquis* in the field of procedural safeguards.

1.4.4.4. Changing the systematization of WCP, introducing employment of the psychologists that will deal with victims and witnesses (in line with prosecutorial strategy) (Continuously, commencing from II quarter of 2016)

Activity is not implemented. Implementation of the activity will be developed in the new Prosecutorial Strategy for prosecution of war crimes and will be fulfilled after the adoption of that Strategy.

1.4.4.5. Adopt adequate implementing laws to effectively implement the change of identity as protective measure for witnesses and development of a Protocol on mandatory provision of information to victims about all aspects of the trial that are of interest to the victims, (decision, the release of the accused from detention, serving of sentence by a convicted, etc.) in accordance with Article 26 of the Directive 2012/29 / EU. Link with activity Chapter 24. 6.2.11.11. (IV quarter of 2015 – IV quarter of 2016)

Activity is partially implemented. The RPPO developed Protocol on mandatory provision of information to victims about all aspects of the trial that are of interest to the victims in February 2017 (*Communication manual for public prosecution offices on communication with the witnesses and the injured parties*). The Protocol has been distributed to all prosecutor's offices in the Republic of Serbia.

1.4.4.6. Improving administrative capacities of the Ministry of Interior's Witness Protection Unit through training. (Link with activity Chapter 24. 6.2.11.5). (Ongoing until 1.1.2016 - Continuous as of 2016)

Activity is being successfully implemented. In November 2016, it was conducted IT workshop with WINPRO III.

Shooting practice with in the Ministry of Interior, in November 2016.

Update, March 2017:WPU:

In March 2017, “Witness assessment training” it was held in Belgrade, R of Serbia, within the WINPRO III Project, in the same period in March it is ongoing another “Beginning training” in the Montenegro.

1.4.4.7. On the basis of previously performed analysis, amend the Rulebook on internal systematization and job classification in the Ministry of Interior which refers to the activities and organization of the Unit for witness protection and implement measures in line with the amended Rulebook. (Link with activity Chapter 24. 6.2.11.3.) (I quarter of 2016.)

Activity is not implemented.

1.4.5.1. Organizing round tables and lectures for the members of Ministry of Interior (War Crime investigative Service and Witness protection Unit) on the subject of „Basic communication with media“. (Continuously, commencing from II quarter of 2016)

Activity is not implemented.

March 2017: Since there is no progress regarding this activity in last 3Q it can't be considered as successfully implemented.

Earlier activities: Consultations between WPU, WCIS and WCPO to organize joint training is currently ongoing.

Round tables and lectures on the subject of „Basic communication with media“ were not organized for the members of the Ministry of Interior (War Crime investigative Service and Witness protection Unit).

Implementation of the activity will be expanded and developed in the new Prosecutorial Strategy for prosecution of war crimes and will be fulfilled after the adoption of that Strategy.

1.4.5.2. In line with the provisions of the National Strategy (activity 1.4.1.1.) assess confidentiality rules and their respect within relevant institutions, amend them where needed and strengthen control over implementation (Continuously, commencing from I quarter of 2016)

Activity is not implemented. Implementation of the activity will be developed in the new Prosecutorial Strategy for prosecution of war crimes and will be fulfilled after the adoption of that Strategy.

FIGHT AGAINST CORRUPTION

2.1. IMPLEMENTATION OF ANTI-CORRUPTION MEASURES

2.1.1.1. Amending the Decision which established the Coordination Body for the implementation of the Action Plan for the Implementation of the National Anti-Corruption Strategy in the Republic of Serbia in the period 2013- 2018 by extending the competencies of the Coordination Body to the coordination of implementation of this Action Plan for Chapter 23, Subchapter fight against corruption. (II quarter of 2016)

Activity is partially implemented. Draft of Decision is prepared. Status of activity remain unchanged comparing to previous reporting period. Full implementation of activity is expected in the first quarter of 2017, following the adoption of the Action Plan for the implementation of the Financial investigations Strategy. Competences of the Coordination Body will be extended to implementation supervision of the abovementioned Action Plan.

Status of activity remain unchanged comparing to previous reporting period. Full implementation of activity is expected in the second quarter of 2017.

2.1.1.2. Organizing regular bi-annual meetings of the Coordination Body, presided by the Prime Minister (political level), quarterly and bilateral meetings, presided by the State Secretary of the Ministry of Justice (political and technical level, Group for coordination of the implementation of the National Anti-Corruption Strategy) in order to monitor implementation of the obligations stipulated in the Action plans. Meetings of the coordination bodies are open to the public and participation of civil society organizations. (Continuously)

Activity is being successfully implemented. Coordination body held meeting on January 25, 2016 with Minister of Justice as a chairman. Implementation of the obligations stipulated in the Action plans are monitored, and the results achieved by implementing the Action Plan for the Implementation of the National Strategy for the Fight against Corruption for the period from 2013 to 2018 were analysed. Next meeting of Coordination body was planned for July/August 2016, but due to parliamentary elections and subsequent formation of the Government, Coordination body meeting planned for July/August was not held. State secretary of the Ministry of justice is holding regular bilateral meetings.

Status of activity remain unchanged comparing to previous reporting period. It is expected that the implementation of activity 2.1.1.1. will effect positively on the continued successful implementation of this activity.

Status of activity remain unchanged comparing to previous reporting period. Meeting schedule will be regulated in accordance with amended Decision which established the Coordination Body for the implementation of the Action Plan for the Implementation of the National Anti-Corruption

Strategy in the Republic of Serbia in the period 2013- 2018, commencing from second quarter of 2017.

2.1.1.3. Strengthening of capacities of the Group for coordination of the implementation of the National Anti-Corruption Strategy, in accordance with previously prepared Needs Assessment. (IV quarter of 2015.)

The activity is fully implemented. Capacities of the Group for coordination of the implementation of the National Anti-Corruption Strategy are strengthened, based on needs analysis.

2.1.2.1. Amend the Rules of Procedure of the Government prescribing that the Government includes all reports of the Anti-Corruption Council in its agenda, within three months from the date of submission of the report, and prescribe obligation for relevant authorities of the public administration to give prior opinion on the report and recommendations of the Council. The Council is invited on the Government session to present the main findings. (Continuously. For amendments to the Rules of Procedure: I quarter of 2017.)

Activity is not implemented.

2.1.2.2. Inclusion of Anti-Corruption Council in legislative procedure concerning regulations which, according to Council's assessment, bear a risk of corruption. Members of the Council are required to take active participation in the operation of working groups.(Continuously. IV quarter of 2015)

Activity is partially implemented. By now, members of Anti-Corruption Council are already involved in legislative procedure. They are members of several working groups for law drafting, such as Working group for drafting Criminal Code, Law on organization and jurisdiction of state authorities in combating corruption and organized crime.

Note that Government annual plan is public document, on which basis members of Council can make estimation of laws that bear risk of corruption, as well as to make their own timetable of activities.

However, according to the Anti-Corruption Council report, Council members were not given a chance to take active participation in the operation of other active working groups.

2.1.2.3. Amend the Decision which established the Coordination body in order to prescribe quarterly meetings between Deputy President of Coordination body and members of Anti-Corruption Council with the aim of qualitative analysis of Council reports. (II quarter of 2016)

Activity is partially implemented. Draft of Decision is prepared. Status of activity remain unchanged comparing to previous reporting period. Full implementation of activity is expected in the first quarter of 2017, following the adoption of the Action Plan for the implementation of the Financial investigations Strategy. Competences of the Coordination Body will be extended to implementation supervision of the abovementioned Action Plan.

Status of activity remain unchanged comparing to previous reporting period.

2.1.2.4. The Republic Public Prosecutor's Office considers the report of Anti-Corruption Council from the point of possible criminal liability and forwards them to the competent public prosecutor's offices, monitors implementation and draws up reports. (Continuously)

Activity is being successfully implemented. Republic Public Prosecution analyses the Anti-Corruption Council's reports, directs them to the competent Prosecutor's Offices, monitors proceedings and reports back to the Council.

On 13 April 2016 the Republic Public Prosecution submitted to the Anti-Corruption Council annual report on proceedings of the public prosecutions, based on the reports submitted by Anti-Corruption Council, as well as tabular presentation of statistical data.

In the reporting period, Republic Public Prosecution continued to analyze the Anti-Corruption Council's reports, direct them to the competent Prosecutor's Offices and monitor criminal proceedings initiated upon Council's reports.

2017/1: On 18 January 2017 the Republic Public Prosecution submitted to the Anti-Corruption Council annual report on proceedings of the public prosecutions, based on the reports submitted by the Anti-Corruption Council.

2.1.2.5. Strengthening budgetary and staff capacities of Anti-Corruption Council in accordance with preliminary analysis. Government appoints members of the Council who are missing. (I quarter of 2017)

Activity is not implemented. Government has adopted the Decision on dismissal of members and appointment of the members of the Anti-Corruption Council at its 36th meeting held on 13 December 2012, at a proposal from the General Secretariat of Government. Last appointing of members of the Council are from 2012.

2.1.4.1. Adoption of amendments and supplements to the Law on the National Assembly in order to introduce obligation of the Government to submit (at least once a year) report on implementation of National Assembly's conclusions which have been adopted upon taking into consideration of the reports of the Agency.

Government is required to submit the aforementioned reports within 6 months following the adoption of the aforementioned conclusions by National Assembly whereas National Assembly is required to review the Government's report at the session. (IV quarter of 2015)

Activity is being successfully implemented. This activity is already performing in practice. Every conclusion or decision issued by National Assembly prescribe obligation to the Government to act upon the conclusion/decision within deadline.

Although there is no legal obligation, the conclusions resulting from consideration of the reports submitted by independent state authorities, organizations and bodies, adopted by the National Assembly, upon the proposal of the National Assembly competent committee, oblige the Government to submit the report on implementation of the conclusions and the Government acted in accordance with these conclusions so far. At present there is no motion for these amendments in parliamentary procedure.

Bearing in mind that Law on the National Assembly primarily regulates budgetary autonomy of the National Assembly, it is questionable whether this activity should be regulated in mentioned law.

2.1.4.2. Adopt amendments and supplements to Law on Anti-Corruption Agency introducing the following: report on implementation of the Strategy has to be submitted to National Assembly separately from annual report on work of the Agency; determine deadline for the submission of the report on implementation of the Strategy; amend the obligation to submit quarterly reports to the obligation to submit bi-annual reports; introduce obligation to submit evidence along with the report; introduce obligation for responsible entities to positively correspond to the invitation of the Agency to be present at meetings where public is allowed to attend; proscribe as misdemeanor the situation if stakeholders do not submit report or do not correspond to the invitation of the Agency; entitlement of Agency with the right to submit its opinion on implementation of the activities to responsible stakeholders or state authority that elected or appointed manager of the stakeholder, whereby the stakeholder must consider this opinion within 60 days and should inform Agency and the public about the reached conclusions. (III quarter of 2016)

Activity is almost completely implemented. A draft of the new Law on Anti Corruption Agency is prepared. Public debate is currently ongoing. After public debate closure, legislation procedure will be continued in accordance with the Rules of procedure of the Government.

Status of activity remain unchanged comparing to previous reporting period. Public debate is still ongoing.

2.2. PREVENTION OF CORRUPTION

2.2.1.1. Adopt new Law on Anti-corruption Agency in order to completely regulate the field of prevention of corruption and ensure Agency's efficiency in order to:oblige managers of public authorities to allow the Agency perform unimpeded insight, obtain copies and directly access to existing databases, documents and information;
create conditions for more effective control of assets and incomes (determine obligation for public officials to submit their asset and income declarations in electronic form (with electronic signature),determine the right to immediate and unimpeded access to the official records and the documents of public authorities and other entities which are of importance for the proceedings ACA is conducting, define obligation for the National Bank of Serbia, business banks, other financial institutions, other legal entities and entrepreneur to submit requested data to the ACA according to the law, define/enable ACA to take the relevant statements (in ACA premises) both from the responsible and official persons, expand the circle of associated persons, detecting the conflicts of interest and control of financing the political activities;separate and clearly define the concept of accumulation of functions and the concept of conflict of interest and establish strong mechanisms and necessary solutions for detecting and sanctioning conflicts of interest;define provisions relating to the methodology of corruption risk assessment in regulations;define in a special way rights and obligations of employees.(III quarter of 2016)

Activity is almost completely implemented. A draft of the new Law on Anti Corruption Agency is prepared. Public debate is currently ongoing. After public debate closure, legislation procedure will be continued in accordance with the Rules of procedure of the Government.

Status of activity remain unchanged comparing to previous reporting period. Public debate is still ongoing.

2.2.1.4. Conduct analysis of the specificity of staff positions for fight against corruption, existing and necessary staff capacities, in particular concerning: organizational structure, number of employees and the necessary level of expertise. (III quarter of 2016)

Activity is fully implemented. The activity has been finalized. Through TAIEX Expert Mission Slovenian expert Ms Alma Sedlar conducted the analysis of specificity of independent anti-corruption bodies and working positions at the Anti-Corruption Agency, in accordance with international standards in this area. The Report entails recommendations for improvement of position of the staff working at the Anti-Corruption Agency and will serve as a basis for drafting the new Rulebook on Internal Organization and Job Classification of the Professional Service of the Anti-Corruption Agency, after the adoption of the new Law on the Anti-Corruption Agency.

2.2.1.5. Amend systematization of Anti-Corruption Agency and provide a budget for the Agency based on analysis in the measure 2.2.1.4. and employment of necessary staff. (Continuously, commencing from II quarter of 2016)

Activity is not implemented. Status of activity remain unchanged comparing to previous reporting period. Amending the Rulebook on Systematization of the ACA has been envisaged after adoption of the new Law on the ACA.

Nota bene: Deadline for implementation of the respective activity should have been III quarter 2016 which was also indicated by the ACA as a part of its comments on the final version of the Action Plan for Chapter 23.

The Rulebook on Internal Organization and Job Classification of the Professional Service of the Anti-Corruption Agency shall be amended after the adoption of the new Law on the Anti-Corruption Agency.

2.2.1.6. Conduct the analysis of the necessary trainings for employees of the Anti-Corruption Agency in order to implement the new law on the Anti-Corruption Agency. (III quarter of 2016)

Activity is fully implemented. The experts engaged within Twinning Project “Prevention and Fight against Corruption” implemented by the Anti-Corruption Agency and partner institutions from Italy and Spain, drafted the Report on Training Needs Assessment for the Anti-Corruption Agency's staff, which will serve as a basis for conducting trainings during the respective project. The Report on Training Needs Assessment, i.e. Training Programme will also be adjusted to the new Law on the Anti-Corruption Agency, once it has been adopted.

2.2.1.7. Continuous specialized trainings for employees of the Anti-Corruption Agency in order to implement the new Law on Anti-Corruption Agency. (Continuously)

Activity is partially implemented. Albeit the new Law on the Anti-Corruption Agency has not been adopted yet, trainings for the Anti-Corruption Agency's staff commenced, in accordance with defined timeline of the Twinning Contract implementation. In the reporting period, the Anti-Corruption Agency's staff attended two cycles of trainings on strategic planning in internal and external communication as well as drafting Communication Strategy.

2.2.1.8. Developing software for reporting on National Anti-Corruption Strategy and Action plan for its implementation. Update software to respond to the needs of monitoring the relevant measures in the Action Plan for Chapter 23. (For creating software: II quarter of 2015. For update software: IV quarter of 2017)

Activity is being successfully implemented. Software which enables easier monitoring and reporting on the National Anti-Corruption Strategy and Action plan for its implementation is developed. Application will be operational until the end of 2015.

Software applications have been transferred to ACA's server and the ACA is currently conducting trainings for the institutions that will use this software both for reporting on the Action Plan for implementation of the National Anti-Corruption Strategy and integrity plans.

The Anti-Corruption Agency has still been conducting trainings for the institutions that will use software both for reporting on the Action Plan for implementation of the National Anti-Corruption Strategy and integrity plans. Testing of the respective applications has also been underway.

Trainings on application for reporting on implementation of the National Anti-Corruption Strategy and its Action Plan have been finalized, the application is operational and has currently been tested with users.

2.2.1.9. Developing software for integrity plans which enables easier reporting and monitoring of the implementation of integrity plans. Update software. (For creating software: II quarter of 2015. For updating software: IV quarter of 2017)

Activity is being successfully implemented. Software for integrity plans which enables easier reporting and monitoring of the implementation of integrity plans is developed. Application will be operational in 2015.

Software applications have been transferred to ACA's server and the ACA is currently conducting trainings for the institutions that will use this software both for reporting on the Action Plan for implementation of the National Anti-Corruption Strategy and integrity plans.

The Anti-Corruption Agency has still been conducting trainings for the institutions that will use software both for reporting on the Action Plan for implementation of the National Anti-Corruption Strategy and integrity plans. Testing of the respective applications has also been underway.

The application has been operational as of December 2016 with all corresponding trainings being finalized in the reporting period. The activity has been implemented in the part related to application development.

2.2.1.10. Multidisciplinary training sessions and workshops with institutions that intensively cooperate with the Anti-Corruption Agency. (Continuously, until II quarter of 2018)

Activity is not implemented. Implementation of this activity has been preconditioned by defined timeline of the Twinning Contract implementation, i.e. is not due in this reporting period.

2.2.1.11. Workshops with the relevant parliamentary committee in order to implement the recommendations of the Agency. (Continuously until II quarter of 2018)

Activity is not implemented. Implementation of this activity has been preconditioned by defined timeline of the Twinning Contract implementation, i.e. is not due in this reporting period.

2.2.1.12. Workshops with misdemeanor courts, prosecutor's office, Ministry of Interior, Directorate for Prevention of Money Laundering, Tax Administration. (Continuously, until II quarter of 2018)

Activity is not implemented. Implementation of this activity has been preconditioned by defined timeline of the Twinning Contract implementation, i.e. is not due in this reporting period.

2.2.2.1. Qualitative and quantitative analysis of implementation of Law on financing of political activities in particular measures which sanction noncompliance with the Law: number of filed misdemeanour charges; number of decisions of misdemeanour courts (adjourn the case, final); acting of misdemeanour courts, Anti-Corruption Agency, State Audit Institution and other subjects relevant for the implementation of law. (II quarter of 2016)

Activity is fully implemented. The second expert mission was held on July 1, 2016 which is when Slovenian expert Mr. Jurij Toplak presented his findings in terms of the effects of implementation of the Law on Financing of Political Activities as well as recommendations for improvement of legislative framework in this area. Serbian version of the Report is available at the website of the Anti-Corruption Agency at the following link: www.acas.rs/извештај-о-примени-закона-о-финансира/.

2.2.2.2. Amend the Law on Financing of Political Activities in order to clarify and separate duties of Agency, State Audit Institution and other relevant state authorities in the process of control of political activities and precisely determine duties and mechanisms for transparency of financing of political subjects in accordance with quality analysis on implementation of Law on Financing of Political Activities from item 2.2.2.1.

Ensure that amendments encompass strengthening ACA capacity to receive the necessary information on financial flows. (IV quarter of 2016)

Activity is not implemented. Text of the Draft Law on Amendments to the Law on financing political activities has been prepared pursuant to the National Anti-corruption Strategy for the period 2013 to 2018 and the pertaining Action Plan for Implementation of the National Anti-corruption Strategy for the period 2013 to 2018 where the measure for the Ministry of finance, which is as responsible entity obliged to fulfill the measure, was determined. The purpose of this measurement is to eliminate the shortcomings in the legal framework and implementation of the control of financing of the political activities and entities.

In the text of the Draft Law provisions have been included that are related to the following:

- clear separation of duties of Anti-Corruption Agency, State Audit Institution and other relevant state authorities in the process of control of political activities and entities.

-precise determination of duties and mechanisms for transparent financing of political entities.

-duty of the director of Tax administration to include, in the annual or extraordinary plan of tax control, donors of financial resources and other services to political entities, in compliance with report of Anti-Corruption Agency on financing political activities and entities.

Related to the above-mentioned, a public hearing on the Draft law was carried out, in the period from August 4th to August 25th 2014, and after that the Draft law was submitted for opinion to ODIHR and Venice Commission, which together adopted Joint expert opinion on the Draft law, on plenary session held on October 10th - October 11th 2014 and submitted it to the Ministry of Finance.

The Ministry has obtained the opinions of the all competent authorities to which the Draft law was submitted for opinion (Ministry of Justice, Republic Secretariat for Public Policy, Republic Secretariat for Legislation, European Integration Office). After all these undertaken actions Committee for Legal System and State authorities and the Committee on Economy and Finance have considered the Draft law in the meetings held in January 2015 and submitted it to the Government of Serbia.

2.2.2.3. Prescribe that the program of revision entails compulsory revision of parliamentary political parties on the republic level and introduction of duty of director of Tax administration to include in the annual or extraordinary plan of tax control, donors of financial resources and other services to political subjects, in compliance with report of Agency on financing political activities and subjects. (IV quarter of 2016)

Activity is not implemented. Activity linked to the adoption of Draft Law on Amendments to the Law on financing political activities.

2.2.2.6. Strengthening capacities of all entities responsible for implementation of the Law on financing political activities, the Republic Electoral Commission, the training of judges of misdemeanour courts with the participation of the State Audit Institution (link with activity 2.2.1.4.) (Continuously)

Activity is being successfully implemented. Implementation status of this activity is the same as in the previous reporting period. The activities were conducted during 2013 with support of the JRGA-USAID project. At all 4 appellate seats were delivered 10 seminars in total covering the topic. The Judicial Academy is in the phase of identification of potential partners for conducting a new cycle of the activity (the IPA project of Support to the Judicial Academy shall support education in the area of fight against corruption, therefore, it is expected to realize the activity with the project support during the fourth quarter of 2016 at the latest).

The Anti-Corruption Agency conducted trainings for authorised persons in political subjects (persons dealing with finances within the political subjects), journalists, prosecutors and police in 2012, 2014 and 2015. Trainings were focused on the control of financial reports of political subjects and acting upon violation of the Law. In addition, in 2012 and 2016 the Anti-Corruption Agency conducted trainings for election campaign observers.

2017/1: In the reporting period the representatives of the Anti-Corruption Agency conducted 11 seminars on submission of annual financial reports and election campaign cost reports for political parties and citizen groups in Belgrade, Valjevo, Vranje, Kragujevac, Nis, Novi Pazar, Novi Sad, Subotica and Uzice. Seminars were targeted at authorised persons, book keepers and representatives of political parties and citizen groups who submit annual financial reports and election campaign cost reports. The aim was to present rights and obligations as per the Law on Financing of Political Activities and powers of the Anti-Corruption Agency as well as inform the authorised persons, book keepers and representatives of political subjects on obligations and most frequent mistakes occurring when submitting election campaign cost reports as well as annual financial report, declaring donation of natural persons and legal entities, pay-in and pay-out from the account for regular work, i.e. election campaign and obligations of authorised person in political subject, keeping records and reporting.

Out of 633 invited participants, seminars were attended by 157 of them.

Nota bene: This activity has also been envisaged by the Twinning Contract and will be implemented in accordance with its timeline.

2.2.2.7. Strengthening technical capacities of the Anti-Corruption Agency for the monitoring the financing of political activities, software for on line notification, better availability of published data. (Continuously)

Activity is being successfully implemented. The ACA identified needs for strengthening technical capacities in the area of control of financing political activities. In that regard, the ACA is currently engaged in purchasing the software that would, based on set criteria, use data from various sources and then display it through images, thus facilitating monitoring of money flows between associated legal and natural persons.

The application related to proceedings in the area of financing political activities has been established, thus enabling monitoring of its all relevant phases, from submitting request for initiation of misdemeanor proceedings or criminal charge to issuing decision on loss of public funds. In addition, the application enables search against various criteria (e.g. violation of the Law, the year in which violation occurred, political subject, etc.), resulting in more efficient and more accurate analyses drafted by the ACA, thus facilitating its daily work.

The activity has been successfully finalized for 2016. The Anti-Corruption Agency has been using the respective application and plans to further enhance its technical capacities pertaining to control of financing political activities as per defined deadline and source of funding.

2017/1: During the implementation of the previously developed application, possibilities for its improvement have been identified as to better accommodate the needs of the Anti-Corruption Agency in the area of control of financing political activities. In that regard, the Anti-Corruption Agency will continue improving the application containing review of initiated proceedings and start developing the new part of application which will be related to development of record of authorised persons as per the Article 31 of the Law on Financing of Political Activities.

2.2.2.8. Develop on line training modules related to the implementation of the Law on Financing of Political Activities. (Continuously, commencing from I quarter 2017)

Activity is not implemented. Implementation of this activity has been preconditioned by amendments to the Law on Financing Political Activities which have not been adopted yet.

2.2.3.1. Continuous specialist training of employees in the Anti-Corruption Agency in order to implement the new Law on Anti-Corruption Agency (link to activity 2.2.1.7.) (Timeframe/Deadline: Continuously)

Activity is partially implemented. Albeit the new Law on the Anti-Corruption Agency has not been adopted yet, trainings for the Anti-Corruption Agency's staff commenced, in accordance with defined timeline of the Twinning Contract implementation. In the reporting period, the Anti-

Corruption Agency's staff attended two cycles of trainings on strategic planning in internal and external communication as well as drafting Communication Strategy.

2.2.3.2. Drafting the Guidebook on prevention of conflicts of interest after the amendments to the Law on Anti-Corruption Agency. Presentation of the Guidebook. (IV quarter of 2016)

Activity is not implemented. Implementation of this activity has been preconditioned by the adoption of the new Law on the Anti-Corruption Agency.

2.2.3.4. Conduct a feasibility study on regulation of the legal framework on prevention of conflicts of interest regarding civil servants. (IV quarter of 2016)

Activity is almost completely implemented. Implementation of the activity is underway. In cooperation with partner institutions (Ministry of Justice, Anti-corruption Agency, National Secretariat for Public Policies, National Secretariat for Legislation etc.), arrangements are currently being made for preparation and implementation of a feasibility study on regulation of the legal framework on prevention of conflicts of interest regarding civil servants. Based on the results of the feasibility study, the Ministry of Public Administration and Local Self-government will prepare amendments to the Law on Civil Servants as it pertains to prevention of conflicts of interest in the work of civil servants.

2017/1: Implementation of the activities is currently underway. In collaboration with partner institutions, we have agreed the work arrangements for the preparation and conduct of a feasibility study on the establishment of a legal framework to prevent conflict of interest in the work of civil servants; namely, the feasibility study would be focused on analysing the existing legislative framework in Serbia and analysing how this issue is regulated in comparable legal systems, as well as on amending the existing legal framework to improve it, based on the results obtained in the feasibility study. To that end, the Ministry of Public Administration and Local Self-Government has applied for funding by the ReSPA under the New Mechanism for Urgent Needs of ReSPA Member States, in order to hire experts who would prepare the said Feasibility Study. After the Ministry modified its application in line with the European Commission's recommendations and after obtaining approval from the EC, ReSPA issued the Notice for Experts for the "Analysis of Legal Framework related to the Prevention of Corruption and Conflict of Interest of Civil Servants in the Republic of Serbia." The Feasibility Study is expected to be completed in March-April 2017.

2.2.3.7. Conduct professional education of employees in public administration in connection to issues of prevention of conflict of interests. (Continuously, commencing from entry into force of the provisions of the law referred to in item 2.2.3.5.)

Activity is being successfully implemented. Human Resources Management Service (HRMS) organizes professional development of civil servants in accordance with the adopted general

professional training programs. The content of the training in relation to conflict of interest and control of the assets of officials shall be determined on an annual basis in cooperation with the Ministry of State Administration and Local Self-Government and the Anti-Corruption Agency, bearing in mind the existing legal framework. After amendments to the Law on conflict of interests, objectives and content, as well as effects of training shall be modified and adjusted according to the provisions of the Act.

During the period January - June 2016 the HRMS has implemented a training course "Prevention of conflicts of interest and control of assets of state officials" with 9 participants. Lecturers were representatives of the Anti-corruption Agency. Realisation of the training „Preventing the conflict of interest and controlling public officials' assets“ in not planned in the period July-September 2016. Status of activity remain unchanged comparing to previous reporting period.

During the period from October to December 2016, trainers from the Anti-Corruption Agency released a training "Prevention of conflicts of interest and asset control officials" for 12 senior managers and servants responsible for the submission of the notifications on gifts, entry and termination functions. During the training period, a variation of topics has been discussed, topics such as: The concept and types of conflict of interest, the obligations of officials and bodies, the competence of the Agency for fight against corruption, and control registers.

2017/1

Following Human Resources Management Service proposal, in accordance with the provisions of the Civil Servants Law and the Professional Training Regulation, State Administration and Local Self-Government Minister brought Determination Ordinance on General Professional Training Programs for civil servants in public administration and services of the Government, published in the "Official Gazette of RS", No. 6/17.

The General Professional Training Programs for civil servants employed in state administration bodies and services of the Government are:

- Introductory general professional training programs for interns preparing for state exam and newly employed
- General program of continuous training for civil servants
- General professional training program for managers
- General professional training program on advanced trainer skills, staff and personal development management

In General Programme of continuous training for civil servants, within the program area "Fight against corruption", implementation of the training program "Conflicts of interest prevention and officials asset control" is planned for the appointed managers and persons responsible in state administration bodies for delivering notifications about gifts and starting – termination of functions.

Also, one of the modules of the Training program for appointed managers, within the General professional training program for managers, is dedicated to the issue of integrity and conflict of interest.

2.2.4.1. Conduct analysis of legal and institutional framework in order to clarify ramifications of „illicit enrichment“ (criminal, administrative or misdemeanor ramifications) and based on the results of the analysis revise the current regulations or adopt new . (For analysis: IV quarter of 2016. For amendments or adoption of regulations: II quarter of 2017.)

Activity is almost completely implemented. Analysis of legal and institutional framework in order to clarify ramifications of „illicit enrichment“ is in the phase of document drafting. It is expected that analysis will be done in III quarter of 2017.

2.2.5.1. Conduct analysis of implementation of Law on free access to information of public importance, to date in particular emphasizing the following areas: privatization, public procurement, public expenditures, foreign donations to political subjects.(Analysis: III quarter of 2016)

Activity is not implemented, due to difficulties in finding funding and proper expert to execute the activity. Will be implemented in II quarter of 2017.

Status of activity remain unchanged comparing to previous reporting period.

2.2.5.2. Adopt amendments to Law on free access to information of public importance based on analysis of implementation of Law on free access to information of public importance to date, in accordance with the Conclusion of the National Assembly from 2014. (IV quarter of 2016)

Activity is partially implemented. The Special Working Group on Preparation of the Draft Law amending the Law on Free Access to Information of Public Importance was formed on 3 November 2016. SIGMA support for 2017 has been agreed.

Representatives of the MPALSG had meetings with members of the Open Data Working Group to harmonise this regulation with the EU Directive on the Re-use of Public Sector Information and with members of the Working Group on the Action Plan for Implementation of the Open

Government Partnership Initiative in the Republic of Serbia for 2016 and 2017 (OGP). Cooperation arrangements have been agreed.

Reasons for the delay in complying with this duty include snap parliamentary elections and dissolution of the Serbian National Assembly.

Adoption of the amendments in question is planned in the fourth quarter of 2017, as stated in the National Programme for Adoption of EU Acquis (November 2016).

2017/1: Implementation of the activities is currently underway. The Special Working Group on Preparing the Draft Law Amending the Law on Free Access to Information of Public Importance has met and agreed on its work schedule and a framework for the amendments and supplements. In March 2017, SIGMA's representatives will present to the Special Working Group's members the conclusions of their analysis and Proposals of Next Steps aimed at improving the reform process.

2.2.5.3. Capacity building of the Commissioner based on previously conducted analysis of current staff capacities in particular: organizational structure; number of employees; degree of competencies; in line with amended Rulebook on internal organization and classification of jobs. (Strengthening staff capacity: I quarter of 2017)

Activity is partially implemented. Commissioner drafted a new Rulebook on internal organization and classification of jobs and submitted it to Committee on Administrative, Budgetary, Mandate and Immunity Issues of National Assembly of Republic of Serbia for approval.

Unchanged, baseline: 71 employed staff.

2.2.5.4. Monitoring of implementation of Law of free access to information of public importance. (Continuously, commencing from 2017)

Activity is being successfully implemented. Data from the Commissioner's Annual Report for 2016 on implementation of the Law on Free Access to Information of Public Importance.

In 2016 Commissioner closed 5.135 cases, of which 3.252 were appeals (2.852 appeals were found to be justified), and he issued 1.180 decisions and 1.160 resolutions. Commissioner received 245 motions for enforcement of decisions, where 154 enforcement orders and resolutions on penalties were issued, along with 188 resolutions staying the enforcement of decisions as the public authorities in the meantime complied with the freedom of information requests after the Commissioner intervened. In 61 cases Commissioner sent requests to the Government for assistance / enforcement of his decisions. Upon resolutions on penalties issued in the process of

enforcement of decisions, the budget was paid 9.7 million dinars, from a total of penalties imposed amounting to 13,200,000 dinars. 87 responses to complaints were sent by the Commissioner to the Constitutional Court. Commissioner also sent documents for 318 cases requesting the administrative inspectorate to carry out an inspection and initiate infringement proceedings.

Data from the Commissioner's monthly reports for January and February 2017 on implementation of the Law on Free Access to Information of Public Importance.

| Initiated and finalized procedures | January | February |
|--|----------------|-----------------|
| Number of pending cases carried forward from previous year | 3531 | 3619 |
| Number of cases received | 396 | 350 |
| Number of resolved cases | 308 | 432 |
| Resolved complaints | 184 | 332 |
| - unjustified | 27 | 47 |
| - justified | 157 | 285 |
| - ordered the public authorities to comply with the requests | 36 | 49 |
| - overturned the decisions and ordered to provide information to the requesters | 17 | 28 |
| - overturned the decisions and returned the cases for repeated proceeding | 5 | 11 |
| - terminated the proceedings because the public authorities in the meantime complied with the requests | 99 | 197 |
| Responses to complaints to the Constitutional Court | 8 | 3 |
| requests sent to the Government for assistance / enforcement of decisions | 2 | 4 |
| enforcement orders issued | 5 | 14 |

| | | |
|--|---|---|
| resolutions on penalties issued in the process of enforcement of decisions | 6 | 9 |
|--|---|---|

2.2.5.5. Conduct trainings for officials in charge of deciding on requests for free access to information, in accordance with case law and international standards. (Continuously, until IV quarter of 2017.)

Activity is being successfully implemented. During the period **January - June 2016**- HRMS has implemented a single training course "The right to access information of public importance - basic training" with a total of 15 participants. Commissioner for information of public importance as a partner institution in implementation of this activity held three oneday trainings, that have been realized on March 29, 30 and 31, 2016. Realization of training referring to the Right to access information of public importance is not planned in the period July-September 2016. Status of activity remain unchanged comparing to previous reporting period.

During the period of **October to December 2016**. trainers from the Office of the Commissioner for Information of Public Importance and Personal Data Protection, implemented the training "The right to access information of public importance - implementation in practice" for 20 servants authorized to act upon requests for free access to information of public importance. Topics were covered by the seminar: the right of free access to information of public interest, the terms of restrictions on the rights and legal obligations body - examples from practice, the process of achieving rights- important procedural questions and the most common mistakes in practice - examples from practice. Furthermore, through a workshop as part of the seminar, participants analyzed the case studies.

2017/1

In General Programme of continuous training for civil servants, within the program area "Fight against corruption", implementation of "The right to access information of public importance - basic training" and "The right to access information of public importance - training for authorized persons." is planned. The first training program is designed for newly appointed authorized persons who will decide on free access to information of public importance requests in the state administration, and also for all civil servants, while the other is intended for authorized persons who are already deciding on requests for free access to information of public importance.

Commissioner contribution: Human Resources Management Service haven't conducted any training involving Commissioner's staff in the reporting period.

Throughout 2016, as a part of his regular activities, Commissioner held the following trainings:

1. For the attendants of Diplomatic Academy of Ministry of Foreign Affairs, Commissioner held a lecture on Free Access to Information in February.

2. During the course of the project „Independent institutions closer to citizens“, Commissioner’s Deputies held 3 trainings in April on free access to information of public importance in Novi Pazar, Sombor and Leskovac intended for, among others, officials in charge of deciding on requests for free access to information.

3. During the course of the project „Independent institutions closer to citizens“, Commissioner’s Deputies held 4 trainings in May on free access to information of public importance in Valjevo, Vranje, Požega and Novi Sad intended for, among others, officials in charge of deciding on requests for free access to information.

4. Commissioner organized training for City of Belgrade’s Centre for Social Work and Secretariat for Social Welfare in application of Law on Free Access to Information of Public Importance and Law on Personal Data Protection in June 2016.

5. During implementation of the project “Building the capacity of the Commissioner for Information of Public Importance and Personal Data Protection to effectively and adequately perform its statutory powers and ensuring the realization of the right to free access to information and the right to data protection in accordance with European standards” Commissioner organized 6 trainings on free access to information of public importance:

- 23.2.2016. – Proactive disclosure of public information, for employees of Commissioner
- 4-5.7.2016. – Implementation of the Law on of Free Access to Information of Public Importance for various public officials
- 6 and 11.7. 2016. – Implementation of the Law on of Free Access to Information of Public Importance for various public officials
- 20-21.7.2016. – Implementation of the Law on of Free Access to Information of Public Importance for various public officials
- 5-6.12.2016. – Implementation of the Law on of Free Access to Information of Public Importance for representatives of public enterprises.
- 20-21.12.2016. – Implementation of the Law on of Free Access to Information of Public Importance for representatives of local governance.

6. In November, a training was organized on practicing Free Access to Information of Public Importance, organized by NGOs Forum Forca (Požega) and CenTrir (Belgrade) intended for representatives of local governance where Commissioner’s representative held a lecture

2.2.6.1. Establish an objective and precise criteria for employment and promotion in the state authorities, local government and provincial in line with the principles of transparency and competitiveness.(Commencing from IV quarter of 2015)

Activity is being successfully implemented. Expert baselines for emergency amendments to the Law on Civil Servant are done. On that basis, the draft law is submitted to the Government for consideration and decision, after which it will enter into parliamentary procedure. The Draft Law on Amendments to the Law on Civil Servants in terms of the recruitment process carry out the following changes: improvement of the system of employment in accordance with the principle of transparency and competitiveness by strengthening the competition process in a way that allows objectivity and impartiality; determination of acting status length; more precise definition of the deadline in which acting person can perform work in such status, when the work ceases according to the law; establishment of more efficient, transparent and competitive way of filling the position by conducting internal or public competition.

The draft Law on employment in the autonomous provinces and local government units is submitted to the Government for consideration and decision, after which is entered into parliamentary procedure.

The situation regarding enactment of amendments to the Law on Civil Servants has remained unchanged. Namely, the said Law has not been enacted due to snap elections and dissolution of the National Assembly of the Republic of Serbia.

The National Assembly enacted the Law on Employees in Autonomous Provinces and Local Self Government Units in March 2016 (published in the Official Gazette of RS No. 21/2016), which for the first time comprehensively regulates the employment relations system in autonomous provinces and local self-government units. The aim of this Law is to establish the main principles of the civil service system, based on the standards accepted in the modern comparative legal systems, which ensures compliance with the main assumptions for full professionalization and depoliticizing of human resources in autonomous provinces and local self-government units.

In III quarter of 2016, the situation remained the same in adoption of amendments to the Law on Civil Servants.

To ensure implementation of the Law on Employees in Autonomous Provinces and Local Self-government Units, the Ministry of Public Administration and Local Self-government drafted regulations on the criteria for job classification and the criteria for description of jobs of civil servants in autonomous provinces and local self-government units, as well as on the criteria for job classification and the criteria for description of jobs of employees in autonomous provinces and local self-government units. The Regulation on Internal and Public Job Announcement

Procedures in Autonomous Provinces and Local Self-Government Units was also adopted. It is expected that the Government will adopt these implementing regulations as soon as possible.

In IV quarter of 2016, the situation regarding adoption of amendments to the Law on Civil Servants has remained unchanged.

To ensure implementation of the Law on Employees in Autonomous Provinces and Local Self-government Units, at the proposal of the Ministry of Public Administration and Local Self-government, on 22 October 2016 the Government of the Republic of Serbia adopted the Regulation on Criteria for job Classification and the Criteria for Description of Jobs of Civil Servants in Autonomous Provinces and Local Self-government Units (Official Gazette of RS, No. 88/16) and the Regulation on Criteria for Job Classification and the Criteria for Description of Jobs of Employees in Autonomous Provinces and Local Self-government Units (Official Gazette of RS, No. 88/16). In addition, in its session held on 29 November 2016, the Serbian Government adopted the Regulation on Internal and Public Job Announcement Procedures in Autonomous Provinces and Local Self-Government Units.

2017/1: The activity has been partly implemented. Namely, the **Law on Employees of Local Self-Government Units and its implementing regulations** have for the first time introduced a comprehensive regulatory framework for the employment relationship system at the Autonomous Provinces and local self-government units. This Law aims to lay down the core principles of the civil service system, based on the standards accepted in modern legal systems identified by a comparative law analysis. To ensure transparency and establish a civil service based on objective hiring criteria, employers have a duty to issue internal and public job vacancy announcements, i.e. public calls for the hiring of appointed officials, trainees or employees. The provisions on performance evaluation have established a system of career advancement in the civil service based on predetermined criteria and merits.

The activity relating to amendments and supplements to the **Law on Civil Servants** is currently being implemented. Namely, a document has been prepared which sets out the main guidelines and framework for a human resource management policy in state administration, which proposes the key directions of future regulation of the civil service. Once opinions have been obtained from SIGMA/OECD/EC, the document is expected to be adopted by the Council for Public Administration Reform. After the adoption of the document by the Council for Public Administration Reform, drafting of amendments to the Law on Civil Servants will begin in order to improve the employment and promotion procedures and other legal concepts in accordance with the principles of transparency and competitiveness.

In accordance with the current legislatives and procedures, **Human Resources Management Service**, after approval of the requirements for filling in executive working posts during the period October 2015 - December 2015, announced and participated in conduction of a total of 69

competitive procedures, which 63 were public, while 7 were internal. Out of 69 64 competitive procedures were completed by filling in executive working posts and 5 procedures were completed without reception of candidates.

The total number of announced and implemented competition for filling in executive working posts in 2015 was 257, out of which is advertised and conducted 179 public and 78 internal competitions were advertised and conducted.

| October – December 2015 | Number | |
|--------------------------------|---------------|--------------|
| Public competitions | 63 | 64 finalised |
| Internal competitions | 7 | 5 abolished |
| Total | 69 | |

From the beginning of 2016 until June 2016, HRMS has advertised 72 vacancies, out of which 66 are public competitions and 6 are internal.

| January– May 2016 | Number | |
|--------------------------|---------------|-----------------|
| Public competitions | 66 | 29 finalised |
| Internal competitions | 6 | 1 abolished |
| Total | 72 | 42 in procedure |

For filling in executive working posts through internal competition it is not necessary to obtain the prior approval of the Government Commission, while open competitions can not be run without the prior consent of the Government Commission for additional employment.

After having checked the fulfillment of the requirements for filling in vacancies, during the period from June to September 2016. HRMS has advertised and participated in the implementation of 55 competitive procedures in total, out of which 51 are public and 4 are internal. Out of the 55 competitive procedures, 21 procedures are completed by filling in executive working posts, and 34 procedures are still ongoing. Procedures for 27 working posts, initiated in the previous reporting period, are still ongoing.

| June - September 2016 | Number | |
|------------------------------|---------------|-----------------|
| Public competitions | 51 | 21 finalised |
| Internal competitions | 4 | 34 in procedure |
| Total | 55 | |

The Human Resource Management Service, October to December, advertised and participated in 30 competitive procedures for filling executive jobs posts in the period from, out of which 29 were open and 1 was internal. Out of 30 competitive procedures, 10 procedure ended by filling executive job posts, and 20 procedures are still ongoing. In addition, employees of the Department for selection have been carrying out competitive procedures for 38 job posts published in the previous period.

| October - December 2016 | Number of competitive procedures | Status | Number of competitive procedures from the previous period |
|--------------------------------|---|-------------------------------|--|
| Open | 29 | 20 In progress 10 finished | 38 |
| Internal | 1 | | |
| Total | 30 | | |

2017/1

After having checked the fulfillment of the requirements for filling in vacancies, during the period from January to March 2017 **HRMS** has advertised and participated in the implementation of 22 competitive procedures in total, out of which 19 are public and 3 are internal. Out of the 55 competitive procedures, 11 procedures are completed by filling in executive working posts, and 11 procedures are still ongoing. Procedures for 64 working posts, initiated in the previous reporting period, are still ongoing.

| January- March 2017 | Number of competitive procedures | Status | Number of competitive procedures advertised in the previous period |
|----------------------------|---|-------------------------------|---|
| Public competitions | 19 | 9 finished 10 in procedure | |
| Internal competitions | 3 | 2 finished 1 in procedure | |

| | | | |
|--------|----|--|----|
| Total: | 22 | | 64 |
|--------|----|--|----|

During the reporting period the HRMS as a partner institution of the Ministry of Public Administration and Local Self-Government, within the project "Support to the reform of public administration", funded by GIZ - German Agency for Technical Cooperation, has started the implementation of activities related to the definition of a competence framework of civil servants in order to improve the functions of human resource management in the civil service based on competence (particularly with regard to employment, performance assessment and development of civil servants).

In accordance with the Law on Civil Servants and principles of professionalism and de-politicization of public administration, the **High Civil Service Council** intensively continued with the implementation of the competition for the civil servants working on an appointed position.

Total number of advertised vacancies for civil servants working on an appointed position in the period from October to December 2015 was 60, of which 26 were internal competitions and 34 public competitions. Total number of finalized competitions were 27, of which 15 internal and 12 public competitions.

October-December 2015

| Type of competition | Announced | Finalized |
|----------------------|-----------|-----------|
| Internal competition | 26 | 15 |
| Public competition | 34 | 12 |

Total number of advertised vacancies for civil servants working on an appointed position in 2015 was 256 competitive procedures of which 172 were internal competitions and 84 public competitions. Of total number of finalized competitions, 160 were internal and 62 public competitions.

2015

| Type of competition | Announced | Finalized |
|----------------------|-----------|-----------|
| Internal competition | 172 | 160 |
| Public competition | 84 | 62 |

Number of appointed persons – 47

Total number of advertised vacancies for civil servants working on an appointed position in the period from January to May 2016 was 23 competitive procedures of which 15 were internal competitions and 8 public competitions. Total number of finalized competitions were 2, of which 1 internal and 1 public competition.

January - May 2016

| Type of competition | Announced | Finalized |
|----------------------|-----------|-----------|
| Internal competition | 15 | 1 |
| Public competition | 8 | 1 |

Number of appointed persons – 2

Total number of persons who are currently on positions appointed by the Government after conducted public or internal competitions – 95.

Total number of advertised vacancies for civil servants working on an appointed position in the period June-August 2016 was 11 competitive procedures of which 9 were internal competitions and 2 public competitions. Of total number of finalized competitions, 1 were internal and 1 public competition.

June – August 2016

| Type of competition | Announced | Finalized |
|----------------------|-----------|-----------|
| Internal competition | 9 | 1 |
| Public competition | 2 | |

In the reporting period, 19 competitions announced in 2015 are conducted in 2016, of which 5 internal competitions and 14 public competitions.

Total number of appointed positions in PA (central level) – 345.

Total number of persons who are currently on positions appointed by the Government after conducted public or internal competitions – 92.

September-November 2016

Total number of advertised vacancies for civil servants working on an appointed position in the period september-november 2016 was 17 competitive procedures of which 11 were internal competitions and 6 public competitions. Of total number of advertised vacancies, 8 competitions were finalized: 6 internal competitions and 2 public competitions.

September –November 2016

| Type of competition | Announced | Finalized |
|----------------------|-----------|-----------|
| Internal competition | 11 | 6 |
| Public competition | 6 | 2 |

In the reporting period, 6 competitions announced in 2015 are conducted in 2016, of which 5 internal competitions and 1 public competitions.

Total number of appointed positions in PA (central level) –357.

Total number of persons who are currently on positions appointed by the Government after conducted public or internal competitions - 84.

2017/1 Total number of advertised vacancies for civil servants working on an appointed position in the period **December 2016 – March 2017** is 22 competitive procedures of which 7 were internal competitions and 15 public competitions. Of total number of advertised vacancies, 3 competitions were finalized: 2 internal competitions and 1 public competition.

December 2016– March 2017

| Type of competition | Announced | Finalized |
|----------------------|-----------|-----------|
| Internal competition | 7 | 2 |
| Public competition | 15 | 1 |

In the reporting period, 37 competitions announced in 2015 and 2016 are conducted in reporting period, of which 20 internal competitions and 17 public competitions.

Total number of appointed positions in PA (central level) –346.

Total number of persons who are currently on positions appointed by the Government after conducted public or internal competitions - 90.

2.2.6.2. Implement transparent recruitment procedures through open competition for all civil servants holding position in the state administration. (Continuously)

Activity is being successfully implemented. Human Resources Management Service performs tasks related to professional, technical and administrative services for the High Civil Servants Council: preparing of sessions of the High Civil Service Council; writing reports of the meetings of the High Civil Service Council; preparing of acts of the High Civil Service Council; organizing the work for the Competition Commission to fill in the position appointed by the High Civil Service Council; making reports and other documents of Commission Panels; advertising internal and public competitions for filling in appointed positions and other jobs related to support to the High Civil Service Council; professional and technical and administrative tasks related to monitoring implementation of the Code of Conduct for civil servants and for the improvement of the rules of ethical acts of civil servants.

A method of occupying a vacant working post depends on whether this is an executive working post or an appointed position. An appointed position is always occupied by appointment with an act of the Government or another competent state authority or body.

An internal or public competition shall be conducted in order to occupy a vacant appointed position. An internal competition shall be compulsory if the vacant appointed position is filled by the Government. In the authorities in which the Government is not competent for appointment, a public competition can be immediately conducted. A civil servant may, upon expiry of the time for which he or she was appointed to the position be re-appointed to the same appointed position without conducting an internal or public competition, at the proposal of the person competent for his or her appointment.

First competition for appointment to all appointed positions shall be conducted as a public competition. When a vacant appointed position is filled by the Government, an internal and public competition shall be advertised by the Human Resource Management Service and conducted by the Selection Committee. For each individual case the Selection Committee shall be appointed by the High Civil Service Council amongst its members and experts for certain fields, from whom one member can be a civil servant from the state authority in which the appointed position is being occupied. The right to participate in an internal competition when the Government is seeking to fill the may only have the civil servants from the public administration authorities and services of the Government which have been appraised in the last two years with the mark "exceptional distinction", who are already work in an appointed position, whose work in an appointed position has expired, who resigned the work in an appointed position or whose work in an appointed position was abolished. The selection procedure shall be conducted by the Selection Committee and, upon completion of the selection procedure, the Selection Committee shall make a list of at most three candidates who with the best results fulfil requirements for selection on an appointed position, and submit it to the manager or another person competent to propose to the Government a candidate for the appointed position. A manager of a state authority shall not be obliged to propose appointment of the candidate from the list submitted by the Selection Committee, nor shall the Government be obliged to appoint the proposed candidate. This

rule applied to internal and public competition. An internal and public competition shall not be successful if a candidate for appointment to a position is not proposed to the Government, and Government does not appoint the proposed candidate. The same as in case of executive working posts, a public competition shall be conducted for occupying an appointed position if an internal competition is not successful. If, after a conducted public competition a candidate for appointment to a position is not proposed to the Government, and the Government does not appoint the proposed candidate, a new public competition shall be conducted. Pursuant to provisions of the Law on Public Administration and Regulation on Services of the Government, civil servants working on an appointed position shall be appointed by the Government for 5 years.

2015

| | Announced | Finalized |
|-----------------------|-----------|-----------|
| Internal competitions | 172 | 160 |
| Public competitions | 84 | 62 |

Number of appointed persons – 47

January - May 2016

| | Announced | Finalized |
|-----------------------|-----------|-----------|
| Internal competitions | 15 | 1 |
| Public competitions | 8 | 1 |

Number of appointed persons – 2

Total number of appointed positions in PA (central level) – **347**.

Total number of persons who are currently on positions appointed by the Government after conducted public or internal competitions – **95**.

June – September 2016

During the reporting period the procedures for 19 vacancies, advertised in 2015 and implemented in 2016, were completed, out of which 5 were internal and 14 were public competitions.

| Type of competition | Announced | Finalized |
|-----------------------|-----------|-----------|
| Internal competitions | 9 | 1 |

| | | |
|---------------------|---|--|
| Public competitions | 2 | |
|---------------------|---|--|

Total number of appointed positions in PA (central level) – 345.

Total number of persons who are currently on positions appointed by the Government after conducted public or internal competitions – 92.

Total number of advertised vacancies to fill positions in the period from September to November 2016, is 17 competitions. Therefore 11 internal competitions and 6 public competitions have been committed. The total number of advertised vacancies has completed 8 competition procedures, 6 internal competitions and 2 public competitions.

September-November 2016

| Type of competition | Announced | Finalized |
|-----------------------|-----------|-----------|
| Internal competitions | 11 | 6 |
| Public competitions | 6 | 2 |

Six competitions have been advertised in 2015, however they were only to be implemented and finished later on in 2016 during the reporting period. Out of the total number five competitions occurred internally, following one public competition.

Total number of appointed positions in PA (central level) – 357.

Total number of individuals who are currently on positions appointed by the Government after conducted public or internal competitions – 84.

2017/1

Total number of advertised vacancies to fill positions in the period from **December to March 2017**, is 22 competitions. Therefore 11 internal competitions and 15 public competitions have been committed. The total number of advertised vacancies has completed 3 competition procedures, 2 internal competitions and 1 public competitions.

| | Announced | Finalized |
|-----------------------|-----------|-----------|
| Internal competitions | 7 | 2 |
| Public competitions | 15 | 1 |

During the reporting period 37 procedures for the appointed positions which are advertised in 2015 and 2016, are implemented. Out of total number, there were 20 internal competitions and 17 public competitions.

Total number of appointed positions in PA (central level) – 346.

Total number of individuals who are currently on positions appointed by the Government after conducted public or internal competitions – 90.

2.2.6.3. Amendment of the legal framework in line with previous analysis of the system of accountability and transparency in the work of the public administration system and defined baseline direction of the development of civil service systems in public administration based on unique principles (depoliticization, professionalism, merits, etc.). Connection : Action Plan for the implementation Public Administration Reform Strategy in RS 2015-2017, measure number 2.1., result number 2.1.1. (IV quarter of 2016)

Activity is partially implemented. Implementation of the activity is currently underway. An analysis of positive legislation governing the labour law status of employees in all parts of the public administration in the Republic of Serbia has been conducted and relevant recommendations have been given for introduction of the harmonised labour law status of employees in public administration.

The Law on Employees in Autonomous Provinces and Local Self-government Units (Official Gazette of RS, No. 21/16) has been enacted. This Law governs the employment relations system in autonomous provinces and local self-government units, in accordance with the principles of professionalization, depoliticization and merits.

Activities are currently underway to draft a law that would govern the labour law status of employees in public services, as well as to draft amendments to the Law on Civil Servants to provide for a harmonised labour law status of employees in public administration in accordance with the principles of professionalization, depoliticization and merits.

2017/1: The activity has been partly implemented. The Law on Employees in Autonomous Provinces and Local Self-Government Units (Official Gazette of RS number 21/16) has been in effect since 1 December 2016.

On the basis of an analysis of the positive legislation governing the labour law status of employees in all segments of public administration in the Republic of Serbia, with recommendations for the establishment of a harmonised labour law status of public administration employees, a law is currently being drafted to govern the labour law status and salaries of public service employees. To implement this activity, a draft version of the Law has been prepared and a Special Working Group has been formed to prepare and harmonise the text of this law.

Furthermore, a document setting out the main guidelines and policy framework for human resource management in state administration has been prepared. This document proposes the key directions

of future regulation of the civil service. Once opinions have been obtained from SIGMA/OECD/EC, the document is expected to be adopted by the Council for Public Administration Reform. After the adoption of the document by the Council for Public Administration Reform, drafting of amendments to the Law on Civil Servants will begin.

2.2.6.4. Develop mechanisms to monitor the implementation of the Code of Conduct for civil servants. (IV quarter of 2016)

Activity is fully implemented. High Civil Service Council adopted Decision on Amending the Code of Conduct for civil servants on 16 March 2015, and established a mechanism for monitoring the implementation of the Code. Deadlines and manner of reporting are also determined.

Public administration authorities are required to submit to the High Civil Service Council a report containing the required data and information necessary for monitoring the implementation of the Code of Conduct for civil servants and for the improvement of the rules of ethical conduct for civil servants. The High Civil Service Council, after examination of the reports on the implementation of the Code of Conduct for civil servants, is obliged to draw up its report no later than 31 March for the previous year. The report of the High Civil Service Council includes measures aimed to improve compliance with the Code. The High Civil Service Council report shall be submitted to the Ministry of Public Administration and Local Self-Government, in order to take appropriate action within Ministry competence, and if necessary, to other authorities.

The report on the implementation of the Code of Conduct for civil servants for 2015 is submitted to the Ministry of State Administration and Local Self-Government and published on the website of Human Resources Management Service.

Official letter is delivered to all the heads of the state administration bodies, government services and districts professional services which resemble the obligation that up to 31 January 2017 submit data for the year 2016 on the number of civil servants in the body, the number of filed complaints of citizens on the behavior of civil servants , type of violations of the Code of Conduct for civil servants referred to in the complaint indicates, the data on initiated disciplinary proceedings and disciplinary measures against civil servants for violation of the Code of Conduct for civil servants, and estimation of the level of respect of the Code by government officials.

It was pointed out that all data and information that are processed in the bodies that drafting the report on the implementation of the Code of Conduct for civil servants, are submitted to the High Civil Service Council, without specifying the personal data of civil servants covered by the report.

The High Civil Service Council at the 10th session of 3 February 2017, formed a working group with the task to, based on the report of the state administration bodies, with the data and information necessary for monitoring the Code of Conduct for civil servants, prepare a draft Report on the implementation of the Code of Conduct for civil servants in 2016, with proposed measures

to improve compliance with the Code, which High Civil Service Council should consider and adopt by 31 March 2017.

2.2.6.5. Adopt amendments to the law governing the position of internal auditors and provide functional and operational independence of the internal audit and improve the principles of financial management and controls, as well as the function, and positions at the Central Harmonization Unit. (IV quarter of 2016)

Activity is partially implemented. At the Second Intergovernmental Conference of the Republic of Serbia and the EU, 14.12.2015. in Brussels the negotiating chapter - Chapter 32 The Financial Control is opened. In the Screening report for Chapter 32 - Financial Control and the Common position of the European Union is stated: The legal framework for PIFC is largely established by the Law on Budget System and by-laws for its implementation. The legal framework for PIFC could be made more coherent by making it better integrated in the provisions of the Law on the Budget System and by-laws, as well as by regular updating manuals for the financial management and control and the manual for internal audit. "

It is planned to improve the framework for the work of the internal audit through the amendment of regulations and manuals on internal audit, within the PIFC Strategy, on whose finalization we actively work.

2.2.6.6. Introduce program budgeting (operational and methodological improvement of the process of planning and preparing of multiannual budget on all levels of government) (I quarter of 2015)

Activity is fully implemented. Program budgeting is introduced on all levels of government.

In accordance with Budget System Law which sets as deadline 2015 as a year in which all budget users on central and local level must present their budget through program classification and for the purpose of improving budget process, the budget for 2015 was adopted by National Assembly as program budget. All budget beneficiaries have developed programs, program activities and projects according to Instruction for preparation program budget which was developed by Ministry of Finance. In 2016 we certified six trainers for program budgeting and training for program budgeting become an integral part of General professional training program of Human resource management service. With the latest amendments of Budget system law we introduced obligation to all budget beneficiaries to report on results and effects of programs, projects activities and projects. We developed Instruction for reporting and by that instruction budget beneficiaries will report two times a year.

2.2.6.7. Conduct analysis of program budgeting process and identify recommendations for improvement. (I quarter of 2016)

Activity is fully implemented. Analysis of program budgeting process is conducted and recommendations for improvement are identified.

2.2.6.8. Improve methodology for programme budgeting and prepare new instructions in accordance with the recommendations. (II quarter of 2016)

Activity is fully implemented. Methodology for programme budgeting is improved and new instructions in accordance with the recommendations are prepared.

2.2.6.9. Conduct training for program budgeting improvement for civil servants. (II quarter of 2016)

Activity is being successfully implemented. In cooperation with the Ministry of Finance - Sector for Budget, Human Resource Management Service conducted a training for trainers program budget for 14 participants from the Ministry of Finance. Participants of this training program for trainers will realize training during the year within Budget Program for other civil servants in accordance with the HRMS Plan of realization of the general program of professional training. In the period **July-September 2016** preparing activities for the realization of the second module of the seminar "Training of trainers for the program budget" with officials of the Ministry of Finance were undertaken. Realization of two training events, referring to the program budgeting, which are going to be final and certifying for the future trainers is planned for October 2016.

During the period from **October - December 2016**, six employees from the Sector for budget of the Ministry of Finance, with the assistance of external experts of USAID BEP project, implemented two trainings "Development of the program budget" for a total of 35 civil servants who deal with financial and material operations in the state administration. After successfully completed supervisory training which represented the final part of the Training of Trainers for the program budget, civil servants were included in the trainer's database in the field of program budgeting. That has enabled the system to further transfer of knowledge and skills to other civil servants.

2017/1

As of February, Human Resources Management Service began the implementation of series of training relating Program Budget within "Public Finance" program area. The target group were managers of internal units and civil servants who work on the preparation, planning, monitoring and execution of the budget, The trainers are civil servants from Ministry of Finance Budget

Department who have completed the program "Training of Trainers in the field of programming budget" supported " USAD BEP "project in 2016.

During the reporting period, two training "The preparation of the program budget," were implemented and they were attended by 32 participants. The primary objective of this training is to enable participants to effectively participate in the preparation of the program budget, as well as to effectively utilize the program budget as a tool to better manage resources and performance. In February, within the program area "Public Finance" 4 additional modules in connection with Monitoring and Reporting were held for the same target group, and attended by 75 civil servants.

2.2.6.10. Strengthen staff capacities of the Central Harmonization Unit (which performs central directing and coordinating of the activities of the public internal control) by amending the Rulebook on job classification to provide increased number of job positions. (IV quarter of 2016)

Activity is not implemented. The activity is affected by the ban on employment in public sector public in accordance with the Law on Budget System and the fiscal consolidation.

2.2.6.11. Increase the number of trained managers and employees in the public administration on the basis and importance of financial management and control, and increase the number of qualified internal auditors. (IV quarter of 2016)

Activity is fully implemented. In April 2016, was made Basic training in Finance Management and Control in the duration of five working days, for 76 participants from public funds beneficiaries.

Planned to hold examinations for acquiring the title of Certified Internal Auditor in the Public Sector for 01.06.2016 year.

The examination passed 18 candidates who have completed training and acquired conditions for laying.

In October and November 2016 was made Basic Training in Finance Management and Control in the duration of five working days, for the 187 participants from public funds beneficiaries and Basic Training in Internal Audit in the duration of seven working days, for the 82 participants from public funds beneficiaries.

Planned to hold examinations for acquiring the title of Certified Internal Auditor in the Public Sector to 22.12.2016.

As of examination that took place on 22 December 2016, the Republic of Serbia has 330 Certified Internal Auditors.

2.2.7.1. Develop and implement a training program for the implementation of the Law on the protection of whistle blowers for judges acting in cases of protection of whistle-blowers. Develop and implement a training program for the implementation of the Law on the protection of whistle blowers for employees in public administration. (Training of judges: IV quarter of 2015. Training of employees in public administration: IV quarter of 2016)

The activity is fully implemented. Activities are implemented in line with the Action Plan for Chapter 23. Training programme for the implementation of the Law on the protection of whistle blowers for judges acting in cases of protection of whistle-blowers, is developed and implemented within the continuous training, as planned.

The education program encompasses all judges, and the education has been completed by the first quarter of 2016. The advanced phase of the education for judges proceeding in cases of protection of whistle-blowers is in the course.

The training program of whistler-blowers, supported by USAID, started in January 2015, was finished in December 2015. It was conducted in two phases. First phase included 44 seminars with 1477 participants from the HCC, Appellation Courts (judges, assistants, secretaries). The training also covered students of the Judicial academy. During the second phase there was seven workshops at the advanced level that covered 146 participants.

During the period **January - June 2016, Human Resource Management Service** has organized three training courses related to the Law on the protection of whistle-blowers, and two training courses "Protection of Whistle-blowers - basic training" with a total of 38 students and a training course "Protection of Whistle-blowers - training for authorized persons" with a total of 11 participants. These trainings are an integral part of the general program of continuous professional training of civil servants.

During the period of **October to December 2016** three trainings related to the implementation of the Law on protection of whistleblowers, were carried out: "The law on protection of whistleblowers - Basic Training" in October for 17 civil servants and "Protection of Whistleblowers - training for authorized persons" in two terms in November, for a total of 70 authorized persons.

2017/1

In General Programme of continuous training for civil servants, within the program area "Fight against corruption", implementation of two programs related to the implementation of the Whistleblower Protection Law are planned: „Basic Training"and „Training for authorized persons" The first training program is designed for all civil servants, while the other is intended for authorized persons for dealing with complaints.

During the reporting period, "Law on Protection of Whistleblowers - basic training" was implemented and a total of 19 civil servants participated.

2.2.7.2. Conduct a campaign to raise awareness about the importance of whistle-blowers and use of channels for reporting illegal actions. (IV quarter of 2015)

The activity is fully implemented. Official trainers hired by Judicial Academy, conducted nearly 50 professional trainings for judges of all higher courts, for the territory of four Appellate courts in Serbia. Besides, well received TV campaign about the importance of whistle-blowers is organized and implemented.

2.2.7.3. Monitor the implementation of the Law on whistle blowers through the preparation of the annual report of the Ministry of Justice made on the basis of periodic reports of the competent authorities on cases of acting in relation to the whistle blowers. (Annually, commencing from I quarter of 2016.)

Activity is being successfully implemented. Annual report is made on the basis of periodic reports of the competent authorities on cases of acting in relation to the whistle blowers, and published on the Ministry of Justice website.

Report can be found on <http://www.mpravde.gov.rs/tekst/14518/finalni-izvestaj-o-godinu-dana-primene-zakona-o-zastiti-uzbunjivaca.php>

2.2.8.1. Amend and supplement the Law on Public Procurement in direction of better implementation of public procurement principles, as well as further harmonization with the EU acquis. (IV quarter of 2015.)

The activity is fully implemented. In line with the Public Procurement Development Strategy in the Republic of Serbia for the period of 2014 – 2018 ("Official Gazette of the RS", No. 122/14) and the Action Plan for its implementation for the period of 2014 – 2015, the Law Amending and Supplementing the Public Procurement Law ("Official Gazette of the RS", No. 68/15) was adopted on 31st July 2015, and has entered into force on August 12, 2015.

Further alignment was made with the following European Union directives:

- Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC

- Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement operating in water-management, energy, transport and postal service sectors and repealing Directive 2004/18/EC.
- Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts.

2.2.8.3. Strengthen staff and technical capacity of the Administration for Public Procurement based on conducted analysis of existing capacity especially in terms of: - organizational structure -the number and position of employees -level of training -technical capacity. (Analysis: IV quarter of 2015. Strengthening staff capacity: II quarter of 2016.)

Activity is partially implemented. In accordance with the action plan for PG 23, the Public Procurement Office has conducted an analysis of the human and technical capacity of the organization at the end of 2015.

Public Procurement Office started with execution of activity related to strengthening capacities. By letter dated March 31 the Public Procurement Office sent a request to the Ministry of Finance for additional funds from the budget for 2017 on appropriations: 411, 412 and 512 in order to strengthen human resources and administrative capacity.

Status of activity remain unchanged comparing to previous reporting period.

2.2.8.4. Establish unique database on the measures taken to monitor, supervise and control public procurement by all relevant institutions, as well as the outcomes of these measures, managed by the Administration for Public Procurement. (IV quarter of 2016)

Activity is partially implemented.

PPO contribution: The activity hasn't been executed in line with deadline scheduled through action plan due to first-six- months project activity limited funds.

Ministry of Finance contribution: Establishing database for submitted claims pointing to existence of corruption in public procurement, measures taken, and outcomes of prospective procedures conducted upon these claims has been envisaged by Article 5 of Memorandum on cooperation (signed in April 2014 between Public Procurement Office, Ministry of Finance, Ministry of Economy, State Audit Institution, Anti-Corruption Agency, Anti-Corruption Council, Commission for Protection of Competition and Republic Commission for Protection of Rights in Public Procurement Procedures). Structure and type of data entered in database, as well as ways and authority to access, will be established through separate protocol.

2017/1 PPO contribution: Realisation of activity has been started.

2.2.8.5. Monitoring the implementation of the measures of supervision and control in public procurement. (Continuously, commencing from 2016)

Activity is being successfully implemented. The activity is done in accordance with the action plan for the PG 23. The Public Procurement Office submitted a special annual report on the monitoring of the application of the Public Procurement Law to the Government and the Committee of the National Assembly in charge of the finance, within the deadline prescribed by the Law, or by April 30 of the current year, for the previous year.

The activity was implemented in line with the Action Plan for Ch23. Republic Commission for Protection of Rights in Public Procurement Procedures has submitted the Report on its activities for 2015 to the Committee of the Parliament in charge of finance. The Report contains the data related to enforcement of Public Procurement Law. The Report for 2017. will be submitted within the deadline defined by the law-until 31 March 2017.

2.2.8.6. Conduct training for police officers, prosecutors and judges to efficiently prosecute cases of corruption in public procurement (pursuant to Financial Investigations Strategy). (Continuously)

The activity is being successfully implemented. The **Public Procurement Office** annually conducts training for police officers and prosecutors in order to efficiently prosecute cases of corruption in public procurement. The training took place in 2015, and also the training will be provided in 2016 and beyond. Training was held on 8th December, 2016.

As of the second quarter of 2014 the **Judicial Academy** has been conducting education for judges and prosecutors in the area continuously. At the whole territory of the Republic of Serbia have been delivered 10 seminars, basic and advanced, for approximately 250 participants. For the third quarter 2016 is scheduled education for target group that would include police officers, accompanied with the agreed cooperation with the Department for professional advancement and education of the Ministry of Interior.

During the second half of September the training is conducted on financial investigation in the area of public procurement misuse for judges, prosecutors and police representatives of the Nis appellation jurisdiction. There is also plan to organize a round table on the same subject for the Academy lecturers in this area held by the federal judge and prosecutor of the USA in October.

In November was delivered training for police officers within the Service for Combating Organized Crime and public prosecutors and deputy public prosecutors at high prosecution offices at the Novi Sad appellate territory on corruption with special session devoted to misuse of public procurement procedures. Special attention was given to initiation of financial investigations, establishment of special task forces, as well as to future prosecutorial departments for combating

corruption. In addition to that, databases, competences and work of the SAI and the Tax Police were presented, as well as competences of other relevant public institutions. At the beginning of November was delivered a training of trainers for 7 prosecutors for future training in the area of corruption, with special emphasis on misuse of public procurement procedures.

The OSCE Mission in Serbia organized 4 seminars on misuse of public procurement procedures for police officers and prosecutors. The academy was not included in development of training program.

The activity is being implemented. In May 2016, the **Republic Commission** organized a workshop on the application of the EU directive 2009/81/EC (defence procurement) where the representatives of the Ministry of Defence and the Ministry of Interior participated in.

2017/1 **Judicial Academy** contribution

American Embassy and OPDAT project and OSCE supported in February organization of the ToT seminars for prosecutors, which capacitate them to train other prosecutors and the police on subject the violation in public procurement process. During this training nine of them obtained certificates.

2017/1 **Public Procurement Office** contribution

One training / workshop for representatives of police, prosecution and courts in the area of public procurement was held on 9th February, and two more are planned for April 2017.

2.2.8.7. Improve Public Procurement Portal by introducing new features to further enhance the transparency of public procurement procedures and advance public participation in monitoring budget spending. (III quarter of 2015)

The activity is fully implemented. In line with the Action Plan and in defined timeline the Portal (<http://portal.ujn.gov.rs/>) has been upgraded by means of introducing new contents and by upgrading the search system (publishing contracting authorities' procurement plans, publishing procurements to be conducted by international procedures, development of Portal's page in English, upgrading the searching, establishing the register of public contracts, improving the reporting system).

2.2.9.1. Government includes all the reports of Anti-Corruption Council, PPO, the commission for bidder rights, the SAI, Privatization agency, the budget inspection in the agenda. Activity referred to under 2.1.2.1. (Continuously)

Activity is partially implemented. The government has at its 126th meeting held on 29 May 2015, at the proposal of the Committee for Economy and Finance, in accordance with the Article

46, paragraph 1 of the Law on Public Agencies ("Official Gazette of RS", Nos. 18/05 and 81 / 05 - correction) and the Article 43, paragraph 3 of the Law on Government ("Official Gazette of RS", nos. 55/05, 71/05 - correction, 101/07, 65/08, 16/11, 68/12 - CC , 72/12, 7/14 - CC and 44/14), at the proposal of the Ministry of Economy, made a Conclusion accepting the Report on the work of the Agency for Privatization for 2014, that was adopted by the Managing Board of the privatization Agency at the meeting of 26 . February 2015.

Status of activity remain unchanged comparing to previous reporting period.

2.2.9.2. Conduct analysis of the risk of corruption in implementation of the new laws on bankruptcy and privatization, as well as the Law on public- private partnership and the Law on public companies. Adopt amendments and supplements to the laws in line with the results of the analysis. (Analysis: III quarter of 2015. Amendments and supplements: commencing from IV quarter of 2016)

Activity is partially implemented. In order to overcome the difficulties in the work of public companies in the best and most efficient way, the amendments to the Law on Public Companies (“Official Gazette of RS”, 119/12, 116/13 – authentic interpretation and 44/14 – other law) have been initiated. However, as the amendments involved more than a half of the articles of the original regulation, a **new Law on Public Companies** (“Official Gazette of the Republic of Serbia”, No 15/16) was drafted in line with the Uniform Methodological Rules for the Drafting of Regulations (“Official Gazette of RS”, No 21/10), and adopted by the National Assembly of the Republic of Serbia on February 24, 2016, and entered into force on March 4, 2016.

The main reason for the adoption of the new Law on Public Companies is a more efficient control of public companies, increase of financial performances of public companies, more efficient planning of operational activities and improvement of corporative management, adherence to deadlines for submission of documents defined by the law and higher transparency of operations. One of the objectives of the law is professionalization of the operations and better efficiency of the management, both at the national and local level.

According to the new Law on Public Companies the conditions for selection of supervisory boards and directors became more precise and stricter, both regarding the work experience and the responsibilities. There are now more precise and amended provisions on requirements necessary to be met by directors, on procedure of director selection, and on director’s responsibilities.

If they fail to achieve the projected operational results, additional measures shall be introduced for their dismissal, as well as penalty provisions. In this way some new initiatives of the Anti-Corruption Agency have been accepted, which are related to this procedure. Introduction of penalty provisions, i.e. offense, directly increases the level of operational control of public companies and operational responsibility of public companies when meeting the obligations defined by the law.

Application of the law in the part which refers to the procedure of appointing the directors has been extended to the directors of public companies founded by local self-government units, which was not the situation in the past, having in mind the fact that their appointment was done according to the Labour Law.

This Law defines that the period of performing the position of acting director cannot exceed the period of one year, and that one single person cannot be appointed for the position of acting director twice.

Executive Board has been abolished as another (excessive) collective body, and it has been planned that director will select executive directors, which makes personalised responsibilities, both of the director and the executive directors. The aforementioned was proposed since, with the previous application of the law with bicameral management and existence of the executive board as a collective body, there used to be abuse of power in performing the activities.

Competences of the Audit Committee have been made more precise and expanded. In addition to that, it has been defined that the independent member of the supervisory board shall be the Chairman of the Audit Committee, and that at least one member of the Committee must be an authorised auditor or a person with relevant knowledge and work experience in the field of finances and accounting.

Obligation of adoption of a long-term and mid-term business strategy and development plan has been planned, with the consent of the Government, competent body of the autonomous province or local self-government units, in the period of one year starting from the day of the adoption of the law. Connection of the objectives of short-term and long-term planning with the business strategy of a company will bring to a more realistic planning of operational indicators, which will influence the quality of reporting and create a vivid picture of the operational activities of public companies.

As for the analysis of the application of the **Law on Privatization** (“Official Gazette of RS”, No 83/14) which entered into force on August 13, 2014, regarding the aspect of corruption risk, we point out the application of the provision of Article 13 of the Law on Privatization, which stipulates that the Privatization Agency (hereinafter referred to as: Agency), before concluding an agreements, shall obtain the opinion from the competent organisation for money laundering prevention on the absence of interferences on the side of purchaser, i.e. strategic investor for concluding the agreement. Application of the mentioned article has significantly reduced the space for corruption in the privatization procedure.

In 2015, before signing of the agreement, the Agency provided the Administration for the Prevention of Money Laundering with 48 requests for the opinion on the absence of interferences on the side of the purchaser (out of which 19 requests were submitted in the IV quarter), i.e. strategic investor for concluding the agreement. For all 48 requests, i.e. agreements, the Administration for the Prevention of Money Laundering gave positive opinion.

Provision of Article 31 of the Law on Amendments to the Law on Privatization (“Official Gazette of RS”, No 112/15), defines that the Agency established by the Law on Privatization Agency

(“Official Gazette of RS”, No 38/01, 135/04, 30/10, 115/14 and 89/15 – other law) shall cease to operate on February 1, 2016, as the day of the beginning of the application of this law and the execution of its responsibilities was undertaken by the Ministry of Economy.

As there were no conclusions of sale agreements in I quarter of 2016, the Ministry of Economy did not provide the Administration for the Prevention of Money Laundering with the requests for opinion on the absence of interferences on the side of the purchaser, i.e. strategic investor for the conclusion of the agreement.

When it comes to the analysis of the provisions of the regulations stipulating the bankruptcy procedure, from the aspect of corruption risks, in order to eliminate the elements which can bring abuse, i.e. space for corruption in practice, the Law on Amendments to the Law on the Bankruptcy (“Official Gazette of RS”, No 83/14) defines that related persons shall be paid in the last – fourth payment order, as well as the impossibility to vote or be voted for members in the assembly or board of the creditor. At the same time, the law establishes greater responsibilities of bankruptcy trustees, in the way that the purview of the bankruptcy trustee has been expanded also to the refutation of legal actions, if necessary.

Law on Amendments to the Law on Public-Private Partnership and Concession (“Official Gazette of RS”, No 15/16), which entered into force on March 4, 2016, is characterised by the need of further regulation and improvement of individual provisions of the Law on Public-Private Partnership and Concession, after four years of its implementation, further harmonisation with the EU acquis, and strengthening of the role of the minister competent for finance in the process of approval and contracting of projects of private-public partnership in order to control fiscal and financial risks potentially and implicitly imposed by these projects.

In this reporting period (III quarter of 2016), the report remains unchanged, except the part referring to the provision of Article 13 of the Law on Privatisation. Namely, in 2016, including September 12, 2016, the Ministry of Economy, before concluding the contract, submitted to the Administration for the Prevention of Money Laundering 3 requests for opinion on the absence of obstacles regarding the purchaser, i.e. strategic investor for the conclusion of the contract. By all 3 requests, that is contracts, the Administration for the Prevention of Money Laundering provided a positive opinion.

In this reporting period (IV quarter of 2016), status of activity implementation is unchanged.

2017/1: During the observed period, i.e. in the first quarter of 2017, concluding with March 3, 2017, before conclusion of the contract, the Ministry of Economy delivered the Administration for the Prevention of Money Laundering the total of 1 request on lack of obstacles on the side of the buyer, and the Administration for the Prevention of Money Laundering responded issuing positive opinion.

The Law on Amendments to the Law on Public Private Partnership and Concessions, which was published in the “Official Gazette of the Republic of Serbia“ number 104/16 of December 23, 2016, is reflected in use of further regulating and improvement of certain provisions of the Law (by finding more precise formulations for certain provisions, based on the current implementation of the Law, thus achieving compliance with other regulations, clear understanding and more efficient application in practice and preventing incorrect interpretation), introduction of better control of financial impact of the projects of public private partnership (since such projects potentially lead to fiscal and financial risks due to complexity of the projects, their value and duration and pursuant to that, control is achieved through required elements contained in the project proposal, i.e. elements in a public contract, which definitely undergo the approval procedures by competent authorities, as well as performance of supervision of implementation of public contracts by the ministry competent for finances, i.e. body of the autonomous province or unit of local self-government competent for finances), and harmonization with international standards and the best international practice.

The Regulation on the method for assignment of concession in phases rendered by the Government of the Republic of Serbia was published in the “Official Gazette of the Republic of Serbia“ number 1/17 of January 6, 2017.

National Assembly contribution: The Law amending the Law on the Bankruptcy Supervision Agency was adopted at the National Assembly sitting on 23 October 2015 (Official Gazette of the Republic of Serbia, No. 84/04, 104/09 и 89/15).

The Law amending the Law on Privatisation was adopted at the National Assembly sitting on 29 December 2015 (Official Gazette of the Republic of Serbia, No. 83/14, 46/15, 112/15 and 20/16 - other provision).

The Law on Public Enterprises was adopted at the National Assembly sitting on 24 February 2016 (Official Gazette of the Republic of Serbia, No. 15/16).

The Law amending the Law on Public-Private Partnership and Concession was adopted at the National Assembly sitting on 24 February 2016 (Official Gazette of the Republic of Serbia, No. 88/11, and 15/16).

The Government submitted the Proposal of the Law amending the Law on Public Private Partnership and Concession on 6 December 2016, proposing that it should be adopted by urgent procedure. This Law is on the Agenda of the Sixth sitting of the Second Regular Session of the National Assembly that started on 12 December 2016.

In 2016, proposals of the laws amending the laws on bankruptcy, privatisation and public enterprises have not been submitted to the National Assembly.

2.2.9.3. Develop criteria for objective and transparent selection of directors, management boards and supervisory boards of the public companies. (Timeframe/Deadline: IV quarter of 2016)

Activity is almost completely implemented. Regulation on Criteria for Appointment of Directors of Public Companies founded by the Republic of Serbia (“Official Gazette of RS”, No 102/13) defines the requirements for the selection and procedure of appointment of directors of public companies.

According to this new Law on Public Companies the conditions for selection of members of supervisory boards and procedures for selection of directors became more precise and stricter, all in order to professionalize the management of public companies.

Application of the law in the part which refers to the procedure of appointing directors has been extended also to the directors of public companies founded by local self-government units, which was not the case in the past. There are now more precise and amended provisions on requirements necessary to be met by directors, on procedure of director selection, and on director’s responsibilities.

Criteria have been extended for termination of term of the chairman and members of the supervisory board, before the expiry of the period for which they were appointed.

As it has already been stated, the executive board is abolished, and it is planned that the director will select executive directors, which makes personalised responsibilities, both of the director and the executive directors.

In the next period, a new regulation will be adopted which, in addition to public companies, founded by the Republic of Serbia, will refer to public companies founded by the autonomous provinces and local self-government units, and which will be aligned with the requirements of the new law.

Government adopted the **Regulation on Criteria for Appointing Directors of Public Companies**, published in the “Official Gazette of RS”, No 65/16, which entered into force on August 5, 2016.

This Regulation defines the criteria which, in the selection process, by assessing the professional competence, knowledge and skills, define the result of the candidates for the appointment to the position of directors of public enterprises founded by the Republic of Serbia, autonomous province or local self-government unit, and for-profit companies referred to in Article 3, paragraph 2, points 1) and 2) of the Law on Public Companies.

2017/1: **Submitted report does not contain data on implementation of the activity.**

2.2.9.4. Establish internal control in all public companies. (IV quarter of 2015)

Activity is fully implemented. Financial management and control and internal audit - internal control is established in all public enterprises at the central level, as documented annual reports on the state of financial management and control in public companies for 2015 and the annual reports on performed audits and internal audit activities in public companies for 2015, that are submitted until 31.03.2016 to the Ministry of Finance Sector for Internal Control and Internal Audit.

2.2.9.5. Strengthen capacities of State Audit Institution for the control of public companies on the basis of prior analyses on the staff capacities, particularly relating to organizational structure, number of employees, level of training, for the purpose of effective implementation of revision of the parliamentary political parties referred to under item 2.2.2.6. (Analysis: IV quarter of 2015. Strengthening capacities: II quarter of 2016)

The activity is fully implemented. Capacities of State Audit Institution **have been strengthened** for control of operations of public enterprises and for efficient implementation of audit of parliamentary parties via implementation of public announcement of competitions of hiring new staff.

2.2.9.6. Comprehensive analysis of the work and the needs of the Commission for Protection of Competition and amendments to the regulatory framework in line with the analysis. (Analysis: II quarter of 2016. Amendments to the regulatory framework: IV quarter of 2016)

Activity is fully implemented. In the reporting period, Commission for Protection of Competition conducted analysis with following conclusions and recommendations:

-There is no need for amending competition regulatory framework in the context of Item 2.2.9.6 of the Action plan.

-Contract of sale in the privatization process should contain the following provision:

„The Buyer is obliged to submit to the Seller a proof of submitted notification of concentration, that is, the request for issuing opinion that the Buyer is free from commitment of submitting notification of concentration, no longer than 16 days from the date of concluding the Contract .

Contract of sale in the privatization process should be concluded conditioned to the Suspensive condition implying the Buyer submitting to the Seller a decision of the Commission for Protection of Competition whereby approving, conditioned or free from conditions, concentration/merger of undertakings by acquisition of control by the Buyer over the Subject of sale, or an act of the Commission for Protection of Competition whereby providing opinion that the Buyer is free from the commitment of submitting notification of concentration created in the market by acquisition of a control by the Buyer over the Subject of sale.

If the Suspensive condition from the previous Paragraph thereof is not effected, the Contract shall be considered as never concluded.”

-The authority/organization conducting the privatization process should publish instructions or guidelines for bidders, future buyers, referring to coming to effect of the Suspensive condition, that is, the commitment relating to notification of concentration. The Commission is prepared to contribute in drafting of this instructions/guidelines and designing the Suspensive condition, following the invitation of the competent authority/organization conducting the privatization process.

-As stated in the aforementioned, the corruption issue, along with the competition issue requires a multidisciplinary approach implying cooperation of competent authorities and organizations, which should be further developed and improved (the authority in charge of privatization processes, Anti-Corruption Agency, Anti-Corruption Council, judicial authorities, etc.). Furthermore, on the margins of the workshop on public procurement regarding curbing corruption and protection of competition held in November 2016, the Commission has signed the Agreement on cooperation with the Anti-Corruption Agency and Republic Commission for Protection of Rights in Public Procurement Procedures. By signing of this Agreement, the signatory parties took over the commitment to invest coordinated efforts with the goal of protection of public interest, reduction of corruption related risks and strengthen institutional integrity, alongside of determining common areas of cooperation in the context of the Public Procurement Law, Anti-Corruption Agency Act and Law on Protection of Competition.

-International cooperation should be further improved, bilaterally with national competition authorities and within international organizations dealing with the competition issue, such are the UNCTAD, OECD, ICN, and within the ECN, pending fulfilment of conditions, etc. The reason for such is that it enables the Commission to obtain the support and assistance in fact-finding efforts abroad (where it holds no competences), for example, relating to equity interest transparency.

2.2.9.7. Comprehensive analysis of the work and the needs of the Securities Commission and amendments to the regulatory framework in line with the analysis. (Analysis: IV quarter of 2015. Amendments to the regulatory framework: IV quarter of 2016)

Activity is partially implemented. Activity is implemented in analysis part. Analysis of the work and the needs of the Securities Commission is done within deadline prescribed in AP for CH 23 - IV quarter of 2015.

In a period after submission of a document named: Analysis of the Work of the Securities Commission (the Commission further on), the Committee on Administrative, Budgetary, Mandate and Immunity Issues of the National Assembly of the Republic of Serbia passed the Decision, as

of March 16, 2016, by which maximum number of permanent employees in the Commission was determined. Based on this decision, number of permanent employees in the Commission has been increased to 36, but it is still below the number existing in June 2014 (43).

Taking into consideration that the Commission does not have the power to suggest passing of laws, it will send an initiative to Ministry of Finance for amending article 262. of Law on Capital Markets ("Official Gazette of RS", no. 31/2011 and 112/2015) along with future initiative for amending and supplementing this law due to obligations arising from chapters 4, 6 and 9.

Nota bene: Ministry of Finance stated in the report that they are not responsible institution for implementation of this activity.

2017/1 Ministry of Finance contribution: In connection with activity 2.2.9.7. we inform you that the competences of the Securities Commission are stipulated in Article 262 of the Law on the capital market in the context of PG9 and for which the changes, in order to comply with all EU directives, are anticipated by the end of 2018, rather than the end of 2016, as it is stated in the attached document.

We point to the fact that the current analysis of the legal framework does not contain an adequate explanation and analysis of the effects of the measures proposed deleting the provision for the Commission activities within its competence as assigned duties or the amendment to Article 262 of the Capital Market Law in this regard.

2.2.10.1. Conduct analysis of the legislative framework in the field of health care system in terms of risk of corruption. (IV quarter of 2016)

Activity is fully implemented. In 2016, the Ministry of Health formed working groups to amend the systemic laws in health care, namely the Law on Health Care, the Law on Health Insurance, the Law on Medicines and the Law on Medical Devices. The above mentioned working groups have conducted, during the development of the working versions of the Drafts of all the mentioned laws, an analysis of the legal framework regarding the risk of corruption. The amendments to the legislation are predicted based on the analysis.

2.2.10.3. Conduct analysis of the existing control mechanisms in the health system and strengthen them in line with the analysis. (Analysis: IV quarter of 2016. Strengthening control mechanisms: Continuously)

Activity is being successfully implemented. The Ministry of Health has prepared an analysis of the existing control mechanisms in the health system, and, based on the analysis, it was determined that it was necessary to start the procedure to strengthen the capacity of the inspection bodies in the health sector, both in terms of training of the existing staff and in terms of an increase in staff,

which will be affected by the optimization of public administration and available financial resources at position of salaries at the Ministry of Health.

Status of activity remain unchanged comparing to previous reporting period.

2.2.10.4. Conduct analysis of the staff capacity in the inspection bodies in the health sector. (IV quarter of 2015)

Activity is fully implemented. The analysis of staff capacity of the inspection bodies in the field of health has been conducted within the planned time period. Based on the analysis, a capacity building procedure will be initiated for the inspection body in the field of health, which implementation will be influenced by the optimization of public administration and available funds for the position of salaries in the Ministry of Health.

2.2.10.6. Introduce national health account into the health system. (IV quarter of 2016)

Activity is fully implemented. After the completion of the World Bank project, which lasted from 2004 to 2008, a new department for production of NHA was formed in the Institute of Public Health of Serbia “Dr Milan Jovanović Batut” in 2008. NHA then became an entrusted programming work of general interest of the Ministry of Health, called DEVELOPING NATIONAL HEALTH ACCOUNTS IN SERBIA.

Overview of the achieved in the introduction of NHA in Serbia until 2012, with recommendations, can be found in the World Bank strategic instruction for implementation of NHA, printed in May 2012, and on the website <http://www.scribd.com/doc/93875945/Creating-Evidence-for-Better-Health-Financing-Decisions>

The Law on Health Records and Statutory Records in the Field of Health was adopted on 10.11.2014, which created, for the first time, the legal framework for the provision of all the data necessary for the development of National Health Account. The Law came into force in 2015.

International obligations towards the World Health Organization are regularly being met, and indicators of expenditure in health care are delivered each year on time.

2.2.10.7. Conduct analysis on the conflict of interest in the health system and adopt the rules for prevention of conflict of interest in line with the feasibility study on establishment of the legal framework for the prevention of conflict of interest in public administration referred to under item 2.2.3.4. (IV quarter of 2016)

Activity is being successfully implemented. The Ministry of Health working groups for preparation of the systemic laws (the Law on Health Care, the Law on Health Insurance, the Law

on Medicines and the Law on Medical Devices) have conducted an analysis of the conflict of interests in these laws, and the amendments to legislation are predicted in Drafts of the mentioned Laws based on the analysis.

2.2.10.8. Amend the Law on Chambers of Health Workers and harmonize regulations of the chambers of health workers with amendments in the law in line with the guidelines resulting from the analysis of the legislative framework in the field of health care system in terms of risk of corruption referred to under item 2.2.10.2. (IV quarter of 2016)

Activity is partially implemented. A working group was formed to amend the Law on Chambers of Health Workers and Health Associates, which took into consideration the above analysis of the legal framework, based on which the amendments to the legislation are envisaged.

Status of activity remain unchanged comparing to previous reporting period.

2.2.10.13. Monitor the established system of corruption risk management/integrity plan and develop appropriate systems of indicators of corruption. (Continuously)

Activity is being successfully implemented. Tax Administration, the Internal Audit and Administrative Surveillance Department, in order to follow the established system of corruption risk assessment and the development of appropriate systems of corruption indicators, continuously, within the prescribed competencies, implemented procedures of internal control, administrative supervision and determining disciplinary responsibility. Also, the mentioned Department, in order to implement activities, actively cooperate, as with all organisational units of the Tax Administration, as well as with the other state authorities (Ministry of Interior, the Public Prosecutor's Office, the Ombudsman etc.).

In the Tax Administration, in the Department of internal control and administrative supervision, in order to follow the established system of corruption risk assessment and the development of appropriate systems of corruption indicators continuously, within the prescribed competences, implement the procedures of internal control, administrative supervision and determining disciplinary responsibility. Activities of the above Department are directed towards preventive action to combat illegal conduct, coordination of work of the organizational units of the Tax Administration, in terms of uniform application of laws and bylaws, eliminating the identified irregularities and illegalities, giving orders and recommendations and as a final measure, implementation of the disciplinary proceedings and passing disciplinary measures. In order to sanction actions that make any violation of duty that represents corrupt activities, in the period April-November 2016, nine measures of temporary suspension from work to the tax officials (decision on suspension where there were elements of suspicion on corruption) were passed. Also, the above Department in order to implement its activities, actively cooperates with all organizational units of the Tax Administration, as well as with other state authorities (Ministry of the Interior, the Prosecutor's Office, the Ombudsman, etc.).

2017/1: In the Tax Administration, in the Department of internal control and administrative supervision, in order to follow the established system of corruption risk assessment and the development of appropriate systems of corruption indicators continuously, within the competences, implement the procedures of internal control, administrative supervision and determines disciplinary responsibility. Activities of the above Department are directed towards preventive action to combat illegal conduct, coordination of work of the organizational units of the Tax Administration, in terms of uniform application of laws and bylaws, elimination of the identified irregularities and illegalities, giving orders and recommendations and as a final measure, implementation of the disciplinary proceedings and passing disciplinary measures. In order to sanction actions of violation of duty which represents corrupt activities, in the period April-November 2016, nine measures of temporary suspension from work was passed to the tax officials (decision on suspension where there were elements of suspicion on corruption). Also, the above Department in order to implement its activities, actively cooperates with all organizational units of the Tax Administration, as well as with other state authorities (Ministry of the Interior, the Prosecutor's Office, the Ombudsman, etc.).

There are ongoing activities regarding the preparation of the Integrity Plan of the Tax Administration, based on the instructions of the Agency for fight against corruption and coordinated by the Department of internal control and administrative supervision.

2.2.10.14. Develop an action plan to meet the recommendations of the OECD report “Strengthening Integrity and Fighting Corruption in Education” from 2012. (II quarter of 2016)

Activity is almost completely implemented. The Working Group for the Implementation of Activities in the Field of Education envisaged by the Action Plan for Chapter 23 in the section referring to combating corruption has been established on the basis of Decision no. 119-01-174/16-01. The Chairman of the Working Group is Prof Dr Zoran Lužanin, State Secretary in the Ministry of Education, Science and Technological Development. The first task of the working group is to prepare an Action Plan for Combating Corruption in the Field of Education, no later than 30 June 2016.

The first analysis of the recommendations indicates that the implementation of a portion of the recommendations has commenced at a large scale. First and foremost, we emphasize the new Law on Textbooks, adopted on 30 July 2015, which was evaluated as an anti-corruption law that has given good results in the fight against corruption.

The Working Group for the Implementation of Activities in the Field of Education envisaged by the Action Plan for Chapter 23 in the section referring to combating corruption, in line with the recommendations from the OECD report “Strengthening the integrity and fight against corruption in education” from 2012 and Action Plan for the implementation of the Strategy for Education

Development in Serbia until 2020, has prepared the Draft Action Plan for fight against corruption in the field of education, which due to technical term of the Government, and then due to the implementation of extraordinary parliamentary election and the change of heads of bodies has not been adopted yet.

In the reporting period, the Draft Action Plan for Combating Corruption in the Field of Education, prepared in accordance with the recommendations from the OECD report “Strengthening the integrity and fight against corruption in education” from 2012 and Action Plan for the implementation of the Strategy for Education Development in Serbia until 2020, has been reviewed following the change of management of the bodies and set for further elaboration.

2017/1: By the Decision No: 119-01-174/1/16-01 a new Task Force for implementing activities in the field of education has been constituted, which was envisioned by the Action Plan pertaining to the Negotiation Chapter 23 and the section of fight against corruption, with the president Prof Dr Ana Langović Milićević, a state secretary in the Ministry of Education, Science and Technological Development. The Task Force’s mission is to prepare an Action Plan for Fight against Corruption concerning the area of education, not later than 31 March 2017.

2.2.10.15. Conduct analysis of the criteria necessary for a successful process of accreditation and inspection of work in higher education. (II quarter of 2016)

Activity is fully implemented. Commission for Accreditation and Quality Assurance (CAQA) made this analysis and delivered it to the National council for higher education (NCHE). In this analysis the problems concerning accreditation standards, reviewers, making work of CAQA more public, communication with higher education institutions, as well as internal communication between CAQA and NCHE, are taken into consideration.

2.2.10.16. Establish the accreditation process and subsequent inspection of the work of public and private higher education institutions on the basis of clear, objective, transparent and pre-established criteria, based on performed analysis, through the improvement of the work of the Commission for Accreditation and Quality Assurance. (IV quarter of 2016)

Activity is fully implemented. New standards for accreditations were made by Commission for Accreditation and Quality Assurance and National Council for Higher Education in cooperation, which are improved and clarified version of previous ones. New standards will be applied starting March 2017. According to conducted analysis, which pointed out some problems dealing with reviewers and mutual communication, CAQA established new procedures to overcome these problems. For example, when NCHE resolve on appeal, the presence of a member of CAQA acquainted with the particular case is necessary at the meeting, helping NCHE to decide correctly.

Process of accreditation is being conducted on the basis of clear, objective, transparent and pre-established criteria.

2.2.10.17. Improve the transparency of the process of registration, exams, assessment and evaluation of knowledge in all educational institutions so as to change the legal framework with the aim of objectifying procedures and criteria of entry. (IV quarter of 2016)

Activity is almost completely implemented.

First Report:

Primary school enrolment is regulated by the Law on the Foundations of the Education System (*“Official Gazette of the RS”*, no. 72/09, 52/11, 55/13, 35/15 - authentic interpretation and 68/15) and the Law on Primary Education (*“Official Gazette of RS”*, no. 55/13).

Corruption has not been observed in the sector of primary school admission, i.e. in the previous period the Ministry did not receive any comments or complaints regarding enrolment into primary schools.

Examinations in elementary schools are governed by the Law on the Foundations of the Education System and the Law on Primary Education.

Make-up, class and final exams, as well as foreign language examinations and others, are taken in the premises of schools.

The **final exam** is taken by a student after completing eighth grade, according to the final exam programme for the academic year in which he/she finished eighth grade, in written form – by solving tests. The final exam is the only national (state) exam in the Republic of Serbia. After passing the final exam, the student acquires the right to enrol into a secondary school, in accordance with the law. The regularity of the final examination is ensured by the principal. In the past there were objections to the regularity of the final exam. We especially emphasize the year 2013 when the final exams were cancelled due to “compromised” tests. Since 2014, measures ensuring the regularity of the final exam have been intensified. In addition to the training of teachers and principals, new legal and sub-legal solutions have been introduced. The organization of the final examination, the conditions under which they are conducted, the composition and working procedures of the Commission and other issues related to the final exam are governed by professional guidelines for implementing the final exam at the end of primary education that include special instructions for all involved in the final exam, namely commissions on the national, district and school level, supervisors, teachers on duty, test examiners, parents and students. Report forms and other test forms are an integral part of these professional instructions.

The Ministry of Education once more issued an order to the Institute for Education Quality and Evaluation this year to launch a special procedure that applies to confidential operations. An additional control system was introduced over the course of 2016.

Student grading in primary education is regulated by the Law on the Foundations of the Education System, the Law on Primary Education and the Regulations on Assessing Pupils in Primary Education (*“Official Gazette of the RS”*, no. 67/13).

Reports on the quality of evaluation have not been satisfactory. For these reasons, the Rulebook on Continuous Professional Development, as one of the priority areas of professional development, prescribes monitoring and evaluation of educational achievement, namely monitoring and encouraging the development of children, pupils and students.

With the aim of increasing transparency and creating equal conditions for the enrolment of students in secondary school, the Rulebook on Enrolment of Students into Secondary Schools ("Off. Gazette of the RS", no. 41/14, 37/15, 46 / 15, 75/15, 39/16), has been amended and supplemented as follows:

1. Affirmative measures for enrolment of students from vulnerable groups are promoted so that students are not granted a fixed number of points (30 points out of 100) as it was in the last 10 years, but they will be granted 30% or 35% of the number of points they did not achieve up to 100. In this way, students with lower achievements as well as those who are socially disadvantaged, are provided with greater support for enrolment in secondary school.
2. The entrance examination for admission of students in bilingual classes has defined the minimum number of points for written tests and oral exams (all four language skills are put under scrutiny). The scoring for all the languages in which bilingual classes are organized has been adjusted.
3. The evaluation system of score-based competitions for gifted students has been changed.
4. Since last year, students who have passed the entrance exam may enrol into schools for the gifted, but also into any other, namely they can change their mind and send applications to any school

Furthermore, a competition for enrolment of high school students was posted for the first time on the website of the Ministry, while a 50-point threshold was introduced for enrolment into four-year educational institutions; the Rulebook on Criteria and Procedure for Enrolment of Roma Students in Secondary Schools under more Favourable Conditions with a view to Achieving Full Equality ("*Official Gazette of the RS*", no. 12/16) has been adopted, as has the Rulebook on Criteria and Procedure for Enrolment of Graduates of Adult Primary Education in Secondary Schools under more Favourable Conditions with a view to Achieving Full Equality ("*Official Gazette of the RS*", no. 42/16).

Second Report:

Final exam at the end of primary education was conducted for the school year 2015/2016 as well as the Enrolment into secondary school in the school year 2016/2017, and the Rulebook on Enrolment of Students into Secondary Schools ("Off. Gazette of the RS", no. 41/14, 37/15, 46 / 15, 75/15, 39/16) has been prepared, which increases transparency and creation of equal conditions for enrolment of students, with the measures stated in the First Report, referring to: Affirmative measures for enrolment of students from vulnerable groups and Entrance Examination for

admission of students in bilingual classes. Also, the evaluation system of score-based competitions for gifted students has been changed, and students who passed the entrance exam last year could enrol into schools for the gifted, but also into any other, namely they could change their mind and send applications to any school.

Also, the competition for enrolment of high school students was posted for the first time on the website of the Ministry, while a 50-point threshold was introduced for enrolment into four-year educational institutions, the Rulebook on Criteria and Procedure for Enrolment of Roma Students in Secondary Schools under more Favourable Conditions with a view to Achieving Full Equality ("Official Gazette of RS", No 12/16) has been adopted, as has the Rulebook on Criteria and Procedure for Enrolment of Graduates of Adult Primary Education in Secondary Schools under more Favourable Conditions with a view to Achieving Full Equality ("Official Gazette of RS", No 42/16).

Third report:

Planning of activities aimed at the preparation of final exam at the end of primary school education for the school year 2016/17 has begun. Accordingly, the plan of activities on conducting the final exam has been made, providing the phases of the preparation and carrying out of the final exam, including other activities related to the final exam. The plan of activities also includes the time frame for their accomplishment, their facilitators and key remarks relevant for conducting the final exam.

For the first time, the time schedule of the final exam organization has been regulated by a subordinate legislation act – the Rulebook on Calendar of Educational Activities of Primary School for the school year 2016/2017 ("Official Gazette of RS, Educational Herald", No. 8/16). According to this Rulebook, the days scheduled for taking the final exam are 14, 15 and 16 June 2017 making the information about the time of taking the final exams known even before the beginning of the school year 2016/2017.

The enrolment of students into the secondary school in the school year 2016/17 was carried out based on the **Rulebook on Enrolment of Students into Secondary Schools and Amendments to Rulebook on Enrolment of Students into Secondary School** ("Off. Gazette of the RS", no. 41/14, 37/15, 46/15, 75/15, 39/16).

To ensure better transparency and creation of equal conditions for enrolment of students into the **secondary school** in the school year 2016/17, three affirmative measures have been introduced:

1. As a part of affirmative measures for the enrolment of students with disabilities into the first grade of secondary school, 315 students who finished the primary schools enrolled, using the individualized education programs with modified educational standards (IEP-2). Students who acquired the individual education program in the primary school, took the final exam with the agreed adjustments and thus received the required educational support. As of the school year 2016/17, these students have been allocated to secondary schools using the electronic enrolment

database, prior to the final exam and before forming of classes. The practice used until now has been to allocate the students with disabilities into already formed classes over the maximum number of students. When forming a class where students having IEP are allocated, the Expert Guide on forming the classes and method of funding in primary and secondary schools in the school year 2016/17 has been prepared. This Guide shall enable the classes where the students having IEP are allocated to be form with a reduced number of students

2. The affirmative measure of enrolment of Roma nationality students into the first grade of the secondary school was carried out, complying with the **Rulebook on Criteria and Procedure for Enrolment of Roma Students in Secondary Schools under more Favourable Conditions with a view to Achieving Full Equality** ("Official Gazette of the RS", no 12/2016). The result of the Rulebook implementation was a significant increase in the coverage of Roma nationality students. Compared to the previous school year, when 420 of the students were enrolled based on this measure, 1512 were enrolled in the school year 2016/17. Aside from the increased scope, it is significant that this Rulebook has improved the affirmative criterion of enrolment, by combining the ethical and social principle and adjusted it to the results of a student shown in the primary school and at the final exam.

3. Based on the **Rulebook on Criteria and Procedure for Enrolment of Graduates of Adult Primary Education in Secondary Schools under more Favourable Conditions with a view to Achieving Full Equality** the students over the age of 17 had the opportunity to obtain additional points to the score achieved in the primary school and the results at the final exam. These students were enrolled in secondary schools as part-time students and attend the school without charges, for their first profession.

Standards of qualifications have been developed for the secondary school education for 59 educational profiles, used as the guidance for the professional exam and final vocational examination of the secondary school of an external type. At the end of secondary school, examinations are organized for these educational profiles, to examine the competences of students for the particular qualification. In addition to teachers, the examination commissions are also mandatorily including the representatives of employers.

The Project of the "Reform of Secondary School Education", phase five, supported by GIZ, increased the number of schools enrolling the students in three educational profiles according to the cooperative model: locksmith-welder, electrician and industrial mechanic, from 10 to 16 secondary vocational schools.

In cooperation with the Swiss Agency for Development and private companies from the Zlatibor and North Bačka Districts, this school year has also introduced new educational profiles: operator for furniture production, realized according to the principle of dual education in 2 secondary vocational schools.

The Ministry started with the development of national model of dual education in secondary vocational school education.

In the fourth quarter of 2016, the Ministry continued with the commenced activities on developing the concept of national general final examination of the secondary school.

Within the scope of its competence, the Institute for Education Quality and Evaluation analysed the results of the final examination at the end of the primary school education. The prepared reviews and analyses about the results shown by students at the knowledge tests, aside from the certified and selection purpose, enable the evaluation of the final exam. In addition to reports about the results achieved at the final examinations in schools, being available to schools, reports have been generated, comprising key findings relevant both for the overall system and school administrations, districts and municipalities. The official website of the Institute for Education Quality and Evaluation contains the available information about the results of the final exam, at <http://ceo.edu.rs/>.

The findings about the results of the final examination represent one of the key sources of data relevant for decision making on both the improvement of teaching and the overall work of schools and for the improvement of the final exam itself. In order to ensure the quality, procedures have been introduced in the preparation of the final exam in the school year 2015/16, with the attendance of observers in schools that have statistically, scored unexpected results in the previous period. The function of the observer was to monitor any activities related to testing from the beginning to the end of the final examination process.

Fourth Report

2017/1: Implementation of planned activities has been initiated for the purpose of realising the final examination at the end of primary education for the school year 2016/2017. Within this meaning, the Republic Committee for conducting the final examination in the school year 2016/2017 was formed. Data relevant for preparing the testing material have been gathered concerning the number of eight graders who are going to be taking the final examination, then, the number of eight graders gaining education in a national minority language and accordingly, take the final examination, number of adult primary education students and other data regarding the number of pupils, i.e. students who take the final examination, in accordance with the law, based on the programme of the final examination from the previous school years, as well as concerning the number of pupils who are entitled for certain form of modifications, prescribed by the law.

The Draft Agenda of taking the final examination has been composed, defining the dates and time of their realisation, which does not only include the set date and time of taking the mock final examination and the actual final examination, but also activities related to performing supervision, data entry, results announcing, days/deadlines for appeals, etc.

There are ongoing preparations for enrolling secondary school students in the school year 2017/2018. The Committee for conducting the final examination and entrance exam has been formed. One of the tasks of this Task Force is to analyse the previous enrolments of students in secondary schools and preparation of possible amendments to the Rulebook on enrolling students

in secondary schools. Moreover, there is an ongoing preparation of the Expert Guidance for Conducting Entrance Exams in specialised schools.

Affirmative measures for enrolling students in secondary school in the school year 2017/2018 shall continue to be conducted:

1. enrolment of students with disabilities who have finished primary education with the use of an individualised educational plan with the modified educational outcomes (IEP-2).
2. enrolment of Romani students in the first grade of secondary school based on the implementation of the Rulebook on the measures and procedure for enrolling students – members of the Romani national minority in the secondary school under more favourable conditions with a view to achieving full equality ("Official Gazette of the RS", No 12/2016).
3. enrolment of adults – older than 17 based on the Rulebook on the measures and procedure for enrolling students who have completed the primary education programme for adults in the secondary schools under more favourable conditions with a view to achieving full equality.

In the field of secondary vocational educations, six new profiles have been prepared which are implemented based on the dual education model. Schools which are going to realise these educational plans and programmes enjoy the support of the companies as for the idea that a part of schooling shall be implemented in the workplace. Such classes shall be marked in the Competition for enrolling students in secondary schools in a clear way easy for students and their parents to see the information.

Work on the initiated activities regarding the development of the national general matura concept is being continued, involving professional and artistic sides.

The Institute for Education Quality and Evaluation realised an online training for 3900 gymnasium teachers regarding the implementation of educational standards for eight school subjects at the end of secondary education. This training shall be one of the steps directed towards preparing teachers for the national Matura project to be implemented in the school year 2020/2021.

2.2.10.18. Improve the legal framework in the field of inspection in education and strengthen staff capacity. (IV quarter of 2016)

Activity is almost completely implemented.

First Report:

Improve the legal framework in the field of education inspection

On the basis of a ministerial decision, a Working Group was established with the task of drafting the Law on Inspection Supervision in Education; it has held one session until now.

A ministerial decision also set the basis for the establishment of a working group tasked with drafting the following ordinances:

- ✓ Rulebook on Specific Elements of the Inspection Supervision Plan (drafted Regulations)

- ✓ Rulebook on Specific Elements of Risk Assessment (drafting stage)

- ✓ Rulebook on Forms and Manner of Performing Internal Control (drafting stage)

In addition, we participated in the work of the Committee for the Coordination of Inspection Supervision and the Working Group on Internal Control.

Strengthen human resource capacities in the education inspection sector

In the organization of the Ministry of Public Administration and Local Self-Government, 10 republican inspectors attended training courses where they learned to train other education inspectors to apply the Law on Inspection Supervision. They have already provided training to 140 inspectors relating to the implementation of this Act.

On the basis of the Rulebook on Internal Organization and Job Classification in the Ministry, 33 positions were classified within the Department for Inspection Supervision, while nine positions are vacant. The application of the Regulation on the Procedure for Obtaining Approval for New Employment and Further Engagement in Public Funds Beneficiaries has made recruitment of new employees difficult.

At the local self-government level, it has been envisaged that these tasks should be performed by 204 educational inspectors, of which only 136 are engaged. It should be particularly noted that 46 municipalities do not have any education inspectors. This means that republican educational inspectors, in addition to their basic duties and responsibilities, also perform direct inspections in municipalities that do not have education inspectors.

Conclusion: The number of systematized jobs and an estimated reduction of employees cannot strengthen inspection capacities. Furthermore, the inability to further progress influences a reduction in the number of inspectors.

Second Report:

Improve the legal framework in the field of education inspection

Working Group for drafting the Law on Inspection Supervision in Education has held several sessions and has not created the Draft Law yet.

A ministerial decision also set the basis for the establishment of a working group tasked with drafting the following rulebooks:

- ✓ Rulebook on Specific Elements of the Inspection Supervision Plan (not adopted, drafted Regulation)

- ✓ Rulebook on Specific Elements of Risk Assessment (drafting stage)

- ✓ Rulebook on Forms and Manner of Performing Internal Control (drafting stage)

Strengthen human resource capacities in the education inspection sector

Rulebook on Internal Organization and Job Classification in the Ministry has not been changed, while the application of the Regulation on the Procedure for Obtaining Approval for New Employment and Further Engagement in Public Funds Beneficiaries has made recruitment of new employees difficult.

It is also important to stress that the number of systematised jobs and envisaged reduction of the number of employees cannot strengthen the capacities of the inspection, and that the inability to improve has an additional impact on the reduction of the number of inspectors.

Third report:

Improve the legal framework in the field of education inspection

The Working Group for drafting the Law on Inspection Supervision in Education was formed by the Decision of the Minister, tasked with developing the draft of the Law by 31 January 2017, whose adoption was planned in the first half of 2017.

Strengthen human resource capacities in the education inspection sector

By filling in the vacancies set forth by the applicable Rulebook on Internal Organization and Job Classification in the Ministry of Education, Science and Technological Development, at the Department for Inspection Supervision, the capacities of inspection have been reinforced by three republic education inspectors and one office administration assistant for.

By the proposed Rulebook on Internal Organization and Job Classification in the Ministry of Education, Science and Technological Development whose adoption is under way, with respect to the job of education inspector of the Ministry and planning and improvement of the education inspection work, instead of two civil servant jobs of senior advisers provided by the current Rulebook, seven civil servant jobs of senior advisers have been proposed, including the job of inspector, for one civil servant at the position of a senior adviser.

The draft 2017 Budget Law of RS includes the disclosed and demanded additional funds for 120 republic education inspectors whose wages will be funded from the Republic of Serbia budget that shall discharge the inspection supervision according to the current Law as assigned tasks (one of the new legal solutions to be proposed by the Law on Inspection Supervision in Education) so that the number of republic education inspectors would, in addition to the existing 30, reach the number of 150.

Fourth Report:

2017/1:

Improve the legislative framework in the field of educational inspection

A Task Force formed based on the aforementioned Decision of the minister has composed a Draft Law on Education Inspection, the passing of which is planned in the first semester of 2017.

Strengthening the staffing capacities of the education inspection

By filling in the vacancies envisioned by the current Rulebook on Internal Organisation and Systematisation of Job Positions in the Ministry of Education, Science and Technological Development in the Sector for Inspection Activities, based on the decisions on transfers, inspection capacities have been strengthened regarding the three republic educational inspectors and one officer for administration activities.

Based on the proposal provided by the Rulebook on Internal Organisation and Systematisation of Job Positions in the Ministry of Education, Science and Technological Development, the passing of which is still in the procedure, in terms of the job position involving the performance of educational inspector's activities within the Ministry and planning and improving the operation of the educational inspection, instead of two civil servants with the title of independent advisors, according to the current Rulebook, there is a proposition for employing seven civil servants with the title of independent advisors, as well as one civil servant with the title of an independent advisor required for the position of an inspector.

The Draft Law on the Budget of the RS for the year 2017, as well as the proposal regarding the funding priority fields for the year 2018, additional resources have been expressed and demanded for 140 republic educational inspectors whose payments shall be funded from the budget of the Republic of Serbia, who according to the existing Law perform the supervisory inspection activities as entrusted (new legislative decision proposed by the Draft Law on Education Inspection), so that the number of republic educational inspectors, aside from the current 30 would reach 170 inspectors.

2.2.10.19. Review all valid contracts and requests for conclusion of the Contract on lease of part of premises of educational institutions. (Continuously)

Activity is being successfully implemented. All valid contracts and requests for conclusion of the Contract on lease have been reviewed both *ex ante* and *ex post* by Ministry of Education and Republic Directorate for Property.

All contracts on lease of part of premises of educational institutions, starting with 2012, have been concluded in accordance with the Law on Public Property ("Official Gazette of the RS" no 72/11, 83/13 and 105/14), Regulation on Terms of Acquisition and Disposal of Real Estate through a Direct Deal, Lease of Public Property and Open Competition and Calls for Proposals ("Official Gazette of the RS" no 724/12, 48/15 and 99/15), Decision by the Minister of Education, Science and Technological Development no 401-00-304/2012-02 dated 3rd December 2012, which prescribes conditions under which schools (from the education system and student standard

institutions) may rent publicly owned real estate, the purpose of using funds accrued by renting, as well as the period of renting real estate, and the Instruction of the Minister of Education, Science and Technological Development no 401-00-304/2012-02 dated 3rd December 2012 on activities of educational institutions and student standard institutions with regard to lease of publicly owned real estate.

The above mentioned regulations have established a procedure of double control of all contracts, by the Republic Directorate for Property and the Ministry of Education, Science and Technological Development.

Starting from 2012, all the Contract on lease of part of premises of educational institutions, shall be concluded in accordance with the Law on Public Property (Official Gazette of the RS 72/11, 83/13 and 105/14), the Regulation on Terms of Acquisition and Disposal of Real Estate through a Direct Deal, Lease of Public Property and Open Competition and Calls for Proposals ("Official Gazette of the RS" no 724/12, 48/15 and 99/15), Decision by the Minister of Education, Science and Technological Development no 401-00-304/2012-02 dated 3rd December 2012, laying down the conditions under which schools (from the education system and student standard institutions) may rent publicly owned real estate, the purpose of using funds generated by renting, as well as the period of renting real estate, and the Instruction of the Minister of Education, Science and Technological Development no 401-00-304/2012-02 dated 3rd December 2012 on activities of educational institutions and student standard institutions with regard to lease of publicly owned real estate.

The above mentioned regulations have established a procedure of double control of all contracts, by the Property Directorate of Republic of Serbia and the Ministry of Education, Science and Technological Development.

This activity has been performed continuously and the decrease in the number of cases requiring the inspection supervision has been identified.

2.2.10.20. Conduct analysis on the conflict of interest and discretionary powers of managers of educational institutions in line with the feasibility study on establishment of the legal framework for prevention of conflict of interest in public administration referred to in item 2.2.3.4. (IV quarter of 2016)

Activity is partially implemented. Considering that the Ministry of Public Administration and Local Self-government did not develop the feasibility study on determining the legal framework for preventing the conflict of interest in public administration, the Ministry of Education, Science and Technological Development was not able to conduct an analysis of discretionary powers of managers of educational institutions.

However, the Ministry of Education, Science and Technological has set out the activities of drafting the action plan for the implementation of OSCE recommendations from 2012 that among other, includes the activity titled “Work of Management and Management Bodies in Educational Institutions“ involving the analysis of the work of management in institutions at all education levels, defining of procedures for increasing the transparency in work and accessibility of decisions, including appropriate amendments to the legal framework.

2.2.10.21. Conduct analysis of the operations and actions of the Internal Control: -in terms of functionality, organization, capacity and relationship between preventive and repressive measures, the number, the extent of staff training and methodology in certain cases. (II quarter of 2016)

Activity is fully implemented. Internal Affairs Sector (IAS) conducted analysis of the legal framework and the proposed amendments to the Police Law and adoption of sub laws that will define more closely the provisions of the Law relating to the work of the IAS and specify the procedure and methodology for implementation integrity test, check of changing of property of police officers , conducting risk analysis of corruption in the Interior Ministry and specify the method and procedure of conducting internal control of the police. Sub laws will be adopted after the adoption of Police Law.

In accordance with the new responsibilities, IAS predicted change in the organizational structure of the IAS in line with the new competencies and establishment of new units. In August 2015, the Ministry of Interior adopted amendment of the Regulations on the systematization (job classification) of the Ministry of Interior, which adopted new organizational structure of IAS. IAS is currently conducting an analysis of existing capacities and assessment of needs in terms of human and technical capacities needed to improve the functionality of the IAS (In accordance with the NPAA and Action Plan for implementation of the National Strategy against Corruption).

According to the new Police Law (Official gazette of RS, no. 6/2016 from 28.01.2016.), Internal Affairs Sector (IAS) was given the competence to conduct second and third level of security checks for managers of strategic, high and medium level, besides new institutes which the Sector proposed in order to efficiently prevent and combat corruption.

In accordance with the new responsibilities, IAS in March 2016 proposed amendment of the Rulebook on job classification in the Ministry of Interior and the formation of a division for security checks.

IAS performed an analysis of existing capacities and assessment of needs in terms of human and technical capacities needed to improve the functionality of the Sector, in accordance with “National Programme of Serbia for the Adoption of the EU Acquis (NPAA) for the period 2014-2018 and Action Plan for implementation of the National Strategy for Fight Against Corruption 2013-2018. IAS is currently working on drafting a document that will include, besides the analysis, Plan for the implementation of the following activities:

1. Drafting laws and procedures
2. Organizational strengthening of IAS and the increased number of employees in accordance with the new competencies
3. Supply of equipment (especially for covert surveillance), software and training of IAS employees
4. Introduction of new institutes – corruption risk analysis, integrity test and checking of changes of financial status, conducting security checks

Status of activity remain unchanged comparing to previous reporting period.

In August 2016, Internal Affairs Sector (IAS) prepared the document "**Analysis of the operations and actions of the Internal Control: -in terms of functionality, organization, capacity and relationship between preventive and repressive measures, the number, the extent of staff training and methodology in certain cases.**" IAS conducted analysis the existing capacities of IAS in terms of human and technical resources necessary for the implementation of the new competences that are prescribed in the Law on Police.

2.2.10.22. Conduct analysis of the legal framework regulating the work of the internal control of the Ministry of Interior with proposals to amend existing laws and regulations or adopt new if necessary. (I quarter of 2016)

Activity is fully implemented. As stated in Activity 2.2.10.21., IAS conducted an analysis of the legal framework and proposed amendment to the Police Law in the part relating to the jurisdiction of the IAS, as well as the adoption of bylaws that will further regulate particular areas defined in the provisions of the Law relating to the work of the Division. Sub laws will be adopted after the adoption of Police Law.

Sector proposed adoption of new sub laws in line with new competences defined in the draft of Police Law :

- Rulebook on methods and forms of conducting internal control
- Rulebook on conducting integrity test in MoI
- Rulebook on records of asset declaration (financial statement) and checking of changes of asset declaration in MoI
- Manual for conducting risk analysis of corruption in MoI
- Rulebook of IAS procedure.

According to new Law on Police (Official gazette of RS, no. 6/2016 from 28.01.2016.), Internal Affairs Sector performs internal control of the police and other employees of the Ministry of Interior. Proposals which IAS proposed as a priority and that were adopted in the new Police Law are the following:

1. Increase competence of IAS to control police officers and all employees of the Ministry of Interior
2. Conduct integrity tests
3. Conduct checks of declaration of property of the managers in MoI (managers of strategic, high and middle level, also high-risk position for corruption in MoI which are determined by risk analysis of corruption)
4. Conduct risk analysis of corruption and create corruption risk register in MoI
5. All organizational units of MoI have obligation to send to the IAS intelligence, which they came across, that a police officer committed a criminal offence while working or in relation with work, in 24 hours the latest from moment when their got the information.
6. IAS conducts preventive controls of all organizational units of MoI
7. There is an obligation of the managers of the controlled units to be accountable for the implementation of measures prescribed by IAS authorised police officers
8. Serious violation of official duty are envisaged for all above points
9. IAS secured by the new Law to have fund for operational purposes

The new Police Law also adopted IAS proposal to envisage in the Law severe violations of duty which are important for the control of work of the managers in the Ministry:

- Failure to report a crime, misdemeanor or violation of official duties;
- Disabling or obstructing the performance of activities of internal control;
- Failure to comply with the measures proposed by IAS to eliminate determined illegalities;
- Negative integrity test result;
- Failure to report changes in property card;

The Police Act also regulated method of carrying out security checks and envisaged that IAS should conduct second and third level of security checks for managers of strategic, high and medium level.

Bearing in mind that IAS gained additional competences by new Police Law with respect to performing security checks, IAS is currently drafting a document that will include analysis of the legal framework after the adoption of the Police Law with proposals to amend and / or adopt new bylaws.

In August 2016, Internal Affairs Sector prepared the document "**Analysis of the legal framework regulating the work of the Internal Control of the Ministry of Interior with proposals to amend the existing laws and regulations or adopt new if necessary.**" An overview was given of the legislative framework before the adoption of the Law on Police, the new competences that IAS has according to the new Law on Police and overview of all regulations governing by external and internal control, as well as the regulations according to which IAS proceeds.

2.2.10.23. Establish legal framework that will regulate the operations of the sector of internal control of the Ministry of Interior in line with the analysis of the legal framework regulating the work of the internal control of the Ministry of Interior with proposals to amend existing laws and regulations or adopt new if necessary, referred to under item 2.2.10.22. (IV quarter of 2016)

Activity is almost completely implemented. Internal Affairs Sector in accordance with the new Law on Police made the following working versions of the new by-laws:

1. Rulebook on the method for conducting the integrity test in the MoI
2. Rulebook on assetdeclaration and checking the changes of property of the employees in the MoI
3. Manual for conducting risk analysis of corruption in the MoI

During the preparation of working versions of Rulebooks, IAS conducted the following activities:

Integrity test

Following activities were undertaken:

- working version of the Rulebook on the method for conducting the integrity test in the MoI was made
- IAS received expert opinion on the working version of the Rulebook within the project “Strengthening the capacities of law enforcement and judiciary in fight against corruption in Serbia (PACS) implemented by the Council of Europe and EU and also opinion of the Anti-Corruption Agency

Risk analysis of corruption

Following activities were undertaken:

- working version of the Manual for conducting risk analysis of corruption in the MoI was made
- IAS received expert opinion of Romanian experts (within the project PACS - “Strengthening the capacities of law enforcement and judiciary in fight against corruption in Serbia (PACS) implemented by the Council of Europe and EU

Assetdeclaration and checking the changes of property of the employees in the MoI

Following activities were undertaken:

- working version of the Rulebook on assetdeclaration and checking the changes of property of the employees in the MoI was made

- IAS received expert opinion from the Anti-Corruption Agency and established contact with the Agency in order to exchange experiences and draft clear procedures and software for record keeping of property cards and check for changes of property of employees in the MoI

Working versions of the above mentioned regulations were also sent the OSCE Mission in the Republic of Serbia in order to obtain opinion and harmonize draft Regulations with EU practise.

Following the adoption of the Police Law, IAS began drafting the Rulebook on the method and forms of conducting internal control, that will clearly define the work procedure of the Internal Affairs Sector in terms of implementation of preventive and repressive measures, dealing with cases, complaints and reports, record keeping, status of the internal control police officers as well as cooperation with the organizational units of a within the Ministry and other state bodies.

Internal Affairs Sector made a working version of the Rulebook on the method and form of conducting internal control which was sent to the MoI Secretariat to receive expert opinion.

The working version Rulebook on the method of conducting the integrity testin MoI submitted to the MoI Secretariat to receive expert opinion as well as all organizational units of a the Ministry. The draft version was also submitted to the Republic Public Prosecutor's Office for an opinion.

IAS made the final draft of the Rulebook on asset declaration and checking the changes of property of the employees in the MoI, which was sent to MoI Secretariat to receive expert opinion.

Based on the opinion of Romanian experts obtained under the project PACS - The Council of Europe and the EU, IAS drafted a new working version of the Manual for conducting risk analysis of corruption in the MoI.

2017/1: IAS made final draft ofd the Manual for conducting risk analysis of corruption in the MoI and sent it to the Secretariat (Legal department) of MoI for getting their opinion.

IAS acted according to final provisions of the Police Law and sent to Secretariat (Legal department) of MoI all working versions of sub laws which are in competence of IAS and in that way fulfilled set deadlines.

2.2.10.24. Develop mechanisms to strengthen the integrity of the police officers: a) Develop risk analysis for each job position for corruption in police; b) Create the conditions for the normative regulation, strengthening the integrity of the police officers (amendments to the procedures and work methodologies); c) Changes in the organizational part resulting from the normative framework (creating the conditions for implementation of the laws and regulations) to ensure the necessary human and material resources to warrant procedures

and methodology enabling a higher level of integrity in the police. (For item a): IV quarter of 2016. For item b): II quarter of 2017. For item c) IV quarter of 2018.)

Activity is partially implemented.

Point a)

IAS foresaw in the new Police Law introduction of a new institute for prevention of corruption, and that is the implementation of a risk analysis of corruption and creating risk register of corruption for each position in the MoI. While the Police Law was drafted, IAS made working version of the Manual for conducting risk analysis of corruption in the MoI and within the project entitled „Strengthening the capacities of law enforcement and judiciary in fight against corruption in Serbia“ (PACS) which was implemented by the Council of Europe and EU, initiated the implementation of the following activities:

- At the end of 2015, Romanian experts carried out an analysis of the Manual for conducting risk analysis of corruption in the MoI and drew up guidelines for conducting risk analysis
- In November 2015, IAS together with the Romanian experts conducted risk analysis of corruption of the Border Police in order to get acquainted with the methodology of conducting risk analyzes and corruption registry risks for each organizational unit within MoI.

Point b)

Reference to the activity 1.1.6.3.

Following the adoption of the Police Law (Official gazette of RS, no. 6/2016 from 28.01.2016.), MoI working group prepared a draft version of the new Police Code of Ethics in line with the recommendations of Slovenian expert who drafted opinion regarding the current Police Code of Ethics within the project „Strengthening the capacities of law enforcement and judiciary in fight against corruption in Serbia“ (PACS). Also, in accordance with the new law, MoI will adopt within one year from the date of entry into force of the Law, Rulebook on incompatibility work positions, as well as the Rulebook on Police Powers.

While drafting the work version of the Manual for conducting risk analysis of corruption in the MoI, IAS pointed out in the document that the aim of conducting risk analysis and creating corruption registry risk in the MoI is to enable managers to more easily detect the risks in their organizational units and that based on the perceived risk create integrity plans, which they are obliged to do by the Anti-Corruption Agency.

Point c)

At the end of August 2015, the Ministry of Interior adopted amendment of the Rulebook on job classification in the Ministry of Interior, which adopted a new organizational structure of the Internal Control Sector.

Since IAS gained new competence by the Police Law to conduct second and third level of security checks for managers of strategic, high and medium level, IAS proposed in March 2016 amendment

of the Rulebook on job classification in the Ministry of Interior and forming a division for security checks.

Reporting period IV quarter of 2016:

Point a)

Based on the opinion of Romanian experts obtained under the project PACS - The Council of Europe and the EU, IAS drafted a new working version of the Manual for conducting risk analysis of corruption in the MoI.

Point b)

Reference to the activity 1.1.6.3.

Point v)

No changes

2017/1:

Point a)

IAS made final draft of the Manual for conducting risk analysis of corruption in the MoI and sent it to the Secretariat (Legal department) of MoI for getting their opinion in January 2017 (Reference to the activity 2.2.10.23.).

Point b)

Reference to the activity 1.1.6.3. and 2.2.10.23.

Point v)

No changes.

2.2.10.25. Strengthen the capacity of the internal control for the purpose of suppression of corruption in the police in accordance with the performed analysis and amended normative framework in line with the activity referred to under item 2.2.10.23. (Continuously, commencing from I quarter of 2017, until IV quarter of 2018)

In terms of human resources, IAS currently has 82 employees. According to the Rulebook on job classification in the Ministry of Interior adopted in August 2015, it is envisaged that IAS has 127 jobs positions, bearing in mind that IAS at that moment proposed to introduce three new institutes

(integrity test, checking of changes of property and risk analysis of corruption) as well as to control the work of all employees in the MoI. Since IAS gained new competence by the Police Law to conduct second and third level of security checks for managers of strategic, high and medium level, at that moment it didn't envisage organizational unit and employees who would conduct these tasks. Therefore, in March 2016, IAS submitted a proposal to amend the Rulebook on job classification in the Ministry of Interior in order to form a new division (chief of division + 5 inspectors), who would conduct the above mentioned tasks.

Within the framework of the Strategic Planning Document IPA 2015-2017, IAS proposed a project which aim to educate IAS police officers and supply IT and video equipment in amount of 750,000. euros. The project is scheduled to start at the beginning of 2017.

In terms of project implementation under IPA 2015, IAS together with the Department of project management MoI drafted twinning fiche and worked on drafting ToR preparation of supply tender dossier for MoI for the purchase of equipment foreseen in the project.

2017/1:

IAS together with the Department of project management MoI made project proposal and sent it to EU Delegation to Serbia in order to draft the final version of the project proposal. Activities on drafting the ToR for preparation of the supply tender dossier for MoI for the purchase of equipment foreseen in the project were finished.

2.2.10.26. Continuous training of staff in the Department of internal control and all employees of the Ministry of Interior in relation to the integrity. (Continuously, until IV quarter of 2017)

Activity is being successfully implemented. IAS police officers don't have specialized training to investigate cases of corruption within the current Ministry of Interior. In the past, IAS police officers passed training in specialized areas to combat corruption with the help of the EU, international organizations and within the framework of cooperation with similar departments in the region and the EU.

IAS police officers regularly take part in training programs organized by the Human Resources Management Department of the Government of the Republic of Serbia, particularly on the subject of cooperation with the Ombudsman's Office, protection of personal data and office mistreatment, etc. In the past 6 months, 15 police officers participated at 11 trainings organized by this department.

Therefore, IAS proposed within the framework of the Strategic Planning Document IPA 2015-2017 a project which aim that will include, beside supply of technical equipment, also training of IAS police officers within the twinning part of the project. (Reference - Activity 2.2.10.25.).

The project envisages training in conducting an integrity test, the development of operational analytics, investigation of corruption cases and financial investigations, protection of IT systems from leak of information and drafting procedures for the detection of criminal acts with elements of corruption and procedures for use of special investigative techniques. The project is scheduled to start at the beginning of 2017.

IAS police officers regularly take part in training programs implemented by the Human Resources Management Service of the Government of the Republic of Serbia, and in the reporting period, 3 police officers participated in the training on protection of classified information and Mobbing - Prevention and protection from abuse at work.

On 03-04.10.2016, IAS police officer participated in regional round table entitled "Development of curriculum and strategies for training in police integrity", which was held in Podgorica, Montenegro, organized by Geneva Centre for the Democratic Control of Armed Forces - DCAF.

On 13-14.10.2016, three IAS police officers participated in the seminar on "Corruption and protection of fundamental rights under Chapter 23", organized by the European Integration Office.

On 11.01.2016, IAS and Human resource Sector representatives participated at the international conference entitled "Police integrity - holistic approach", organized by the ICITAP Office, OSCE Mission to Serbia and the Geneva Centre for the Democratic Control of Armed Forces - DCAF. The aim of the conference was to enable participants from the Ministry of Interior of the Republic of Serbia and related services in the region to present and discuss the best standards, practices and challenges relating to building of police integrity. The conference included four sessions: questions of planning and management integrity, management of human resources that support functional system in modern police, accountability at the organizational level - internal control and external oversight, as well as the role of training in the prevention of abuse of the integrity, support at the individual level.

2017/1: Submitted report does not contain data on implementation of the activity.

From 21-24.02.2017., police officer participated in the training "EU Law" within the project "Support the strategic management and EU integration capacities development of the Serbian Ministers of Interior" organized by the Sector for international cooperation, European affairs and planning.

In this reporting period, IAS police officers participated at trainings organized by the Human Resources Department of the Government of the Republic of Serbia on themes of protection of human rights and Ombudsman's office, rights of minorities, protection of classified data and international contracts-preparation and signing.

2.2.10.27. Amend the Law on Police and the Regulations on job classification and internal organization of the Ministry of Interior to establish effective coordination mechanisms of the key stakeholders involved in suppression of corruption at the strategic, tactical and operational level in line with Financial Investigations Strategy for 2015 - 2016. (I quarter of 2016)

Activity is fully implemented. Law on Police was adopted on 26th January 2016. Stabilization and Association Agreement and the Interim Agreement do not contain the provision relating to normative content of this Draft. Draft law on police was envisaged by the - National Plan for the Adoption of the Acquis (2013-2016). Despite the fact that the Draft law was made without the participation of consultants, the European Commission opinion was obtained and the suggestions given were embedded into the subject text.

The new Law on Police ("Official Gazette of RS", No. 6/16) predicted that the Internal Control Sector is taking measures and actions in accordance with the law governing criminal proceedings on combating crimes of corruption and other forms of corrupt behavior and other offenses of police officers and other employees of the Ministry, carried out on work or in connection with work. Forms and manner of performing internal control prescribed by the Minister and this act began the work, and the deadline for its adoption is one year from the date of entry into force of the Act.

The Police Act provides that, in order to prevent corruption, Internal Control Sector applied the test of integrity, conduct risk analysis of corruption and verify changes in financial status.

The Act provides that, in carrying out police duties, police reserves established and achieved standards of police action, taking into account generally accepted international standards of treatment related, inter alia, the obligation to report corruption.

The act on systematization and internal organization of the Ministry of Interior is amended in order to establish effective coordination mechanisms involved in combating corruption, in terms of the reorganization of the Department for Combating Organized Crime and formed more services.

2.2.10.28. Establish an organizational unit for fight against corruption in the Criminal Police Directorate, which shall directly cooperate with the anti-corruption units at public prosecutors' offices in line with the Financial Investigations Strategy from 2015 through 2016. Establish separate organizational units within the Criminal Police Directorate in Belgrade and Criminal Police Directorates in Novi Sad, Kragujevac, and Niš and designate contact persons in the other local police directorates. (II quarter of 2016)

Activity is partially implemented. Law on Organization and Jurisdiction of State Authorities in the Suppression of Organized Crime, Terrorism and Corruption was adopted 23rd November 2016, envisaging the establishment of organizational unit in the Ministry of Interior with the jurisdiction of corruption suppression.

In accordance with mentioned Law, development of the Rulebook is expected on Internal Organization and Systematization of Working Places in the Ministry of Interior in part pertaining to the subject item of AP for Chapter 23, which shall more closely anticipate the work of the above mentioned organizational unit.

2017/1:

In the Ministry of Interior of the Republic of Serbia, project “Strengthening capacity of Serbian police for combating corruption – Phase II“ has been approved and will be implemented in the period between 1st January 2017 and 31st September 2019. The project shall be implemented in cooperation between Ministry of Interior of the Republic of Serbia and OSCE Mission to Serbia, and financed by the Kingdom of Norway. Overall objective of the project is to reduce the impact of corruption and economic crime in Serbia by more efficient fight against individuals involved in corruptive activities. The aim of the project is to ensure that specialized departments and organizational units are capable of fast reaction, investigating and proving corruptive activities.

Through this project, there will be set up an organizational unit in charge of corruption suppression, based on the Law on the Organization and Competence of Government Authorities in the Suppression of Organized Crime, Terrorism and Corruption, which was adopted on 23rd November 2016.

As well, through this project, there will be trained police officers who will work in this organizational unit that will be set up in the next period, which will be specialized for combating corruption, and which will have centers in Novi Sad, Belgrade, Kraljevo and Niš.

2.2.10.29. Establish coordination of the work between the following units: the Criminal Police Directorate in Belgrade and Criminal Police Directorates in Novi Sad, Kragujevac, and Niš, referred to in item 2.2.10.28., and anti-corruption departments at the Higher Public Prosecutor's Offices in line with the Financial Investigations Strategy from 2015 through 2016. (IV quarter of 2016)

Activity is partially implemented. Law on Organization and Jurisdiction of State Authorities in the Suppression of Organized Crime, Terrorism and Corruption was adopted 23rd November 2016, envisaging the establishment of organizational unit in the Ministry of Interior with the jurisdiction of corruption suppression.

In accordance with mentioned Law, development of the Rulebook is expected on Internal Organization and Systematization of Working Places in the Ministry of Interior in part pertaining to the subject item of AP for Chapter 23, which shall more closely regulate the coordination of the work between the organizational units for combating corruption from point 2.2.10.29.

RPPO contribution: The establishment of specialized departments for combating corruption is stipulated by the Law on organization and jurisdiction of state bodies in combating organized crime, terrorism and corruption. This law stipulates that the specialized departments will start

working as of March 1, 2018 since that date is foreseen as the beginning of implementation of the law. After that date, coordination between the aforementioned units will be established.

2017/1 RPPO contribution: Coordination between the aforementioned units will be established after the commencement of work of the departments for combating corruption stipulated by the Law on organization and jurisdiction of state bodies in combating organized crime, terrorism and corruption.

2017/1 MoI:

No changes.

2.2.10.30. Conduct comprehensive analysis of the risk for corruption in the normative framework of the system of customs. (IV quarter of 2016)

Activity is fully implemented. Action completed within the deadline. The Customs Administration has done a risk analysis on the corruption of the legal framework of the customs system based on the Risk Analysis of corruption in the customs regulations, conducted by the Agency for fight against corruption.

Conclusion of Risk Analysis of the corruption of the legal framework of the customs system has pointed out to the necessity of expanding the powers of the customs officers primarily by passing the Law on the Customs Service, as well as through the adoption of amendments to the Criminal Procedure Code.

The analysis was submitted to the jurisdiction of the Ministry of Finance and to the Agency for the Fight against Corruption for information purposes. The Ministry of Finance sent the Analysis to the Ministry of justice and initiated the process of inclusion of the representative of the Custom Administration in the Working group for amending the Criminal Procedure Code.

2.2.10.33. Strengthen capacities of the Department of Internal Control through purchasing adequate accompanying equipment, IT equipment, uniforms and staff recruitment of 15 people. (Continuously)

Activity is not implemented. The activity is affected by the ban on employment in public sector public in accordance with the Law on Budget System and the fiscal consolidation.

2.2.10.35. Conduct analysis of the normative framework regulating local self-government and teritorial autonomy in relation to risks of corruption. (IV quarter of 2016)

Activity is fully implemented. The activity has been finalized. The analyses of causes and phenomenon of corruption at local and territorial autonomy level have been finalized. Both analyses (in Serbian) are available at the website of the Anti-Corruption Agency: <http://www.acas.rs/izvestaji/istrazivanja-i-analize/?pismo=cir>.

2.2.10.36. Develop models of local action plans for local self-government units and autonomous provinces. (I quarter of 2017)

Activity is almost completely implemented. Draft model of local anti-corruption plans has been finalized. The Anti-Corruption Agency is currently conducting consultations with representatives of local self-government, non-governmental organizations, professional public and media. In cooperation with Standing Conference of Towns and Municipalities the Anti-Corruption Agency held debate on draft model of local anti-corruption plans on March 8, 2017. The Anti-Corruption Agency displayed draft model of local anti-corruption plans at its website as to collect comments of relevant stakeholders. After that, the final version of local anti-corruption plan model will be published.

2.2.11.1. Conduct joint campaigns to encourage the effective participation of citizens in the fight against corruption. (Continuously, until IV quarter of 2017)

Activity is partially implemented. In late 2014, formed the Working Group for the preparation and implementation of activities of the Plan and program information campaign to inform the public about the mechanism of participation in the process of adoption of regulations at all levels, which is a member of the Office for cooperation with civil society.

The Anti-Corruption Agency, in cooperation with the Office for Cooperation with Civil Society of the Government of the Republic of Serbia, in late 2014, has organized a coordination meeting with representatives of civil society organizations with the aim of establishing a system of permanent coordination of civil society organizations in the fight against corruption and to increase the active participation of CSOs in fighting corruption.

The Office has continued its work on including civil society in the process of strengthening transparent financing civil society activities from the budget sources, aiming to contribute the overall system of fight against corruption. Within this reporting period the Office has presented on various meeting its activities for improving legal framework for transparent financing of civil society programmes and projects from local budgets, as well as possibilities for active participation of CSOs in monitoring of this system. In cooperation with the Municipality of Zemun, the Office organized info session for CSOs active in this municipality and the City of Belgrade, with the topic

of available sources for financing civil society projects. Main part of the info session was dedicated to monitoring and legal framework for transparent financing of CSOs from public means.

One of 8 EU civil society projects, co-financed by the Office for Cooperation with Civil Society in 2016, is the project titled “Civil Society and Judiciary for More Transparency and Anti-corruption in Public Expenditures”, conducted by the Toplica Center for Democracy and Human Rights. The overall aim of this project is strengthening civil society role in improving rule of law, good governance and fight against corruption in public expenditures, by developing methodology for active citizens’ monitoring of this system. The project envisages creating a model for including civil society and other interested actors in the system of effective monitoring over institutions dealing with different segments of public expenditures which are facing great risk of corruption and misuse of public funds. In 2015 this project was awarded funding from the EU Delegation to Serbia within the European Instrument for Democracy and Human Rights, while this year it is co-financed within the annual call of the Office for co-financing civil society projects funded by the EU.

2017/1: In order to enable timely and continuous informing of CSOs about planned public calls for support to the civil society projects, the Office for Cooperation with Civil Society published in February 2017 the Calendar of Public Calls for Support to Civil Society Projects from the Budget for the year of 2017. This practice contributes to better preparation of the project proposals for funding from the state sources, as well as to increasing the number of users of the financial means from the budget of the Republic of Serbia. This Calendar is published on the Office’s website and it contributes to the overall transparency and visibility of the state support to civil society activities, as well as of the total funds allocated for CSOs.

2.2.11.2. Amend the Law on State administration in the part relating to transparency and cooperation with civil society organizations and other relevant legislation for the purpose of alignment of the standards of cooperation between state authorities and civil society with the Council of Europe standards and United Nations Convention against corruption agree in accordance with the performed analysis of deficiencies. (IV quarter of 2016)

Activity is partially implemented. Implementation of the activity is currently underway. The Draft Law amending the Law on State Administration has been prepared. The Committee on the Legal System and State Authorities should pass a decision which would provide for a public debate on the Draft Law, the agenda of the public debate and the relevant timeframe in which such public debate should be held.

During the reporting period, a public hearing was held and opinions were obtained from the competent authorities on the Draft Law amending the Law on State Administration, in accordance with the Government’s Rules of Procedure. The next step will be to submit the Draft Law to the Government for review and decision-making, after which it would be submitted to the parliamentary procedure.

2017/1 – OCCS: The central public debate regarding the Draft Law amending the Law on Public Administration and presentation of the Baseline Document for Improving Transparency and Public Participation in the Process of Creating Public Policies and Regulations was held in Belgrade on 21st December 2016. Mr Žarko Stepanović, acting director of the Office for Cooperation with Civil Society, was among speakers in the debate.

The Draft Law was prepared based on the Baseline Document. Beside analysis of the current state, this document contains concrete measures and recommendations for improving citizens' participation within the process of preparing regulations, such as – timely informing public on planned legislative measures, improving the consultative process, mandatory production and publishing of the baseline document prior to creating a draft law, increasing the quality of organizing public debates, as well as increasing the scope of documents for which organizing public debate is obligatory.

Numerous CSOs were also present at the debate. Initiating of the new instrument of the law-making policy – baseline document – caused special attention of the participants. Furthermore, the necessity for improving the Draft Law in order to widen the process of public consultations in the preparatory phase was also emphasized during the discussion. Another important issue is securing feedback information regarding CSOs' comments, suggestions and other contribution given during the public debate.

2.2.11.3. Develop a monitoring methodology for the implementation of programs / projects financed from the budgetary resources and in particular monitor their implementation in the field and expenditure of financial funds for prevention of improper expenditure of funds. (IV quarter of 2016)

Activity is almost completely implemented. In September 2016 the Office has started implementation of the project titled “Improving Mechanism for Financing Civil Society Organizations from Public Sources of the Republic of Serbia”. Within this project and with the expert support, the monitoring methodology for the implementation of civil society programs and projects financed from the budgetary resources will be developed. Likewise, within this project the Office will continue its work on further development of legal framework and improving capacities of public administration for transparent financing of CSOs from public sources. Envisaged duration of the project is 18 months, while the total value of the project is around EUR 200.000. The project is supported by the Delegation of European Union in Serbia.

Realisation of activity 2.2.11.3. has started within the Office's project “Improving Mechanism for Financing Civil Society Organizations from Public Sources of the Republic of Serbia”, supported by the EU Delegation to Serbia. Foreign experts have prepared recommendations for improving mechanisms for financing civil society organizations from public means of the Republic of Serbia, as well as recommendations for improving reporting system. In the forthcoming period, they will continue work on developing proposal of methodology for the implementation of civil society programs / projects financed from the budgetary resources.

Given the project dynamic, full realization of the activity 2.2.11.3. is postponed for the second quarter of 2017.

2017/1: Draft of the monitoring methodology for the implementation of CSOs' programs/projects financed from the budgetary resources was prepared based on the suggestions obtained during the round table with representatives of more than 10 public administration bodies. Round table was organized on 27th February 2017.

Full realization of the activity 2.2.11.3. is expected within the second quarter of 2017.

2.2.11.4. Implement public calls for allocation of funds to the CSOs for projects in the field of anti-corruption for the initiatives at national and local level, as well as for media initiatives in the field of fight against corruption. (Continuously, until IV quarter of 2017)

Activity is partially implemented.

In 2016 the ACA did not receive funding for the implementation of this activity. Given the limit set for the following year's budget – for which no reasoning was provided – the ACA decided to accept funding for its regular operations, which is why it could not also be awarded resources for allocation of funds dedicated to the projects of civil society organisations. For these reasons, this activity will not be fulfilled in 2016.

The Anti-Corruption Agency announced public competition for allocation of grants to civil society organizations for two projects in the area of combating corruption on February 7, 2017. The general objective of the respective competition is to support development and strengthening of integrity, accountability and transparency of all stakeholders, in particular public authority bodies thus improving fight against corruption. Funds amounting to 4.000.000,00 RSD have been allocated as per the Law on Budget of the Republic of Serbia for 2017 and will be granted to two organizations - 2.000.000,00 RSD per each. According to planned dynamics, the Commission will have made decision on allocation until April 18, 2017 and it is expected that selected civil society organizations will have commenced implementing their projects at the beginning of May 2017.

2.2.11.5. Implementation of the competition for alternative reporting on the implementation of the Strategy and Action Plan. Submission of alternative reports on the implementation of the Strategy and Action Plan. (For implementation of the competition: III quarter of 2015, for submission of reports: I quarter of 2016)

This activity is fully implemented. Implementation of the competition for alternative reporting on the implementation of the Strategy and Action Plan is implemented successfully. Submission of alternative reports on the implementation of the Strategy and Action Plan is subsequent activity

that will be done in accordance with timeframe – 1 quarter of 2016. Alternative reports were submitted in due time – I quarter of 2016.

2.3. REPRESSION OF CORRUPTION

2.3.1.1. Conduct analysis of the need for alignment of the Criminal Code with the EU standards and conduct a case study of the implementation of the chapter on criminal offenses against the economy. (IV quarter of 2015)

The activity is fully implemented. Needs analysis for alignment of the Criminal Code with the EU standards is conducted as well as case study of the implementation of the chapter on criminal offenses against the economy. According to AP for CH 23, Criminal Code will be amended in III quarter of 2016.

2.3.1.2. Amend the Criminal Code in order to specify criminal offences of corruption and against the economy in line with the analysis of the need for alignment of the Criminal Code with the EU standards and conducted case study of the implementation of the chapter on criminal offenses against the economy referred to under item 2.3.1.1. (III quarter of 2016)

Activity is fully implemented. On 23. 11. 2016, the National Assembly adopted the Law on Amendments to the Criminal Code. These amendments, inter alia, include changes of CC heads related to crimes against the commerce, with purpose of better prescription and systematization of offenses, which should lead to more efficient prosecution.

Law is amended in accordance with the analysis of the necessary harmonization of the Criminal Code with EU standards and case study of the implementation of the chapter on criminal offenses against the economy. Amended provisions relevant to the fight against corruption are in Chapter 22 "Crimes against the economy".

2.3.1.3. Monitor the implementation of the CC with the obligation of the police, public prosecutors and courts to submit annual statistical reports on initiated and concluded proceedings to the Ministry of Justice. Ministry of Justice prepares a single annual report and publishes it on the website. (Continuously)

Activity is being successfully implemented. Republic Public Prosecution makes annual report on work of Public Prosecutions on crime prevention and the protection of constitutionality and legality, in which, in addition to the analysis of the level of criminality, the application of procedural actions and punitive policies, statistical data for the offenses prescribed by the Criminal Code are presented.

Republic Public Prosecution made annual report on work of Public Prosecutions on crime prevention and the protection of constitutionality and legality for the year 2015. This report is published on the website of the Republic Public Prosecution so it is available to all state authorities, institutions and public.

Republic Public Prosecutor's Office continued to analyze statistical data on initiated and concluded proceedings related to corruption offenses and monitor the implementation of the Criminal Code in this area.

All courts in Republic of Serbia, including the Supreme Court of Cassation submit the requested statistical data to Ministry of Justice.

2017/1: Report of the **Republic Public Prosecutor's Office** on work of public prosecutors' offices on combating crime and protection of constitutionality and legality for 2016 is in the final stage, and it will be submitted to the Ministry of Justice, together with an analysis of the situation and trends of economic crime, report on the work of the Anti-corruption department and statistical report - tabular review of the work of public prosecutors' offices in criminal cases against economy, official duty and criminal offences with corruption elements.

2017/1 MoI:

No changes.

2.3.1.4. Conduct training of judges and prosecutors to implement Criminal Code. Timeframe/Deadline: Continuously, commencing from entry into force of the Law on Amendments and Supplements to the Criminal Code

Activity is being successfully implemented. As of the second quarter of 2014 the **Judicial Academy** has been conducting education for judges and prosecutors in the area continuously. At the whole territory of the Republic of Serbia have been delivered 10 seminars, basic and advanced, for approximately 250 participants. For the third quarter 2016 is scheduled education for target group that would include police officers, accompanied with the agreed cooperation with the Department for professional advancement and education of the Ministry of Interior.

During the second half of September the training is conducted on financial investigation in the area of public procurement misuse for judges, prosecutors and police representatives of the Nis appellation jurisdiction. There is also plan to organize a round table on the same subject for the Academy lecturers in this area held by the federal judge and prosecutor of the USA in October.

In November was delivered training for police officers within the Service for Combating Organized Crime and public prosecutors and deputy public prosecutors at high prosecution offices at the Novi Sad appellate territory on corruption with special session devoted to misuse of public

procurement procedures. Special attention was given to initiation of financial investigations, establishment of special task forces, as well as to future prosecutorial departments for combating corruption. In addition to that, databases, competences and work of the SAI and the Tax Police were presented, as well as competences of other relevant public institutions. At the beginning of November was delivered a training of trainers for 7 prosecutors for future training in the area of corruption, with special emphasis on misuse of public procurement procedures.

2017/1: See activity under 2.2.8.6. (American Embassy and OPDAT project and OSCE supported in February organization of the ToT seminars for prosecutors, which capacitate them to train other prosecutors and the police on subject the violation in public procurement process. During this training nine of them obtained certificates).

2.3.2.1. Analysis of the organizational structure, capacity and powers of state bodies in the fight against organized crime and corruption in order to achieve efficiency and strengthen the independence of all relevant institutions (link with 2.3.2.4.). (IV quarter of 2015).

The activity is fully implemented. In order to achieve efficiency and strengthen the independence of all relevant institutions and to adopt the Law on Amendments to the Law on organization and jurisdiction of state bodies in the fight against organized crime and corruption in July 2015 the analysis of the organizational structure, capacities and competence of state authorities in fight against organized crime and corruption was conducted by the Republic Public Prosecutor's Office in cooperation with State Prosecutorial Council and Prosecutor's Office for Organized Crime. The analysis was based on the number of corruption cases and reported persons in basic and higher public prosecutor from the area of all four appellate public prosecutor's office in 2014, as well as the Prosecutor's Office for Organized Crime, work load (by cases and reported persons) of Deputy Public Prosecutors in Higher Public Prosecution in Belgrade, Novi Sad, Kragujevac and Nis, First Basic Public Prosecutor's Office in Belgrade, Basic Public Prosecutor's Office in Novi Sad, Kragujevac and Nis, number of reported persons for corruption criminal offenses that could be transferred from competence of basic and higher public prosecutor's offices to jurisdiction of the new Department for the fight against corruption (for each Appellate Public Prosecutor's Office separately), and the number of reported persons for corruption offenses in the work of the Higher Public Prosecution in Belgrade, Novi Sad, Kragujevac and Nis, First Basic Public Prosecutor's Office in Belgrade, Basic Public Prosecutor's Office in Novi Sad, Kragujevac and Nis under the new jurisdiction, bearing in mind the offenses with corruptive elements prescribed by the Criminal Code.

Based on these parameters and statistical reports for tracking corruption criminal offenses Republic Public Prosecutor's Office provided an opinion on the need to form new departments for combating corruption with a different jurisdiction and recommendations on the necessary number of Deputy Public Prosecutors in these departments.

2.3.2.2. Amend the Law on Organization and Jurisdiction of State Authorities in the fight against organized crime and corruption in order to systematically organize the work of special investigative teams, using the necessary methods for increasing efficiency in the prosecution of criminal offences.(III quarter of 2016)

Activity is fully implemented. On 23. 11. 2016, the National Assembly adopted a new Law on Organization and Jurisdiction of State Authorities in the fight against organized crime, terrorism and corruption, which addresses issues of normative- organizational character necessary for efficient fight against corruption, organized, financial, economic and crime against official duty. In order to effectively fight against corruption, terrorism, organized, economic, and crime against official duties, the organizational structure of public prosecutor's offices, courts and police is redefined, an effective cooperation between the police, prosecutors, courts and other state agencies through liaison officers is established; resolving of particularly complex cases is improved, the capacities of judicial office holders and members of the police in the field of financial investigations are strengthened; continuous training of judges, judicial officials and police officers in the field of financial investigations is provided. Therefore, the basis for the systematic organization of special investigative teams is provided.

2.3.2.3. Introduce the team of economic forensics as a part of the Public Prosecutors' offices and other authorities where necessary (link with 2.3.2.4.) (IV quarter of 2016)

Activity is partially implemented. The activity started with implementation. Will be fully implemented during 2017.

RPPO Contribution: Forensics financial departments foreseen by the Law on organization and jurisdiction of state bodies in combating organized crime, terrorism and corruption, can be established after the entry into force of the law.

2.3.2.4. Develop and monitor the implementation of a comprehensive Strategy improving the efficiency of financial investigation. (For adoption of Strategy: II quarter of 2015. For monitoring the implementation: continuously)

Activity is being successfully implemented. On 14 May 2015, government of the Republic of Serbia adopted the Financial Investigation Strategy for the period from 2015 throughout 2016.

Responsibility for achieving goals and measures envisaged by the Strategy and the Action Plan shall be entrusted to the Coordination body for Implementation of the Strategy consisted of four

members who are the heads of the key institutions for promoting financial investigations: Ministry of Justice, Ministry of Interior, Republic Public Prosecution and the Supreme Court of Cassation.

The Ministry of Justice has prepared a draft Action Plan for implementation of the Financial Investigation Strategy. Report on implementation of the Strategy will be published upon the adoption of its Action Plan.

2.3.2.5. Implementation of the Financial Action Task Force (FATF) recommendations in the relevant regulations of the RS in accordance with previously prepared analysis. See recommendation number 5 in chapter 24, subchapter organized crime. (link with Chapter 24, activity 6.2.5.2.) (IV quarter of 2016)

Activity is fully implemented. The new Law on Organization and Jurisdiction of State Authorities in the fight against organized crime, terrorism and corruption is aligned with new revised relevant FATF recommendations, according to which the powers of law enforcement agencies and investigative authorities are expanded, with the emphasis on the use of multidisciplinary investigative groups and investigations in cooperation with other countries.

Nota bene: Ministry of Finance and the Administration for the Prevention of Money Laundering as an administrative authority within the Ministry of Finance stated in report that they are not responsible for the implementation of this activity and do not report on the completion of the said activity.

2.3.2.6. Strengthening the capacity of the Department for financial investigation of the Ministry of Interior RS, based on the results of the analysis performed (link with Chapter 24, activity 6.2.5.6.) (Commencing from II quarter of 2016, onwards)

Activity is partially implemented. Financial investigation unit apply for next TAIEX workshop. Workshop is approved and successfully started correspondence between representatives of Financial Investigation Unit and representatives from Europe Commission from Brussels about the specific date of workshop maintenance.

Financial investigation unit recruited 4 police officers, so on the May 2016. Financial investigation unit have 60 employees.

Financial investigation unit apply for next TAIEX workshop. Workshop is approved and successfully started correspondence between representatives of Financial investigation unit and representatives from Europe Commission from Brussels. In agreement with the representative of

the European Commission agreed on a date for a workshop for 02 and 03. February 2017. Also, correspondence will be continued about other details related to the workshop.

2017/1: Financial Investigation Unit has submitted a request to hold TAIEX workshop in accordance of this activity which has been approved by representatives of the Ministry of Interior and the European Commission in Brussels. Maintenance TAIEX workshop is uncertain, pending a response from the European Commission. Financial Investigation Unit were held two seminars in the framework of the Twinning Project IPA 2017. The seminars with German experts were held in Belgrade, 23.01. to 01.27.2017. and from 06.02. to 10.02. 2017.

2.3.2.8. Continuous training of police and prosecutors for conducting financial investigations, monitoring cash flows, proactive approach and special investigative techniques (link with 2.3.2.4. and link with Chapter 24 activity 6.2.5.5.) (Continuously, commencing from entry into force of the Financial Investigations Strategy)

Activity is being successfully implemented. As of the second quarter of 2014 the Judicial Academy has been conducting education for judges and prosecutors in the area continuously. At the whole territory of the Republic of Serbia have been delivered 10 seminars, basic and advanced, for approximately 250 participants. For the third quarter 2016 is scheduled education for target group that would include police officers, accompanied with the agreed cooperation with the Department for professional advancement and education of the Ministry of Interior.

See activity under 2.2.8.6.

2017/1: Judicial academy with UNDP realized two-day workshop for public prosecutors and deputies of high prosecutor's office for Belgrade appellation and SBPOK members in February on subjects of financial investigations, money flow, proactive investigations and cooperation with relevant state institutions.

2.3.3.1. Amend the regulations for the purpose of establishing proactive approach in retention of risk of corruption in the privatization process. (IV quarter of 2016)

Activity is almost completely implemented. After the adoption of the Law on Amendments to the Law on Privatization ("Official Gazette of RS", No 112/15), in the first quarter of 2016, the following bylaws were adopted:

1. Regulation on Amendments to the Regulation on the Procedure for Control of Execution of Contracted Responsibilities of Purchaser from the Contract on Capital or Property Sale (published in the „Official Gazette of RS”, No 12/16, of February 12, 2016, and which entered into force on February 13, 2016);

2. Regulation on Amendments to the Regulation on Requirements, Procedure and Manner of Capital and Property Sale with the Method of Public Collection of Bids in Public Competition

(published in the “Official Gazette of RS”, No 12/16, of February 12, 2016, and which entered into force on February 13, 2016);

3. Regulation on Amendments to the Regulation on Strategic Partnership (published in the “Official Gazette of RS”, No 16/16, of February 26, 2016, and which entered into force on February 27, 2016) and

4. Regulation on Amendments to the Regulation on the Requirements, Manner and Procedure of Implementing the Sale of Capital of Large Subjects of Privatization with the Method of Public Collection of Bids (published in the “Official Gazette of RS”, No 31/16 of March 25, 2016, and which entered into force on March 26, 2016).

After the establishment of the new Government, the activities on the preparation of the Law on Amendments to the Law on the Bankruptcy will intensify.

On 5 November 2015 the Working Group for drafting the Law on Amendments to the Law on Bankruptcy was formed. In accordance with the adopted Strategy for resolving problem loans and guidelines that have been agreed with the representatives of the IMF and the IFC defines the legal provisions of the Law on Amendments to the Law on Bankruptcy, which is mid-May 2016, submitted to the Ministry of Economy on the normative - technical arrangement. In October released a public debate and held four public hearings in Leskovac, Novi Sad, Čacak and Belgrade. During consideration of the comments, suggestions and objections to the Draft Law on Amendments to the Law on Bankruptcy of the Working Group, after which the final text of the Draft Law shall be released to the procedure for adoption by the Government.

2017/1: The following bylaws have been adopted:

1. Regulation on the Amendments to the Regulation on Strategic Partnership (published in the “Official Gazette of the Republic of Serbia”, number 108/16 of December 29, 2016, and came into force on December 30, 2016) and

2. Regulation on activities of the persons who perform duties of temporary representatives of capital in the subjects of privatization (published in the “Official Gazette of the Republic of Serbia”, number 90/16 of November 4, 2016, and came into force on November 12, 2016).

2.3.3.2. Amend the Law on Organization and Jurisdiction of State authorities in the fight against organized crime and corruption to prescribe establishment of separate unit in Special department of High court in order to deal solely with 24 controversial privatization cases and to establish equivalent units in police and prosecution offices. (Linked with activity 2.3.2.4. (Financial Investigation Strategy) and Chapter 24 activity 6.2.4.2.)(III quarter of 2016)

Activity is fully implemented. On 23. 11. 2016, the National Assembly adopted a new Law on Organization and Jurisdiction of State Authorities in the fight against organized crime, terrorism

and corruption, which addresses issues of normative- organizational character necessary for efficient fight against corruption, organized, financial, economic and crime against official duty. The Law envisages establishment of special departments for combating corruption in the Higher Public Prosecutor's Offices in Belgrade, Kragujevac, Nis and Novi Sad. In this regard, the Republic Public Prosecutor's Office and Ministry of Justice have undertaken extensive organizational and technical preparations in order to establish these departments upon adoption of the law. Since the law provides legal basis for task forces formation, the new ground for dealing, among other things, with 24 controversial privatizations has been established.

The Ministry of Interior has not formed a special unit for combating corruption and existing units are already undertaking activities in the fight against corruption.

2.3.3.3. Design and implement programs of mutual professional development of authorities participating in the process of privatization and authorities responsible for the prevention and prosecution of the cases of corruption.

Timeframe/Deadline: Continuously, commencing from the entry into force amendments from item 2.3.3.2.

Activity is not implemented.

Judicial Academy: See activity under 2.2.8.6.

Ministry of Commerce: Submitted report does not contain data on implementation of the activity.

2.3.4.1. Amend the positive regulations in order to establish unique methodology for data collection, records keeping and statistical reporting on criminal offences of corruption. Activity linked with 1.3.8.1. (IV quarter of 2016)

Activity is not implemented.

Status of activity remain unchanged comparing to previous reporting period.

2.3.4.2. Conduct an analysis of the legal and institutional framework, as well as a feasibility study for the establishment of the unified electronic register of criminal offenses related to corruption (IV quarter of 2016)

Activity is not implemented.

Status of activity remain unchanged comparing to previous reporting period.

2.3.5.1. Adoption of the Law on Amendments and Supplements to the Law on Seizure and Confiscation of the Proceeds from Crime in accordance with the previously conducted analysis aimed at improvement of efficiency in line with the Directive 2014/42/EC. (link with Chapter 24, activity 6.2.7.1.) (III quarter of 2016)

Activity is fully implemented. On 23. 11. 2016, National Assembly adopted Law on Amendments and Supplements to the Law on Seizure and Confiscation of the Proceeds from Crime. Law is completely aligned with the EU Directive 2014/42.

In order to improve the efficiency of court proceedings for the seizure of assets, the complaint as a legal remedy against the decision of the court which decides upon the request of the public prosecutor for temporary seizure of property is canceled, and maintained only the appeal. The competencies of Financial Investigation Unit and the Directorate for Administration of Seized Assets are specified and strengthened in order to provide more effective execution of obligations of these authorities.

2.3.5.2. Adoption of bylaws to regulate records keeping, management of seized assets and value assessment. (link with Chapter 24, activity 6.2.7.2.) (IV quarter of 2016)

Activity is almost completely implemented. Work on by-laws drafting started immediately after the adoption of the Law on Amendments to the Law on Amendments and Supplements to the Law on Seizure and Confiscation of the Proceeds from Crime, which was adopted on 23.11.2016. A working group was established to draft the bylaws in accordance with the Amendments and Supplements to the Law on Seizure and Confiscation of the Proceeds of Crime. They should be adopted by 1st June 2017.

2.3.5.3. Strengthening the material and technical capacities of the Directorate for Administration of Seized Assets through the purchase of software for recording seized property. (link with Chapter 24, activity 6.2.7.3.) (I quarter of 2017)

Activity is almost completely implemented. On 25th November 2016 the Directorate initiated the procedure of public procurement of software. A contract on software development was concluded on 7th December 2016. The software is being developed through continuous cooperation of representatives of the company tasked with the software development and representatives of the Directorate in order to make the software fully suit the needs and tasks of the Directorate.

2.3.5.4. Strengthen the capacity of the Directorate for Administration of Seized Assets through employment and training, particularly in the part relating to the management of

property seized from legal entities. (Link with Chapter 24, activity 6.2.7.4.) (Continuously, commencing from I quarter of 2016.)

Activity is being successfully implemented. Two-day training is organized for the six employees of the Directorate for Administration of Seized Assets who participate in the management of the seized legal entities. Training referred to specific actions with legal entities in whose management employees are participating.

Comprehensive training of staff in the Directorate related to the management and handling of legal entities which manages the Directorate was not conducted, since the Law on Amendments and Supplements to the Law on Seizure and Confiscation of the Proceeds from Crime was amended on 23.11.2016. This law now regulate the procedure of the Directorate and its organization in more detailed way, and presents a solid ground for comprehensive training of staff.

Note that the Directorate for Administration of Seized Assets agreed with the Judicial Academy staff training program, which should start immediately after the adoption of the amendments to the Law on Seizure and Confiscation of the Proceeds from Crime.

In the reporting period, the trainings of the staff has been initiated through cooperation with the Judicial academy.

2017/1: Representatives of the Directorate attend trainings in the field of commercial and criminal law that are regularly organized for judges and prosecutors by the Judicial Academy.

A Memorandum on Cooperation between the Judicial Academy and the Directorate regarding continuous trainings of the Directorate staff has been drafted and is expected to be signed in early April 2017.

2.3.5.5. Advance international cooperation by signing contracts with the Directorates in the region and the EU. (link with Chapter 24, activity 6.2.7.5.) (Continuously)

Activity is partially implemented. Conclusion of contracts with the directions in the region is approved, and it is in a phase of drafting.

2017/1: The procedure was initiated. The opinion of the MFA was obtained with the ref no 018-02-1/2017-01 regarding the legal nature of this type of international contracts and the procedure of their conclusion in accordance with the Vienna Convention on Contractual Law and with the Law on Conclusion and Implementation of International Contracts. A proposal of the contract on division of assets with foreign countries has been drafted and it will serve as the basis for negotiations with interested parties.

2.3.5.6. Strengthen capacity of Directorate for Administration of Seized Assets by recruiting 7 new persons according to Rulebook on job classification and conduct trainings for current staff. (link with Chapter 24, activity 6.2.7.6.) (I quarter of 2017)

Activity is partially implemented. See under 2.3.5.4.

2.3.6.1. Conduct analysis of the deficiencies in regulations and revision of regulations with regard to: - persons enjoying immunity; - scope of immunity and -proceedings to lift immunity. (IV quarter of 2016)

Activity is fully implemented. National Assembly made an analysis in respect of the persons whose immunity is determined by the National Assembly, and/or the competent committee of the National Assembly, and in respect of the scope of their immunity and procedures for waiving the immunity.

2.3.7.1. Conduct analysis of the current situation (normative, organizational and functional), identifying weaknesses and risks (level of data accessibility for the exact determination of availability in relation to time and content) (III quarter of 2015)

Activity is fully implemented. Republic Public Prosecutor's Office has conducted analysis of normative, organizational and functional framework, with particular emphasis on measures to prevent information leaks and repressive measures to suppress unauthorized communication of data relating to criminal proceedings. Also, the analysis presented the weaknesses and risks stating the level of data availability and exact determination of available content and time of access to them through the stages of the criminal proceedings. Final text of the analysis was made on the basis of suggestions and opinions obtained by the Public Prosecutor's Offices of general jurisdiction and the Prosecutor's Office for Organized Crime.

Ministry of Interior is currently applying Mandatory instructions on operational policing, which entered into force on 1st of March 2011 and regulates criminal and operational practice and procedures in commission of police activities within the competence of Police Directorate. Also, conduction of criminal investigations is regulated by mentioned Mandatory instructions at the level of Ministry of Interior. The collected data are processed, stored or exchanged pursuant to Database which represents the system for crime analysis, as well as secure platform for information exchange. This method of work contributes to rationalization of the use of material and technical resources, as well as human resources, because it reduces the risk of overlapping and parallel performing of criminal investigations.

2.3.7.2. Proposal of amendments or the adoption of new regulations and procedures aimed at introducing control and oversight mechanisms in line with the analysis of the current situation (normative, organizational and functional), identifying weaknesses and risks (level of data accessibility for the exact determination of availability in relation to time and content) referred to in item 2.3.7.1. (III quarter of 2016)

Activity is almost completely implemented.

RPPO contribution: Republic Public Prosecutor's Office prepared proposal to amend the existing regulations and procedures in order to introduce control and surveillance mechanisms on the basis of the analysis prescribed by point 2.3.7.1. This document, which, as the analysis, was made after obtaining the opinion and comments of Public Prosecutors' Offices of general jurisdiction and the Prosecutor's Office for Organized Crime, proposed the amendments of the Criminal Procedure Code in order to introduce provisions which provide that all persons who carry out tasks and duties within the competence of the state authorities in the detection and prosecution of criminal offenses shall keep data and information obtained during the performance of these duties as secret information, in accordance with the regulations governing the confidentiality of data, as well as provisions regarding necessary approval of the competent public prosecutor to publicly present data from the preliminary investigation and investigation.

In addition, changes to the Law on Police are also proposed, in order to abolish the authority of the Ministry of Interior to direct or control the work of the police regarding pre-investigation and investigative procedure. Also, it is proposed to introduce legal provisions that would explicitly prescribe that during and in relation to pre-investigation and investigation hierarchical subordination of police officers is revoked, so that there is a legal obligation of police officers to comply with any order of the public prosecutor, even when there are contradictory orders issued by their superiors.

Accordingly, the Republic Prosecutor's Office submitted initiative to the Ministry of Justice to amend the Criminal Procedure Code. This activity is conducted.

MoI contribution: Based on the decision of Minister of Interior, Working Group for drafting subordinate regulations regarding harmonization of Mandatory instructions on operational policing and instruction on registration, classification and monitoring of activities of organized criminal groups in the Republic of Serbia was formed, with the Law on Police and other applicable regulations. December 2016 is deadline for drafting the proposal of subordinate regulations. So far, several working meetings were held and it is in the phase of internal approval procedure. Also, implementation of IPA 2017 and IT equipment donations from the ICITAP Office, within the USA Embassy in Belgrade, the capacity strengthening of system for crime analysis is planned, as well as raising the level of security during the information exchange.

2017/1: At the end of December 2016, the Working group for drafting the bylaw regarding harmonization of Mandatory instruction on operational policing with the Police Act and other applicable legislation by creating a new harmonized act of Mandatory instruction, completed its

mandate. In accordance with the decision of the General Police Directorate, that act is currently in the final stage of harmonization and possible corrections which are done by the Sub-working group for harmonization of the legal framework with the requirements of Intelligence-led Policing Model. The approval of the Minister is pending, as well as entering into force of the new Mandatory instruction.

2.3.7.3. Develop an "ideal model" for the detection of offenders and proving criminal offence of disclosing official secrets ("leaking information to the media"). (link with activities 2.3.4.1, 2.3.4.2 and 2.2.10.24.) (IV quarter of 2016)

Activity is fully implemented. On April 15, 2016 Republic Public Prosecutor's Office has submitted invitation to the Appellate Public Prosecutor's Office in Belgrade, Novi Sad, Kragujevac and Nis, the Prosecutor's Office for Organized Crime and the Ministry of the Interior to select the members of the working group for development of the ideal model for the detection of perpetrators and proving criminal offence of disclosing official secrets. After selection of the members of the working group by relevant institutions, Analysis of the current situation (normative, organizational and functional), identifying weaknesses and risks (level of data accessibility for the exact determination of availability in relation to time and content), Proposal to amend the existing regulations and procedures in order to introduce control and surveillance mechanisms on the basis of the analysis and Analysis of the current level of IT security in public prosecutions were submitted to them.

The working group composed of representatives of the Republic Public Prosecutor's Office, the Prosecutor's Office for Organized Crime, Appellate Public Prosecutor's Offices in Belgrade, Novi Sad, Kragujevac and Nis, as well as representatives of the Ministry of Interior drafted in November 2016 an ideal model for the detection of offenders and proving criminal offence of disclosing official secrets ("leaking information to the media"). The completed model applies not only to information that is considered an official secret, but also to all the information with certain level of secrecy, as well as any other information whose disclosure, according to the relevant legislation is not allowed or that could endanger or disable conducting of criminal procedure.

Since the Public Prosecutor's Offices and the Ministry of Interior in their work use ICT, two sub-models were defined, one of which relates to IT system.

As an integral part of the model Instruction on the obligation to protect and preserve the secret and confidential data and Declaration on keeping secret and confidential data for all employees in the Public Prosecutor's Office and the Ministry of Interior were created.

2.3.7.4. Revise the rules governing criminal, disciplinary and all other types of liability and increase levels of IT protection by creating a so-called early warning system and alarm system. (II quarter of 2016.)

Activity is almost completely implemented.

RPPO contribution: In June 2016, the Republic Public Prosecutor's Office has conducted an analysis of the legislative framework regarding criminal, disciplinary and other types of liability in connection with the unauthorized communication of information. Based on the analysis, the Republic Public Prosecutor's Office submitted initiative to the Ministry of Justice to amend the provisions of the Criminal Code and the Law on Public Prosecution.

At the same time, the analysis of the current level of IT security in public prosecutions was conducted. Based on the conclusions of this analysis, suggestions have been made about future steps and activities in terms of increasing the level of IT protection and the introduction of so-called early warning systems and alarm system.

Implementation status of activity is unchanged.

MoI contribution: No changes

2.3.7.5. Monitor sanctioning of violations of regulations preventing disclosure of confidential information, along with the prepared analysis on the implementation of regulations and recommendations. Timeframe/Deadline: Continuously, commencing from entry into force of internal acts

Activity is almost completely implemented. Activity is implemented in analysis part.

Service of internal control and Special Investigation Methods Service within Criminal Police Directorate (Ministry of Interior), in cooperation with Republic Prosecutors Office, made an „Ideal model for the detection of executors and evidence the criminal act: disclosure of official secrets.

RPPO contribution: In June 2016, the Republic Public Prosecutor's Office has conducted an analysis of the legislative framework regarding criminal, disciplinary and other types of liability in connection with the unauthorized communication of information. Based on the analysis, the Republic Public Prosecutor's Office submitted initiative to the Ministry of Justice to amend the provisions of the Law on Public Prosecution related to disciplinary responsibility of Public Prosecutors and Deputy Public Prosecutors.

The Law on Public Prosecution in part related to disciplinary responsibility of the Public Prosecutor and Deputy Public Prosecutor has not been changed.

2017/1 RPPO Contribution: Republic Prosecutor's Office submitted document entitled "Ideal model" for the detection of offenders and proving criminal offence of disclosing official secrets ("leaking information to the media") to all public prosecutor`s offices in order to inform them on foreseen measures. Instruction on the obligation to protect and preserve the secret and confidential data and Statement on keeping secret and confidential data, as integral parts of this document, have to be signed by all elected and employed persons. Public prosecutors are obligated to inform the

Republic Public Prosecutor's Office on violations of regulations on the disclosure of information by elected and/or employed persons, as well as on the measures taken with regard to their sanctions.

2017/1 MoI Contribution: Answer is the same as in count 2.3.7.3.

2.3.8.1. Analyse the results achieved by implementing the Action Plan for the Implementation of the National Strategy for the Fight against Corruption for the period from 2013 to 2018, and possibly propose their amendments.(II quarter of 2016)

Activity is fully implemented. On June 30th 2016, Government adopted Revised Action Plan for the implementation of National Strategy for the Fight against Corruption for the period from 2013 to 2018 (II quarter of 2016, in line with deadline prescribed in AP for CH23). Revision were made based on Anti-Corruption Agency Annual Reports, contributions submitted by the authorities responsible for the implementation of the Action Plan, perceived difficulties in the implementation and monitoring of the implementation of the Action Plan, and the fact that the Action Plan for Chapter 23 envisages the same or essentially same obligations as the Action plan for the implementation of the National Strategy for the Fight against Corruption. Therefore, all activities envisaged by the Action Plan for Chapter 23, which are also been prescribed in the Action Plan for the implementation of National Strategy, continue to be monitored through appropriate activities in Action Plan for Chapter 23. The reason for this arrangement is to avoid double reporting on the same activities from two different strategic documents.

Measures and activities that have been implemented are deleted, and they are no longer part of the Action Plan for the implementation of National Strategy. Some measures and activities are reformulated or modified in order to achieve their successful implementation. Deadlines for implementation of activities are defined in the quarters, and new, realistic deadlines are set for the activities whose deadline for implementation expired. At certain points indicators have been reformulated, where it was necessary to facilitate monitoring of the implementation of measures and activities. Finally, the responsible entities are changed due to separation of ministries. Revised Action Plan can be found on the following link: <http://www.acas.rs/wp-content/uploads/2010/06/Revidirani-Akcioni-plan-za-sprovodjenje-Strategije-usvojen-30062016.pdf>

FUNDAMENTAL RIGHTS

3.1. PROHIBITION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

3.1.1.1. Revise the normative framework of the Ministry of Interior governing the treatment of detainees and persons remanded in custody. (The same activity under item 3.3.1.19., Link with the Chapter 24) (By I quarter of 2017)

Activity is partially implemented Rulebook on police powers is in the final stage of preparation. This act contains provisions on the treatment by police officers brought in and detained persons. Those provisions are consistent with all standards of police action and the recommendations made in this area.

3.1.1.2. Introduce a system of mandatory education for new police officers and continuous education for current police officers regarding the treatment of detainees and persons remanded in custody in accordance with international standards in the field of human rights, professional ethics and acting in high risk situations. The same activity under item 3.3.1.20 (Continuously, commencing from II quarter of 2016.)

Activity is being implemented successfully Regarding the training of police officers for treating detainees, we point out:

In accordance with the Memorandum of Understanding between the Ministry of Internal Affairs of the Republic of Serbia and the OSCE Mission in Serbia from 07.09.2009. within the scope of the first priority area @Police accountability@, coordinated by the Internal Affairs Sector, complete process of making Instructions on the treatment of detainees was initiated and implements. The instructions came into force on 10.12.2012. In order to implement the Instructions the Draft of the Training Program on the Treatment of detainees was made. Based on the \Draft of the Training Program, the Minister of the Interior adopted the Training Program on the Treatment of Detainees on 31.05.2013., registered under number 01-5715/13-2.

The training program was implemented by method of "transferring the knowledge" in the way that in 2013, 12 trainers were trained, who subsequently implemented training for 158 police officers - trainers in the field of treatment of the detainees. The trainees were police officers who perform tasks in Duty service and police officers who, in their field of work, can perform and implement the authority toward detainees.

After that, in 2014 the above mentioned specialist training was conducted by the trainers in all police departments (on the topic "First Aid" training was organized with the support of doctors from local medical institutions), which was successfully completed by 2794 participants, 2,567 of which were males and 227 females.

Plan for implementation the training anticipated testing of the trainees before the Commission, and after the examinations the participants were awarded certificates of successful completion of training.

In addition to this specialized training, in order to establish a system of continuous training of police officers in this area, in the Annual program of professional training for police officers for 2015, the seminar "Implementation of Regulations on the treatment of detainees" was scheduled for those organizational units that expressed the need for realization of this seminar in 2015. This seminar was attended by 714 police officers. In the Annual program of professional training for police officers of the Ministry of Internal Affairs for 2016 seminar "Implementation Guidelines on the treatment of detainees" is scheduled for those organizational unit of the Ministry that expressed the need for its realization: Police; Crime Investigation Police Department; Border Police; Traffic Police; Operational Center, SAJ, PTJ, the gendarmerie; Internal Affairs Sector; International operational police cooperation.

Regarding the training of police officers dealing with the high-risk situations, we point out:

In organization of the Department of Professional Education and Training - Center for specialized training and the Police Department at the headquarters of the Police Directorate, the training for 1789 police officers that work in the intervention patrols, is planned

In 2014 and 2015, in the Training center "Kula", 859 police officers who work in intervention patrols, were trained. In 2016, 420 police officers who work in intervention patrols will be trained from 23.05./22.07.2016. in Training center "Mitrovo polje"

In accordance with the Program of professional development of police officers of the Ministry of Interior for the year 2016, in the third quarter of this year, in two regional police directorates (in Jagodina and Nis), the seminar " Implementation Guidelines on the treatment of detainees " was realized and attended by 41 police officer. Continuing police officers education for dealing with high risk situations, in the third quarter of this year, in the Training Center "Mitrovo polje" on Goc mountain, 168 police officers completed the "Training for Intervention patrols", and this training will be continued in the next quarter until October 23rd 2016.

In accordance with the Program of professional training of police officers of the Ministry of Internal Affairs for 2016, in the fourth quarter of this year, the regional police headquarters in Nis, on 7.9.2016, the seminar "Implementation Guidelines on the treatment of detainees" was realized and attended by 27 police officers.

Continuing education of police officers in handling high-risk situations, in the fourth quarter of this year, the Training Center "Mitrovo polje" on Goch mountain, 27 police officers completed the "Training for Intervention patrols", and this training will be continued in 2017.

The new program of professional training of students of the basic police training is prepared, where in the framework of the module "The application of police powers" modular unit handles "Application of police powers 2 - stop and search persons, objects and means of transportation, detainees and persons remanded in custody".

A new program of professional training of police officers of the Ministry of Internal Affairs for 2017 is also prepared. As part of the program, in "Theoretical learning" educational theme "Retention persons and temporary restriction on the freedom of movement" is planned in the "Exercise of police powers" teaching topic "Overview person before holding in detention facilities", and the work of seminars, theme "Enforcement Guidelines on the Treatment of brought in and detained persons".

3.1.1.3. Construction, renovation and equipping of facilities for police detention in accordance with the recommendations of the CPT and the reports of the National Mechanism for the Prevention of Torture (Ombudsman). (Continuously, commencing from IV quarter of 2015.)

Activity is partially implemented

- The repair and adaptation of detention premises has been completed at the Police Directorate in Novi Pazar, police station in Tutin and police station in Sjenica. The value of completed work was 2,988,870.00 dinars including VAT;
- The repair and adaptation of detention premises has been completed at the Police Directorate in Kikinda and police station in Kanjiža. The value of completed work was 983,744.34 dinars including VAT;
- Detention premises have been built in the police station in Svilajnac (PD in Jagodina). The value of completed work was 2,671,803.36 dinars including VAT;

In the Ministry's Budget plan for 2016, funds in amount of 13,000,000.00 dinars are defined for the purpose of adoption and reconstruction of detention rooms in the Police Department in Sremska Mitrovica (2,000,000.00 dinars), the Police Department in Novi Sad (3,000,000.00 dinars), the Police Department in Kragujevac (3,000,000.00 dinars), the Police Administration in Subotica (3,000,000.00 dinars) and the Police Department in Leskovac (2,000,000.00 dinars).

It is necessary that during 2017, make a reconstruction of a police detention in police departments, which is an adaptation of the planned budget plan for 2016, but not implemented by the end of 2016. (PU Sremska Mitrovica, Kragujevac, Leskovac, Subotica and Novi Sad).

3.1.1.4 Strengthening the supervision mechanism at the Ministry of Interior for the implementation of standards of police conduct in the field of torture prevention through;

-training of the members of the Commission for the implementation of standards of police conduct in the field of torture prevention in order to effectively perform their duties;

-training of the detention units' directors in order to effectively monitor police conduct;

-training of police officers working in the police stations in order to prevent any prohibited treatment;

- improvement and development of records in all detention units containing information on all the relevant aspects of police detention;

-unexpected visits to places of detention in order to control the implementation of the recommendations of the National Mechanism for the Prevention of Torture;

-introduction of clear procedures of treatment of detainees and persons remanded into custody to ensure the exercise of their rights (e.g. the right to access to a lawyer, contact with close relatives, the right to health care). Deadline/timeframe: The same activity under item 3.3.1.21. (Continuously, commencing from IV quarter of 2015.)

Activity is not implemented. The Commission for the implementation of standards of the police conduct in the field of torture prevention, with the assistance of the OSCE Mission to Serbia and the Ombudsperson's Office, organized the round table meeting "Visit of the European Committee for the prevention of torture, inhuman or degrading punishment or treatment to the Republic of Serbia" with the aim to prepare police officers for the fourth visit of the delegation of the European Committee for the prevention of torture, inhuman or degrading punishment or treatment to the Republic of Serbia that was conducted in the period from 26 May to 05 June 2015. Heads of 27 Police Directorates in the Republic of Serbia participated in the round table meeting. Two meetings were held with the members of the Delegation.

*** Note:** Submitted report contains data referring solely to 2015, and does not cover all aspects of the activity, hence it is not possible to conclude that this activity is continuously implemented.

3.1.1.5. Intensify cooperation with the National Mechanism for the Prevention of Torture by holding regular meetings and reporting on actions undertaken pursuant the recommendations of the National Mechanism for the Prevention of Torture. The same activity under item 3.3.1.22. (Continuously)

Activity is not implemented. On 20 May 2015 the Belgrade Centre for Human Rights visited the airport "Nikola Tesla" (SGP) and the Shelter for Foreigners in Padinska Skela in Belgrade and on that occasion, reviewed the actions of these two institutions toward foreigners for whom there is reasonable suspicion that they are in need of international protection. After conducted visits

detailed reports were made. These reports are used for internal correspondence between the Ministry of Internal Affairs of the Republic of Serbia, the Office of the UNHCR and the Belgrade Centre for Human Rights, in order to improve the work SGP airport "Beograd" and the Shelter for foreigners, as well as to promote the highest standards of international refugee law and international human rights law.

On 18 December 2015, a meeting was held which was attended by representatives of the Belgrade Centre for Human Rights, Office of the Ombudsman and the National Mechanism for Prevention of Torture, the Office of the UNHCR in Belgrade, the Commission of the Ministry of the Interior for implementation of standards of police action in the field of prevention of torture, the Border police and the Shelter for foreigners in order to consider the reports and recommendations for improving the work.

*** Note:** Submitted report contains data referring solely to 2015, hence it is not possible to conclude that this activity is continuously implemented.

3.1.1.6. Intensify cooperation between the Ministry of Interior with state authorities, national mechanism for the prevention of torture and civil society organizations in the field of torture prevention through:

-Organization of workshops and discussions on the prohibition of torture in police, unprofessional behaviour of police officers and respect for the rights of detained persons and persons remanded into custody;

-Establishment of a practice of the Ministry of Interior to report in writing on the measures taken in accordance with the recommendations of civil society organizations.

-Raising awareness on prevention of torture in the police among police officers and provision of information to the public on the rights of detainees and persons remanded into custody. The same activity under item 3.3.1.23. (Continuously, commencing from I quarter of 2016.)

Activity is not implemented.

3.1.1.7. Systematically provide persons apprehended by the police, on whatever grounds, with a standard and comprehensive information sheet ("letter of rights"), setting out in a straightforward manner all their rights (including the right of access to a doctor):

-in Serbian language; - languages of national minorities; -other language detained persons are actually able to understand (as ascertained by police officers).

Link with activity 3.7.1.14. (Continuously, commencing from I quarter of 2017.)

Activity is partially implemented In the preliminary investigation proceedings, the police officer of the criminal police, after verbal notification of one persons' rights, issues a form – written notice of rights to the person who has been temporarily limited in his freedom of movement, depending on the legal basis, that is properties of issuing a notice or bringing in:

"The rights of the arrested adult"

"The rights of an adult as a suspect"

"The rights of a retained adult"

“The rights of minors as citizens"

“The rights of minors as suspects"

"The rights of the arrested minors"

The forms are available in electronic form and placed on the Intranet portal of the Ministry of Internal Affairs of the Serbian language (Cyrillic and Latin), English language, as well as minority languages Hungarian, Albanian, Roma and Romanian. Forms on the rights of minors in Serbian and English language Available are to Internet site of the Ministry of Internal Affairs under the link "Children and the police" (www.mup.gov.rs).

The forms have been prepared by the Commission for the implementation of standards of the police conduct in the field of torture prevention.

On 28 July 2016, held a meeting with experts of the Council of Europe on the occasion of the project "Support the protection of human rights for detained and sentenced persons in Serbia", in the framework of the Horizontal Support Programme of the Council of Europe, the Western Balkans and Turkey, which will be financed under the Multi-beneficiary IPA program for 2015.

***Note:** Activity is considered partially implemented, given that the Ministry of Interior does provide a list of rights, however, the specific activity refers to provision of the new Letter of Rights, which is delayed as the Criminal Procedure Code has not yet been amended.

3.1.1.8. Development of a methodology for the prosecution and the police to investigate cases of abuse and torture in order to conduct effective investigations into allegations of ill-treatment and torture by police. (By IV quarter of 2016)

Activity is being successfully implemented. On the initiative of the Republic Public Prosecutor's Office, the Working Group was established for the development of methodology for the prosecutors and police to investigate cases of abuse and torture in order to conduct effective investigations into allegations of ill-treatment and torture by police, composed of representatives of the Ministry of Interior Internal Control Sector and the Public Prosecutor's Office.

The Working Group held three meetings, and agreed on the manner of making the methodology, with the support of the OSCE Mission to Serbia. Development of the methodology is underway, and two-day retreat has been scheduled for 15 and 16 December 2016, after which development of the final version of the document is expected. On 15 and 16 December 2016 a two-day meeting of the working group was held. For the end of March, final meeting is scheduled, after which development of the final version of the document is expected.

3.1.1.9. Construction of new buildings and departments in order to improve living conditions in prisons:

- **Initiate the construction of prisons in Pancevo and Kragujevac.**
- **Finalization of works on the construction of prisons in Pancevo and Kragujevac enabling the start of their operation, pursuant to the construction plan. The same activity under item 3.3.1.1. (Initiation of construction: IV quarter 2015; Finalization of works: 2018.)**

Activity is being implemented successfully. The construction of a new prison in Pancevo (the building permit is obtained, the Law on Ratification of the Framework Loan Agreement LD 1764 (2012) between the Development Bank of the Council of Europe and the Republic of Serbia for the construction of prisons in Pancevo passed). For the construction of a new prison in Pancevo, contractor was elected in April 2016. The selection of the contractor was delayed due to administrative procedures for the tender so that prison construction has not started within the prescribed period (fourth quarter 2015). Construction work on the construction of a new prison in Pancevo started on 16 May 2016, whereby the deadline for completion remains unchanged. Works on the construction of a new prison in Pancevo are performed in line with the planned dynamics. Construction of a prison in Kragujevac - conceptual design of a new prison in Kragujevac is finalized and the main project development is in progress.

3.1.1.10. Reconstruction of existing accommodation capacity of the current institutions in accordance with European standards and their alignment with existing standards, including the following institutions:

- **District Prison in Belgrade**
- **District Prison in Uzice**
- **Criminal Correctional Facility Valjevo**
- **Criminal Correctional Facility Zabela**
- **Criminal Correctional Facility Čuprija**
- **Criminal Correctional Facility Niš**
- **Correctional Facility for Women Pozarevac**

- **Correctional Educational Facility Krusevac**
 - **Special Prison Hospital Belgrade**
- The same activity under item 3.3.1.2. (By the end of 2018.)**

Activity is being implemented successfully. Reconstruction of the District Prison in Belgrade takes place in stages. (In 2015, the reconstruction and equipping of the detention block 4.1. was finalized. In 2016 a tender for the selection of the best bidder for the continuation of reconstruction works on the block 4.2.) was announced.

In the district prison in Uzice in January 2016, the planned investment work has been completed – additional floor was built, so new premises for the medical examination of persons deprived of liberty and the work of employees in treatment were provided.

The reconstruction of the entire housing for persons deprived of liberty in the building Internat in the Correctional Facility for juveniles in Valjevo is completed, which is in use as of 01.12.2015.

As of December 2015, a part of the fifth residential building for the elderly and persons with disabilities in the penitentiary in Pozarevac-Zabela is operational.

Administration for Enforcement of Criminal Sanctions has conducted conversion of funds planned for the construction of accommodation in the open ward of the Penitentiary in Cuprija, given the reduced size of this category of prisoners. The planned funds are transferred to the financing of the project that includes a new facility within the penitentiary in Sremska Mitrovica for the accommodation of convicts in the closed wards of an institution, where there is the greatest overcrowding, in accordance with the recommendations of the European Committee against Torture, Inhuman or Degrading Treatment or Punishment. In the Niš penitentiary, the renovated Pavilion C for the accommodation of prisoners is employed, and the construction of the new admissions department for prisoners, on-duty service and the visiting hall is in progress.

For a complete reconstruction of accommodation and construction of new capacities in the penitentiary for women in Pozarevac, a building permit was obtained and tender documentation for selection of the best bidder for the works is currently at the EU delegation for external control. A process of obtaining building permit for building three new blocks in the penitentiary in Pozarevac-Zabela is in progress.

The Correctional Facility for juveniles in Krusevac, the renovation of the building for admissions department was completed in the first quarter of 2016.

Reconstruction of the Special Prison Hospital in Belgrade takes place in stages. (In 2015, the reconstruction and equipping of the block for expertise was finalized. In 2016 a tender was announced for the selection of the best bidder for the continuation of reconstruction works on the block for the execution of security measure of compulsory treatment of alcoholics).

In the third quarter of 2016, work continued on the reconstruction of another detention block in the District Prison in Belgrade, in accordance with the established plan.

For a complete reconstruction of accommodation and construction of new facilities in the penitentiary for women in Pozarevac, currently we are in the process of selection of the best bidder for the works. Evaluation of best bidder for construction of new facilities in the penitentiary for women in Pozarevac is in final phase..

In the third quarter of 2016, work continued on the reconstruction of block for enforcement of a security measure of compulsory treatment of alcoholics in the Special Prison Hospital in Belgrade, in accordance with the established plan

The reconstruction of a pavilion in the penitentiary in Sremska Mitrovica is finalized. Building permit has been obtained for construction of a new pavilion for 320 convicted persons in the penitentiary in Sremska Mitrovica.

By the end of 2016, reconstruction of one detention block in District prison Belgrade will be finalized, as well as for one block for enforcement of security measure in Special prison hospital in Belgrade. Building permit has been obtained for construction of a new pavilion for 200 convicted persons in District prison Leskovac.

According to the report for I quarter of 2017, the reconstruction of one detention block in the District Prison in Belgrade and one block for enforcement of security measures in the Special Prison Hospital in Belgrade are finalized. Contractor for the reconstruction of accommodation facilities and building new ones in the penitentiary for women in Pozarevac was elected. In the Correctional Facility for juveniles in Krusevac the renovation of the building in the part of open department is completed. In the Correctional Facility for juveniles in Valjevo renovation of a building to accommodate persons deprived of liberty ("School") is completed. In the Niš penitentiary, pavilion "D" for the accommodation of prisoners is renovated.

3.1.1.11. Ensure more effective judicial review and supervision over the rights of convicted persons and detainees by establishing sustainable system of provision of information to convicted persons and detainees on the content of their rights and protection mechanisms in the proceedings before the enforcement judge. The same activity under item 3.3.1.8. (Continuously, commencing from I quarter of 2015)

Activity is being implemented successfully. In the part relating to the provision of effective judicial protection and supervision of the observance of the rights of prisoners and detainees Directorate for Execution of Criminal Sanctions fulfilled the intended activity. Law on Execution of Criminal Sanctions and regulations governing the placement of prisoners with the assistance of the OSCE Mission in Serbia has been printed and distributed. Also, Guide for convicts who have just began serving prison sentence, in order to more easily acquaint with their rights and obligations

while serving their sentence has been printed and distributed. A Handbook for detainees and Handbook for convicts, which in the accessible way informs detained persons of their rights during the enforcement of a sentence and other measures and on the prescribed mechanisms for complaints, protests and requests for judicial protection to the judge for enforcement of criminal sanctions. In addition, forms for persons deprived of liberty for pursuing all forms of legal protection, both internally within the Institutions, and external – to the judge for enforcement of criminal sanctions have been printed and they are an integral part of the directive which was sent to all correctional facilities.

3.1.1.12. Conduct training of staff for the implementation of specialized treatment programs for convicted individuals and vulnerable categories of convicted individuals (juveniles, individuals with mental disorder, individuals with substance abuse problems, women, persons with disabilities, elderly persons) for the purpose of their successful reintegration. (The same activity under item 3.3.1.10.) (III - IV quarter of 2016)

Activity is being implemented successfully. Training of employees for the implementation of specialized programs for juvenile offenders were performed and manuals were developed for training teachers and penology instructors. The conclusion of the contract with the twinning partner in the framework of the project "Capacity building for training, education and employment of prisoners" and approved funds from the EU project - the fund IPA 2013. In the framework of this project, training of trainers: service staff for the implementation of specialized treatment programs for prisoners, as well as for particularly vulnerable categories of prisoners are provided

3.1.1.13. Continuous implementation of the provisions of the Rulebook on detailed conditions for the application of physical restraint and isolation of persons with mental disorders who are treated in psychiatric institutions and control of the implementation. (Continuously)

Activity is being implemented successfully. Health inspection of the Ministry of Health, within the regular and extraordinary inspection control – planned and unplanned (including the procedures upon complaints of subjects) shall control the implementation of the Rulebook on detailed conditions for the use of physical restraint and isolation of people with mental disabilities who are undergoing treatment in psychiatric institutions. In the period January-April 2016, seven inspection controls regarding the implementation of the aforementioned rulebook were performed. In the period May – September 2016, there were five inspection controls which refer to the implementation of the aforementioned rulebook. In the period from October to December 2016, three inspection controls regarding the implementation of the above mentioned Rulebook were performed. In the period from January to March 2017, three inspection controls regarding the implementation of the above mentioned Rulebook were performed.

3.2. POSITION OF THE OMBUDSMAN, THE PROVINCIAL OMBUDSMAN AND LOCAL OMBUDSMEN

3.2.1.1. Further strengthening the capacity of the professional service of the Ombudsman through facilitating full employment status, bringing total employment in line with current vacancies securing the necessary number and structure of the (Ombudsman) office. (For employment of 32 civil servants: By IV quarter of 2016; For future capacity strengthening - for the remaining 11 civil servants: By IV quarter of 2017.)

Activity is being implemented successfully. On 23 March 2016, the Protector of Citizens issued a public call for job applications for 2 (two) appointee positions and 23 (twenty-three) employee positions at his Secretariat. Once these positions are staffed, the number of civil servants would increase by 30 (thirty).

The staffing structure of the Protector of Citizen's institution was changed **in the period 21 May 2016 - 15 September 2016**. Currently a total of 82 staff members are employed by the professional service of the institution: 78 under the open-ended and four under the fix-term employment contract; 67 employees perform tasks requiring higher education and 15 tasks requiring secondary education. 58 employees are female and 24 are male.

During the same period, one independent advisor has been hired for an indefinite period in the Secretariat of the National Preventive Mechanism for Torture (NPM Secretariat), which was established in February 2016 as a separate organizational unit with four employees. Thus, as at 15 September 2016, the NPM Secretariat has three employees - two women and one man, all with university degrees, while one position is still vacant.

The staffing structure of the Protector of Citizens was changed **in the period 16 September 2016 – 05 December 2016**. Currently a total of 83 staff members are employed by the professional service of the institution: 78 under the indefinite and five under the fix-term employment contract; 68 employees perform tasks requiring higher education and 15 tasks requiring secondary education. Out of total of 83, 60 employees are female and 23 are male.

The hiring procedure for five civil servants on executive job positions with the indefinite contract though public competition is underway. By the end of 2016, there is a need for hiring one additional civil servant on definite (fix-term) contract, because of the increased workload.

The staffing structure of the Protector of Citizens was changed **in the period 05 December 2016 – 28 February 2017**. Currently a total of 88 staff members are employed by the Secretariat of the institution: 83 under the indefinite employment contract and 5 under the fix-term employment contract; 73 employees perform tasks requiring higher education and 15 tasks requiring secondary education. Out of total of 88, 64 employees are female and 24 are male.

The hiring procedure for three civil servants on executive job positions with the indefinite contract through public competition is underway. According to the Protector of Citizens' Staffing Table, there should be a total of 95 employees, both civil servants and secondees, at the Secretariat of the Protector of Citizens by the end of 2017.

3.2.1.2. Enable the premises for adequate long-term placement of the Ombudsman.

(By the end of 2016.)

Activity is not implemented. According to the report of the General secretariat of the Government of RS, according to the Rules of Procedures of the Government, requested by the Ombudsman, the Commission of Housing and the arrangement of official buildings and business premises, passed the Conclusion 77 No. 361-6754 / 2013, from 2nd August 2013, by which the Ombudsman is allocated for temporary the use of office space in a commercial building in Deligradska Street no. 16, in order to provide office space necessary for the work of the Ombudsman.

According to the report of the Ombudsman, there have been no changes in the reporting period and, despite staffing changes, i.e. new staff, the Protector of Citizens is still located in the same premises, which capacity does not correspond to either the number of employees or efficient organization of work.

3.2.1.3. Amend and supplement the Law on Ombudsman in order to strengthen independence and improve efficiency of work of the Ombudsman. (IV quarter of 2016)

Activity is partially implemented According to the report of the Ministry for public administration and local self-government, the Special Working Group on preparation of the Law amending the Law on Ombudsman was formed on 3 November 2016. Reasons for the delay in complying with this duty include snap parliamentary elections and dissolution of the Serbian National Assembly. Adoption of the amendments in question is planned in the fourth quarter of 2017, as stated in the National Programme for Adoption of EU Acquis (November 2016).

According to the report of the Ministry for public administration and local self-government in I quarter of 2017, a TAIEX mission will visit Belgrade on 28 and 29 March 2017. It will address the following topics: Independence of national Ombudsmen in the EU (minimum and maximum levels of independence); Ombudsman's capacity and administration's capacity to comply with the Ombudsman's decisions and/or recommendations; the issue of administrative silence, i.e. inefficient practices in the implementation of the Ombudsman's decisions and/or recommendations; relations with other state bodies; criteria for the appointment of the Ombudsman; access to detained persons; funding of the Ombudsman; and the Ombudsman's office.

According to the report of the Ombudsman, the Protector of Citizens has not observed any significant progress in the drafting of this Law. The ministry in charge of public administration

and local self-government formed the Working Group tasked with preparing a Draft Law amending the Law on the Protector of Citizens, but the Protector of Citizens does not have direct communication with that Group. Furthermore, to date the Protector of Citizens has not received a reply from the Ministry to his most recent Initiative for amendments to the Law on the Protector of Citizens issued in 2014 (the third such initiative since 2011 which has not been implemented). The only activity that has been implemented so far was a meeting between the Protector of Citizens and SIGMA consultant Mr. Eduard Roig in April 2016, when the Protector of Citizens presented his Initiative for Amendments to the Law on the Protector of Citizens and provided the required clarifications. In the reporting period, there has been no progress in the process of drafting and adopting amendments to the Law on the Protector of Citizens.

3.2.1.5. Analysis of the need to amend and supplement the Law on local self-government in order to align strengthen the role of the Local Ombudsman pursuant to the provisions of amended Law on Ombudsman. (Two quarters after the adoption of the amendments and supplements the Law on Ombudsman)

Activity is being successfully implemented. The currently applicable Law on Local Self-government (Official Gazette of RS, No. 129/07, 83/14-other law) provides for a possibility to establish Ombudsman at the local level and sets out his/her main function and also provides for a possibility to establish a joint Ombudsman for two or more local self-government units.

The Special Working Group on preparation of the Draft Law amending the Law on Local Self-government, formed by the Minister of Public Administration and Local Self-government in September 2016.

The Draft Law amending the Law on Local Self-Government has been endorsed and the procedure is currently in the stage of obtaining opinions from the competent authorities, after which it would be submitted to the Government for review and decision-making.

With regard to the local-level protectors of citizens, it has been suggested that this body should be renamed Local Ombudsman, after the Protector of Citizens pointed out that a terminological distinction should be made between the national-level body and other protectors of citizens at local self-government units because they were not part of the same body, nor was there any sort of a hierarchical relationship between them. The proposed name has been suggested by the Association of Local Ombudsman. Furthermore, provisions have been included to explicitly stipulate that local ombudsmen shall perform their duties autonomously and independently.

There is an undeniable need to introduce improved arrangements pertaining to the importance, role, status and purview of Local Ombudsmen compared with the current practice at local self-government units. However, we believe that further development of these positions would require a separate Law on Local Ombudsmen, which would first and foremost impose a duty on local self-government units to establish this position and which would also govern any other issues relevant for their work.

3.2.1.6. Effective follow up of Ombudsman’s recommendations issued to the state authority bodies of in the process of control. (Continuously)

Activity is being implemented successfully. During the reporting period (I –II quarter of 2016), the Protector of Citizens has issued 371 recommendations in oversight procedure to the public authorities. Out of those 371, 116 recommendations are due for compliance (the deadline was expired). Out of 116 recommendations due for compliance, the public authorities implemented 88.

In observed period, the Protector of Citizens issued 235 recommendations to the public authorities in short (expedited) oversight procedure. Respective authorities complied with all 235 recommendations, upon the information that the Protector of Citizens has initiated the investigation.

Table 1 shows compliance with the recommendations of the Protector of Citizens by the public authorities

| | Recommendations issued 26 November 2015 -20 May 2016 | Number of recommendations due for compliance | Number of recommendations that have been complied with | % |
|--|---|---|---|----------------|
| Cases closed with recommendations issued as the result of oversight procedure | 371 | 116 | 88 | 75,86% |
| Cases closed with recommendations issued as the result of expedited oversight procedure | 235 | 235 | 235 | 100,00% |
| TOTAL NUMBER OF RECOMMENDATIONS | 606 | 351 | 323 | 92,02% |

Table 1

In the reporting period the Protector of Citizens have submitted four legislative initiative to the public authorities. Out of those, two initiatives were considered, where one was accepted and one was not. The Ministry of Defense has accepted the Initiative for harmonizing the provisions of the Rulebook on Military Discipline and the Criminal Procedure Code. On the other hand, parliamentary Committee for Judiciary, State Administration and Local Self-Government did not accept the Protector of Citizens’ Initiative to submit two amendments to the Bill on Public Notaries.

In reporting period, the Protector of Citizens did not submit motions to the Constitutional Court for the assessment of the constitutionality and legality.

Table 2 shows the number of issued and accepted legislative initiatives and motions to the Constitutional Court.

| | The legislative initiatives issued 26 November 2015 -20. May 2016 | The legislative initiatives considered for adoption and motions to the Constitutional Court | The legislative initiatives that have been adopted and motions to the Constitutional Court | % |
|---|--|---|--|------------|
| The legislative initiatives | 4 | 2 | 1 | 50% |
| Motions to the Constitutional Court | 0 | 0 | 0 | 0 |
| TOTAL NUMBER OF LEGISLATIVE INITIATIVES AND MOTIONS FOR THE CONSTITUTIONAL COURT | 4 | 2 | 1 | 50% |

Table 2

Table 3 shows the total number of recommendations, legislative initiatives and motions for the assessment of the constitutionality and legality

| | Issued: 26 November 2014 -20 May 2016 | Due for compliance/Considered for adoption | Complied with/Due for adoption | % |
|---|--|--|--------------------------------|---------------|
| Total number of recommendations | 606 | 351 | 323 | 92,02% |
| Total number of legislative initiatives and motions to the Constitutional Court | 4 | 2 | 1 | 50% |
| TOTAL NUMBER OF RECOMMENDATIONS LEGISLATIVE | 610 | 353 | 324 | 91,78% |

| | | | | |
|---|--|--|--|--|
| INITIATIVES AND MOTIONS TO THE CONSTITUTIONAL COURT | | | | |
|---|--|--|--|--|

Table 3

Reporting period III quarter of 2016

In the reporting period, in the course of its inquiries, the Protector of Citizens issued 244 recommendations to public authorities. 47 of these recommendations are due for implementation (the deadline for implementation of the recommendations has expired). Of the 47 due recommendations, public authorities have acted upon 41 recommendations.

In the reporting period, the Protector of Citizens issued 151 recommendations to public authorities in expedited inquiries, which were implemented by the authorities immediately after learning that the Protector of Citizens had instituted the inquiry.

Table 1 – Information on implementation of Protector of Citizen’s recommendations by public authorities

| | Recommendations issued in the period 21 May 2016 - 15 September 2016 | Due recommendations | Implemented recommendations | % |
|--|--|---------------------|-----------------------------|---------------|
| Recommendations issued in inquiry procedure | 244 | 47 | 41 | 87.23 |
| Recommendations issued in expedited inquiry procedures | 151 | 151 | 151 | 100.00 |
| TOTAL RECOMMENDATIONS | 395 | 198 | 192 | 96.97 |

Table 1

In the reporting period, the Protector of Citizens forwarded to public authorities two legislative initiatives in the framework of the Initiative for amending the legislation governing the powers of the police, municipal police and the security services of the Administration for Enforcement of Criminal Sanctions. The initiatives are addressed to the Government and the National Assembly of the Republic of Serbia and have not been considered yet.

In the reporting period, the Protector of Citizens did not send to the Constitutional Court any motions to assess constitutionality and lawfulness.

Table 2 – Actions taken by public authorities concerning legislative initiatives and motions to assess constitutionality and lawfulness submitted by the Protector of Citizens.

| | Legislative initiatives and motions to the Constitutional Court in the period 21 May 2016 - 15 September 2016 | Reviewed legislative initiatives and motions to the Constitutional Court | Accepted legislative initiatives and motions to the Constitutional Court |
|--------------------------------------|---|--|--|
| Legislative initiatives | 2 | 0 | 0 |
| Motions to the Constitutional Court | 0 | 0 | 0 |
| TOTAL LEGISLATIVE INITIATIVES | 2 | 0 | 0 |

Table 2

Table 3 – Total number of actions taken by public authorities on recommendations, legislative initiatives and motions to assess constitutionality and lawfulness submitted by the Protector of Citizens.

| | Submitted in the period 21 May 2016 - 15 September 2016 | Received/ Reviewed | Implemented/ Accepted | % |
|--|---|--------------------|-----------------------|--------------|
| Total number of recommendations | 395 | 198 | 192 | 96.97 |
| Total number of legislative initiatives and motions to the Constitutional Court | 2 | 0 | 0 | 0 |
| TOTAL NUMBER OF RECOMMENDATIONS, LEGISLATIVE INITIATIVES AND MOTIONS TO THE | 397 | 198 | 192 | 96.97 |

| | | | | |
|----------------------|--|--|--|--|
| CONSTITUTIONAL COURT | | | | |
|----------------------|--|--|--|--|

Table 3

In the reporting period IV quarter of 2016:

In the reporting period, in the course of its inquiries, the Protector of Citizens issued 83 recommendations to public authorities. In that period, 44 recommendations became due for implementation (the deadline for implementation of the recommendations has expired). Out of those, 39 recommendations (88,64%) have been implemented.

In the reporting period, the Protector of Citizens issued 92 recommendations to public authorities in expedited oversight procedure, which were implemented by the authorities immediately after learning that the Protector of Citizens had opened investigations.

Table 1 – Information on implementation of Protector of Citizen’s recommendations by public authorities

| | Recommendations issued in the period 16 September 2016 – 5 December 2016 | Due recommendations | Implemented recommendations | % |
|--|--|---------------------|-----------------------------|--------------|
| Recommendations issued in oversight procedure | 83 | 44 | 39 | 88,64 |
| Recommendations issued in expedited oversight procedures | 92 | 92 | 92 | 100,00 |
| TOTAL RECOMMENDATIONS | 175 | 136 | 131 | 96,32 |

Table 1

In the reporting period, the Protector of Citizens did not submit legislative initiatives or motions to the Constitutional Court.

Table 2 – Actions taken by public authorities concerning legislative initiatives and motions to assess constitutionality and lawfulness submitted by the Protector of Citizens.

| | Legislative initiatives and motions to the Constitutional Court in the period 16 September 2016 – 5 December 2016 | Reviewed legislative initiatives and motions to the Constitutional Court | Accepted legislative initiatives and motions to the Constitutional Court |
|--------------------------------------|---|--|--|
| Legislative initiatives | 0 | 0 | 0 |
| Motions to the Constitutional Court | 0 | 0 | 0 |
| TOTAL LEGISLATIVE INITIATIVES | 0 | 0 | 0 |

Table 2

Table 3 – Total number of actions taken by public authorities on recommendations, legislative initiatives and motions to assess constitutionality and lawfulness submitted by the Protector of Citizens.

| | Submitted in the period 16 September 2016 – 5 December 2016 | Received/Reviewed | Implemented/Accepted | % |
|---|---|-------------------|----------------------|--------------|
| Total number of recommendations | 175 | 136 | 131 | 96,32 |
| Total number of legislative initiatives and motions to the Constitutional Court | 0 | 0 | 0 | 0 |
| TOTAL NUMBER OF RECOMMENDATIONS, LEGISLATIVE INITIATIVES AND MOTIONS TO THE CONSTITUTIONAL COURT | 175 | 136 | 131 | 96,32 |

Table 3

In the reporting period I quarter of 2017

In the reporting period, in the course of its investigations, the Protector of Citizens issued 85 recommendations to public authorities. Out of 12 recommendations due for implementation in the reporting period, 7 recommendations (58,33%) have been implemented.

In the reporting period, the Protector of Citizens issued 186 recommendations to public authorities in expedited oversight procedure, which were implemented by the authorities immediately upon learning that the Protector of Citizens had launched an investigation.

Table 1 – Information on the implementation of Protector of Citizen’s recommendations made to public authorities

| | Recommendations issued in the period 6 December 2016 – 14 March 2017 | Due recommendations | Implemented recommendations | % |
|--|--|---------------------|-----------------------------|--------------|
| Recommendations following the investigations | 85 | 12 | 7 | 58,33 |
| Recommendations issued in expedited oversight procedures | 186 | 186 | 186 | 100,00 |
| TOTAL RECOMMENDATIONS | 271 | 198 | 193 | 97,47 |

Table 1

In the reporting period, the Protector of Citizens submitted one legislative initiative to the Government and the National Assembly, concerning establishing the legal framework to govern the operating procedures of competent authorities responding to citizens’ justified requests to obtain personal identity data (social media account owner) when there are circumstances suggesting that, via social media, a civil offence has been committed. This initiative has not yet been considered.

In the reporting period, the Protector of Citizens did not submit legislative initiatives or motions to the Constitutional Court.

Table 2 – Actions taken by public authorities concerning legislative initiatives and motions to assess the constitutionality and legality submitted by the Protector of Citizens.

| | Legislative initiatives and motions to the Constitutional Court in the period 6 December 2016 – 14 March 2017 | Reviewed legislative initiatives and motions to the Constitutional Court | Accepted legislative initiatives and motions to the Constitutional Court |
|--------------------------------------|---|--|--|
| Legislative initiatives | 1 | 0 | 0 |
| Motions to the Constitutional Court | 0 | 0 | 0 |
| TOTAL LEGISLATIVE INITIATIVES | 1 | 0 | 0 |

Table 2

Table 3 – Total number of actions taken by public authorities on recommendations, legislative initiatives and motions to assess the constitutionality and legality submitted by the Protector of Citizens.

| | Submitted in the period 6 December 2016 – 14 March 2017 | Received/ Reviewed | Implemented/ Accepted | % |
|---|---|--------------------|-----------------------|--------------|
| Total number of recommendations | 271 | 198 | 193 | 97,47 |
| Total number of legislative initiatives and motions to the Constitutional Court | 1 | 0 | 0 | 0 |
| TOTAL NUMBER OF RECOMMENDATIONS, LEGISLATIVE INITIATIVES AND MOTIONS TO THE CONSTITUTIONAL COURT | 272 | 198 | 193 | 97,47 |

Table 3

3.2.1.7. Regularly monitor the effectiveness of acting of the state authority bodies in line with the recommendations of the National Prevention Mechanism. (Continuously)

Activity is being implemented successfully. In the reporting period (I-II quarter of 2016), the Protector of Citizens in the capacity of the National Preventive Mechanism (NPM) has issued 104 recommendations to the state authority bodies. Out of those 104, 48 recommendations are due for compliance (the deadline was expired) and 56 are still pending. Out of 48 recommendations, 47 were implemented.

Table 4 shows compliance with the recommendations of the Protector of Citizens in the capacity of the NPM by the public authorities

| Recommendations issued in the NPM capacity: 26 November 2015 - 20. May 2016 | Recommendations issued | Number of recommendations due for compliance | Number of recommendations that have been complied with | % |
|---|------------------------|--|--|---------------|
| NPM recommendations | 104 | 48 | 47 | 97,92% |

Table 4

Reporting period III quarter of 2016

In the reporting period, the Protector of Citizens issued 151 recommendations to public authorities in its statutory capacity of the National Preventive Mechanism (NPM). 80 of the recommendations are due for implementation (the deadline for implementation of the recommendations has expired), and the deadline has not expired for the remaining 61 recommendations. Out of 80 due recommendations 19 have been implemented by public authorities.

Table 4 – Actions taken by public authorities on recommendations issued by the Protector of Citizens in its capacity of the National Preventive Mechanism

| Recommendations issued in the preventive capacity (National Preventive Mechanism) | Recommendations issued | Due recommendations | Implemented recommendations | % |
|---|------------------------|---------------------|-----------------------------|---|
|---|------------------------|---------------------|-----------------------------|---|

| | | | | |
|---------------------------------|-----|----|----|--------------|
| 21 May 2016 - 15 September 2016 | | | | |
| NPM recommendations | 157 | 60 | 55 | 91,66 |

Table 4

In the reporting period IV quarter 2016:

In the reporting period, the Protector of Citizens issued 51 recommendations to public authorities in its statutory capacity of the National Preventive Mechanism (NPM). In that period, 74 of the recommendations became due for implementation (the deadline for implementation of the recommendations has expired), while the deadline has not expired for the remaining 65 recommendations. Out of 74 due recommendations 65 have been implemented by public authorities.

Table 4 – Actions taken by public authorities on recommendations issued by the Protector of Citizens in its capacity of the National Preventive Mechanism

| Recommendations issued in the preventive capacity (National Preventive Mechanism) 15 September 2016 – 5 December 2016 | Recommendations issued | Due recommendations | Implemented recommendations | % |
|---|------------------------|---------------------|-----------------------------|-------|
| NPM recommendations | 51 | 74 | 65 | 87,84 |

Table 4

3.2.1.8. Regular review of the report of the Ombudsman by the National Assembly. (Continuously commencing from II quarter of 2016.)

Activity is partially implemented. The Report of the Ombudsman for 2015 was submitted within the time limits stipulated by the law. In the first half of 2016, the National Assembly was dissolved and early parliamentary elections were held. In this 11th term of office, the National Assembly of the Republic of Serbia was constituted on 3 June 2016.

The Regular Annual Report of the Ombudsman for 2015 were considered by: The Committee on Judiciary, Public Administration and Local Self-Government, at its sitting held on 14 September 2016 and the Committee for Human and Minority Rights and Gender Equality at its sitting held on 21 September 2016, but the proposals of the conclusions have not been defined. The regular annual

report of the Ombudsman for 2015 was presented by the deputy Ombudsman, Mr. Milos Jankovic whereby deputies of the Ombudsman Ms. Vladana Jovic and Mr. Robert Sepi were present, while at the sitting of the Committee on Judiciary, Public Administration and Local Self-Government, and by the Ombudsman, Mr. Sasa Jankovic, at the sitting of the Committee on Human and Minority Rights and Gender Equality.

***Note:** Activity is assessed as partially implemented, as the regular annual report of the Ombudsman was considered by the parliamentary committees, but following this review, no conclusions were adopted which should further be reviewed by the Government.

3.2.1.9. Regular reporting of the Government on conclusions of the National Assembly adopted upon review of the report of the Ombudsman by the National Assembly. (Continuously commencing from II quarter of 2016.)

Activity is not implemented. The Government has passed a Conclusion that relates to consideration of the State Administration Report regarding the consideration of the Ombudsman Regular Annual Report for 2013 at its 124th meeting held on 23 May 2015.

3.3. PRISON SYSTEM

3.3.1.1. Construction of new buildings and departments in order to improve living conditions in prisons: Initiate the construction of prisons in Pančevo and Kragujevac.

-Finalization of works on the construction of prisons in Pančevo and Kragujevac enabling the start of their operation, pursuant to the construction plan.

The same activity under item 3.1.1.9. (Initiation of construction: IV quarter 2015; Finalization of works: 2018)

Activity is being implemented successfully. The construction of a new prison in Pancevo (the building permit is obtained, the Law on Ratification of the Framework Loan Agreement LD 1764 (2012) between the Development Bank of the Council of Europe and the Republic of Serbia for the construction of prisons in Pancevo passed). For the construction of a new prison in Pancevo, contractor was elected in April 2016. The selection of the contractor was delayed due to administrative procedures for the tender so that prison construction has not started within the prescribed period (fourth quarter 2015). Construction work on the construction of a new prison in Pancevo started on 16 May 2016, whereby the deadline for completion remains unchanged. Works on the construction of a new prison in Pancevo are performed in line with the planned dynamics.

Construction of a prison in Kragujevac - conceptual design of a new prison in Kragujevac was submitted to the Commission for the building of the Ministry of construction. We are currently in process of resolving deficiencies in the conceptual design of the project for building the new prison in Kragujevac.

3.3.1.2. Reconstruction of existing accommodation capacity of the current institutions in accordance with European standards and their alignment with existing standards, including the following institutions:

- **District Prison in Belgrade**
- **District Prison in Uzice**
- **Criminal Correctional Facility Valjevo**
- **Criminal Correctional Facility Zabela**
- **Criminal Correctional Facility Čuprija**
- **Criminal Correctional Facility Niš**
- **Correctional Facility for Women Pozarevac**
- **Correctional Educational Facility Krusevac**
- **Special Prison Hospital Belgrade**

The same activity under item 3.1.1.10. (By the end of 2018.)

Activity is being implemented successfully. Reconstruction of the District Prison in Belgrade takes place in stages. (In 2015, the reconstruction and equipping of the detention block 4.1. was finalized. In 2016 a tender for the selection of the best bidder for the continuation of reconstruction works on the block 4.2.) was announced.

In the district prison in Uzice in January 2016, the planned investment work has been completed – additional floor was built, so new premises for the medical examination of persons deprived of liberty and the work of employees in treatment were provided.

The reconstruction of the entire housing for persons deprived of liberty in the building Internat in the Correctional Facility for juveniles in Valjevo is completed, which is in use as of 01.12.2015.

As of December 2015, a part of the fifth residential building for the elderly and persons with disabilities in the penitentiary in Pozarevac-Zabela is operational.

Administration for Enforcement of Criminal Sanctions has conducted conversion of funds planned for the construction of accommodation in the open ward of the Penitentiary in Čuprija, given the reduced size of this category of prisoners. The planned funds are transferred to the financing of the project that includes a new facility within the penitentiary in Sremska Mitrovica for the accommodation of convicts in the closed wards of an institution, where there is the greatest overcrowding, in accordance with the recommendations of the European Committee against Torture, Inhuman or Degrading Treatment or Punishment.

In the Niš penitentiary, the renovated Pavilion C for the accommodation of prisoners is employed, and the construction of the new admissions department for prisoners, on-duty service and the visiting hall is in progress.

For a complete reconstruction of accommodation and construction of new capacities in the penitentiary for women in Pozarevac, a building permit was obtained and tender documentation for selection of the best bidder for the works is currently at the EU delegation for external control. A process of obtaining building permit for building three new blocks in the penitentiary in Pozarevac-Zabela is in progress.

The Correctional Facility for juveniles in Krusevac, the renovation of the building for admissions department was completed in the first quarter of 2016.

Reconstruction of the Special Prison Hospital in Belgrade takes place in stages. (In 2015, the reconstruction and equipping of the block for expertise was finalized. In 2016 a tender was announced for the selection of the best bidder for the continuation of reconstruction works on the block for the execution of security measure of compulsory treatment of alcoholics).

In the third quarter of 2016, work continued on the reconstruction of another detention block in the District Prison in Belgrade, in accordance with the established plan.

For a complete reconstruction of accommodation and construction of new facilities in the penitentiary for women in Pozarevac, currently we are in the process of selection of the best bidder for the works. Evaluation of best bidder for construction of new facilities in the penitentiary for women in Pozarevac is in final phase..

In the third quarter of 2016, work continued on the reconstruction of block for enforcement of a security measure of compulsory treatment of alcoholics in the Special Prison Hospital in Belgrade, in accordance with the established plan

The reconstruction of a pavilion in the penitentiary in Sremska Mitrovica is finalized. Building permit has been obtained for construction of a new pavilion for 320 convicted persons in the penitentiary in Sremska Mitrovica.

By the end of 2016, reconstruction of one detention block in District prison Belgrade will be finalized, as well as for one block for enforcement of security measure in Special prison hospital in Belgrade. Building permit has been obtained for construction of a new pavilion for 200 convicted persons in District prison Leskovac.

According to the report for I quarter of 2017, the reconstruction of one detention block in the District Prison in Belgrade and one block for enforcement of security measures in the Special Prison Hospital in Belgrade are finalized. Contractor for the reconstruction of accommodation facilities and building new ones in the penitentiary for women in Pozarevac was elected. In the Correctional Facility for juveniles in Krusevac the renovation of the building in the part of open

department is completed. In the Correctional Facility for juveniles in Valjevo renovation of a building to accommodate persons deprived of liberty ("School") is completed. In the Niš penitentiary, pavilion "D" for the accommodation of prisoners is renovated.

3.3.1.3. Conduct analysis on achievement and impact of the Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions for the period of 2010 - (31.12.2014) 2015.(II and III quarter of 2015)

Activity is fully implemented. An analysis of the achievement and impact of the Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions from 2010 to 2015 has been conducted. Based on the recommendations from this analysis, Administration for enforcement of criminal sanctions has begun work on preparation of a new strategy.

3.3.1.4. Develop new multiannual Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions in line with the results of the analysis. III quarter of 2016)

Activity is almost completely implemented. Administration for enforcement of criminal sanctions, in cooperation with the OSCE Mission in the Serbia has drafted a new Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions for the period from 2015 to 2020, in line with results of the analysis of achievement of the previous Strategy period from 2010 to 2015. Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions for the period until 2020, is submitted to the Government for consideration and adoption.

3.3.1.5. Draft Action plan for the implementation of Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions followed by establishment of effective mechanism for monitoring the implementation of the Action Plan. (IV quarter of 2016)

Activity is almost completely implemented. Action Plan for implementation of the Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions in the period until 2020 is submitted to the Government for consideration and adoption.

3.3.1.6. Full implementation of the Action plan for the implementation of Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions. (Continuously, commencing from IV quarter of 2016.)

Activity is not implemented. The Action Plan for implementation of the Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions in the period until 2020 has not been adopted yet.

3.3.1.7. Conduct training of enforcement judges in the field of:

-rights of individuals deprived of liberty

-contemporary trends in enforcement of criminal sanctions

-recognized standards in treatment and post penal support. (Continuously, commencing from IV quarter of 2014)

Activity is being implemented successfully. Training of judges for execution of criminal sanctions is continuously implemented with the support of the OSCE Mission in Serbia and the Judicial Academy (in October 2015, the training of judges in order to standardize jurisprudence took place). The preparation of a manual for enforcement judges is in progress.

As a part of the program for initial and continuous education at the Judicial Academy, the stated education is being conducted annually within the human rights module. Last training in this area was held for the advisors of the Supreme Court of Cassation at the end of May 2016, where they presented the fundamental rights of detained persons (ECHR), including minors, for about 30 participants.

Development of manual for enforcement judges is finalized. During III and IV quarter, a seminar was organized for enforcement judges and the presentation of the Manual took place, with an aim to unify court practice.

3.3.1.8. Ensure more effective judicial review and supervision over the rights of individuals deprived of liberty by:

- Establishing sustainable system of provision of information to individuals deprived of liberty on the content of their rights and protection mechanisms in the proceedings before the enforcement judge.

The same activity under item 3.1.1.11. (Continuously, commencing from I quarter of 2015)

Activity is being implemented successfully. In the part relating to the provision of effective judicial protection and supervision of the observance of the rights of prisoners and detainees Directorate for Execution of Criminal Sanctions fulfilled the intended activity. Law on Execution of Criminal Sanctions and regulations governing the placement of prisoners with the assistance of the OSCE Mission in Serbia has been printed and distributed. Also, Guide for convicts who have just began serving prison sentence, in order to more easily acquaint with their rights and obligations

while serving their sentence has been printed and distributed. A Handbook for detainees and Handbook for convicts, which in the accessible way informs detained persons of their rights during the enforcement of a sentence and other measures and on the prescribed mechanisms for complaints, protests and requests for judicial protection to the judge for enforcement of criminal sanctions. In addition, forms for persons deprived of liberty for pursuing all forms of legal protection, both internally within the Institutions, and external – to the judge for enforcement of criminal sanctions have been printed and they are an integral part of the directive which was sent to all correctional facilities.

3.3.1.9. Development of a plan to expand competencies of the enforcement judge. (II-III quarter of 2016.)

Activity is fully implemented. Administration for Enforcement of Criminal Sanctions, in cooperation with the OSCE Mission in Serbia, prepared a comparative analysis of the legal competence of the judge for enforcement of criminal sanctions in jurisdictions in which the judge has broad enforcement powers while serving sentence and after the final decision. Prepared comparative analysis of the legal competence of the judge for enforcement of criminal sanctions will serve as the starting point for the drafting of amendments to criminal legislation in this area.

3.3.1.10. Amend the Law on enforcement of criminal sanctions in order to expand competencies of the enforcement judge. (I quarter of 2017)

Activity is partially implemented. With the support of the OSCE mission in Serbia, a comparative analysis of the legal competence of the judge for enforcement of criminal sanctions was performed, which is the starting point with the drafting of amendments to criminal legislation in this area. Analysis and the proposals will be submitted to the working group responsible for the amendments of the criminal justice legislation.

3.3.1.11. Conduct training of staff for the implementation of specialized treatment programs for convicted individuals and vulnerable categories of convicted individuals (juveniles, individuals with mental disorder, individuals with substance abuse problems, women, persons with disabilities, elderly persons) for the purpose of their successful reintegration. (Same activity 3.1.1.12.) (III - IV quarter of 2016)

Activity is being implemented successfully Training of employees for the implementation of specialized programs for juvenile offenders was performed and manuals were developed for training teachers and penology instructors. The conclusion of the contract with the twinning partner in the framework of the project "Capacity building for training, education and employment of prisoners" is in progress and funds are approved from the EU project - the fund IPA 2013. In the framework of this project, training of trainers: service staff for the implementation of specialized treatment programs for prisoners, as well as for particularly vulnerable categories of prisoners is provided.

3.3.1.12. Amend and supplement criminal legislation in order to introduce new forms and types of alternative measures and sanctions and align with European standards in this area. (III quarter of 2016.)

The activity is partially implemented Administration for Enforcement of Criminal Sanctions, in cooperation with the OSCE Mission in Serbia, has started drafting a comparative analysis of the legal competence of the judge for enforcement of criminal sanctions in jurisdictions in which the judge has broad enforcement powers while serving sentence and after the final decision. The results of this analysis shall be used to determine the needs to amend criminal legislation.

3.3.1.13. Reorganization of existing services for the treatment and alternative sanctions within the Administration for enforcement of criminal sanctions by establishing a separated special department for alternative sanctions in accordance with the new job classification. (IV quarter of 2015.)

Activity is not implemented The reorganization of existing Service for treatment and alternative sanctions has not been completed, considering that the job systematization required amendments to the set of different bylaws which required additional time. Finalization of this process is expected by the end of 2016.

3.3.1.14. Conduct training for holders of judicial functions and new commissioners for alternative sanctions.(Continuously)

Activity is being implemented successfully. Training for newly appointed commissioners for the execution of alternative sanctions and measures was carried out continuously by the end of 2015. The new cycle of activities has not yet commenced. Administration for Enforcement of Criminal Sanctions in cooperation with the Belgrade Centre for Human Rights organized seminars for the judiciary and the commissioners for alternative sanctions on the topic "The wider application of alternative measures for securing the presence of the defendant and for the smooth conduct of criminal proceedings in relation to the measure of detention".

3.3.1.15. Development of a Rulebook governing enforcement of alternative sanctions. (II and III quarter of 2015)

Activity is fully implemented. Rulebook governing enforcement of alternative sanctions and measures is developed, pursuant to Rulebook procedures for the work of the commissioners for alternative sanctions were prepared.

3.3.1.16. Develop Rulebook on supervision and regular reporting on effective implementation of alternative sanctions. (I quarter of 2016.)

Activity is fully implemented. Rulebook for the supervision over the effective implementation of alternative sanctions was adopted and published at the “Official Gazette RS” no. 16/2016 on 1st March 2016.

3.3.1.17. Signing Protocol on cooperation of the offices for alternative sanctions and local self-government units for the purpose of strengthening cooperation and establishing conditions for successful social reintegration of convicted individuals upon release. (Continuously, commencing from I quarter of 2015.)

Activity is being implemented successfully. The activities aimed at strengthening cooperation with local self-governments are successfully being implemented. The pilot projects in Nis and Valjevo have been successfully implemented, on the basis of which the cooperation at the level of offices for alternative sanctions and treatment services in institutions is being developed. With CSOs, with whom the Administration signed a cooperation agreement, continuously work on sensitizing the local governments and the public in order to strengthen cooperation and to provide conditions for the reintegration of convicted persons after serving a sentence. All these activities will be continuously developed and implemented. Further strengthening of cooperation between offices for alternative sanctions and local self-government has continued in 6 cities through organization of round tables. Administration for Enforcement of Criminal Sanctions organized seminars with representatives of relevant ministries, the National Employment Service, officers and commissioners in order to develop procedures for cooperation between all entities involved in the post-penal acceptance.

3.3.1.18. Conduct analysis of the current situation regarding:

- **detention units of the Ministry of Interior (human, technical, and spatial capacities)**
- **normative framework of the Ministry of Interior regulating the treatment of detainees and persons remanded in custody**
- **identify weaknesses and risks in the treatment of the detainees and persons in custody.**

(Link with Chapter 24) (III and IV quarter of 2015)

Activity is partially implemented. The manner of treatment of detainees, as well as the conditions required for detention rooms, is prescribed by the Minister (Article 86 of the Law on Police). In this regard, in accordance with the obligations prescribed in Article 86 of Law on Police, creating of the Regulation that will regulate the manner of treatment of detainees, as well as the conditions

required for detention rooms, is in progress. The deadline for making this Regulation is February 2017.

The process of forming a working group that will prepare the Rulebook on police powers IS currently in progress and a part of the Rules will contain provisions on the treatment of detainees and persons remanded in custody.

Commission for the implementation of standards of police action in the field of prevention of torture in 2012, developed documents on the existing condition of the premises for retention in cooperation with police departments, which are used for renovation or equipment.

In November 2016, based on current situation a police detention in all regional police departments, the Police Directorate has submitted a proposal for the adaptation priorities:

- Police Department in Nis (headquarters, PS Aleksinac, PS Gadzin Han, PS Doljevac)
- Police Department in Vranje (headquarters, PS Preševo, PS Bujanovac)
- Police Department in Sombor (headquarters, PS Sombor, PS Kula)
- Police Department in Zrenjanin (headquarters, PS Zitiste, PS Secanj) and
- Police Department for the city of Belgrade (PS Palilula, PS Mladenovac, PS Stari grad, PS and PI Obrenovac safety rail).

3.3.1.19. Revise the normative framework of the Ministry of Interior governing the treatment of detainees and persons remanded in custody. The same activity under item 3.1.1.1. (Link with Chapter 24) (until I quarter of 2017.)

Activity is partially implemented. Rulebook on police powers is in the final stage of preparation of the Rules on Police Powers. This act contains provisions on the treatment by police officers brought in and detained persons. Those provisions are consistent with all standards of police action and the recommendations made in this area.

3.3.1.20. Introduce a system of mandatory education for new police officers and continuous education for current police officers regarding the treatment of detainees and persons remanded in custody in accordance with international standards in the field of human rights, professional ethics and acting in high risk situations.

The same activity under item 3.1.1.2.

(Link with Chapter 24) (For introduction of mandatory education: II quarter of 2016; For continuous training of current police officers: Continuously)

Activity is being implemented successfully Regarding the training of police officers for treating detainees, we point out:

In accordance with the Memorandum of Understanding between the Ministry of Internal Affairs of the Republic of Serbia and the OSCE Mission in Serbia from 07.09.2009. within the scope of the first priority area @Police accountability@, coordinated by the Internal Affairs Sector, complete process of making Instructions on the treatment of detainees was initiated and implements. The instructions came into force on 10.12.2012.

In order to implement the Instructions the Draft of the Training Program on the Treatment of detainees was made. Based on the \Draft of the Training Program, the Minister of the Interior adopted the Training Program on the Treatment of Detainees on 31.05.2013., registered under number 01-5715/13-2.

The training program was implemented by method of "transferring the knowledge" in the way that in 2013, 12 trainers were trained, who subsequently implemented training for 158 police officers - trainers in the field of treatment of the detainees. The trainees were police officers who perform tasks in Duty service and police officers who, in their field of work, can perform and implement the authority toward detainees.

After that, in 2014 the above mentioned specialist training was conducted by the trainers in all police departments (on the topic "First Aid" training was organized with the support of doctors from local medical institutions), which was successfully completed by 2794 participants, 2,567 of which were males and 227 females.

Plan for implementation the training anticipated testing of the trainees before the Commission, and after the examinations the participants were awarded certificates of successful completion of training.

In addition to this specialized training, in order to establish a system of continuous training of police officers in this area, in the Annual program of professional training for police officers for 2015, the seminar "Implementation of Regulations on the treatment of detainees" was scheduled for those organizational units that expressed the need for realization of this seminar in 2015. This seminar was attended by 714 police officers. In the Annual program of professional training for police officers of the Ministry of Internal Affairs for 2016 seminar "Implementation Guidelines on the treatment of detainees" is scheduled for those organizational unit of the Ministry that expressed the need for its realization: Police; Crime Investigation Police Department; Border Police; Traffic Police; Operational Center, SAJ, PTJ, the gendarmerie; Internal Affairs Sector; International operational police cooperation.

Regarding the training of police officers dealing with the high-risk situations, we point out:

In organization of the Department of Professional Education and Training - Center for specialized training and the Police Department at the headquarters of the Police Directorate, the training for 1789 police officers that work in the intervention patrols, is planned

In 2014 and 2015, in the Training center "Kula", 859 police officers who work in intervention patrols, were trained. In 2016, 420 police officers who work in intervention patrols will be trained from 23.05./22.07.2016. in Training center "Mitrovo polje"

In accordance with the Program of professional development of police officers of the Ministry of Interior for the year 2016, in the third quarter of this year, in two regional police directorates (in Jagodina and Nis), the seminar "Implementation Guidelines on the treatment of detainees" was realized and attended by 41 police officer.

Continuing police officers education for dealing with high risk situations, in the third quarter of this year, in the Training Center "Mitrovo polje" on Goc mountain, 168 police officers completed the "Training for Intervention patrols", and this training will be continued in the next quarter until October 23rd 2016.

In accordance with the Program of professional training of police officers of the Ministry of Internal Affairs for 2016, in the fourth quarter of this year, the regional police headquarters in Nis, on 7.9.2016, the seminar "Implementation Guidelines on the treatment of detainees" was realized and attended by 27 police officers.

Continuing education of police officers in handling high-risk situations, in the fourth quarter of this year, the Training Center "Mitrovo polje" on Goch mountain, 27 police officers completed the "Training for Intervention patrols", and this training will be continued in 2017.

A new program of professional training of students of the basic police training is prepared, where in the framework of the module "The application of police powers" modular unit handles "Application of police powers 2 - stop and search persons, objects and means of transportation, detainees and persons remanded in custody".

A new program of professional training of police officers of the Ministry of Internal Affairs is also prepared for 2017. As part of the program, in "Theoretical learning" is planned educational theme "Retention persons and temporary restriction on the freedom of movement", in the "Exercise of police powers" teaching topic "Overview person before holding in detention facilities", and the work of seminars, theme "Enforcement Guidelines on the Treatment of brought in and detained persons".

3.3.1.21. Strengthening the supervision mechanism at the Ministry of Interior for the implementation of standards of police conduct in the field of torture prevention through;

- training of the members of the Commission for the implementation of standards of police conduct in the field of torture prevention in order to effectively perform their duties;**
- training of the detention units' directors in order to effectively monitor police conduct;**
- training of police officers working in the police stations in order to prevent any prohibited treatment;**
- Improvement and development of records in all police detention units containing all relevant aspects of police detention;**
- Performing unexpected visits to places of detention in order to control the implementation of the recommendations of the National Mechanism for the Prevention of Torture;**
- Introduction of clear procedures of treatment of detainees and persons remanded into custody to ensure the exercise of their rights (e.g. the right to access to a lawyer, contact with close relatives, the right to health care).**

The same activity under item 3.1.1.4. (Continuously, commencing from IV quarter of 2015.)

Activity is not implemented. The Commission for the implementation of standards of the police conduct in the field of torture prevention, with the assistance of the OSCE Mission to Serbia and the Ombudsperson's Office, organized the round table meeting "Visit of the European Committee for the prevention of torture, inhuman or degrading punishment or treatment to the Republic of Serbia" with the aim to prepare police officers for the fourth visit of the delegation of the European Committee for the prevention of torture, inhuman or degrading punishment or treatment to the Republic of Serbia that was conducted in the period from 26 May to 05 June 2015. Heads of 27 Police Directorates in the Republic of Serbia participated in the round table meeting. Two meetings were held with the members of the Delegation.

*** Note:** Submitted report contains data referring solely to 2015, and does not cover all aspects of the activity, hence it is not possible to conclude that this activity is continuously implemented.

3.3.1.22. Intensify cooperation with the National Mechanism for the Prevention of Torture by holding regular meetings and reporting on actions undertaken pursuant the recommendations of the National Mechanism for the Prevention of Torture.

The same activity under item 3.1.1.5. (Continuously)

Activity is not implemented. On 20 May 2015 the Belgrade Centre for Human Rights visited the airport "Nikola Tesla" (SGP) and the Shelter for Foreigners in Padinska Skela in Belgrade and on that occasion, reviewed the actions of these two institutions toward foreigners for whom there is reasonable suspicion that they are in need of international protection. After conducted visits detailed reports were made. These reports are used for internal correspondence between the

Ministry of Internal Affairs of the Republic of Serbia, the Office of the UNHCR and the Belgrade Centre for Human Rights, in order to improve the work SGP airport "Beograd" and the Shelter for foreigners, as well as to promote the highest standards of international refugee law and international human rights law.

On 18 December 2015, a meeting was held which was attended by representatives of the Belgrade Centre for Human Rights, Office of the Ombudsman and the National Mechanism for Prevention of Torture, the Office of the UNHCR in Belgrade, the Commission of the Ministry of the Interior for implementation of standards of police action in the field of prevention of torture, the Border police and the Shelter for foreigners in order to consider the reports and recommendations for improving the work.

* **Note:** Submitted report contains data referring solely to 2015 hence it is not possible to conclude that this activity is continuously implemented.

3.3.1.23. Intensify cooperation between the Ministry of Interior with state authorities, national mechanism for the prevention of torture and civil society organizations in the field of torture prevention through:

- **Organization of workshops and discussions on the prohibition of torture in police, unprofessional behaviour of police officers and respect for the rights of detained persons and persons remanded into custody;**
- **Establishment of a practice of the Ministry of Interior to report in writing on the measures taken in accordance with the recommendations of civil society organizations;**
- **Raising awareness on prevention of torture in the police among police officers and provision of information to the public on the rights of detainees and persons remanded into custody.**

The same activity under item 3.1.1.6. (Continuously, commencing from I quarter of 2016.)

Activity is not implemented.

3.3.1.24. Development of a methodology for the prosecution and the police to investigate cases of abuse and torture in order to conduct effective investigations into allegations of ill-treatment and torture by police. (By IV quarter of 2016)

Activity is being successfully implemented On the initiative of the Republic Public Prosecutor's Office, the Working Group was established for the development of methodology for the prosecutors and police to investigate cases of abuse and torture in order to conduct effective investigations into allegations of ill-treatment and torture by police, composed of representatives of the Ministry of Interior Internal Control Sector and the Public Prosecutor's Office.

The Working Group held three meetings, and agreed on the manner of making the methodology, with the support of the OSCE Mission to Serbia. Development of the methodology is underway, and two-day retreat has been scheduled for 15 and 16 December 2016, after which development of the final version of the document is expected. On 15 and 16 December 2016 a two-day meeting of the working group was held. For the end of March, final meeting is scheduled, after which development of the final version of the document is expected.

3.4. FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

3.4.1.1. Conduct comparative legal expert analysis regarding the regulation of the status of churches and religious communities in order to establish specific criteria on the basis of best practices of the EU member states in the region (e.g. Romania, Croatia, Slovenia, and Hungary) and implement solutions adopted in the region. (II quarter of 2016)

Activity is fully implemented. The analytical comparative study on the churches and religious communities has been submitted.

3.4.1.2. Implementation of recommendations arising from the analysis of best practices of the European Union member states in the region in terms of regulation of the status of churches and religious communities. (Continuously, commencing from III quarter of 2016.)

Activity is being successfully implemented. A set of bilateral meetings currently takes place with an aim to create conditions for the implementation of the recommendations from the analysis. There were a number of meetings held in the first two quarters of 2016: meetings of the Serbian part of the Romania-Serbia Joint Intergovernmental Mixed Commission on National Minorities (on March 2), two preparatory meetings of the Serbian part of the Hungary-Serbia Intergovernmental Joint Committee on National Minorities (on March 28 and 31), as well as the Fifth session of the Hungary-Serbia Intergovernmental Joint Committee on National Minorities (on April 4). The discussions during the meeting, starting from the jurisdiction and powers of the Directorate for Cooperation with Churches and Religious Communities, certain clarification and guidelines were presented:

In the case of **non-canonical action of the Romanian Orthodox Church in Eastern Serbia** (Timočka krajina), the Office points out that the initiated dialogue between the Serbian Orthodox Church (SOC) and Romanian Orthodox Church (ROC) in the context of the Pan-Orthodox Council meeting held in June 2016 in Crete should serve as a benchmark for its consideration and resolution. The SOC delegation requested that the whole issue be included in the agenda and officially considered at this meeting, but it did not happen due to the attitudes of the Patriarchate of Constantinople and Patriarch Daniel of Romania. Upon examination of the contents of Chapter 2 of the Draft Minutes of the Meeting on the Romania-Serbia Joint Intergovernmental Mixed Commission on National Minorities held on March 2, 2016 concerning churches and religious

communities, the Office points out that the requested extension of the jurisdiction of the Diocese of Dacia Felix ROC to the entire territory of the Republic of Serbia can only be the result of an agreement between SOC and ROC arrived at through direct dialogue. However, the progress of the interchurch dialogue is conditioned upon the cessation of violation of the canonical order of SOC in Eastern Serbia by ROC, which is reflected in the invasion of the canonical territory of SOC by individual bishops and priests of ROC without the consent of relevant bishops of SOC, accompanied by a pronounced nationalistic propaganda by which the Vlachs are considered as Romanians. Due to all this, the Republic of Serbia is making a true effort to encourage the progress of interchurch dialogue. In the case of the request by the Romanian side to be enabled to fully exercise the right to **religious service in their native language** on the whole Serbian territory, the facts from the area of northern Banat with about 25-30 thousand members of the Romanian national minority show that religious service is held in Romanian as well. It should be noted that SOC demonstrates its practical willingness to hold religious service in Romanian and languages of all national minorities and ethnic groups present. In addition, the Romanian side requested the construction of additional **buildings for the purpose of holding religious service**, but it can only be held in accordance with the laws and thematic regulations of the Republic of Serbia, based on the previously obtained license. In this context, the use of facilities for unintended religious purposes is prohibited. Finally, solving the problem of insufficient number of Romanian priests for believers of ROC in Vojvodina falls under the exclusive jurisdiction of the Diocese of Dacia-Felix, with neither the necessity nor possibility of interference from Serbian authorities.

3.4.1.3 Presentation of the results of the analysis to the employees at the Ministry of Justice and Administration for cooperation with churches and religious communities. (II quarter of 2016.)

Activity is fully implemented. Presentation of the results of the study to the employees at the Ministry of Justice and Administration for cooperation with churches and religious communities for the purpose of implementation of the recommendations in practice has been performed.

3.4.1.4 Strengthen administrative capacities by training for the employees at the Ministry of Justice (sector for normative affairs and register of churches and religious communities) (III and IV quarter of 2016.)

Activity is being successfully implemented. Steps are undertaken to determine the content of training, select the trainers and determine the participants.

3.4.1.5. Strengthen administrative capacities of the Administration for cooperation with churches and religious communities by hiring 3 new staff in line with the existing job classification. (Commencing from 2017.)

Activity is being successfully implemented. Administration for cooperation with churches and religious communities has 14 civil servants. Data from February 2017 indicate that new staff was hired in line with the existing job classification, so there are currently 12 civil servants.

3.5. FREEDOM OF EXPRESSION AND FREEDOM AND PLURALISM OF MEDIA

3.5.1.1. Analyze the relevant provisions of the Criminal Code in order to assess the need for amendments and supplements that would lead to a higher level of protection for journalists from threats of violence. (III quarter of 2016.)

Activity is being implemented successfully. TAIEX mission was organized in the period 16 to 17 March 2017. The experts held a series of meetings with state institutions (Ministry of Justice, Republic Public Prosecutor's Office, Ministry of Interior, Ministry of Culture, the Office for European Integration), and representatives of journalists' associations (*UNS*, *NUNS*) and civil society organizations. The report and recommendations of experts are expected by mid-April.

3.5.1.2. Continuation of the work of the Commission for consideration of the facts obtained during the investigations conducted on the killings of journalists and provision of regular reports. (Continuously)

Activity is being implemented successfully. Commission for investigating the killings of journalists worked in its full capacity in the recent period of time. Work group for investigating the killing of journalist Milan Pantic had worked intensively, additionally strengthened with a series of new associates. This investigation is conveyed with special focus and intensity due to the fact that it is journalist from a small town inland of Serbia, who used to conduct research very thoroughly, publishing his articles even twice per day, in two different daily newspapers. Therefore, this murder is not expected to be solved given that it is the case of provincial journalist, and due to the fact that they created an illusion that this case was thoroughly worked on, given that seven commissions was established in the meantime, almost one on annual basis, work group is determined to continue resolving everything that hadn't been resolved for the last 15 years.

We consider the possibility to give this case an additional significance and responsibility by transferring it from the present Prosecution Office under the jurisdiction of the Prosecution for Organized Crime, as there are enough elements, already determined in the investigation conducted so far, for this to be implemented.

In case of Dada Vujasinovic, prosecutors and forensic experts are being invited to the National Forensic Institute (NFI) situated in Hague that had finalized superexpertise in this case, in order to be presented with the findings and working methodology. (Presentation of the superexpertise report is scheduled for June 14).

Hearings have been scheduled in the case of air raids on RTS when 16 media staffers of RTS got killed.

The Commission submitted proposal to the Prosecution, Police and BIA (Security Information Agency) on the ways how it would be possible to resolve the cases of violence towards journalists, that hadn't been prosecuted or resolved so far.

Good cooperation was offered and established, with successful outcome up till now, when it comes to the work of the Commission for investigating the killings of journalists.

3.5.1.3. Adoption of instructive guidelines by the Republic Public Prosecutor on forming the separate records of criminal offenses committed against journalists and attacks on media internet sites, and designating priority in acting upon these criminal offenses (III – IV quarter of 2015.)

Activity is fully implemented. In order to increase the efficiency of acting of public prosecutions in criminal proceedings against the perpetrators of crimes committed against journalists, on 22 December the Republic Public Prosecutor issued an Instruction which stipulates that the appellate, higher and basic public prosecutors' offices maintain separate records in respect of offenses committed against persons performing activities of public interest in the field of information, in relation to the tasks performed and attacks on the website of the media, in which cases emergency acting is prescribed.

3.5.1.4. Drafting and signing of a cooperation agreement of the Republic Public Prosecutor's Office and the Ministry of Interior, stipulating acting in the investigation of threats and violence against journalists as a priority in order to improve the efficiency of the investigation of the attacks on journalists and prosecution of the perpetrators. (I – II quarter 2016)

Activity is being implemented successfully. Initial meeting with the representatives of the Ministry of Interior with the aim to make the Memorandum was held on 22 October 2015. It was decided to form a working group which will draft the Memorandum. The Republic Public Prosecution invited Ministry of Interior to appoint members of the working group. The working group prepared draft Agreement on Cooperation. Draft was submitted to the Ministry of Interior for opinion. Following the harmonization of the contents of the text of the agreement, the Republic Public Prosecutor and the Minister of Interior signed the Cooperation Agreement on 11th April 2016. The agreement is in line with the act of the Cabinet of Minister of Interior 01 No 11659/15-14 since April 13th 2016, which was delivered for further implementation to all organizational units of the Criminal Police.

3.5.1.5. Improve the system of preventive measures undertaken for the purpose of protection of journalists from threats of violence by:

-Analysis of the risk of vulnerability of journalists conducted in cooperation with representatives of journalists' associations.

-Continuous monitoring of the situation in the printed and electronic media in order to determine the risk of vulnerability of journalists. (Continuously, commencing from III quarter of 2016.)

Submitted report does not contain data on implementation of the activity. The Criminal Police Directorate within General Police Directorate has a proactive approach in situations regarding determining the threat to the safety of journalists. Whether it is information obtained in operational activities or in continuous monitoring of the situation in written or electronic media.

***Note:** It is not possible to assess the implementation status of this activity based on prior reports, since there are no new data.

3.5.2.1. Implementation and efficient monitoring the implementation of the set of media laws and periodic reporting. (Continuously, commencing from I quarter of 2015)

Activity is being implemented successfully. The Ministry regularly submits quarterly reports to the National Assembly. Reports on taken activities in the field of European integration are being submitted to the European Integration Office on a monthly basis.

In order to facilitate the dissemination of information and good practices in media project co-financing in the field of public information at the local level, in the framework of the “Strengthening Media Freedom/SMF” project, the project of the Ministry of Culture and Media (MoCaM) supported by the European Union Delegation, support was provided to a one-day event “Public interest for citizens and media and the new manner of funding media contents”. Within the event the panel discussion focused on the experience during the first year of media project co-financing in accordance with the Law on public information and media, while the two seminars dealt the definition of public interest in media co-financing and programme budgeting at the local level. Co-sponsors included MoCaM, the Open Society Foundation, and the Organization for Security and Co-operation in Europe, the Standing Conference of Towns and Municipalities, the Independent Journalists’ Association of Serbia.

In order to enable full implementation of new media laws, within the reporting period the Ministry adopted the *Rulebook on co-funding the projects for realization of the public interest in the field of public information* (“Official Gazette of RS, No. 16/16”) and the *Rulebook on the method of keeping and registration in the register of foreign media and bureaus representatives* (“Official Gazette of RS, No. 21/16”). The Ministry also drafted a proposal for a Regulation on financing the Public Service Media from the budget of the Republic of Serbia in 2016, which was adopted by the Government on 14 January 2016.

Activity of the efficient monitoring the implementation of the set of media laws is presented through the following points.

In the reporting period I quarter of 2017

On 13 January 2017 Regulation on financing the Public Service broadcaster from the budget of the Republic of Serbia in 2017 was adopted.

Ministry of culture and information signed two contracts with two Public service broadcaster RTS and RTV, concerning the funding these services during the year 2017. Accordingly, decisions for allocation budget means to RTS and RTV are issued by Ministry of culture and information every month.

On 2 February 2017 Ministry of culture and information adopted the Rulebook of amendments of the Rulebook on co-funding the projects for realization of the public interest in the field of public information (“Official Gazette of RS, No. 16/16”) in accordance with the article 28 paragraph 1 of the Law on Public Information and Media (“Official Gazette of RS, Nos. 83/2014, 58/2015 and 12/16).

Ministry of culture and information regularly finances institution for news-publishing activity ”Panorama”, which institution is established in order to make possible exercise the right to public information of the population living on the territory of the Autonomous Province of Kosovo and Metochy.

In these report period Ministry of culture and information launched seven public competitions in the field of public information.

3.5.2.2. Conduct a thorough analysis of the effects of the Strategy for the Development of Public Information System (2011-2016) in order to:

- identify the shortcomings for its implementation**
- identify strategic aims that will be developed in the new Strategy**
- provide recommendations to overcome the identified shortcomings in implementation.**

(By III quarter of 2016.)

Activity is not implemented. Given the fact that the Government had a technical mandate and was not able to work on regulatory and strategic documents, only upon the forming of the new Government in August this year, have the conditions been met to form teams that will be engaged to produce new media strategy.

In the reporting period IV quarter the Ministry of Culture and Information states:

Representatives of the Ministry of Culture and Media participated on all professional events that discussed topics of interest for production of future media strategy such as:

- Conference Speak up!follow up3 organized by OSCE and TACSO (November 2016);

- regional conference „Media freedom and safety of journalists in Western Balkans“ (December 2016) organized by Independent association of journalists of Serbia;

- presentation of Special report of Ombudsman of Serbia on information on languages of national minorities after privatization of media (December 2016).

In the reporting period I quarter of 2017

Representatives of the Ministry of Culture and Media participated on all professional events that discussed topics of interest for production of future media strategy such as:

- Conference OSCE organized in Vienna, on 27 February 2017. „Freedom of the Media in the Western Balkans“;

- TAIEX workshop with the topic “*Right to information for the people belonging to minorities*” was successfully organized and held on 18 January 2017, in Belgrade;

-On 9 March 2017 Conference dedicated to the Media literacy was organized in Belgrade by Media educative centre within the project UNESCO and EU „Creating the trust in media“.

***Note:** The last data referring to analysis was submitted in august 2016, and subsequently submitted data do not refer to analytical process determined by the activity.

3.5.2.3. Develop a new multiannual Strategy for the Development of Public Information System in line with the recommendations from the analysis to ensure its full implementation, in particular focusing on:

-further enhancement of transparency of media ownership,

-follow up on effects of media privatization,

-prevention of media control resulting from excessive dependence on state financed advertising,

-strengthening media pluralism,

- strengthening media literacy,

-strengthening co- and self-regulation.

(IV quarter of 2016.)

Activity is not implemented. Given the fact that the Government had a technical mandate and was not able to work on regulatory and strategic documents, only upon the forming of the new Government in August this year, have the conditions been met to form teams that will be engaged to produce new media strategy

Due to these facts the Ministry of Culture and Information states that it plans this activity for 2017.

In the reporting period I quarter of 2017, the Ministry of Culture and Information states that the process of establishing Commission for preparing a new Strategy for the Development of Public Information System for the next period is in progress.

For the preparing of the Strategy, all the relevant documents (such as the Recommendations from the *Conference Speak up! follow up3* organized by OSCE and TACSO, November 2016) as well as the opinions and suggestions of media experts and relevant stakeholders in the field of media and public information, which could be of importance for preparing Strategy, will be taken into consideration.

3.5.2.4. Develop Action Plan for implementation of a new multiannual Strategy for the Development of Public Information System in particular focusing on measures enabling:

- further enhancement of transparency of media ownership,**
 - follow up on effects of media privatization,**
 - prevention of media control resulting from excessive dependence on state financed advertising,**
 - strengthening media pluralism,**
 - strengthening media literacy,**
 - strengthening co- and self-regulation**
- and ensure its full implementation by:**
- developing objective indicators that allow for effective monitoring of implementation of the Strategy**
 - establishing clear mechanism for monitoring implementation of the Strategy.**
- (For development of Action Plan: I quarter of 2017.; For implementation: Continuously, commencing from I quarter of 2017)**

Activity is not implemented. Having in the mind the fact that the Strategy for the Development of Public Information System has not been adopted yet, the Action Plan for implementation of the Strategy cannot be adopted in this moment.

3.5.2.5. Establishment of an efficient comprehensive and transparent Registry of the media ownership structure and regular update of the data, in order to secure full transparency and public availability of media ownership, pursuant to Chapter VI of the Law on Public Information and Media. (Continuously, commencing from III quarter of 2015)

Activity is being successfully implemented. In the field of competence of the Ministry this activity is implemented continuously. In accordance with the Law on Public Information and Media, this Ministry regularly provides information concerning the funds allocated to the media to the Media Registrar, which is the Part of the Serbian Business Registers Agency. All these data are available on the website of the Serbian Business Registers Agency.

3.5.2.6. Efficient monitoring of the functioning of Registry of the media ownership in line with the Law on Public Information, through data collection and follow up. (Continuously)

Submitted report does not contain data on implementation of the activity. In the field of competence of the Ministry this activity is implemented continuously.

3.5.2.7. Ensure efficient functioning of a comprehensive and transparent Registry of media services and Evidence of providers of on demand media services and regular update of the data, in line with Law on Electronic Media including data on ownership of the providers of media services, and data on the exercise of media pluralism. (Continuously)

Activity is being implemented successfully. The Regulatory Authority for the Electronic Media (hereinafter: Regulator) has established a Register of media services (hereinafter: Register), which contains the information required by Article 86 of the Law on Electronic Media (“Official Gazette RS” no. 83/14), along with the data on ownership structure of each media service provider. The register, which is regularly updated, can be found on the Regulator’s webpage.

<http://www.rra.org.rs/uploads/useruploads/registri/01-Registar-medijskih-usluga-zemaljsko.pdf>
<http://www.rra.org.rs/uploads/useruploads/registri/02-Registar-medijskih-usluga-kabal.pdf>

The records of on-demand media service providers has not been established as, so far, the Regulatory Authority of Electronic Media has not received any request to issue an approval for providing media services on demand, and thus no such licence has been granted with reference to the Law on Electronic Media, Article 75.

3.5.2.8. Effective monitoring over the implementation of the Ethics code of Journalists of Serbia in order to promote self-regulation and respect of ethical and professional standards, strengthen professional integrity and increase visibility of the Press Council. (Continuously)

Report of the Responsible authority was not submitted.

3.5.2.9. Enhance professional conduct of journalists considering EU best practices, through training in the field of

- human rights
- media ethics
- hate speech

(Continuously, commencing from I quarter 2016)

Activity is partially implemented. In line with the report of the Regulatory body for electronic media, in order to strengthen the professional conduct of journalists and media service providers to respect the rights of true, complete and timely information, human dignity, the right of privacy, the presumption of innocence and the right to a fair trial and freedom of thought, conscience and religion, the Regulator enacted the Ordinance on the protection of human rights in the field of media services ("The Official Gazette of RS", No. 55/15).

Also, in order to strengthen the professional conduct of journalists and media service providers in connection with the manner of publication of programming content that may harm the physical, mental or moral development of minors, in connection with the participation of minors in the program and the publication of information that is directly or indirectly related to juveniles, the Regulator issued the Rules on the protection of the rights of minors in the provision of media services ("Official Gazette of RS", No. 25/15).

When controlling the work of media service providers in terms of consistent application of the provisions of laws and bylaws in terms of respect for human rights, hate speech and the protection of minors in their program content, the Regulator imposed one warning and five warnings to media service providers during 2016 .

Note: Activity is rated as partially implemented, given that the submitted report indicates that the Regulatory body for electronic media undertakes certain activities towards achievement of the set goals; nevertheless, reports from other responsible institutions are lacking, as well as data on trainings.

3.5.2.10. Effectively monitor the functioning of the system of co-financing media projects from the budgetary and/or public financial resources pursuant to new legislation on project funding of media. (Continuously)

Activity is being implemented successfully. In the field of competence of the Ministry, this activity is implemented continuously in line with the provisions regulating the provisions on project co-financing in the field of public information. Upon the request of the MoCaM through SMF project following reports were conducted by experts:

-Report on the implementation and improvement of management of co-funding projects for realization of public interest in the field of public information in 2015

-Report on the quality of media content co-financed by the MoCaM in 2015.

In accordance with the regulations on co-financing projects in the field of public information the Ministry published Reports regarding the public competitions in field of public information which were launched in 2015. In these reports, except the basic information about the concurs, the number

of submitted and approved projects, the structure of the proposed projects, deciding about them and expert commission, is contained the analysis of the quality which was made regarding the supported projects on the basis of information from the narrative and financial reports on the spending profile. The mentioned reports are available on the website as follows: <http://www.kultura.gov.rs/cyr/konkursi>.

The Provincial Secretariat for Culture, Public Information and Relations with Religious Communities submits data to the Business Registers Agency, Media Register on the amount of finances received from the Provincial Secretariat for Culture, Public Information and Relations with Religious Communities, for the total funds earmarked to the media. In February 2017, data on the allocation of resources for the media owned by the national councils of national minorities were submitted. After the completion of the call for proposals data on the amount of funds allocated to the media will be submitted.

3.5.2.11. Organization of TAIEX seminar aimed at identification of mechanism to prevent media control resulting from excessive dependence on state financed advertising and subsequent implementation of expert recommendations. (For organization of TAIEX seminar – I-II quarter of 2016; For implementation of expert recommendations commencing from -III quarter of 2016)

Activity is partially implemented. TAIEX Workshop on Freedom of Expression and Freedom and Pluralism of Media was organized on May 20, 2016 in cooperation with the Serbian European Integration Office.

***Note:** Activity is assessed as partially implemented, as the TAIEX seminar took place, but no data is submitted with regard to implementation of the recommendations of the expert.

3.5.2.12. Effectively monitor the use of tax deductions, budgetary funds and/or other forms of direct or indirect state aid which represents potential source of influence on media independence, through:

-Introduction of obligation for public authority bodies to report all state aid to media in the Media Registry (Article 39 Para 1 of the Law on Public Information and Media)

-Sanctioning failure to report all state aid to Media Registry in line with Article 137 of the Law on Public Information and Media)

-analysis of media influence through financial support by public authority bodies. (Continuously)

Activity is being successfully implemented Commission for state aid control (hereinafter referred to as the Commission) is independent body of the Government, which is responsible for controlling

state aid provided on the territory of Republic of Serbia, in accordance with Article 73 of the SAA and the Law on State Aid Control ("Official Gazette RS ", No. 51/09 - hereinafter referred to as the Law).

The Commission, *inter alia*, decides on the applications of state aid granted to the media and decides whether a concrete case involves allocation of state aid and, if it does involve state aid, whether such state aid is allowed. The Commission decides on the allocation of state aid granted by all levels of government, both in the republic, as well as in the level of local self-government and autonomous provinces. All decisions of the Commission are regularly published on the website of the Commission (www.kkdp.gov.rs).

In the case of individual state aid, which is given to an individual beneficiary, known in advance, the decision of the Commission contains all data of the provider, beneficiary, type and purpose of state aid, the amount of state aid granted to all relevant information concerning the allocation and state aid.

If the allocation of state aid refers to beneficiaries which are not predetermined / known in advance, on the basis of a particular act or state aid schemes, the Commission makes a decision on the permissibility of state aid schemes, whereas the providers of state aid are those who are obliged to keep records on the allocation of state aid to an individual beneficiary.

The exception is the provision of state aid of small value (*de minimis*), in which case the providers of state aid decide on its allocation, while respecting the conditions provided in Art. 95-97. Of the Regulation on the rules for granting state aid ("Official Gazette of RS", No. 13/10, 100/11, 91/12, 37/13, 97/13 and 119/14-hereinafter: Regulation). In the case of granting *de minimis state aid*, in accordance with Article 95d Para 5 of the Regulation, the provider is obliged to submit a completed Table of granted *de minimis state aid* within 15 days of the allocation to the Commission and the Ministry of Finance.

Based on the data obtained in this way from state aid providers, the Department for state aid control, as an independent organizational units of the Ministry of Finance and concurrently the professional service of the Commission, keep records of granted *de minimis state aid* per particular beneficiaries, which is regularly updated and published on the website of the Commission (www.kkdp.gov.rs).

3.5.2.13. Ensure continuous ex officio monitoring over media concentration and efficiently finalize the proceedings. (Continuously)

Activity is being successfully implemented. In the field of competence of the Ministry this activity is implementing continuously, pursuant to the Law on Public Information and Media, Art. 47:

A threat to media pluralism in case of **printed media** shall be identified by the ministry responsible for information, and if there is merging or cross-acquisition of shares, where at least one electronic medium is involved, the threat shall be identified by an independent regulatory body, in accordance with the law regulating electronic media.

The ministry responsible for information shall initiate the procedure referred to in paragraph 1 of this Article following a report of an interested party. Where the ministry has established that media pluralism has been threatened, it shall notify the publisher about it and order that proof of the actions taken in order to remove the causes of threat to media pluralism be submitted within six months of the day of receipt of the notification. The ministry, acting in official capacity, shall inform the Registrar about the notification issued to the publisher. If the publisher of a printed media fails to act in accordance with the notification the Registrar shall, in accordance with the decision of the ministry, delete the medium in question from the Register.

Application of the provisions of the Law on Public Information and Media are without prejudice to the provisions of the law governing protection of competition. Bodies which are competent to deal with issues regarding protection of competition, also deal with issues of illegal concentration.

Commission for Protection of Competition

Demarcation of competences related to unauthorized media concentrations

Foremost, it is useful to point to the distinction between media pluralism on one side, and concentration of undertakings in terms of competition legislation, on the other, keeping in mind that they are two completely different legal categories, which implies the competence of different authorities for deciding on the rights and obligations.

The Law on Public Information and Media (“Official Gazette of the Republic of Serbia”, no. 83/2014 and 58/2015) regulating the prohibition of violation of media pluralism, in Article 45 explicitly foresees that occurrence of violation of media pluralism in the case of printed media shall be identified by the ministry responsible for information, and if there is merging or cross-acquisition of shares, where at least one electronic medium is involved, the violation shall be identified by an independent regulatory body competent for electronic media, in accordance with the law regulating electronic media (Chapter VII, titled “Protection of media pluralism”). To this effect, the Law on Electronic Media (“Official Gazette of the Republic of Serbia”, no. 83/2014), in Article 103 foresees that the existence of violation of media pluralism envisaged by the provisions of the law governing public information and media, in the case of unifying the founding

or the management rights of two or more publishers of electronic media, or cross acquisition of the share whose participant is at least one electronic medium, shall be determined by the Regulator, by the application of an interested party or ex officio. In the case of any change in the ownership structure of the issued capital (changes of the founder or changes in the founder's participation in the capital), the holder of the license for the provision of media services has to report to the Regulator in writing. If the Regulator determines that the planned changes in the ownership structure of the capital assets could lead to the violation of media pluralism, s/he shall recommend to the holder of the license for the provision of media services to coordinate changes in a way that would prevent this situation (Chapter VI, titled: "Protection of media pluralism").

Therefore, the legal provisions in explicit manner, leaving no room for different interpretations, are committing the competence of protection of media pluralism to two authorities, the ministry responsible for information and regulatory authority for electronic media. Article 45 of this law lists the conditions under which is forbidden to unify the founding or management rights in the media, aimed at preventing occurrence or strengthening of a predominant influence in the public information sector. However, here is appropriate to point that such transaction does not necessarily *ipso facto* have to imply the fulfilment of conditions prescribed by the Law on Protection of Competition that are necessary for the existence of obligations relating to the notification of concentration.

Competence of the Commission for Protection of Competition

Unlike the media pluralism concept, as presented in the aforementioned paragraphs, the Law on Protection of Competition defines the concept of concentration of undertakings in different manner. Article 17 of this law determines that concentration of undertakings occurs in the case when:

- mergers and other statutory changes in which a merger of undertakings occurs, within the meaning of the law governing status of companies;
- acquisition of direct or indirect control by one or more undertakings over another or more undertakings or over part or parts of other undertakings, who may represent an independent business entity;
- joint venture of two or more undertakings in order to create a new undertaking or to gain a joint control.

Here would be appropriate to point out that the control over an undertaking, pursuant to this Law, represents a possibility of decisive influence on the conduct of activities of another or other undertakings (Article 5, Paragraph 2 of the Law on Protection of Competition).

The term of concentration, in manner determined by the letter of the Law on Protection of Competition, is associated by the assumption of permissibility (unlike the media concentration), and in that sense Article 19 of this Law is clear by stating that concentrations of undertakings are permitted, unless they significantly restrict, distort or prevent competition in the market of the Republic of Serbia or its part, and especially if such restriction, distortion or prevention would be the result of creating or strengthening of a dominant position. What is completely certain is that the Commission investigates on concentrations and assesses their permissibility against the criteria envisaged in Article 19 of the Law. The incremental objective of investigation of concentrations is protection of competition in the market, and not protection of media pluralism.

The procedure of investigation of concentration conducted by the Commission is instituted by submitting the notification of concentration by an undertaking. The commitment of notification exists when conditions prescribed in Article 61 of the Law are met. Namely, the concentration must be reported to the Commission in the case if total annual revenue of all concentration participants generated on the international market in the preceding financial year exceeds 100 million EUR, provided that at least one concentration participant operating on the market of the Republic of Serbia generated revenue that exceeded ten million EUR, or that total annual revenue of at least two concentration participants generated on the market of the Republic of Serbia exceeds 20 million EUR in the preceding financial year, provided that at least two concentration participants generated revenue on the market of the Republic of Serbia that exceeded one million EUR per participant, in the same period.

The Commission may conduct investigation of concentration ex officio if and when it finds that conditions prescribed in Article 62 of the Law are fulfilled, or when upon learning of implemented concentration determines that the combined market share of concentration participants on the market of the Republic of Serbia is at least 40%, that is, reasonably assumes that the concentration fails to fulfill conditions of permissibility from Article 19 of the Law on Protection of Competition, as well as in the case of other concentration not approved in accordance with this Law.

From the aforementioned undoubtedly follows that instituting investigation of concentration (administrative, as per its nature) is regulated by the Law in manner that the Commission holds no discretionary authorities in that sense. Also, pursuant to all previously mentioned, it is clear that every concentration, that is, the acquisition or change of control in the media or in any other undertaking is not, nor it may be the subject of assessment of the Commission for Protection of Competition (unless conditions from Article 61 of the Law in terms of financial thresholds are fulfilled).

The Law and other competition related regulations are implemented in all economic sectors and activities with no exception, also including all type of media (electronic and print media, as well as in the ICT sector). In cases when certain transaction is qualified as concentration of undertakings

and when exists a commitment of notifying on the said, the Commission shall assess the permissibility, as previously mentioned.

For assessment of each concentration effects, including those created in the media sector, is important to determine the ownership structure and related changes. However, as already presented supra, the issue of (transparency of) ownership⁴, and more precisely, the control/deciding influence on running the operations of other or others undertaking(s) shall be assessed “in terms of this Law (on Protection of Competition)”, and foremost for the assessment of market power of certain undertaking. Although common points of interest undoubtedly exist, media pluralism and related protection in proceedings before the Commission are not a subject of consideration. Moreover, having in mind that the media pluralism is not a criterion that determines the Commission when assessing the permissibility of concentration, the practical situation may occur where the permissibility of certain mergers/integrations/concentrations shall be decided by the Regulator and Commission simultaneously, whereas the outcomes, that is the decisions, may differ.

Statistical overview of concentrations in the media sector⁵

During last three years, the Commission was deciding on the following concentrations from the media sector.

During 2014, there were 7 media related concentrations, being:

- Slovenia Broadband S.a.r.l., the Duchy of Luxemburg / United Media Production Ltd. Belgrade, Republic of Serbia;
- United Media S.à.r.l., the Duchy of Luxemburg / Orlando Klinci Ltd. Republic of Croatia;
- Slovenia Broadband S.a.r.l., the Duchy of Luxemburg / AD Broadband Montenegro, Montenegro;
- MEDIA GROUP UKRAINE Ltd. / ASPERA 2011, Ukraine (SCM Group) (Terrestrial television sector in Ukraine);
- United Media S.a.r.l., Grand Slam Group Ltd. Belgrade, Aleksandar Popović/Grand Production Ltd. Belgrade;
- Slovenia Broadband S.a.r.l. via DOO KNIGHT DEVELOPEMENT SUPPORT COMPANY FOR PRODUCTION, TRADE AND SERVICES NOVI SAD/COMPANY FOR TELLECOMUNICATIONS JET TV LTD. ŠABAC, and
- Adria Bidco B.V. the Netherlands / Slovenia Broadband S.a.r.l., the Duchy of Luxemburg.

During 2015, there were 3 media related concentrations, being:

⁴ Page 3 of this Report mentions competences of the Commission and related issues.

⁵ As on December 8, 2016

- Ringier Axel Springer Ltd. Belgrade, Republic of Serbia / New Digital Ltd. Belgrade – Stari grad, Republic of Serbia;
- Axel Springer Schweiz AG, Switzerland / Ringier AG, Switzerland (joint investment aimed at creating of a new undertaking);
- Axel Springer SE, FR of Germany / Target operating of the company VIMN Germany GmbH, transmitted to Thads.media vermaktung gmbh, FR of Germany, and
- ANTENNA STREAM T.V. LIMITED/LAKE BADE HOLDINGS LIMITED (via B92).
-

During 2016 there were no media related concentrations.

All proceedings are concluded by issuing approvals for implementation of concertation in legally prescribed timeframe/deadline pursuant to Article 65 of the Law. All decisions are published on the official Internet page of the Commission (www.kzk.gov.rs).

In the proceeding instituted ex officio for investigating concentration that was not approved in accordance with the Law on Protection of Competition, which as per reasonable assumption is created by acquiring a control share by the company OOO EAST MEDIA GROUP from the Russian Federation by purchasing 50% of proprietary interest in the company equity of the company “Politika Newspapers and Magazines (PNM)” Ltd. Belgrade, the Conclusion on adjournment of proceeding is enacted, no. 6/0-03-29/2015-40, dated March 25, 2015, pending the decision on preliminary issue. The Commission considers the issue of validity as a preliminary issue pursuant to the Law on Administrative Procedure, that is, the possible declaring the case contract of buying and selling of shares as a null and void. Consequently, the Commission forwarded relevant documents relating to the preliminary issue to the State Attorney's Office as the competent authority, for assessing the preliminary issue from the aspect of the Law on Public Attorney's Office. To this day, the Commission has not received a reply from the State Attorney's Office.

Activities of the Commission relating to the media service development strategy

In April 2015, following the invitation of the Regulatory Authority of Electronic Media, the Commission appointed its representative to the Working group for defining the Draft Strategy for the development of radiophonic and audio-visual media services in the Republic of Serbia. The Commission effected its participation in the Working group by sending comments and opinions on the Draft Strategy (on October 7, 2015), in addition to participating in the public hearing (on December 10, 2015) and providing comments to the Action plan for the implementation of the Strategy for the development of radiophonic and audio-visual media services in the Republic of Serbia (on December 15, 2015).

The Commission has on several occasions emphasized that submitted document is solely perceived from the perspective of implementation of the Law on Protection of Competition and pursuant to the competences entrusted by the Law, and in that sense has pointed that certain activities envisaged by the Strategy must also be aligned against the Law on Protection of Competition. The Commission presented positions and opinions that are afore presented in this Report, and thus shall not repeat them.

However, the Commission has on given occasion also pointed to the following. The Regulator stated that it shall encourage several local media service provides' associating efforts aimed at co-production, distribution and broadcast of media content – the joint usage of a single radio frequency by several media service provides (time sharing). The Commission alluded to the fact that this kind of associating may represent a form of horizontal cooperation/agreement from Article 10 of the Law, which in the case of fulfilment of certain legal conditions is the subject to the commitment relating to submitting a request for individual exception from prohibition.

The Commission issued a separate opinion to certain solutions from the aforementioned Strategy, foremost related to the statements that the “Regulator shall determine the optimal number of media service providers, with the aim of creating an environment with considerable number of different information sources and where program content diversity shall be secured”.⁶

Media market inquiry

Article 22 of the Law on Electronic Media relating to the scope of work of the Regulatory Authority of Electronic Media, envisages that the Regulator shall perform inquiry of the relevant media market in cooperation with the authority competent for protection of competition in accordance with the methodology prescribed by an act enacted by the Regulator. The Commission for Protection of Competition held a series of meetings with the Regulatory Authority of Electronic Media relating to drafting the Decision on determining the methodology of relevant media market inquiry. To that effect, the Commission took the active role and offered several constructive proposals related to the methodological approach, modeled after those used in its own market inquires. Such engagement of the Commission greatly contributed to the more comprehensive approach to drafting appropriate methodological matrix.

In June 2013, the Commission for Protection of Competition signed the Protocol on Cooperation with the Regulatory Authority of Electronic Media.

Sector inquiries

⁶ As per need, the Commission shall subsequently submit the case opinion.

Provision of Article 47 of the Law on Protection of Competition envisages that the Commission may conduct a sector inquiry in a particular sector of the economy or related to certain categories of agreements “in cases where the price flow or other circumstances suggest the possibility of restricting, distorting, or preventing of the competition”.

Having in mind the available data sources, and foremost: the overview of notified concentrations in the targeted area; overview of initiatives for investigating competition infringements and proceedings in the target area conducted in the previous period, as well as information published in the media (Politika, Večernje novosti, RTS, B92, etc.), particularly in reference to the price flow, the Commission did not concluded that legal conditions for conducting a sector inquiry in the media sector are created.

3.5.2.14. Develop and sign the Cooperation Agreement among the Public Prosecutors' Office, Ministry of Interior and relevant associations of journalists (contact points, information exchange on events that do not constitute criminal offences, problem identification, etc.). (I- II quarter of 2016.)

Activity is being implemented successfully. The initial meeting with the representatives of the Ministry of Interior was held on 22 October 2015. The State Secretary of the Ministry of Culture and Information was also present. Necessary steps for implementation of measures were identified. Accordingly, on 12 November 2015, a meeting was held between the representatives of the Ministry of Interior, Republic Public Prosecution and the representative journalists' associations and media organizations. The Memoranda was drafted and submitted for comments.

After obtaining written comments and proposals from association of journalists, the representatives of the Republic Public Prosecutor's Office prepared a draft Agreement on cooperation and measures to raise the level of safety of journalists. This draft was presented on 29 December 2015, during the course of the second meeting of representatives of the Republic Public Prosecutor's Office, Ministry of Interior and representatives of associations of journalists, as well as the Ministry of Culture and Information. The signing of this Agreement is expected, given that the representative associations of journalists supported the adoption of the Agreement, despite minor differences in approach with respect to consideration of the possible need for the introduction of a specialized state body that would deal with the protection of journalists (ombudsman for journalists).

In addition, in order to increase the efficiency of acting of public prosecutions in criminal proceedings against the perpetrators of crimes committed against journalists, on 22 December the Republic Public Prosecutor issued an Instruction which stipulates that the appellate, higher and basic public prosecutors' offices maintain separate records in respect of offenses committed against persons performing activities of public interest in the field of information, in relation to the tasks performed and attacks on the website of the media, in which cases emergency acting is prescribed.

Associations of Journalists, Ministry of Interior and Republic Public Prosecutor's Office during the third quarter of 2016 continued cooperation in drafting the Cooperation Agreement and measures to increase the level of safety of journalists, through the exchange of the draft proposals and consultations to achieve consensus on the text of certain provisions of the Agreement.

During September, a meeting was held between representatives of journalists' associations and these State authorities in order to harmonize the final text of the Agreement and arrange the date of signature. The meeting of representatives of the Republic Public Prosecutor's Office, Ministry of Interior, associations of journalists and media association was held on December 8, 2016. On this meeting the latest draft of the Agreement on cooperation and measures to raise the level of safety of journalists was discussed. Clarification of certain provisions of the draft Agreement were presented and accepted by all the Parties.

On 26 December 2016, the Republic Public Prosecutor's Office, Ministry of Interior, the Association of Journalists of Serbia, the Independent Journalists' Association of Serbia, Journalists' Association of Vojvodina, the Association of Independent Electronic Media, the Media Association and the Association of Online Media signed the **Agreement on Cooperation and Measures to Raise the Level of Safety of Journalists**. Independent Journalists' Association of Vojvodina gave approval to the final text of the Agreement and acceded to it at the first meeting of the permanent working group held on 18 January 2017.

This Agreement aims at establishing system of measures which will ensure more efficient legal protection of journalists. Accordingly, a permanent working group was established whose members are authorized high-level representatives of the contractual parties. At the first meeting of the permanent working group mechanism of cooperation was established in such manner that each party appointed a person for contact and coordination of procedure in cases of criminal offences that journalists can be subjected to. Also, members were appointed for the subgroup for analysis of the provisions of the Criminal Code in order to assess the need for the amendment of this Code and prepare recommendations for the competent institutions, as well as for the subgroup for analysis of the way of communication and the openness of the state institutions towards the media.

Representatives of the Republic Public Prosecutor's Office and the Independent Journalists' Association of Serbia on a meeting held on March 6, 2017 compared and harmonized data on criminal offences committed against journalists during 2016 and ongoing criminal proceedings, according to the Agreement.

At the second meeting of the permanent working group which was held on 15 March 2017 the activities of the Republic Public Prosecutor's Office to implement the agreement were presented,

as well as functioning of the established mechanisms of cooperation and plan on further activities on implementation of the agreement were discussed.

On 16 March 2017 representatives of the Republic Public Prosecutor's Office, under the TAIEX expert mission on the criminal protection of journalists, held a meeting with the experts regarding the conduct of public prosecutions in criminal cases against journalists, the need for amending the legislative framework and the implementation of the signed agreement.

Furthermore, OSCE Mission in Belgrade, on proposal of the Republic Public Prosecutor's Office offered its assistance in implementation of the Agreement regarding analysis of the Criminal Code provisions, education of journalists, prosecutors and members of the police and also in coordination of work of the permanent working group with regard to organization, logistical support and the advisory assistance of its experts for the safety of journalists and other related areas. This proposal was also discussed on the second meeting of the permanent working group.

3.5.2.15. Develop Communication Strategy of the Ministry of Interior with the media aimed at defining relationship, methods and scope of communication. (III – IV quarter of 2016.)

Activity is partially implemented The Communication Strategy of the Ministry of interior the Republic of Serbia with the media was adopted in 2012 and is valid until the end of 2016. Production of new communication strategy is in progress.

3.5.2.16. Amendment and supplements to the Code of Ethics and the Rules of the disciplinary proceedings and disciplinary responsibilities of public prosecutors and deputy public prosecutors in the part relating to the accountability of public prosecutors and deputy public prosecutors for unauthorized communication of information about ongoing or planned investigations to the media. (I – II quarter of 2016.)

Activity is almost completely implemented. A joint work group is established consisting of the State Prosecutorial Council and the Republic Public Prosecution Office with the task to prepare draft amendments to the Code of Ethics and the Rulebook on Disciplinary Proceedings and Disciplinary Liability of Public Prosecutors and Deputy Public Prosecutors in the part concerning the responsibility of bearers of prosecutorial functions for an unauthorized disclosure of information regarding current or planned criminal investigations to the media. The work on amendments progressed. Bearing in mind that on 5th April 2016 newly elected members of the State Prosecutorial Council started performing their function, there has been a change in the composition of the working group. Following review of the actions taken so far, the working group will continue to work on the amendment of these bylaws.

Republic Public Prosecutor's Office has conducted an analysis of the legislative framework with regard to criminal, disciplinary and other liability concerning unauthorized communication of

information. Based on that analysis, in June 2016 the initiative to amend the provisions of the Law on Public Prosecution in relation to disciplinary responsibility of the Public Prosecutor and Deputy Public Prosecutor was submitted to the Ministry of Justice.

Within the IPA 2013 project “Capacity building of the High Court Council and the State Prosecutorial Council”; the international experts are conducting the analysis of the Rulebook on disciplinary proceedings and disciplinary responsibility of public prosecutors and deputy public prosecutors. On 12th of December 2016 was held a meeting between representatives of the State Prosecutorial Council and disciplinary bodies and with international experts, where it was finalized the report text drafted by the international experts. The State Prosecutorial Council shall take into consideration recommendations of the stated report in its future work. Also, the State Prosecutorial Council will continue to cooperate with the Republic Public Prosecution Office, regarding carrying out this activity.

3.5.2.17. Amendment and supplements to the law governing internal affairs stipulating that unauthorized communication to the media represents serious breach of duty.

(Link with Chapter 24) (I quarter of 2016.)

Activity is fully implemented. Unauthorized communication to the media is defined as a grave breach of official duty by Article 207, paragraph 1, item 19) of the Law on Police ("Official Gazette of RS", No. 6/16), that is, precisely reads "voluntarily statements of police officers and other employees in the public and the media in connection with the work that has caused or could be harmful to the reputation of the Ministry".

3.5.2.18. Amendment and supplements to the Code of Police Ethics and law governing internal affairs in the part relating to the responsibility of police officers for unauthorized communication of information about ongoing or planned investigations to the media. (Link with Chapter 24) (II -III quarter of 2016.)

Activity is fully implemented.

Liability for unauthorized statements to the broadest sense is defined as a grave breach of official duty by Article 207, paragraph 1, item 19) of the Police Act ("Official Gazette of RS", No. 6/16), so there could be subsumed and unauthorized administration statement or information to the media about ongoing and planned investigations, and it is prescribed and criminal liability in certain crimes KL RS. The Government has adopted the Code of Police Ethics at its 41st session held on 3rd of March 2017, at the proposal of the Ministry of Internal Affairs. The Code is published in the Official Gazette of RS, No. 17 of 6 March 2017. Article 7. of Police Code of Ethics ("Official Gazette of RS", No. 17/17), under the name "Protection of official information" prescribes that police officers do not disclose and do not use, without an authorization, data which they acquire in service or in connection to the service, and especially those which could threaten legal proceedings or the rights of third parties. Article 12. prescribes that behavior that is opposite to the

provisions of this code represents behavior that is harmful to the reputation of the Ministry and police profession.

3.5.2.19. Amendments and supplements to the bylaws governing the procedures of confidentiality and safety of planning and conducting criminal investigations in order to improve the privacy and protection of police procedures for the planning and implementation of criminal investigations. (I quarter of 2017.)

Activity is partially implemented.

Amending the by-laws within the scope of the criminal police pursuant to the provisions of the Police Act, the Criminal Procedure Code and other legislation governing the procedure of confidentiality and data protection. The amendments and harmonization of Mandatory instructions on operational policing and the Instructions on recording, classification and monitoring of the activities of organized criminal groups in Serbia are being prepared.

A mixed working group at the level of the Ministry of Interior is established with assignment to prepare the proposal of the by-law concerning harmonization of Mandatory instructions on operational policing and the Instructions on recording, classification and monitoring of the activities of organized criminal groups in the Republic of Serbia with Law on Police and other valid legal regulations, which works at drafting of the said by-law.

3.5.2.20. Adopt a by-law which establishes procedures for issuing statements of police officers to the media. (I quarter of 2017.)

Activity is partially implemented. The process of drafting the bylaw is in progress.

3.5.2.21. Conduct training for public prosecutors, deputy public prosecutors, police officers and representatives of relevant associations of journalist, with regard to:

- **prevention of media leaks related to ongoing or planned criminal investigations**
- **prevention of media leaks related to respect for privacy with regard to vulnerable persons (victims, children). (Continuously, commencing from I quarter of 2016.)**

Activity is being implemented successfully. Activities are implemented in line with the Action Plan for Chapter 23. Seminars on the ethic code implementation are regularly organized within the continuous and initial education for judicial office holders (12 seminars for more than 250 participants were conducted until November 2015.).

As of November 2015 6 one-day workshops were delivered, 3 of which were devoted to the judges' (participants were judges working at the Belgrade, Novi Sad and Kragujevac appellate territories)

and 3 to the prosecutorial ethics (participants were prosecutors working at the Belgrade, Novi Sad and Kragujevac appellate territories). By July is scheduled one more training for judges and prosecutors respectively (Nis appellate territory).

Moreover, in July one more two-day workshop was delivered within the initial education (the first day will be court and the second day will be prosecutorial ethics for the candidates of the fifth generation of the Judicial Academy). Training involved the total of 204 participants.

It is in course development of schedule of realization of education in the area of ethics for 2017. It is planned 10 days of education; 4 for judges and 4 for prosecutors respectively, and 2 days of initial education (a day for court ethics and a day for prosecutorial ethics).

3.5.2.22 Full depolitization of management and program boards of public service broadcasters (RTS and RTV) (Continuously)

Activity is being implemented successfully. * RTS Programming Council is the correct name

The Law on Public Service Broadcasters prescribes that the RTS Programming Council members are elected by the Management Board of RTS, on the proposal of the National Assembly's committee in charge of the area of public provision of information.

The National Assembly's committee in charge of the public provision of information proposes to the Management Board a list of 30 candidates for the Programming Council membership that reflects the territorial, ethnic, religious, gender, and other structures of the population.

The candidates' list referred to in paragraph 3 of this Article is determined on the grounds of the open application procedure for the selection of the Programming Council members.

The National Assembly's committee in charge of the public provision of information establishes the list of all candidate applicants that meet the requirements under Article 28 paragraphs 2 and 3 of this Law, no later than 30 days following the day on which the application procedure is launched.

The rules conducting the open application procedure referred to in paragraph 5 of this Article are provided for by the National assembly's act. In order to fulfil this responsibility of the Culture and Information Committee in accordance with the Law, the National Assembly adopted a Decision on the rules for conducting the open application procedure for the selection of candidates for the membership of the Programming Council of "Radio Television of Serbia" Public Service Broadcaster at the ninth sitting of the Second Regular Session held on 8 December 2014.

Pursuant to point 2 of the Decision, and by virtue of Article 29, paragraph 3 of the Law on Public Service Broadcasters and Article 60 of the Rules of Procedure of the National Assembly, the competent committee adopted the text of the open application procedure at its 34th sitting held on 25 November 2015.

The open application procedure for the selection of candidates for the membership of the RTS Programming Council was launched and published on 2 December 2015 in the 'Official Gazette of RS' and on the web page of the National Assembly, and in 'Politika' daily newspaper on 3 December 2015. The application deadline expired on 18 December 2015.

At its 40th sitting, held on 28 December 2015, the Committee established the list of all applicants who meet the requirements of the open application procedure for the selection of RTS Public Service Broadcaster's Programming Council members.

The Committee noted some deficiencies in some of the applications submitted by the candidates and provided the applicants with additional 7 working days to amend their applications, until 11 January 2016.

At its 40th sitting held on 22 January 2016, the Committee interviewed the applicants who met the requirements of the open application procedure.

Meanwhile, early parliamentary elections were called and a new legislature of the National Assembly was constituted, and then new members of the Culture and Information Committee were elected.

Whereas the applicants, in accordance with Article 28 paragraph 3 of the Law on Public Service Broadcasters submitted a written statement in December 2015, envisaged by the open application procedure, confirming that they do not hold any other public or political office, the Culture and Information Committee in its new term of office, in the sitting held on 28 July 2016, concluded that the applicants should submit again the necessary evidence within 30 days verifying that they meet the requirements under the Open Application Procedure for the selection of candidates for the membership of the Programming Council of "Radio Television of Serbia" Public Service Broadcaster, such as:

- certificate of no conviction and of no criminal proceedings, investigation or previous proceedings for the crimes under the competence of courts and public prosecution offices, not older than 6 months;
- certified statement of an applicant confirming that he/she does not hold any public or political office, in accordance with Article 28, paragraph 3 of the Law on Public Service Broadcasters, not older than 6 months;

The required documents were submitted to the Committee and based on it, at its sitting held on 9 September 2016, the Committee established the list of all applicants who meet the requirements of the open application procedure for the selection of RTS Public Service Broadcaster's Programming Council members.

This way, the National Assembly, i.e. its Culture and Information Committee implemented all the relevant provisions of the Law on Public Service Broadcasters that provide certain guarantees that this kind of selection method will decrease the possibility of politicizing the composition of the

RTS Programming Council, particularly by imposing the obligation of launching an open application procedure for the selection of Programming Council members, and by the fact that the Programming Council members are selected from the list of 30 candidates by the Management Board.

3.5.2.23 Ensure unified treatment of all media with status of tax debtor or with an agreement on rescheduling of debt. (Continuously)

Activity is being implemented successfully. Tax Administration takes measures of the regular and enforced collection of tax debt, in accordance with the legislation, according to all taxpayers who have tax status of the tax debtor, including the media. The Tax Administration may approve the rescheduling of tax debt, if they submit a request for rescheduling of tax debt and if the prescribed conditions completed, in accordance with the legislation, of all taxpayers, including the media. Uniform treatment of all tax debtors is guaranteed by the law, which regulates the issue of tax debt since there is no restriction to any activity, including activity in the field of information, as well as with regard to establishment of companies, and it also applies to all natural persons who are tax debtors. The aforementioned indicates that in this case there is no state aid because the law regulating tax debt refers to all businesses and individuals, as well as all activities.

3.5.2.24. Determine criteria for public procurement of services of videotaping and press clipping for all ministries and governmental offices. (IV quarter of 2016)

Activity is not implemented. Realization of this activity will be in the coming period/quarter.

3.5.2.25 Making publicly available budget disbursement reports including

-50 largest buyers and suppliers

-contracts with independent production and marketing agencies

-official results of competitions for selection of program including selection criteria. (Commencing from II quarter of 2016)

Activity is partially implemented. Pursuant to the Law on Public Media Services, Article 19, paragraph 1, item 15, the managing Board adopts the report on the operation of public media service and submits it further on to the National assembly, Regulator's Council and informs the public. Article 52 of the same Law implies that RTS and RTV annually submit reports on previous year activities accompanied by the independent auditor's report to the national assembly for consideration and decision-making. This report is also submitted to Regulator's Council for informative purposes.

Note: Assessment is performed on the basis of the report of the Regulatory Body for Electronic Media. The other competent authorities, RTS/RTV did not submit the report.

3.5.2.26 Ensure full transparency of media privatization procedure through publishing all relevant documents regarding privatization of media in line with Law on privatization and access to information of public importance. (By II quarter of 2016.)

Activity is being successfully implemented. Reports on media privatization are available at the website of the Ministry of Commerce:

<http://www.priv.rs/Arhiva/11904/POTPISANO-TRIDESET-CETIRI-UGOVORA-O-PRODAJI.shtml>

3.5.2.27. Undertaking activities towards full depolitization of the management board and director of PC Broadcasting Equipment and Communications and ensure equal debt repayment by all broadcasters. In line with Action plan for Public Administration Reform measures 2.1.1 (By IV quarter of 2016.)

Activity is partially implemented Government has adopted the Decision on the implementation of a public competition for the election of director of a public company "Broadcasting Technology and Communications" Belgrade, at its 37th meeting held on 9 January 2017, at the proposal of the Ministry of Economy.

3.5.2.28. Enable public availability regarding all activities undertaken in the digitalization process, including planned and disbursed expenses. (III quarter of 2015)

Activity is fully implemented. The process of switchover from analogue to terrestrial TV broadcasting in the RS started in October 2008 and ended up on 7th June 2015. Funds from the state budget allocated for this process are about 36 million EUR. Additional funding was provided from IPA funds and EBRD loan. Ministry of Trade, Tourism and Telecommunication has prepared the list of most important activities carried out in the process of switchover in the RS. For each activity, funds spent are listed in the table at the website of the Ministry (<http://www.digitalizacija.info/proces-digitalizacije-aktivnosti-i-troskovi>)

3.5.2.29. Examine ex officio whether there are reasons to initiate proceedings due to potential breach of regulations by the officials in management bodies of the media with state capital in relation to conflict of interest, as indicated in the Report of the Anti-corruption Agency.

Anti-corruption Agency and Anti-corruption Council hold periodical meetings and exchange relevant data in order to enhance coordination. (Continuously, until the conclusion of the examination.)

Activity is being implemented successfully. State of play, pertaining to proceedings initiated upon complaints or *ex officio* related to public officials in management bodies of the media with state capital, i.e. officials concurrently being owners of private media financed/co-financed by the public funds, has been indicated.

In addition to that, the ACA initiated proceedings based on check of data indicated in the Report on media ownership structure issued by the Anti-Corruption Council.

Upon complaints and *ex officio* the ACA initiated 30 proceedings against public officials in management bodies of the media with state capital, including officials concurrently being owners of private media or persons associated to them being owners of private media financed/co-financed by the public funds:

- 6 measures have been issued, i.e. 2 measures of recommendation for dismissal, 2 measures of public announcement of the decision on the violation of the Law (altered to warning measure by the decision of the Board of the ACA) and 2 warning measures against public officials who took part in decision-making process, thus allocating city/municipality funds to media in their ownership or in the ownership of the persons associated to them in situations standing for conflict of interest;
- 5 warning measures have been issued, i.e. 2 measures due to failure of public official to transfer managing rights in a business company, within the specified deadline, after his/her entry into office, 2 measures due to failure of public official to notify the ACA within the specified deadline on engagement in other job or activity at the moment of his/her entry into office and 1 measure due to failure of public official to notify the ACA on conflict of interest;
- 2 measures of public announcement of decision on violation of the Law on the ACA have been issued to public officials whose office was terminated, i.e. 1 measure due to failure of public official to notify the ACA on conflict of interest and 1 measure due to establishment of business cooperation with a company engaged in activity related to the office the official had held before stipulated period of two years elapsed;
- 6 proceedings, in terms of determining violation of the Law, are underway and in 5 proceedings public officials have been informed on initiation of the proceedings due to violation of the Law;
- 5 proceedings against public officials in terms of determining violation of the Law on the ACA have been finalized by issuing decision on suspension of proceedings, out of which 2 have been initiated due to suspicion on conflict of interest, 2 due to suspicion on discharging second public office or several public offices without approval of the ACA and 1 due to suspicion on failure of public official to transfer his/her managing rights in a

business company, within the specified deadline, after his/her entry into office, in accordance with the Law;

- in 1 proceeding, initiated upon complaint, it was determined that preconditions for initiating and conducting proceedings for determining violation of the Law on the ACA had not been met, of which the person filing the complaint has been notified in writing.

On the basis of data deriving from the check of allegations in the Anti-Corruption Council's Report on media ownership structure, the ACA initiated 26 proceedings as follows:

- in 10 proceedings check whether preconditions for determining violation of the Law have been met is currently underway;
- in 13 proceedings public official has been informed on initiation of the proceedings for violation of the Law on the ACA;
- in 2 proceedings it was indicated that there had been no ground for initiating and conducting proceedings in terms of violation of the Law on the ACA;
- 1 warning measure was issued, including deadline to comply with it, due to failure of public official to transfer his/her managing rights in a business company, within the specified deadline, after his/her entry into office, in accordance with the Law.

Most of the proceedings (13) have been initiated against public officials discharging other public office or several public offices without approval of the ACA (cumulation of offices), whereas 5 proceedings have been initiated against public officials who failed to request approval of the ACA for discharging other job or failed to notify the ACA on engagement in other job or activity.

Meeting with representatives of the Anti-Corruption Council was held in the reporting period (May 2016) with regards to proceedings initiated due to violation of the Law on the ACA against public officials in management bodies of the media with state capital as well as officials concurrently being owners of private media or persons associated to them being owners of private media financed/co-financed by the public funds. The next meeting is scheduled for September 2016.

In the III quarter, according to the report of ACA, In the reporting period as of May until August 31, 2016 in proceedings initiated by the ACA, *ex officio* and upon complaints the following activities have been conducted against public officials in management bodies of the media with state capital, including officials concurrently being owners of private media or persons associated to them being owners of private media financed/co-financed by the public funds:

- 1 warning measure has been issued due to violation of Article 31 of the Law on the ACA, i.e. failure of public official to notify the ACA on engagement in other job or activity at the moment of his/her entry into office;

- 2 decisions on suspension of proceedings initiated against public officials for determining violation of the Article 27 and 32, par. 1 of the Law on the ACA in conflict of interest situations, have also been issued.

On the basis of data deriving from the check of allegations in the Anti-Corruption Council's Report on media ownership structure in the Republic of Serbia, the following activities have been conducted *ex officio* against public officials in management bodies of the media with state capital, including officials concurrently being owners of private media or persons associated to them being owners of private media financed/co-financed by the public funds:

- in 2 proceedings it was indicated that there had been no ground for initiating and conducting proceedings in terms of violation of the Law on the ACA;
- in 6 proceedings public official has been informed on initiation of the proceedings for violation of the Law on the ACA, out of which 4 proceedings have been initiated against public officials discharging another or more public offices without consent of the ACA, i.e. due to violation of Article 28 of the Law on the ACA, 1 due to violation of Article 31 of the Law on the ACA, i.e. failure of public officials to notify the ACA on engagement in other job or activity and 1 due to violation of Articles 27 and 32, par. 1 of the Law on the ACA in conflict of interest situations;
- 4 warning measures were issued, out of which in 3 cases due to violation of Article 28 of the Law on the ACA, i.e. discharging of another public office without consent of the ACA and in 1 case due to violation of Article 35 of the Law on the ACA, i.e. failure of public official to transfer his/her managing rights in a business company, within the specified deadline, after his/her entry into office;
- 1 measure of public announcement of the decision on the violation of the Law on the ACA was issued against public official who took part in decision-making process, thus allocating city funds to media in his ownership, i.e. due to violation of Article 27 and 32, par. 1 of the Law on the ACA in conflict of interest situations;
- 2 decisions were issued indicating violation of Article 28 of the Law on the ACA and termination of another public office by force of Law;
- 1 decision on suspension of proceedings initiated against public officials for determining violation of the Article 28 of the Law on the ACA, due to discharging another public office without consent of the ACA, was issued.

In the reporting period IV quarter:

In proceedings initiated by the Anti-Corruption Agency, *ex officio* and upon complaints the following activities have been conducted against public officials in management bodies of the media with state capital, including officials concurrently being owners of private media or persons associated to them being owners of private media financed/co-financed by the public funds:

- 1 warning measure was issued due to violation of Article 28 of the Law on the Anti-Corruption Agency, because the official had discharged several public offices in certain period without consent of the Anti-Corruption Agency.

In the reporting period 2 new proceedings have been initiated, one upon the complaint due to violation of Article 28 of the Law on the Anti-Corruption Agency because the official discharges another or several public offices without the consent of the Anti-Corruption Agency and another one *ex officio* due to violation of Articles 27 and 32 of the Law on the Anti-Corruption Agency in conflict of interest situations.

In the reporting period, on the basis of data deriving from the check of allegations in the Anti-Corruption Council's Report on media ownership structure in the Republic of Serbia, the following activities have been conducted *ex officio* against public officials in management bodies of the media with state capital, including officials concurrently being owners of private media or persons associated to them being owners of private media financed/co-financed by the public funds:

- in 2 proceedings it was indicated that there had been no ground for initiating and conducting proceedings in terms of violation of the Law on the Anti-Corruption Agency;
- in 1 proceedings public official has been informed on initiation of the proceedings for violation of Article 28 of the Law on the Anti-Corruption Agency, because the official discharges another or several public offices without the consent of the Anti-Corruption Agency;
- 2 warning measures were issued due to violation of Article 28 of the Law on the Anti-Corruption Agency, i. e. discharging of several public offices without consent of the Anti-Corruption Agency in certain period;
- 2 measures of public announcement of the decision on the violation of the Law on the Anti-Corruption Agency were issued, one due to violation of Article 27 of the Law on the Anti-Corruption Agency, because public official had concurrently discharged public office of Supervisory Board member in public enterprise and conducted activities in another public enterprise which hamper impartial discharge of the respective public office and another one due to violation of Article 28 of the Law on the Anti-Corruption Agency, because public official had discharged several public offices without consent of the Anti-Corruption Agency as well as due to violation of Article 31, par. 1 of this Law, because public official had not notified the Anti-Corruption Agency on engagement in another activity at the moment of entry into office, due to violation of Article 27 and Article 32, par. 1 of this Law in conflict of interest situations and due to violation of Article 35 of the Law on the Anti-Corruption Agency because official had not transferred his/her managerial rights in business company within the specified deadline, after his/her entry into office;
- 1 decision was issued indicating violation of Article 28 of the Law on the Anti-Corruption Agency and termination of another public office by force of Law;

1 decision on suspension of proceedings initiated against public officials for determining violation of the Article 35 of the Law on the Anti-Corruption Agency, due to failure of public official to transfer his/her managerial rights in business company

2017/1:

In proceedings initiated by the Anti-Corruption Agency, *ex officio* and upon complaints the following activities have been conducted against public officials in management bodies of the media with state capital, including officials concurrently being owners of private media or persons associated to them being owners of private media financed/co-financed by the public funds:

- in three proceedings public officials have been notified on initiation of proceedings as follows: due to violation of Article 27 and 32, par. 1 of the Law on the Anti-Corruption Agency in conflict of interest situations; due to violation of Article 28, par 4 of the Law on the Anti-Corruption Agency, because the official had discharged several public offices without consent of the Anti-Corruption Agency and due to violation of Article 35, par. 1 of the Law on the Anti-Corruption Agency, because public official had failed to transfer his/her managing rights in a business company, within the specified deadline, after his/her entry into office.

In the reporting period, on the basis of data deriving from the check of allegations in the Anti-Corruption Council's Report on media ownership structure in the Republic of Serbia, the following activities have been conducted *ex officio* against public officials in management bodies of the media with state capital, including officials concurrently being owners of private media or persons associated to them being owners of private media financed/co-financed by the public funds:

- in 2 proceedings it was indicated that there had been no ground for initiating and conducting proceedings in terms of violation of the Law on the Anti-Corruption Agency;
- 1 warning measure was issued due to violation of Article 28 of the Law on the Anti-Corruption Agency, i. e. discharging of several public offices without consent of the Anti-Corruption Agency in certain period;
- 1 decision imposing measure of public announcement of recommendation for dismissal was issued to public official, due to violation of Article 27 and 32, par. 1 of the Law on the Anti-Corruption Agency in conflict of interest situations, due to violation of Article 31, par. 1, i.e. failure to notify the Anti-Corruption Agency on engagement in other job at the moment of entry into office and due to violation of Article 35, par. 1 of the Law on the Anti-Corruption Agency, because public official had failed to transfer his/her managing rights in a business company, within the specified deadline, after his/her entry into office.

3.5.2.30. Revision of financial reports of parliamentary political parties related to contracting of advertising companies co-financed from the state budget during the 2014 election campaign. Link with CH 32 (IV quarter of 2015 – I quarter of 2016.)

Activity is fully implemented. During 2015, audits of three Parliamentary political parties were conducted – Serbian Progressive Party, Socialist Party of Serbia and Democratic Party. Audit covered 2014 financial statements of the mentioned political parties that were submitted to the Business Registers Agency, along with compliance of operations for 2014. Audit reports were published on the website of the State Audit Institution on 27th November 2015.

3.6. PRINCIPLE OF NON-DISCRIMINATION AND SOCIAL POSITION OF VULNERABLE GROUPS

3.6.1.1. Adoption and full implementation of the Action Plan for the implementation of the Strategy for prevention and protection from discrimination. (Continuously commencing from IV quarter of 2014.)

Activity is being implemented successfully. Action Plan for Implementation of the Strategy of prevention and protection against discrimination for the period 2014-2018 was adopted by the Government on 2 October 2014.

The Office for Human and Minority Rights prepared the first Report on monitoring the implementation of the Action Plan for Implementation of the Strategy of Prevention and Protection against Discrimination for the period 2014 to 2018. This Report addressed the implementation of the measures and performance of the activities in the last quarter of 2014 and the first quarter of 2015. The Report was adopted by the Council for Monitoring the Implementation of the Action Plan for the Implementation of the Strategy of Prevention and Protection against Discrimination for the period 2014 to 2018, on its constitutive meeting.

The Office for Human and Minority Rights has also prepared a draft of the second report on the implementation of the Action Plan for the Implementation of the Strategy of Prevention and Protection against Discrimination, covering the second, third and fourth quarter of 2015. The draft report will be discussed at the next meeting of the Council for Monitoring the Implementation of the Action Plan for the Implementation of the Strategy of Prevention and Protection against Discrimination.

In accordance with the Council decision, the process of drafting the third Report on monitoring the implementation of the Action Plan for implementation of the Strategy of Prevention and Protection Against Discrimination, which includes the first and second quarter of 2016, has started. The questionnaire was sent to addresses of the 18 implementers of measures and data collection is in progress.

Organized in this way, the systematic method of monitoring the implementation of the AP pointed out the need to consider the possibility of revision of the Action Plan. The objective of the revision is to complement the parts concerning the planned budget and donor resources for 2016, 2017 and 2018, but it is also an opportunity to propose any amendments to the content of the Action Plan, in particular the ones that, to a significant extent, improve its further implementation, and which eliminate the obstacles for implementation of the existing measures. Initial document was prepared and there consultations with the competent departments are in progress.

Monitoring the implementation of the Action Plan is continued. Periodic reports on the implementation of the Action Plan for implementation of the Strategy of Prevention and Protection Against Discrimination will be presented to the Government Council for monitoring the implementation of the Action Plan for implementation of the Strategy of Prevention and Protection Against Discrimination, and upon its approval they will be publicly available.

Regarding the process of revising the AP, the Government Proposal of conclusion, with which the proposal of amendments to the Action Plan for implementation of the Strategy of Prevention and Protection Against Discrimination for the period from 2014 to 2018 shall be adopted, was submitted to the departments for an opinion at the end of September, and collection/harmonization of opinions/data is still ongoing.

Office for Human and Minority Rights has prepared the **third Report on monitoring the implementation of the Action Plan for the implementation of the Strategy of Prevention and Protection Against Discrimination**, which includes measures and activities planned for implementation in the first and second quarter of 2016.

The report was considered by the Government Council for monitoring the implementation of the Action Plan at its third session, on 27 February 2017.

3.6.1.2. Establishment and start of operations of the body for monitoring and supervision over the implementation of the Strategy and Action Plan for prevention and protection from discrimination. (Continuously, commencing from II quarter of 2015)

Activity is being implemented successfully. The Government established the Council for monitoring implementation of the Action Plan on 13 August 2015, as a working body of the Government. The task of the Council is to monitor the progress in the implementation of the measures, implementation activities, respect of deadlines and timely warnings on potential challenges in the implementation of measures set in the Action Plan for the implementation of the Strategy. The Council has 12 members, representatives of state bodies, autonomous province, local authorities and representatives of civil society.

The first constitutive meeting of the Council was held on 13 November 2015. At the meeting, the Council unanimously adopted the first Report on monitoring the implementation of the Action

Plan for the Implementation of the Strategy for Prevention and Protection against Discrimination for the period 2014 to 2018, for the fourth quarter of 2014 and the first quarter of 2015. In addition, the decision to start preparing the second Report for the second, third and fourth quarter of 2015 was made. The Council held its second meeting on 23 February 2016, focusing on issues relating to the preparation of the second Report. That meeting was, for the first time, attended by the representative of civil society organizations in his capacity as the member of the Council.

In order to strengthen the capacities for more efficient monitoring of the implementation of the activities provided for in this document, and to achieve the indicators predicted by the Action Plan, the trainings were implemented by the Council Decision, in which the contact persons, representatives of line ministries/institutions - implementers of measures and civil society organizations participated.

- In May, OHMR, with the support of the OSCE Mission in Serbia, held a two-day training in Belgrade for civil society organizations on the subject “The Role of Civil Society Organizations in the Process of Monitoring the Implementation of the Action Plan for Implementation of the Strategy of Prevention and Protection Against Discrimination”.
- In June, OHMR and the Ministry of Labor, Employment, Veteran and Social Affairs, with the support of the Office of the United Nations High Commissioner for Human Rights, held a three-day training in Šabac for contact persons and representatives of ministries and institutions - implementers of the AP measures, on the subject “Fundamentals of Anti-discrimination Policies and Practices”.

Office for Human and Minority Rights, with the support of the Office of the UN High Commissioner for Human Rights, held two two-day trainings for representatives of ministries and institutions - implementers of measures in the Action Plan, in order to strengthen the capacity to monitor the implementation of this document (on 8-9 and 12 and 13 December 2016), as well as the two one-day advanced trainings for contact persons and their deputies (15 and 16 December 2016).

The third session of the Council for monitoring the implementation of the Action Plan for the implementation of the Strategy of Prevention and Protection Against Discrimination, for the period from 2014 to 2018, was held on 27 February 2017, in the new session for the first time, after personnel changes resulting from the formation of the new Government in August 2017.

In accordance with the decisions taken at the Second session, the Ministry of Construction, Transport and Infrastructure and Regulatory Body for Electronic Media (REM) now also has representatives in this body, so the Council now has 14 members instead of the previous 12.

The Council considered the Second and Third report on the monitoring of the Action Plan relating to the measures and activities planned for implementation up to the second quarter of 2016, prepared by the Office for Human and Minority Rights.

Council members were also informed about the activities undertaken by the Office in connection with the revision of the Action Plan.

3.6.1.3. Establish a mechanism of the Government of the Republic of Serbia for the implementation of all the recommendations of UN mechanisms for human rights. (I quarter of 2015.)

Activity is being implemented successfully. The Government adopted the Decision on establishing the Council for monitoring the implementation of recommendations of UN mechanisms for human rights on 19 December 2014. The Council has a president and nine members. The first constitutional session of the Council was held on 27 March 2015. In addition to the adoption of the Rules of Procedure, the members of the Council were provided the recommendations to the Republic of Serbia from the second cycle of the Universal Periodic Review (144) and the recommendations of the relevant United Nations treaty bodies (233). The essence of the entire process is to establish an effective mechanism for monitoring the implementation of the recommendations within the UN system. In this context, the obligations of relevant government bodies have been defined, and the need for civil society involvement in the mechanism was emphasized.

The Office for Human and Minority Rights, which provides technical, administrative and professional support to the Council, organized 3 meetings with civil society organizations in order to define their participation in the work of the Council. The Government and the relevant committees of the Government are regularly informed about the activities of the Council, in accordance with Rulebook of the Government (Article 22).

Consultations with the representatives of the OESC Mission, UN Office and civil society organizations were held in Belgrade in July 2015 in order to concretize further cooperation between the Council and the civil sector. On 1 October 2015, the Office for Human and Minority Rights organized a meeting with the representatives of the civil sector, who took that occasion to present the Draft Memorandum of Cooperation and Participation of Civil Society Organizations in the Activities of the Council for Monitoring the Implementation of the Recommendations of the UN Human Rights Mechanisms.

The Office for Human and Minority Rights, with the support of the OESC Mission to Serbia, organized the workshop „Council for Monitoring the Implementation of the UN Human Rights Mechanisms – Prospects and Challenges“ for the Council members in Aranđelovac from 12 to 14 April 2015. All the issues relevant to a better functioning of the Council and improvement of its work in the future were discussed, with a special focus on the proposed Plan for monitoring the implementation of the recommendations of the UN Human Rights Mechanisms.

The second meeting of the Council was held on 25 November 2015. The meeting was attended by the Council members, a representative of the Committee for Human and Minority Rights and Gender Equality of the National Assembly, and representatives of the Protector of Citizens (Ombudsman) and the Commissioner for Protection of Equality. During the meeting, amendments to the Rules of Procedure of the Council and a draft form of the Plan for monitoring the recommendations were adopted. The decision was also made to ask the bodies that had nominated the members to the Council to nominate: a) a deputy member to the Council and b) a point of contact for the issues falling within the remit of the Council. In addition, the information about the talks with the civil society organizations was approved and the chairwoman of the Council was authorized to continue talks with these organizations about modalities of cooperation, and, in case of reaching an agreement, to enter into a memorandum of cooperation.

In accordance with the conclusion of the Council for monitoring the recommendations of the UN mechanisms for human rights, the Office for Human and Minority Rights has developed the *Performance indicators* for the fulfillment of recommendations, and preliminary division of responsibilities regarding the implementation of the recommendations from the Concluding observations of the Committee on the Rights of Persons with Disabilities, in relation to the Initial report on the implementation of the Convention on the Rights of Persons with Disabilities, and submitted them to the members of the Council for consideration. Also, the Office has initiated the appointment of the contact persons and their deputies in the line ministries, who will monitor the implementation of the recommendations.

All public authorities, which delegate the members of the Council, have informed the Office of Human and Minority Rights, which provides professional, administrative and technical support to the Council, about the appointment of new and reappointment of existing members.

All public authorities, which delegate members of the Council (apart from the Ministry of Health), have appointed contact persons and their deputies, who will monitor the implementation of recommendations.

The Office for Human and Minority Rights has prepared a Draft Action Plan for monitoring the implementation of recommendations of UN mechanisms for human rights. The plan includes a recommendation, competent authority for the implementation of the recommendation, result or status of recommendation, dynamics of execution.

At the tenth Human Dimension Implementation Meeting in Warsaw on 20 September 2016, the Office for Human and Minority Rights presented the Council for monitoring the implementation of recommendations of UN mechanisms for human rights. The plan for monitoring the implementation of recommendations of the UN was presented to the participants in detail, containing the record of all the recommendations of the UN mechanisms for human rights, actions taken on their fulfillment, competent institutions who participate in the fulfillment of recommendations, deadline for implementation, performance indicator, objections of civil society

organizations who have submitted their shadow reports to the UN mechanisms for human rights, and of other stakeholders.

Within the two-day international conference “Strengthening of national capacities for the effective implementation of UPR recommendations, relying on international principles of good practice”, which was organized in Chisinau, Republic of Moldova, within the same project funded by the Norwegian Ministry of Foreign Affairs with the support of UNDP and OHCHR and cooperation with the Office of the Ombudsman and the Council for the prevention and elimination of discrimination and protection of equality of the Republic of Moldova, the representatives of the Government of Georgia, Norway, Mexico and Serbia participated, in addition to representatives of donors, international organizations, ministries, independent bodies and civil society organizations. The conference was an opportunity for the Office to present its experiences in the area of implementation, monitoring and evaluation in application of the UPR and other UN recommendations.

Answers to additional questions of the Committee for Human Rights related to the third periodic report on the implementation of the International Covenant on Civil and Political Rights were submitted to the Committee for Human Rights.

The Government has, at its 42nd session held on 10 March 2017, at a proposal from the Office for Human and Minority Rights, adopted a Conclusion on the acceptance of the Platform for participation of the Serbian delegation at the 119th session of the Human Rights Committee, in order to present the third periodic report on the implementation of The International Covenant on Civil and Political rights, that is held from 6-29. March 2017 in Geneva

The third session of the Council was held on 28 February 2017. In addition to members of the Council, the session was attended by the representatives of the Ombudsman and the Commissioner for Equality, the Commissioner for Information of Public Importance, international organizations (UNICEF and OHCHR) and civil society organizations (Helsinki Committee for Human Rights, Belgrade Center for Human Rights, Mental Disability Rights MDRI-S, Child Rights Centre, Group 484, Autonomous Women's Center, Labris, Lawyers’ Committee for Human rights, Amity).

It was noted at the session that the Republic of Serbia today regularly monitors and implements international commitments in the field of human rights, and that regular periodic reports are drawn up, which are presented before the UN Human Rights Council in Geneva. The results of the work and tasks of the Council with regard to the monitoring plan of recommendations and the status of implementation were presented to the Council members, as well as obligations in connection with the presentation of the report of the Republic of Serbia and the recommendations provided in the previous year.

In accordance with the conclusion of the Second session of the Council, i.e. that the Council should establish cooperation with civil society, the Office for Human and Minority Rights had several consultative meetings with their representatives in the previous period. Members of the Council

proposal were given a draft Memorandum prepared by civil society organizations on the occasion of their inclusion in the work of the Council, which will be signed at the next session.

SPECIAL PROCEDURES

UN Special Rapporteur on the Human Rights of Internally Displaced Persons Chaloka Beyani, within the framework of visit to Serbia, has met the Director of the Office for Human and Minority Rights on 12.09.2016. The theme of the meeting was the assessment of results and monitoring of implementation of recommendations from the report after his previous visit to Serbia in October 2013.

Beyani said that the progress had been made compared to the previous visit, and he is particularly pleased with the progress in the field of issuing personal documents for internally displaced persons, among which are the most numerous are Roma men and women. Beyani has welcomed the establishment of the Council for monitoring the implementation of recommendations of UN mechanisms for human rights, as an important mechanism for monitoring the human rights situation in Serbia and systematic monitoring of realization of activities envisaged by the Action Plan for the implementation of the Strategy of Prevention and Protection Against Discrimination.

During the visit of the Special Rapporteur of the United Nations in the field of cultural rights Karima Bennoune, on 3 October 2016, a meeting was held with the Director of the Office for Human and Minority Rights. At the meeting, they discussed the work of the Council for National Minorities, dynamics of implementation of the Action Plan for the implementation of the Strategy of Prevention and Protection Against Discrimination for the period 2014-2018, and challenges in the work of the Office and the mode of its budgeting.

Special Rapporteur on the safe, clean, healthy and sustainable environment was provided with the answers to the questions for the preparation and presentation of report on the subject of biodiversity, which will be presented at the 34th session of the Human Rights Council.

UN Special Rapporteur on the right to freedom of opinion and expression was provided with the relevant information regarding freedom of expression in the telecommunications and Internet access sector.

Advisory Committee for Human Rights was provided with the answers to the Questionnaire on regional arrangements for the promotion and protection of human rights in the context of the implementation of the UN Human Rights Council Decision 32/115 (A/HRC/DEC/32/115).

UN Special Rapporteur on the right to healthy food was provided with the answers to the Questionnaire on the use, control and measures taken regarding the application of pesticides in food production for human consumption.

The Office of the High Commissioner for Human Rights was provided with the annexes required to prepare the HCHR's Report, in accordance with the HRC Resolution 32/31 on the civil society space.

The Chairman-Rapporteur of the Working Group on the issue of discrimination against women was provided with the answers to the Questionnaire related to discrimination against women in law and in practice.

Special Rapporteur on the rights of persons with disabilities was provided with the answers to the Questionnaire on the provision of support to persons with disabilities.

The Office of the High Commissioner for Human Rights was provided with the information on the link between the right to work and the enjoyment of human rights by women, with an emphasis on strengthening the role of women, and in line with the fulfillment of accepted obligations under International Human Rights Documents.

The Office of the High Commissioner for Human Rights was provided with the information on the implementation of the Human Rights Council Resolution 31/36 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan.

The Office of the High Commissioner for Human Rights was provided with the information on the implementation of the Human Rights Council Resolution A/HRC/32/L.25, addressing the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls.

The answers to the Questionnaire on enforced disappearances were submitted to the Working Group on Enforced or Involuntary Disappearances, to prepare reports for the 36th session of the Human Rights Council.

Answers to the Questionnaire on the UN special procedures on the implementation and realization of the rights to development were submitted to the Office of the High Commissioner for Human Rights.

The annexes for the drafting of the report of UN Secretary General on the implementation of the Resolution of the HRC 30/7 "Human rights in the administration of justice, including Juvenile Justice" were submitted to the Office of the High Commissioner for Human Rights.

The replies to the letter of the UN Special Rapporteur on freedom of opinion and expression were submitted to the Office of the High Commissioner for Human Rights, by which the Rapporteur requested to be provided with all relevant information in relation to freedom of expression in the field of telecommunications and Internet access.

Annexes which are required to draw up the Report on the implementation of the resolution of the UN Human Rights Council 32/13 "Promotion, protection and realization of human rights on the Internet" were submitted to the Office of the High Commissioner for Human Rights.

The Office of the High Commissioner was provided with the information on the joint urgent appeal of the Special Procedures of the Human Rights in connection with allegations of discrimination against Roma regarding the power cut in the settlement "Red Star" in Niš.

3.6.1.4. Conduct an analysis of the current implementation of the Law on Prohibition of Discrimination in particular in terms of:

-volume of exceptions to principle of equal treatment;

-definition of indirect-discrimination;

-obligations related to ensuring reasonable accommodation for employees with disabilities. (II - III quarter of 2016.)

Activity is fully implemented. During the reporting period, the activity 3.6.1.4. has been finalized. The Analyses of the implementation of the Law on the Prohibition of Discrimination has been done by the Law Professor Ivana Krstic. The Analyses contains the recommendations for the Law changes in accordance with this activity and harmonization of the Serbian Law with the EU law. The aim of the changes is to achieve more effective protection from discrimination, in line with the EU relevant documents and the documents of the Republic of Serbia.

3.6.1.5. Amendments and supplements to the Law on Prohibition of Discrimination to fully align with the EU Acquis and in particular with regard to:

-volume of exceptions from the principle of equal treatment,

-definition of indirect discrimination

-obligation to provide the reasonable accommodation for employees with disabilities.

(III – IV quarter of 2016.)

Activity is almost completely implemented For the purpose of full harmonisation of legislation with the EU 'acquis' in the area of prohibition of discrimination, the work continued on drafting the Law on Changes and Amendments of the Law on Prohibition of Discrimination.

According to the report of the Commissioner for the Protection of Equality:

The Commissioner for the Protection of Equality in cooperation with the Ministry of Labour, Employment, Veteran and Social Affairs has begun the realization of this activity. Commissioner

for the Protection of Equality informed the partners on the implementation of activities on completion of the implementation of activities 3.6.1.4. of this Action Plan, which covers the implementation of the current analysis of the Law on Prohibition of Discrimination, in accordance with the requirements of the activity itself. Also, the Commissioner for the Protection of Equality, based on their current practice in the application of the Law against Discrimination, and the analysis of the Act, drafted proposed amendments to the Law on Prohibition of Discrimination, which will be of importance for the implementation of these activities.

Also, the Commissioner for the Protection of Equality is in the process of work on the implementation of these activities, has carried out consultations on proposals for amending the Law on Prohibition of Discrimination with the part of the academic community, i.e. with the certain number of judges of Higher Courts and all four Courts of Appeal judges, as well as with professors who deal with this area. Also, the Commissioner, in consultation with the Ministry of Labor, Employment, Veteran and Social Affairs, is planning to carry out a comprehensive consultation with relevant civil society organizations. The Commissioner, in consultation with the Ministry of Labour, Employment, Veteran and Social Affairs, proposed that the new deadline for implementation of this activity should be extended until the end of the second quarter of 2017.

In February and March 2017 two debates on the implementation of the Law Against Discrimination, organized by the CPE were realized. Debates were attended by professors, law schools, judges, representatives of civil society organizations, as well as representatives of relevant ministries. **The Ministry of Labor, Employment, Veteran and Social Affairs has prepared a Draft Law on Amendments to the Law on Prohibition of Discrimination**, for the purpose of full harmonization with the EU directives relating to the prohibition of discrimination on the basis of comments made by the European Commission. Being directly implementation of anti-discrimination law, the institution of the Commissioner has also proposed some amendments in order to overcome the problems that have been encountered so far in the implementation of the law. At the debate all articles of the law with the amendment proposed by the Ministry of Labor, Employment, Veteran and Social Affairs and by the CPE, analyzed by the debate participants.

The Ministry of Labor Employment, Veteran and Social Affairs reports that after suggestions received from the European Commission, changes and amendments of the text of the Law on Prohibition of Discrimination have been made in cooperation with delegated representative of the Ministry of Justice. All comments and suggestions delivered by the EC, pertaining to implementation of provisions prescribed by EU directives, and especially by the Directives number 2000/43/EC dated 29 June 2000 on implementation of the principle of equal treatment irrespective of racial or ethnic origin and Directive number 2000/78/EC dated 27 November 2000 on general framework for equal treatment of citizens in employment and occupation, have been adopted. The Draft Law on Changes and Amendments of the Law on Prohibition of Discrimination has been delivered to Commissioner for the Protection of Equality with an aim of considering possibilities for changes and amendments of the Law within his jurisdiction, and afterwards the complete text

will be delivered to the Ministry of Public Administration and Local Self-Government, and then again to the European Commission for their opinion.

3.6.1.6. Conduct a detailed analysis of the alignment of criminal justice legislation with Council of Europe Convention on preventing and combating Violence against women and domestic violence (Istanbul Convention). (By III quarter of 2016.)

Activity is fully implemented. The Working group for amendments to the CC identified during its work that there is lack of alignment of certain provisions with the Istanbul Convention, determined the necessary changes and developed the Draft amendments and supplements to the CC in order to align with the Istanbul Convention.

3.6.1.7. Amend the Criminal Code in line with the analysis of alignment with the provisions of the Council of Europe Convention on preventing and combating Violence against women and domestic violence (Istanbul Convention).

Timeframe/Deadline: III quarter of 2016.

Activity is fully implemented. On 23 November 2016, the National Assembly adopted the Law amending the Criminal Code in line with the analysis of alignment with the provisions of the Council of Europe Convention on preventing and combating Violence against women and domestic violence (Istanbul Convention).

3.6.1.8 Draft new Law on gender equality in order to fully align with EU acquis and the provisions of the Council of Europe Convention on preventing and combating Violence against women and domestic violence (Istanbul Convention) through introduction of:

- safe houses- counselling services
 - state-wide round-the-clock (24/7) telephone helplines free of charge,
 - treatment support programs aimed at preventing perpetrators, in particular sex offenders, from re-offending,
 - due diligence principle
 - multi-sectorial cooperation and CSO involvement.
- (I and II quarter of 2016.)**

Activity is almost completely implemented. The Government of the Republic of Serbia adopted Draft Law on the Equality of Women and Men on its 189. Session held on February 2nd 2016 and submitted it to the National Parliament for its consideration. The Draft was the result of harmonization of opinions and suggestions obtained from ministries concerned, National

Ombudsperson, Commissioner for Equality as well as the EC (December 2015) during period of several months. The Committee for Human and Minority Rights and Sexual Equality of the National Parliament organized informal consultations about the Draft in February 2016 when invited representatives of non-governmental organizations expressed their reservations and dissatisfaction with the submitted material. Consequently, the Government of the Republic of Serbia withdraw the Draft from the Parliamentary proceeding. After the formation of a new Government (after the elections held in April 24th 2016), decision will be made on further steps associated with future Law on (Gender) Equality (of Women and Men).

After the early Parliamentary Elections held on 24 April, and a formation of a new Government on 11 August, a new Law on Gender Equality was drafted. The draft took into consideration and adopted majority amendments of the civil sector and independent experts submitted to the previous version. For redrafting of the new law proposal external experts were hired. It is planned for the new draft, currently in the redraft version, to be adopted by the end of 2016. The planned activity was delayed due to the fact that the previous draft was withdrawn from the Parliamentary proceeding. The reason behind was the intention for the law to be drafted in the best possible way and to get majority approval and support, as it is dealing with very important issue of gender equality.

The new Drafted Law on Gender Equality has been sent to civil society organizations specialized in the field of gender equality and experts dealing with these issues for written opinions and comments giving. After the suggestions have been received, perused and considered the majority of them had been included in the text of the law. Subsequently, there have been intensive individual and group consultation process with the civil sector for further law improvements. Once the consultation process have been completed, in late December, the new draft version of the law, which reflected to the greatest possible extend all given civil sector suggestions for the law improvement, has been finalized. The Draft law on Gender Equality has been, than, sent to the relevant state authorities for opinion giving on 27 December 2016, with the deadline for delivering opinion being 20 January 2017. The deadline for implementation of the planned task has been moved to the first and second quarter of 2017, as stated in the government's National Program for the Adoption of the Acquis 2014-2018.

Upon receipt of the opinions of the relevant state authorities and private sector through the Chamber of Commerce of the Republic of Serbia in late January 2017, the process of the opinion consideration and incorporation has commenced. In February and March 2017, numerous meetings took place with representatives of relevant ministries, independent state authorities and representatives of employers, Chamber of Commerce of Serbia, for face to face consultations and received opinion in depth consideration. After careful and detail consideration of all comments received, and incorporation of the accepted ones, the draft law was sent again for opinion giving and is now in the final drafting phase. It is expected for the draft law to enter into parliamentary proceedings after the presidential elections.

3.6.1.9. Analysis of the effects of current National Strategy for improving the status of women and promoting gender equality ("Official Gazette RS ", No. 15/09). (IV quarter of 2015)

Activity is fully implemented. The Coordination Body for Gender Equality of the Government of the Republic of Serbia, the Team for Social Inclusion and Poverty Reduction and the United Nations Agency for Gender Equality and women empowerment, with the support of the Republic Secretariat for Public Policy conducted Evaluation of the effects analysis of the implementation of the National Strategy for improving the status of women and promoting gender equality and the National Action Plan for the period 2010 – 2015. The findings from the Evaluation report were used while Government of Serbia has preparing new Gender Equality Strategy, adopted in I quarter of 2016.

3.6.1.10. Development and adoption of a new National Strategy for improving the status of women and promoting gender equality and adoption of Action Plan for its implementation. (For adoption: IV quarter of 2015. ; For implementation of the Action Plan: Continuously, commencing from IV quarter of 2015)

Activity is being successfully implemented. The Government of the Republic of Serbia adopted National Strategy for Gender Equality 2016-2020 together with its Plan of Action 2016-2016 in January 2016 ("Official Gazette of the RS", No.4/16). The Strategy contains 3 main objectives, namely: 1) converting gender stereotypes and improvement of gender equality culture; 2) increasing equality of women and men through the provision of policies and measures addressed to equal opportunities; and 3) introducing systematically gender perspective into the adoption, implementation and monitoring of public policies.

After its' adoption, the early Parliamentary Elections were held in April and the new Government formed in August 2016. These were preconditions for the beginning or the Action plan activities implementation. In the reporting period, the initial meeting at which the coordinated system of monitoring and reporting of the planned activities, was conducted. At the meeting, it was agreed that it is necessary for each implementing partner to nominate contact person in charge for communication with the Coordination body for Gender Equality. In that way a formal network for coordinated monitoring and reporting of the Action plan implementation will be formed. This mechanism will enable effective planned activities implementation and reporting, as designated persons will be in constant, direct communication with the Coordination body, with respect to issues within the remit of the implementing partner and relevant to the gender equality. Implemented partners were invited to nominate such persons by the end of September. For easier reporting and collecting of all necessary data and information regarding the Action plan implementation, the standard reporting form was designed.

The election process for appointment of focal points for gender equality in charge of cooperation with the Coordination body for Gender Equality, within the relevant state bodies, has been completed. The Intersectoral Working Group for monitoring of NAP implementation has been formed. At the working group meeting, held on 7 December 2016, the reporting model has been accepted and NAP implementation monitoring dynamics agreed on.

In cooperation with the Government Human Resources Management Service, specialized training for civil servants in the field of gender equality has been conducted. Simultaneously, in cooperation with the German Organization for International Cooperation (GIZ), the Coordination Body for Gender Equality has organized a conference "Implementation of the National Action Plan for Gender Equality at the local level" on 16 December 2016. At the conference, the representatives of Local Mechanisms for Gender Equality have been invited and participated, which is the first important step taken towards successful cooperation of appointed representatives for gender equality at the local level and establishment of the local gender equality network.

In order to implement the activities of regular and mandatory training on human rights, gender equality and non-discrimination to all managers and employees of public authorities at national, provincial and local level, an initiative was launched to complement the training programs for managers and employees of public authorities and the necessary arrangements with the responsible ministry undertaken.

The activity of establishing international and regional cooperation and exchange of good practices was achieved through cooperation with the European Institute for Gender of Equality (EIGE), and in cooperation with the Social Inclusion and Poverty Reduction Unit (SIPRU) and the Statistical Office of the Republic of Serbia (RSO), through introduction, publication and presentation of the first Gender Equality Index in Serbia, according to EU methodology.

The successful cooperation with the UNWOMEN concerning further steps needed for effective and continuous monitoring and further systematic implementation of the gender responsible budgeting with all public sector authorities, direct and indirect budget users, has continued.

Data of SIPRU team on implementation:

The SIPRU has supported the Ministry of Finance and the Republic Secretariat for Public Policies in the preparation of the Economic Reform Program 2017 by the development and application of the Social Impact Assessment of all structural reforms envisaged in the document. The Social Impact Assessment tool is based on the European Commission Guidelines for assessing impact of policies and contains questions referring to the impact on the position of vulnerable population, including women and gender balance. The Economic Reform Program 2017 will be adopted at the beginning of 2017. The tool has also been rolled out to the countries in the region which are also developing their Economic Reform Programs.

The SIPRU has supported the Ministry of Labour, Employment, Veteran and Social Affairs in the preparation of the first draft of the Action Plan for the Negotiation Chapter 19. The acquis in this Chapter includes minimal standards in the areas of labour law, equal treatment of men and women in terms of employment and social security, health, and safety at work. In addition, special binding rules have been set to ensure the protection from discrimination on the basis of gender, race, ethnic background, disability, sexual orientation, age, faith, or belief.

The World Bank and the SIPRU published in November 2016 the study entitled Women's Access to Economic Opportunities in Serbia, containing recommendations for improving the status of women in the labor market and improving their life-work balance. The publication was presented at the event organized by the World Bank on December 5, 2016, when a panel on the status of women in the labour market took place and gathered decision makers, representatives of the academia and civil society.

SIPRU presented its work, as example of good practice within the study visit for delegation from Albania in organization of UN Women. The presentation of SIPRU was focused on gender equality including the position of women belonging to Roma community.

3.6.1.11. Development and adoption of new National strategy and Action Plan for combating violence against women in family and partner relationships. (For adoption: IV quarter of 2016; For adoption of implementation of the Action Plan: Continuously, commencing from IV quarter of 2016.)

Activity is not implemented. After the official signing of the project document "Integrated Response to Violence against Women and Girls II, " and the meeting conducted with project implementing partners, the future steps in the project implementation have been defined, concerning: coordination of all project partners, effective implementation of planned project activities and the mode of reporting, information exchange and strategies development for the promotion of the project activities. One of the first activities of the project will be the development of the new National Strategy for Preventing and Combating Violence against Women and Girls. Considering the large number of partners and planned activities on the project "Integrated Response to Violence against Women and Girls II", the hiring procedure for the appointment of the project coordinator has been completed by the UNDP.

The procedure for the development of the new National Strategy for Preventing and Combating Violence against Women and Girls 2017-2020, has been initiated by the Coordination body for Gender Equality. The draft decision for the strategy development has been developed, accompanied with the detailed background reasoning for its adoption. The proposed decision has been sent to the relevant government bodies for opinion giving, the opinions have been received and the proposal is ready to be sent to the Government for adoption. Following its adoption, the

working group for the strategy development will be formed and the work on this important strategic document will commence.

3.6.1.12. Strengthening the capacities of the Unit for Gender Equality through staff training in order to effectively coordinate implementation and monitoring of gender equality policies in particular in relation to:

-Implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence;

-Monitoring the implementation of the Concluding Observations of the UN Committee on the Elimination of Discrimination against Women. (I and II quarter of 2016.)

Activity is being successfully implemented. Employees' capacities were strengthened through active participation in the working sessions and respective consultation process on the development of the Gender Based Violence Standard Operating Procedure with respect to the migrant population (SOP). The activities were conducted in cooperation and with the support of the United Nations Population Fund (UNFPA), from June to September 2016.

Employees' capacity of the Coordination body for Gender Equality have been developed through on line Training on Gender Responsive Budgeting, supported by UN WOMEN, conducted in the period 3 October to 16 December 2016.

The Training had the following objectives: to enhance participants' ability to understand the gender dimension in each step in the policy-budget cycle; identify entry points to introduce GRB and to develop a sustainable strategy; to enhance participants' skills to implement specific tools related to governmental spending and to train other actors who should be involved in that process. The employee of the Coordination body for Gender Equality had completed second phase of the Training on Gender Responsive Budgeting, consisted of 5-day face-to-face Training of Trainers with respect to the gender responsive budgeting, in the period 23-28 January 2017 in the UN Women Training Centre.

3.6.1.13. Strengthening the capacity of the Office for Human and Minority Rights for the effective implementation of activities determined by the Action Plan for implementation of the Strategy of Prevention and Protection Against Discrimination by hiring two new employees. (I and II quarter of 2017.)

Activity is not implemented. National Programme for the Adoption of the EU Acquis, adopted by the Government of the Republic of Serbia, provides for the institutional strengthening of the Office for Human and Minority Rights. The support in monitoring the implementation of the legislation harmonized with the EU acquis, and monitoring the implementation of measures provided for in the Action Plan for the Strategy of Prevention and Protection Against

Discrimination, implies the engagement of two additional executors. In 2015, the Government adopted the Decision on establishing the Council for monitoring the implementation of the Action Plan for implementation of the Strategy of Prevention and Protection Against Discrimination, for the period from 2014 to 2018. The Office provides professional and administrative support to the Council. National Programme for the Adoption of the EU Acquis recognized the importance of forming the National mechanism for monitoring the implementation of international bodies recommendations in the area of human rights protection, in accordance with the recommendation of the second cycle of the Universal Periodic Review of the United Nations Human Rights Council. The Government adopted the Decision on establishing the Council for monitoring the implementation of recommendations of the UN mechanism for Human Rights according to which the Office performs the tasks of the Secretariat of the Council. Bearing in mind that this is a continuous activity, given that within the UN human rights monitoring system the human rights situation in the Republic of Serbia is examined in regular intervals, the engagement of additional executor, who would monitor the implementation of these activities, is necessary.

Given the said above, the Office for Human and Minority Rights submitted to the Ministry of Finance a proposal of financial plan for the period from 2016 to 2018, which includes the engagement of the three mentioned executors. The funds were not approved.

3.6.1.14. Strengthening the capacity of the Commissioner for the Protection of Equality in accordance with the existing job classification by hiring 36 new employees. (Continuously, commencing from I quarter of 2016.)

Activity is being successfully implemented. According to the Rules of Internal Organization of Posts within the Professional Service of the Commissioner for the Protection of Equality (“Official Gazette of RS”, no. 111/2012) a total of 60 staff members have been envisaged. Currently, the Professional Service has 30 employees (together with 2 persons who are replacement for employees on maternity leave and absence from work for childcare). As of the reporting date, the Commissioner for Protection of Equality has 32 employees and 7 persons engaged under a contract of temporary and occasional work.

For the reporting period I quarter of 2017, the Commissioner has 34 employees (Commissioner for Protection of Equality is not included in this number).

3.6.1.15. Monitoring the implementation of the Law on Anti-discrimination. (Continuously)

Activity is being successfully implemented. Commissioner for Protection of Equality is an autonomous and independent state authority established on the basis of the Law on the Prohibition of Discrimination (LPD) for which implementation is in charge with. It is an authority competent

and authorized to prevent and combat all forms and types of discrimination in all areas of social life. It reports to the National Assembly of the Republic of Serbia on its work by submitting annual reports on the state of protection of equality. Annual reports consist of the evaluation of the work of public administration organs, service providers of and other persons, of any failures perceived and recommendations for their elimination. Reports may contain remarks pertaining to the implementation of laws and other regulations, or concerning the need to pass or amend regulations for the purpose of implementing or improving protection from discrimination. Annual reports of the Commissioner are regularly published and posted on its internet presentation both in Cyrillic and Latin, and are translated to English.

CPE submitted to the National Assembly its Regular Annual Report for 2015 on March 15, 2016. The CPE has increased number of cases received during the 2015. During 2015 the CPE received 1040 cases and, comparing to 2014 (884) which represents the increase of 20%. CPE has issued 215 recommendations of measures for achieving equality, 17 opinions on draft laws and other general acts, one criminal charge was submitted, and one proposals to assess constitutionality and legality was submitted. The CPE issued nine warnings and 35 announcements. In the Annual Report, 19 general recommendations for achieving equality and combat discrimination were given. The Report is available on the CPE web site www.ravnopravnost.gov.rs

Until the September 9th, the Commissioner for the Protection of Equality received 4342 cases in total (3577 complaints) and gave two opinions, 11 recommendations and 87 conclusions. In the period from 1/1/2016 to 12/12/2016 a total of 801 cases were received, out of which 605 were complaints, 31 requests for an opinion on draft legislation and measures and 165 recommendations on measures. During this period 36 opinions were brought that there was no discrimination, and the 47 recommendations set out for the identified discrimination, as well as the 266 recommendations of measures for achieving equality. The Commissioner has, since the beginning of work, until 12/05/2016, received a total of 4500 cases.

In the reporting period I quarter of 2017, Commissioner for Equality submitted to the National Assembly on March 15, 2017, Regular annual report on the activities of the CPE for 2016. The most common grounds for discrimination in 2016 citizens cited gender, disability and age, when it comes to areas of social life to which the complaints relate labor and employment issues and proceedings before the public authorities remain at the top of the list. Number of cases in which the Commissioner for Equality acted in 2016 was 1346, of which 626 complaints were filed by citizens and 665 were recommendations to achieve equality. Also, the Commissioner has given 40 opinions on draft laws and other legal acts, in three cases it filed criminal charges, a request for initiating criminal proceedings, a proposal for assessing the constitutionality and legality, and one initiative to amend the law issued nine warnings and 25 press releases. Following the recommendations relating to specific cases of discrimination it was acted upon in 76.7% of cases, and in accordance with recommendations of measures for achieving equality addressed to public authorities and other persons it has been acted upon in 93.9% of cases, which together with acting upon recommendations given in individual cases totals to an average of 85,3%.

During the reporting period, ended 21 March 2017, the Commissioner received 102 cases.

3.6.1.16. Conduct regular training and professional development of employees in the institution of the Commissioner for Protection of Equality in order to improve their work through knowledge building on work, practice and acting of other equality bodies, amendments to national legislation and international standards. (Continuously)

Activity is being implemented successfully. With the aim of strengthening its capacities and in order to continuously improve the quality and efficiency of its work, the Commissioner has held various professional and vocational trainings for the employees of its Professional Service, established by the LPD to support the Commissioner in fulfilling all of its obligations and duties. As the most recent examples to that point Commissioner has held workshop for team building and strengthening capacities of the employees to create strategic document for the development of the institution for the 5 year period; the round table on Depersonalized Job Application Procedures held by the Anti-Discrimination Agency (FADA) and the Institute for the Study of Labour (IZA); also the Twinning EU project „The support to improvement of human rights and zero-tolerance to discrimination“ (SR13IBJH01) which is being implemented in cooperation with the Ludwig Boltzmann Institute from Vienna and the Office for National Minorities of the Republic of Slovenia. Additionally, International Legal English Certificate course for the staff of the Commissioner is in progress. Employees of the Professional Service of the Commissioner participate in the work of different working groups, conferences and seminars organized by the European Network of equality Bodies – EQUINET, and also participate in writing of policy papers and joint reports of this network. OSCE mission to Serbia also supports institution of the Commissioner by organizing study visits, seminars, round tables, presentations for the Professional Service members as well as with supporting the work of the Coordinating Body to Combat Hate Crime to whom the Commissioner is regular member. We emphasize that we have mentioned some of the main activities that Commissioner regularly conducts with the aim of strengthening professional capacities and more quality and efficient work of its employees.

In the reporting period III quarter, the number of meetings was held with the different partners – representatives of international organizations and embassies, civil society organizations and the representatives of the state institutions, ministries, and organizations. The meetings, in the majority of cases, were part of the preparation of the Commissioner’s relevant upcoming activities.

In the reporting period IV quarter, the Commissioner for the Protection of Equality and the Assistant Commissioner took part in a regional conference entitled "Femicide Watch - for the prevention of femicide in the Republic of Croatia", organized by the Ombudsman for Gender Equality of the Republic of Croatia, on the occasion of the International Day for the Elimination of Violence against Women. The Commissioner also took part in the final international conference

marking the anniversary of the Human Rights Ombudsman of Bosnia and Herzegovina under the motto "Equal but different"

Employees of the Commissioner participated in conferences, seminars, and other events dedicated to the fight against discrimination and the advancement of equality.

Commissioner for the Protection of Equality is a member of the European network of equality bodies - Equinet. The work of the Equinet is being carried out by holding regular working meetings of the working groups of the Equinet where the representatives of the Commissioner for the Protection of Equality have active participation. During the reporting period, as a member of the Equinet, the Commissioner for the Protection of Equality organized a meeting of the Platform of social and economic rights and equality, here in Belgrade. Members of the Platform are representatives of the Council of Europe, ENNHRI - European Network of human rights bodies, and the Equine and FRA - European Union Agency for Fundamental Rights. Relevant partners from the state institutions and organizations from the Republic of Serbia also participated at this meeting.

On the occasion of the International Day of Tolerance 2016, Commissioner for the Protection of Equality organized the first regional conference "First Regional Conference of equality bodies of South East Europe" dedicated to the promotion of cooperation between regional equality institutions, and the Commissioner, Ms Brankica Jankovic initiated and carried out the signing of a joint statement on cooperation of regional human rights and equality institutions in this part of Europe. The joint statement on cooperation implies continuous communication and exchange of experiences, in order to achieve comprehensive approach to the problems in this area, and finding adequate solutions. At the conference, the annual media awards for tolerance were awarded for the second time by the Commissioner for the Protection of Equality and the OSCE. These awards aimed at raising awareness about the importance and role of media in building a tolerant society without discrimination.

Employees of the Commissioner continued to actively contribute to the work of Equinet, a European network of equality bodies, through participation in working Equinet groups. During the reporting period, the representative of the Commissioner participated in a seminar organized by Equinet titled "The Role of equality bodies in combating discrimination against people with intellectual disabilities."

Also, a representative of the Commissioner participated in the Working Group for the creation of practical policies. At the meeting of this working group was presented publications on the fight against discrimination of young people and a discussion was opened on the content of the brochure on the contribution of equality bodies the list of activities of the European Commission to promote the rights of the LGBT community. Also, they discussed the preparation of the conference on the contribution of equality bodies to the inclusion of migrants, asylum seekers and refugees.

The representative of the CPE in the reporting period attended the meeting of the Equinet Working Group for Gender Equality and the first meeting in conjunction with the beginning of Equinet project on violence against women and gender-based violence.

Getting to know the work and practice of the Austrian equality bodies was implemented during the study visit of the delegation of the CPE to Austria, i.e. to the Protector of persons with disabilities of Austria, Styria Office for Protection from Discrimination, Regional Office for equal treatment of women and men in the workplace for Styria, Regional the office of Ombudsman for equal treatment and equal treatment of Ombudsman of the Republic of Austria and the Association of OCD to combat discrimination.

3.6.1.17. Production and distribution of manual, in Serbian and in languages of national minorities, for identifying and effective combating of discrimination cases, intended for:

-judges; -public prosecutors and deputy public prosecutors; -police officers; -employees in the State Administration and local self-government bodies. (I and II quarter of 2017.)

Activity is partially implemented Commissioner for the Protection of Equality has developed a manual for identifying cases of discrimination against public authorities which was distributed to the local governments. Also, because of the importance of combating discrimination in this area, the Commissioner for the Protection of Equality, in cooperation with the Ministry of Public Administration and Local Self-Government and the Standing Conference of Towns and Municipalities organized 10 workshops for representatives of local governments to raise the capacities of local government units to identify discrimination and respond to discrimination. During the reporting period five workshops were held in Nis, Leskovac, Subotica, Zrenjanin and Belgrade.

* **Note:** Activity is assessed as partially implemented, given that the Commissioner for the Protection of Equality developed a manual and organized training, but the manual in Serbian and in languages of national minorities for holders of judicial functions and the police has not been developed and distributed yet.

3.6.1.18. Production and distribution of manual, in Serbian and in languages of national minorities, for identifying discrimination cases and existing protection mechanisms intended for citizens and, in particular, national minorities. (I and II quarter of 2017.)

Activity is partially implemented Commissioner for the Protection of Equality published with the support of UNICEF, a manual titled "Prevention of segregation, the development of inclusive

enrollment policy and the desegregation of schools and departments: international experience and suggestions for improving practices in Serbia." The manual was created as a result of a need to address these issues in a comprehensive manner, bearing in mind the long-standing practice of the CPE, the reports of international and national organizations as well as public opinion polls, which show that segregation as a serious form of discrimination in our society phenomenon is still present.

"Brochure of the CPE" created in the course of 2016 is a publication which in a simple manner and through a variety of situations explains what discrimination is and how to seek protection, along with the complaint form. This brochure was developed in Serbian (Cyrillic and Latin), Roma and Hungarian, with the support of GIZ Programme for legal and judicial reforms, with a view to make the institution of the Commissioner available to as many citizens as possible.

* **Note:** Activity is assessed as partially implemented, given that the performed activities refer solely to segregation in education, whereas they do not cover the phenomenon of discrimination in general, not the available protection mechanisms for citizens and in particular national minorities.

3.6.1.20. Organize workshops for journalists and programme editors aimed at preventing incitement to discrimination through media. (Continuously)

Activity is being implemented successfully. Report of the Commissioner for the protection of equality states that, according to the Action Plan, organizing workshops for journalist and editors on combating discrimination in the media were activities for 2015 within the scope of duties of the Commissioner and other responsible authorities. In that respect we inform you that the Commissioner and the Open Society Foundation have jointly organized, the conference on the occasion of the International Day of Tolerance: 'Serbia on Path of Tolerance and Equality – Experiences of the Commissioner for Protection of Equality of the Republic of Serbia' with the thematic part dedicated to media (Media – from discrimination to tolerance). At the same time, Commissioner and the OSCE have established the media award and have awarded authors for the best media (TV/printed/on-line) articles on the topic of tolerance. Commissioner for the Protection of Equality published a Manual for journalists titled "Fight for Equality". This Manual represents one of the tools that will be used in the implementation of these activities. The Manual contains detailed explanations of the concepts and forms of discrimination, domestic and international anti-discrimination framework; it analyzes the journalistic code and relevant media legislation in Serbia. The manual contains recommendations for non-discriminatory reporting and the Dictionary of tolerance, as well as recommendations of the European Commission against Racism and Intolerance.

Organized by the Social Inclusion and Poverty Reduction Team, at the end of 2016 a training was organized on gender-sensitive and affirmative media representation of vulnerable groups, where a representative of the Commissioner gave a lecture and presented a guide for journalists' fight for equality". Emphasis was placed on the manner of reporting on vulnerable groups in Serbia, the

presence of stereotypes and prejudices in reporting, as well as the role that the media play in combating discrimination in society.

Report of the Ministry of Culture and Media states that the Ministry has organized and held two tailor made workshops envisaged in the action plan for Chapter 23 on March 29 and 30, with the topic Discrimination - Prohibition of hate speech for representatives of relevant institutions, regulatory body, Press Council, national councils of national minorities and professional associations.

3.6.1.21. Continue the development of a model of community policing, particularly in multi-ethnic and multicultural communities, by implementing security prevention in partnership with other state and local entities and contributing to the development of tolerance in society. (Continuously, commencing from I quarter of 2015.)

Activity is being implemented successfully. In 2015, the activities on the development of community policing have continued. The most important of them are:

- On 06 August 2015, the Government of the Republic of Serbia adopted the Action Plan for the implementation of the Community Policing Strategy for 2015 and 2016;
- 15 action plans (mini-projects) for the development of community policing have been conducted in cooperation with the OSCE Mission in Serbia, with the subject of the most current security problems in local communities;
- The project "Development of the community policing in municipalities of Zemun, Vrbas and Prijepolje", dedicated to the strengthening of the police action in the community in these municipalities, has been realized through several independent and partnership activities of the police aimed at the development of crime prevention, strengthening of partnerships with local entities primarily by the establishment and strengthening of the action of Security Councils and by improvement of communication with citizens and victims of crime;
- In November, the seminar "Discussion on Community Policing: Action Plan of Serbia in relation to the best practices of the OSCE and Japan" was held in cooperation with the OSCE Mission to Serbia and the Japan International Cooperation Agency;
- Also, in November, the Conference on the establishment and functioning of local security councils was held in cooperation with the OSCE Mission to Serbia and the Standing Conference of Towns and Municipalities;
- Instructions for the functioning of the security councils in towns and municipalities have been developed and printed. Also, the brochure containing the Community Policing Strategy and the relevant Action Plan has been printed;

- Activities have been undertaken and all electronic and printed media as well as Internet portals have been daily observed, communication with the LGBTI activists has been established and knowledge and information from other state bodies, international police organizations and foreign police services have been collected on all data regarding security and other preparations for the organization regarding the provision of security for the public assembly in motion "Pride Parade 2015". After successful preparations, at the end of September 2015, the effective engagement of the police enabled the events "Pride Week" and the public assembly in motion "Pride Parade 2015" (which was attended by about 1,100 people) to safely take place;

- Representatives of the Ministry of Interior took part in the Third International IDAHO ministerial forum, which was dedicated to the training of the representatives of police and judicial sector called "Ending Violence and Hate Crimes", which was held from 10 May to 12 May 2015 in Budva, the Republic of Montenegro, on the occasion of the international day against homophobia and transphobia;

- The Ministry of Interior has developed the text of the Draft handbook for the work of police with the LGBT population, whose printing is planned for the beginning of 2016, which represents one of the activities of the Action Plan of the Ministry of Interior for the improvement of work and cooperation of the police and representatives and associations of sexually different persons, which was adopted in February 2014;

- In December 2015, in coordination with the Association of Citizens "Labris", five cycles of training for police officers, called "same-sex orientation and gender identity in the work of police officers," were realized for over 100 police officers, as a continuation of the same training from 2014, which 130 police officers of general jurisdiction and crime investigation police completed.

In accordance with the Action Plan for the implementation of the Community Policing Strategy a *working version of the Manual for Community Policing* was drafted in cooperation with the Police Academy.

Especially important activity in the Action Plan for the implementation of the Community Policing Strategy is to develop security partnerships at the local level, through the establishing and activities of local Security councils in cities and municipalities, which will deal with reviewing the state of the security of citizens and property and organizing and realization of preventive measures and projects. In connection with providing support to police departments and local governments in the establishment of local Security councils, activities were continued in February and March 2016, and 7 regional conferences were held in cooperation between MUP, the OSCE and the representatives of all cities and municipalities, the police and other local entities.

Police Department as part of the implementation of local action plans dedicated to the development of prevention, in 2016 in partnership with other public institutions and civil society organizations, are implementing local action plans:

- In Pozarevac "Be equal Register," which is aimed at raising awareness of Roma, Ashkali and Egyptian communities about the importance of possession of identity documents so that they can exercise their rights,
- In Vranje "Overcome yourself for a better tomorrow", in which in high schools in the city theater plays dealing with security issues are realized,
- In Nis the project "Stop - all join the sports", which is a continuation of project in 2015, and promote healthy lifestyles, develop prevention and safety culture among young people.
- In Kragujevac is planned "Children security Olympics" to be held by the end of May 2016, as a sort of final competition of the primary school team from Kragujevac, Vranje, Jagodina and Ub.

In 2016 continues the implementation of the project "Development of community policing in the municipalities of Zemun, Vrbas and Prijepolje", which is dedicated to the development of community policing, prevention and problem-oriented policing in these municipalities.

The project objectives are the development of community policing, the establishment of effective security prevention, problem-oriented approach to the protection of security, development of cooperation and partnership and the introduction of community police officers.

For the development of problem-oriented policing, preparations are being made for greater use of GIS in the Ministry of Interior of the Republic of Serbia for mapping crimes at police stations and problem analysis that will be used for the planning of prevention and cooperation with other local actors in preventing and combating crime.

In the period from 5 June to 10 June 2016, in Croatia, representatives of the Serbian police, German and Croatian held a workshop on "Comparative analysis of the capacity of the police in the area of crime prevention in Germany, Croatia and Serbia ", which is aimed at understanding the current state of those countries in the field of crime prevention.

Followed by the implementation of local action plans Police Department in Pancevo "Citizens beware caution their property." The project was implemented through a number of preventive and educational activities aimed at raising awareness and informing citizens about the opportunities for personal protection from various forms of property crime.

Representatives of the Ministry took part in the 21 days of the German prevention in Magdeburg, the Federal Republic of Germany, which were held in June 2016, where they were on that occasion analyzed positive examples in the field of prevention developed by the German police, which is appropriately be applied in within domestic law enforcement practices.

In cooperation with the OSCE Mission in R. Serbia training was organized for police officers from the police branch in Zemun, Vrbas and Prijepolje, which will be a priority to deal with matters of prevention and policing Community action (contact police). Mentioned training is successfully completed 23 police officers.

During August 2016, is seen local action plan Police Department in Pozarevac "Together we can do better", which will be implemented during September 2016. The project is dedicated to the appreciation of the significance of the partnership approach to solving security problems of citizens and communities, as well as their attitudes relating to priorities and ways of solving security problems.

On 10 September 2016, in Kragujevac, held a "Children's Safety Olympics", which included the participation of 40 students aged from fourth grade of elementary schools in Kragujevac, Vranje Jagodina and Ub, with about 10 employees of educational institutions and 40 viewers.

In the reporting period IV quarter

The implementation of the Action Plan for the implementation of the Community Policing Strategy. In this regard, there was a coordination and monitoring of the status of implementation of the nine local action plans for improvement of community policing in the Republic of Serbia:

1. "Citizens of caution, keep their property" (PU Pancevo)
2. "Save your life youth choose not crazy 2" (PU in Jagodina - PS in Paracin)
3. "Protect Forests" (PI in Krusevac)
4. "Knowledge against e-Violence" (PS in Aleksandrovac)
5. "Stop the domestic violence" (PS in Brus)
6. "Stop the bullying" (PS in Cicevac)
7. "Say No to violence - report domestic violence" (PS in Varvarin)
8. "Stop alcoholism and drug addiction" (PS Trstenik)
9. "Say No to Domestic Violence" (PU in Zajecar - PS in Soko Banja).

Measures were taken activities and participation in the meetings during the visit of the European Commission against Racism and Intolerance Republic of Serbia, which was implemented in the period from 26 to 30 September 2016.

In the period from 25 to 27.10.2016, in Croatia, Tuheljske Toplice, held interactive workshop "Preventing radicalization of Islamic extremism and other forms of extreme violence - empowerment models of intercultural competences".

On 26.10.2016, at the Cultural Center in Smederevo, within the project "European support for Roma inclusion", which is implemented by the Office for Human and Minority Rights of the Government of the Republic of Serbia, OSCE Mission in Serbia, with the support of the European Union, held a conference entitled "Inclusion of Roma - challenges and opportunities at the local level."

On 24 and 25.10.2016 in Belgrade at the "Room 88" organized a conference on "Women in Police - the importance of networking," which was dedicated to the exchange of experiences and good practices in the establishment of a network of women police officers in European countries as well as countries in the region within the framework of the Project "Developing gender agenda in the police 2016-2018".

In the period from 31.10. to 02.11.2016. at the Hotel "Izvor" in Arandjelovac with the financial support of the Swedish police held a workshop on "Establishing and implementing procedures that guarantee the prevention and response to incidents of gender - based discrimination and sexual harassment of women and men employed in the police", which is implemented under the project "Developing gender agenda in the Ministry of the interior from 2016 to 2018".

On 15.11.2016 in the Office for Human and Minority Rights of the Government of the Republic of Serbia, held the ninth meeting of the Steering Committee of the project "European support for Roma inclusion". The project is funded by the European Union and implemented by the OSCE Mission in the Republic of Serbia in coordination with the Office for Human and Minority Rights of the Republic of Serbia and the project partners.

On 28.11.2016 at the Palace "Serbia" was held presentation of the draft of the First Report on the implementation of the Action Plan for the realization of the rights of national minorities, the Office for Human and Minority Rights and the financial support of the OSCE Mission.

In the period from 30.11 to 02.12.2016 in Osijek, Croatia, at the invitation of representatives of the German police of Baden Wuerttemberg, five representatives of the Ministry participated in the roundtable - the presentation of preventive activities of the police Baden - Wurttemberg on the topic of anti-discrimination and radicalization.

In November 2016, followed by the realization of the project "Development of community policing in the municipalities of Zemun, Vrbas and Prijepolje", through the following activities:

- PS Zemun - In primary school "Ilija Birčanin" in Zemun Polje - organizing workshops for students from first to fourth grade on topics such as bullying, let's meet the police and others.
- PS Vrbas - Organizing "Fair Safety and prevention" in the second half of November in the sports hall in Vrbas, for all Primary and Secondary Schools in the area of Vrbas.
- PS Prijepolje - Implementation of projects "graders" and "My buddy cop" in all schools in Prijepolje, the realization of the project "Safe Childhood Development youth's security culture", on the occasion of the International Day for the Elimination of Violence against Women, the participation in the round table under the project "Gender equality - a condition of democratization of society", the realization of lectures for all students finishing their secondary education on prevention of domestic violence.

2017

I quarter

On 5 December 2016, at the hotel "Room 88" meeting was held of team members for the project to implementation activity "Developing gender agenda at the Interior Ministry in 2016-2018" on the occasion of drawing up a work plan for 2017.

In the period from December 2016 to March 2017 between representatives of the police at the local level, educational and health institutions, social welfare system, local governments and civil society organizations, were signed Memoranda of Understanding local networks to identify and adequate response to discrimination, promoting anti-discriminatory practices and monitoring and advocacy in Belgrade, Novi Sad, Kragujevac, Pancevo, Subotica, Nis and Novi Pazar.

Continued with the realization of the Action Plan for the implementation of the Community Policing Strategy. In this regard, there was a coordination and monitoring of the implementation of local action plan in the area of PS Aleksandrovac "Knowledge against e - violence."

In January 2017, issued a publication "Handbook for police work with the LGBTI population," and in February 2017 was carried out distribution of mentioned handbook organizational units of the police.

From the Cabinet of the Minister given consent for the text "Handbook for Community Policing", which will support the printing of the OSCE Mission in Serbia.

On 9 February 2017, a meeting was held with representatives of the Ministry of Education, Science and Technological Development, in which he agreed "Handbook for police officers - teachers" for the project "Safe Childhood - the development of youth's security culture".

On 23 February 2017 a meeting was held of the extended composition of the team members for the implementation of the project "Development of the gender agenda in the Ministry of the Interior from 2016 to 2018. Year "on the occasion of introducing the intended goals and activities of the project with an emphasis on activities planned for 2017.

On 28 February 2017, a meeting was held with the representative of the Centre for Security and Defence investigation DBA, a related proposal for cooperation by organizing panel discussions and seminars aimed at training young people on the topic of various forms of violence that young people face.

3.6.1.22. Appointment of specially trained and selected police officers as contact points for the socially vulnerable groups (women - victims of domestic violence and partner relationships, LGBT persons and any other vulnerable groups, in accordance with the security needs of local communities) in order to foster cooperation and protect their safety at national and regional level and, if required, in smaller urban areas and work to improve cooperation. (Continuously, commencing from I quarter of 2015.)

Activity is being implemented successfully.

– The project "Same-sex orientation and gender identity in the work of police officers", which is being implemented during 2015 and 2016, involves as one of its activities a planned study visit of the liaison officer with the LGBT population to foreign police services (Netherlands police or the GB police), with the aim of strengthening the capacity and improvement of work and cooperation with the representatives and associations of socially vulnerable groups. In January 2016, a meeting

of appointed liaison officer to the LGBT population was held, for realization of a study trip to the Netherlands.

In February 2016, in cooperation with the NGO "Labris" in four cities (Belgrade, Novi Sad, Nis and Kragujevac) a public discussion entitled "Work and police cooperation with the LGBTI community" was held in order to present the activities of the police in improving work and cooperation with LGBT population.

In accordance with the Action Plan for the improvement of work and cooperation with representatives of the police and associations of sexually different persons, a draft Handbook for police work with the LGBT population was made, and its printing is expected in June 2016.

National liaison officer with the LGBTI population receives "Rainbow" on the occasion of the International Day Against Homophobia and Transphobia.

In the period from 2 to 7 August 2016, a liaison officer with the LGBTI population took part in a conference entitled "The world's first LGBT conference dedicated to the security forces and judiciary", held in Amsterdam, the Kingdom of the Netherlands. The conference is aimed at understanding the experience in working with foreign police services LGBTI population.

In September 2016, the Minister of Internal Affairs gave approval for the Draft Handbook for police work with LGBTI population, which is made in accordance with the Action Plan for the improvement of work and cooperation with representatives of the police and associations sexually different persons.

In the period from 6 October to 29 November 2016 held fourteen day trainings in seven cities - Belgrade, Novi Sad, Subotica, Nis, Kragujevac, Pancevo and Novi Pazar (seven training from basic level, seven training in advanced levels) within the project "Together to improve the position of LGBT people in Serbia" implemented by citizens' Association "Labris" and "Athens" with the financial support of USAID, aimed at strengthening the capacity of inter-sector networks in local communities. As Lecturer at the basic level on the theme "Working liaison officer to the LGBT community and inter-sector cooperation" participated in a national liaison officer with the LGBTI population and a liaison officer from the Police Department in Nis.

In the period from 10 October to 1 November 2016 held ten round tables (in Uzice, Valjevo, Sombor, Pirot, Pozarevac, Vranje, Zajecar, Zrenjanin, Prokuplje and Jagodina), with the participation of liaison officers of the LGBTI population from Police Department for the city of Belgrade, Novi Sad, Nis and Kragujevac, within the project "LGBT SOS lines to promote the concept of good practice of cooperation between police and civil society organizations", which is implemented by the Association "Duga" from Sabac, with the participation of police officers from police departments, with financial support of the OSCE Mission, in order to strengthen inter-sector cooperation at the local level.

On 15 October 2016, the national liaison officer for the LGBTI population, within the framework of the project "From LGBT life to politics", implemented by the Centre for Research and Development Association "IDEAS", in partnership with the Commissioner for Protection of

Equality, the attendees held a lecture on the topic "Protection mechanisms of physical and material safety of LGBTI citizens, ie, the system of work and responsibilities of liaison officers with the LGBTI population".

During October and November 2016, the national liaison officer for the LGBT population and the liaison officer of the Police Department for the city of Belgrade participated in the survey conducted by the Center for Public Policy Research, entitled "Security Sector Reform and Human Security: A Case Study of the LGBT population "in cooperation with the OSCE Mission.

2017

I quarter

On 8 December 2016, at the opening ceremony of the eighth international festival of LGBTI film "Merlnika", which was held in the Great Hall of the Youth Center in Belgrade, attended the national liaison officer for the LGBTI population.

On 31 January 2017, the national liaison officer for the LGBTI population attended the first meeting of the Local Network for the Prevention of Discrimination and support LGBT people of Belgrade.

3.6.1.23. Continuously hold meetings of the police with representatives of socially vulnerable groups, the LGBT community and civil society organizations to foster sensitization and enhance co-operation and foster prevention to ensure security and protection of human and minority rights. (Continuously, commencing from IV quarter of 2014.)

Activity is being implemented successfully. This activity is continuously implemented throughout each year. The contact points at Ministry of Interior actively cooperate with representatives of socially vulnerable groups, the LGBT community and civil society organizations. In February 2016, in cooperation with the NGO "Labris" in four cities, debates were held under the name "Work and police cooperation with the LGBTI community" in order to present the activities of the police to improve the work and cooperation with LGBT population.

Liaison officers with the LGBTI population on 12 September 2016, attended the opening ceremony to creation of "Pride Week 2016", which was organized in Mixer house in Belgrade.

On 13 June 2016 a meeting was held with representatives of LGBT Gayten on the occasion of the presentation of the protocol drawn up by that organization whose aim is to regulate specific situations in which there are trans persons deprived of their liberty.

On 24 June 2016 was taken participation in the round table "Being LGBT in Serbia: Reducing inequality and exclusion, the fight against homophobia and transphobia experienced by LGBTI

people", organized by the Regional Association "Era", supported by USAID and UNDP s, in Belgrade, on the occasion of the presentation of the same project that aims to provide information and develop approaches and instruments for representation in national languages related to improving the situation of LGBT community as well as to organize a dialogue between decision makers, or the executive, legislative and judicial authorities with LGBTI organizations, their allies and all other stakeholders.

On 9 September 2016, held a joint session of the Committee for Human and Minority Rights and the Committee for European Integration of the National Assembly of the Republic of Serbia, where they discussed the situation and the rights of LGBTI people in Serbia.

During August and September 2016, two meetings were held with representatives of the organizing committee of "Belgrade Pride" on the occasion of the upcoming "Pride Parade 2016", which is scheduled for 18 September 2016.

On 15 September 2016, representatives of the police took part in a panel discussion entitled "Law on gender identity quickly and easily to the rights of trans people", organized Gayten-LGBT, Belgrade Pride and Civil Rights Defenders, in the Media Center In Belgrade.

On 16 September 2016, in the premises of the police held a meeting with representatives of the Swedish police, in order to review co-operation, the security situation and the exchange of experiences between the two police, with the aim of improving the work of the police and the LGBT population.

Meetings were held and achieved good cooperation with representatives of the organizing committee of "Belgrade Pride", in order to secure a public gathering on the move "Pride Parade 2016". Undertaken activities and daily collected adequate data from regional police directorates, which are important for the maintenance of the event, as well as through monitoring of domestic electronic and other media and social networks, to which publish articles and press releases related to the maintenance of a set of "Pride Parade 2016".

On 18 September 2016, effective engagement of the police enabled completely safe maintenance of public assembly and public gathering on the move "Pride Parade 2016", which was attended by about 1000 people, and safe maintenance of "Pride Week", from 12 September to 17 September 2016, at several locations in Belgrade.

On 5 December 2016, a meeting was held with representatives of the United Nations Development Programme (UNDP) in Serbia, on the occasion of the challenges facing the police in relation to LGBTI issues and priorities for future activities of this UNDP in Serbia.

On 10 February 2017, at the Palace of Serbia, held an international conference "Advanced training for work with sexual and gender minorities and their families in the system of social protection", organized by the Office for Human and Minority Rights and the Association "Duga" from Sabac

with financial support from the Norwegian Embassy in Belgrade. The participants of the conference in front of the Ministry of Interior addressed a national liaison officer for the LGBTI population.

3.6.1.24 Adoption of the law on peaceful assembly in line with the recommendations from the Venice Commission and ODIHR, in order to align with Article 11 of the European Convention of Human Rights and fundamental freedoms and Article 12 of the charter of Fundamental Rights of the European Union, in particular as regards the right to:

-freedom of peaceful assembly, locations for holding a public assembly,

-responsibilities of the organizer of a public assembly

-reasons for banning and suspension of a public assembly. (I quarter of 2016.)

Activity is fully implemented. In February 2016 a new Law on public assembly came into force, which is accorded with the recommendations of the Venice Commission and ODIHR.

Law on Public Gathering of Citizens ("Official Gazette of RS", No. 6/16) support the right to freedom of peaceful assembly and stressed that law Article 2 of the Act.

-Location of gathering is limited for the reasons stated in Article 6 of the Act:

Gathering is not allowed in the place where, due to the characteristics of the city and its special purpose, there is a risk of the occurrence of endangering the safety of persons and property, public health, morals, rights of others or the security of the Republic of Serbia. Under these cities are considered to be in front of the health institutions, schools, preschools, as well as in front of the object of strategic or special importance for the defense and security of the Republic of Serbia. Gathering is not allowed in areas where the maintenance of assembly violate human and minority rights and freedoms of others, jeopardizes the moral or in places that are closed to the public. The Assembly of the city or municipality shall, within 60 days from the date of entry into force of this law to determine the area where the gathering is not allowed in the place where, due to the characteristics of the city and its special purpose, there is a risk of the occurrence of endangering the safety of persons and property, public health, morals, rights of others or the security of the Republic of Serbia.

Concrete organizers duties prescribed by Article 11 of the Law on Public Gatherings, that he is obliged to retain a previous application and ensure the maintenance of peaceful assembly in such a way as to prevent the outbreak of violence and indecent behavior of the participants during the meeting, as well as on arrival and departure of the participants together the gathering places; lead and supervise the assembly and organize and direct the work of stewards; allow unimpeded passage of ambulances, police and fire vehicles; act on the orders of the competent authority;

suspend the assembly if a direct threat to the safety of people and property and immediately notify the police. To act contrary to the legal obligations of the organizer prescribes the misdemeanor liability and the imposition of fines.

Not allowed gathering of the reasons set out in Section 8 of the Act, namely:

- 1) when there is endangering the safety of persons and property, public health, morals, rights of others or the security of the Republic of Serbia;
- 2) when the goals of gathering aimed to call and incitement to armed conflict or use of violence, violation of human and minority rights and freedoms of others or the causing or inciting racial, national, religious or other inequality, hatred and intolerance;
- 3) the occurrence of the risk of violence, destruction of property or other disruptions to public order at a larger scale;
- 4) the maintenance of assembly contrary to the provisions of this Act.

If the competent authority establishes the existence of the reasons referred to in Article 8 of this Act, a decision is reached that does not allow for the maintenance of assembly (article 15 paragraph 1 of the Act). The deadline for the adoption of this decision no later than 96 hours before the notified time to start together. Against the decision may be appealed, shall not stay the execution. The appeal shall be submitted to the Ministry of Interior within 24 hours of receiving the decision, which decides on the appeal without delay and at the latest within 24 hours of receipt of the appeal. This ruling may initiate an administrative dispute before the competent court.

3.6.1.25. Conduct training of police officers in terms of keeping order at public gatherings and other mass events in accordance with international instruments for the protection of human and minority rights. (Commencing from IV quarter of 2017.)

Activity is being successfully implemented. In the third quarter of this year the Program of training of police intervention units under No. 01-6626 / 16-2 from 08.25.2016. was adopted by the Minister of Interior of the Republic of Serbia, and for the purpose of this training the manual has been prepared for the training of police officers: "The engagement of police officers in securing public gatherings and establishing violated public order", which was approved by the Minister of the Interior.

The entire training was designed in order that police officers engaged in Intervention units gain specific knowledge and skills and to maintain the optimal level of mental and psychical abilities for performing these tasks. It is anticipated that after these trainings participants (police officers) are capable of:

- Application of the legislation concerning gatherings of citizens,
- Monitoring and securing at public gatherings, preventing disruption, and the reinstatement of the public peace and order to a greater extent,
- The application of tactics that Intervention police units use to maintain stable public peace order, preventing violations and establishing disturbed public peace and order to a greater extent.

This training has not been realized yet, and it was planned to start in the last quarter of this year.

On 25 August 2016 the Minister of the Interior act 01 number 6626 / 16-2 issued a training program of the police intervention units. The training was designed with the aim that the police officers who are involved in the composition of the police intervention units gain specific knowledge and skills, and to maintain an optimal level of mental and physical abilities to perform these tasks. It is anticipated that after this training, participants are able to:

- Application of the legislation concerning gatherings of citizens,
- Monitoring and security at public gatherings, prevent disruption, and the reinstatement of the public order and peace to a greater extent,
- The application of tactics use intervention police units to maintain stable public order and peace to a greater extent.

In accordance with the Program of training of police intervention units, in the training center "Mitrovo polje" on the mountain Goch and training center "Kula" in Kula, started the "Training for trainers in the field of police intervention units", which is realized in the period 14.11 to 17.12.2016 for 110 police officers.

Training for trainers in the field of police intervention units commanding officers attending police intervention units in all police districts (ranking - the commander, deputy commander and platoon commander). Police officers under this program, successfully complete the training, the same will be implemented with members of police intervention units in their police departments.

In the reporting period, in accordance with the Program of training of police intervention units (No 01-6626/16-2 of 25 August, 2016), in Training Centre "Mitrovo polje" at the foot of the mountain Goc, and TC "Kula" in Kula, "Train the trainers in the field of police intervention units" was initiated, and it will be conducted in the period from 5 December, 2016 - 31 May, 2017 for 120 police officers.

3.6.2.1. Improve the work of the Council for the Rights of the Child and ensure its role in monitoring the effects of the reforms and further policy making, including through adequate resources to effectively monitor and track implementation of the action plans and strategies in the area of rights of the child. (Continuously, commencing from II quarter of 2015.)

Activity is being successfully implemented. The Council for the Child's Right in its new composition (after the election and establishment of new Government) was established by the Government's Decision dated November 9, 2016. Soon after its publication in the Official Gazette and delivery of decisions to new members of the Council, first session of the Council in its new composition will be held when, among other issues, the Draft Law on Ombudsman for Children will be discussed. The Government has, at its 34th session held on 24 January 2017, at a proposal of the Office for Human and Minority Rights, adopted a Conclusion on the acceptance of the Platform for participation of the Serbian delegation at the 74th session of the Committee on the Rights of the Child, which was held on 24 January 2017, in Geneva.

At the meeting of the Council for Child's Rights held in December 2016, the preparation of a new National Plan of Action for Children and the new Strategy for the prevention and protection of children from violence was initiated.

Also, it was decided to establish a working group for drafting of the National Plan of Action for Children and the Strategy for the prevention and protection of children from violence, which will operate with technical support provided by UNICEF.

3.6.2.2. Organizing support services for children, adults and older people with intellectual disabilities and their families, in order to prevent institutionalization by:

-Organization of day care ; -Organization of inclusive workshops; -Inclusion of children with developmental disabilities who are at risk of separation from families in existing services in the community; -Organization of services for the early rehabilitation of children with disabilities and provision of support to remain in family ; -Organization of a network of clubs with inclusive content in local communities for children, adults and elderly people with intellectual disabilities and their parents; -Organization of workshops for parents focusing on responsible parenthood and participation in the rehabilitation of children with disabilities. (Continuously, commencing from III quarter of 2015.)

Activity is being implemented successfully. On 5 November 2015, the Ministry publicly invited bidders to submit project proposals to be awarded by the funds to be used for promotion of the programmes and carrying out of the activities of public interest in connection to family protection, children and social welfare. The total value of the competition is RSD 5.000.000 that are earmarked in the budget. The procedure of final decision-making in the process of selection is on-going.

On 3 November, Ministry of Labour, Employment, Veterans and Social Affairs – Department for Family Care and Social Welfare, publicly invited project proposals about social welfare services development by local governments in 2015. The total value of the funds to be awarded under this competition is RSD **50,000,000.00** earmarked under the budget heading of the Ministry. This competition places emphasis on support for development of social work services in less developed municipalities, and thus focus is on the following:

- **day-care community based services:** day care stay, house help, drop-in shelters and other services which favour stay in family and in immediate environment for beneficiaries;
- **support services for independent living:** supported living in a separate housing unit, personal assistants, training for independent living;
- **counseling and therapy, and social and educational services,** and other types of support required for active participation in community and social inclusion

The project proposals from **42 local self-government units** have been awarded: Paraćin, Prijepolje, Brus, Priboj, Čoka, Velika Plana, Soko Banja, Ražanj, Leskovac, Plandište, Bogatić, Gadžin Han, Raška, Aleksinac, Bač, Crna Trva, Prokuplje, Kuršumljija, Negotin, Bela Palanka, Merošina, Trstenik, Srbobran, Žagubica, Žabalj, Boljevac, Žabari, Čičevac, Krupanj, Vlasotince, Sjenica, Svilajnac, Rekovac, Kraljevo, Nova Varoš, Lebane, Veliko Gradište, Kovačica, Nova Crnja, Koceljeva, Ivanjica, Novi Bečej.

The maximum duration of the project cycle is 8 months. The services supported under the priorities to which the competition was focused include:

House help for the elderly: 26 projects

Day care for children and young persons with developmental disorders: 4 projects

Day care for the elderly: 1 project

House help for persons with disability: 8 projects

Respite for children and young persons with developmental disorders 1 project

Supported living for persons with developmental disorders: 2 projects

The activities of the IPA 2011 funded Open Hug project resulted in significant steps forward in the process of deinstitutionalization of adults with mental handicap in intellectual difficulties and created conditions for their re-integration into society and local communities. IPA co-financed grant schemes in the total value of EUR 2.5 mil, more than 150 persons with mental issues have left residential care after many years of institutional placement, more than 200 have been prepared for exiting and over 900 persons in community avail themselves of the community-based services delivered outside residential institutional setting.

- Facilities for supported living have been opened in Veliki Popovac, Čurug, Novi Bečej, Stara Moravica, Stari Lec, Jabuka and Vlasotince.
- A programme of foster care for adults has been launched in Kuline and Aleksinac,
- Day care centers have been opened in Šabac and Valjevo, and such like have been supported in Belgrade.
- House help has been launched in Jagodina, Čičevac and Žabarima.

- Two centers for mental health have been opened in Kikinda and Vršac. .

These services have been launched, maintained and upgraded by experts from social welfare institutions and organizations, local self-government units, NGOs. IPA-supported TA has been used to create the programme of deinstitutionalization in Serbia.

For the III quarter of 2016, the Ministry reports that through a public call the Ministry provided support to project activities aimed at the following:

- Organisation of cultural and educational and sport activities and manifestations contributing to psycho and physical development of children, improvement of quality of their upbringing and socialisation, especially children with intellectual difficulties and disabilities, children without parental care and children from socially vulnerable families;
- Enhancement of financial and tangible working conditions of associations dealing with protection of families and children, violence and maltreatment problems in family through providing services to women and children – family violence victims;
- Humanitarian, cultural and educational activities aiming to protect, support and provide assistance to children with disabilities and children from socially vulnerable families and other marginalised groups.

Ten projects of the citizens association have been supported, and these are:

1. Association for Education and Support, New Belgrade (Encouraging activities for growth and development of children with developmental difficulties);
2. Scouts group "Miroslav Mika Antić", Novi Sad (We create a better world);
3. Centre for social preventive activities GriG, Belgrade (The art of communication in violence protection – encouraging youth with intellectual difficulties to recognise forms of violence and to proactively act in their own environment);
4. Citizens Association "Parent", Belgrade (For happier childhood through responsible parenthood);
5. Association of Serbian Youth, Belgrade (We can do that);
6. Youth with Disabilities Forum, Belgrade (Education – the way towards enhancement of persons with disabilities);
7. Centre for inclusion, innovation and integration - IN CENTRE, Belgrade (Enhancement of quality of upbringing and social inclusion of children with disabilities);
8. Association for promoting inclusion in Serbia, Belgrade (Life in open community for persons with intellectual difficulties);
9. Alliance of Serbia for helping persons with autism, Belgrade (Theatre without borders) and
10. Union of the healed alcoholic's clubs Serbia, Belgrade – Protection of children and adolescents from alcoholic families.

Ministry of Labour, Employment, Veteran and Social Affairs is implementing an EU funded project Support to Inclusive Society.

The general aim of the project is to support social inclusion policies and the development of the range and quality of community-based social services for vulnerable and disadvantaged groups, including Roma. In general context **Project has 3 specific project objectives** or purposes:

- To strengthen the institutional capacities at the national and local levels to manage social inclusion policies across the country;
- To develop community-based social services for vulnerable groups;
- To support the implementation of active inclusion initiatives for Roma population.

First specific objective will be accomplished by providing technical assistance to the Ministry in formulating, implementing, monitoring and evaluating the implementation of the relevant social policies. **Second and third specific project objectives** will be achieved by supporting the successful implementation of actions awarded to selected grant beneficiaries under the main 2 LOTs with total value of EU contribution of 4.331.275,56 EUR:

1. **LOT 1 – Community-based social services for vulnerable groups** – 5 cluster projects and 13 social care (Total value of EU contribution of 2.874.848,29 EUR)
2. **LOT 2 – Active inclusion initiatives for the Roma population** – 10 projects (Total value of EU contribution of 1.456.427,27 EUR)

A total of 28 projects have been supported, and the EU, in cooperation with the Ministry of Labor, Employment, Veteran and Social Affairs allocated 28 grants to 36 municipalities and cities in Serbia.

Final beneficiaries of the project are the citizens of Serbia – current and future users of the Social Welfare System, members of the Roma minority and other vulnerable and disadvantaged groups, as well as the end beneficiaries of the actions supported through the EU Grant Scheme.

For local self-governments with insufficient funds for establishment and sustainability of services in community, earmarked transfers mechanism was established by the Regulation on earmarked transfers, which facilitates financial support to local self-governments with development degree under republic average for development of services in community as well as those local self-governments developing innovative services and local self-governments with institutions in transformation located on their territories. Earmarked transfers funds for 2016 have already been transferred to local self-governments (125LS) and for 2017 and 2018 significantly higher allocations for this purpose have been foreseen. By now, around 360 services have been developed on the territory of Serbia and those services have been used by about 40,000 citizens.

Process of licensing providers of social protection services in the RS is ongoing and establishment of a comprehensive database on local services is expected in 2017, covering services providers in public sector and services provided within civil and private sector, which will create more complete picture on number of services. Based on the latest data from the MoLEVS (which issues licences to services providers upon the check made by social protection inspection), 203 licensed services providers are registered in Serbia (October 2016) and these are: for supported housing -4, for help at home service -38, for hostel service -2, for daily stay for children and youth with

behavioural problems -3, for personal child's escort -3, for shelters -6, for daily stay for children and youth with behavioural problems -18, for personal assistant service -7, for home accommodation service -123.

Serbia continued tendency of reducing residential institutions capacities for accommodation of children and youth. There are still 765 children in institutions including children with developmental disorders. This number is being constantly reduced, while on the other hand, number of children in foster families is being increased. Acceptance of children of age 0 to 3 into institutions is still prohibited. Despite subsidies, which are not small, we still do not have sufficient number of families for specialised fostering, where children with developmental disorders could be accommodated. A number of these children are adopted, but mostly by foreign adopters and rarely by domestic ones.

Aimed at continuation of deinstitutionalisation process, two new services intended for families with children at risk from separation have been developed, and everything with an aim to respect child's right to be raised by his/her parents before everybody else. These two services are: Family Outreach Worker, which is by Changes and Amendments of the Law on Social Protection defined as social and educational service of regional type, and Respite care, which has already been introduced in the system through existing solutions within Family Law and Law on Social Protection.

A Working Group has been established to support transformation process of social protection institutions for children and youth, and its task is supporting transformation process, creation of transformation plans, establishment of institutions transformation mechanisms through introduction and development of innovative services of intensive support to family and children deprived of parental care or at risk to be deprived of parental care, in accordance with spatial, personnel and technical capabilities.

In the reporting period I quarter of 2017, in January 2017 annual competition was announced for enhancement of persons with disabilities' condition in the Republic of Serbia for 2017. The amount of RSD 80.000.000,00 is allocated for the mentioned competition in the budget of the Ministry, within which funding of programmes is allocated as well. The programmes aim at: inclusion of persons with disabilities in the life of community; enhancement of persons with disabilities equality; elimination of informational and communicational barriers faced by persons with disabilities. The competition results are expected by the end of March 2017.

In February public call for proposals was announced on Competition for social welfare system enhancement in 2017. The subject of this competition is funding or participation in funding of programme aimed at social welfare system enhancement in the Republic of Serbia by implementing project activities aimed at establishment of social welfare services, establishment and development of innovative social welfare services and development and enhancement of existing social welfare services and improvement of their quality, issuance of magazines in the field of social policy and social work and organising professional seminars and seminars from the

field of social welfare and protection of the most vulnerable categories of population. The amount of RSD 57.000.000,00 is allocated in the budget of the Ministry for realisation of the competition, and competition results are expected in April 2017.

On 15 March 2017, earmarked transfers agreements intended for development of existing and establishment of new social welfare services were signed with representatives of 123 local self-governments from the entire Serbia. Amount of RSD 700.000.000,00 has been allocated for this purpose in the budget of Serbia. Earmarked transfers are intended for development of existing and establishment of new social welfare services (daily stay, daily clubs, home assistance, shelters, reception stations, supported housing, child's personal escort, advisory and therapeutic services) in all local self-governments which are below the national average level of development.

3.6.2.3. Piloting centers for family support in order to:

-Target population of multiply deprived communities (paying particular attention to the availability for Roma families and children); -Support a parent who suffers domestic violence; -Support children at risk of dropping out of school; -Support families at risk of separation (children and parents); -Support children victims of crime; -Support children with disabilities from vulnerable families and at risk of placement in institution. (2015-2019)

Activity is being successfully implemented. Ministry of Labour, Employment, Veteran and Social Affairs in partnership with the Republic Institute for Social Protection and residential care institutions for placement of young persons (Duško Radović from Niš, Centre for Welfare of Infants, Children and Young Persons, Belgrade, SOS Children's Village Sremska Kamenica) as well as Centre for Local Services Knjeginja Ljubica from Kragujevac) has designed and has been piloting the service "Family Assistant", as a service of intensive support for families with children who are in risk of being removed from it. With the same partners, it has designed and has been piloting a specialized service of intensive support for families with children who have developmental disorders and has been testing a possibility for regional up-scaling of the service.

Up to December 2015, 431 families benefited from this new form of support for families in the form of family visits and parental counselling services provided to the most vulnerable, including children with disabilities. On 15 December, the training on family assistance was delivered to 20 members of staff from social work centres.

Family Outreach Worker and related services are the opportunity for preserving the network of institutions for children, as well as for keeping the personnel in these institutions, through the transformation process, to continue to work with the most vulnerable children in Serbia, regardless of the fact whether they live in their own families or in residential care.

For the time being, there is only one service piloted by the system, Family Outreach Worker, the service of intensive support to families having numerous and complex needs and difficulties and where there is a risk of removing child from a family.

In June 2016, piloting of the Family Outreach Worker service, funded by the UNICEF and Novak Djokovic Foundation, was officially finalised, and piloting of the specialised service for families having children with developmental disabilities (IPA 2013) continued. By the time system solution of funding intensive support to families is reached, provision of the Family Outreach Worker" service continues by the end of 2016 by four services providers, from the Ministry of Justice Project funds (Opportunity).

The results of service piloting process are:

- Service established with 4 providers with trained family outreach workers, managers and established internal supervision mechanism.
- Proposal of standards for Family Outreach Worker service has been made and delivered to the Ministry in charge in February 2016, as one of the documents which would facilitate introduction of this service into the system. These standards also represent the basis for defining standards for intensive support to family service.
- The Republic Institute for Social Protection in cooperation with services providers prepared, at the end of 2014, a Concept Note of the Centre for Child and Family Support, which is available to decision makers as one of possible ways of transforming institutions for children accommodation (NGO IDEAS is responsible for creating Draft Transformation Plan).
- The price of the "Family Outreach Worker" service has been calculated.
- Five-day basic training for service providing has been tested and prepared for accreditation.
- Proposal of full documentation for monitoring of professional procedure in service has been made.
- Instrument for quantitative assessment of impacts in family work has been designed.
- Qualitative evaluation methodology has been produced—satisfaction of users and actors with service.
- Two summarising service results evaluation have been made.
- In the course of three years of service piloting, 12 Family Outreach Workers and professional workers service providers had a chance to attend 13 training sessions,

in total 33 days of training, and 8 new outreach workers received 18 training days. The number of professionals involved in training is around 50.

- In September 2016, the Republic Institute for Social Protection completed a study on piloting of the “Family Outreach Worker” service.

By August 2016, 560 families, with 1012 adults and 1311 children have been supported. During the period of service piloting there have been more than 11,500 field visits. Nearly half of families, involved in this service, are single-parent families, around 60% of families live from social benefits, in less than quarter of families somebody is employed, quarter of families faces mental illness of an adult member of the family, one fifth lives with addiction disorders, 2/3 of children have difficulties with education, nearly half with health and behaviour.

The studies show that the “Family Outreach Workers” service contributes to prevention of children entering formal protection system and/or preserving the family, contributes to strengthening parental competencies, enhancement of family members’ health condition, regular school attendance and even children’ success at school – these are significant indicators of families’ wellbeing. The service is also very successful in the work with Roma families, which make about 40% of sample of all families.

Concurrently, the Social Welfare Law has been under revision and modification. The proposed amendments to the law contain also a recommendation for intensive support for families at risk to be funded at national level.

During reporting period (IV quarter), development of the Family Outreach Worker service for families in crisis and families with children having developmental disorders continued. For the time being, there is only one service piloted by the system, Family Outreach Worker, the service of intensive support to families having numerous and complex needs and difficulties and where there is a risk of removing child from a family.

By December 2016, 772 families with 1686 children have been supported. During the period of service piloting there have been more than 12,000 field visits. 30% of families involved in the “Family Outreach Worker” service for families with children having developmental disorders is from the region (up to 100km away from the headquarters of service provider). Around half of families involved in this service are single-parent, around 60% of families live from social benefits, in less than quarter of families somebody is employed, quarter of families faces mental illness of an adult member of the family, one fifth lives with addiction disorders, 2/3 of children have difficulties with education, nearly half with health and behaviour.

Reporting period I quarter of 2017:

During Reporting Period development of the Family Outreach Worker service for families in crisis and families with children having developmental disorders is continued covering in total **698 families with 1398 children** by 01.03.2017.

Family Outreach Worker service for families in crisis covers 490 families with 800 adults and 1190 children. Within piloting of the Family Outreach Worker service for families with children having developmental disorders (through IPA project, as of March 2015), the service covered 208 families with children having developmental disorders with 29 children and 393 adults. Out of 208 families, 65 is from the region, which is around 30% of the total number. 3420 visits have been made in the course of piloting of service with families having children with developmental disorders. Aimed at strengthening capacity of professionals for provision of such demanding and intensive support, 12 training sessions have been conducted covering all service providers. Support to family outreach workers has been also provided through continuous mentorship and supervisory support, as well as through regular meetings of the Working Group for service drafting and piloting, comprised of service providers' representatives, social welfare centres from the same cities, line ministry, Association of social protection professionals and team from the Institute. In accordance with project plan, multisector training programme for the work with families having children with developmental disorders have been developed and piloted, named "Development of providing support skills to parents having children with developmental disorders/mental health problems and chronic diseases". Final analysis on experiences of piloting Family Outreach Worker service for families having children with developmental disorders and Manual for Family Outreach Worker service provision is being prepared.

Rulebook for provision of intensive supports to family is being prepared, aimed at sustainability of this, but also other services of intensive support to family.

3.6.2.4. Improvement of the system of cash benefits for vulnerable families of children with disabilities in accordance with the principles of social inclusion, through amendments to the Law on social protection and the Law governing financial support for families with children. (I and II quarter of 2017.)

Activity is being successfully implemented Draft Law on financial support to families with children went through the phase of public hearing and receipt of required opinions; process of preparing the text is ongoing and, due to the establishment of the New Government, it will have to go again through the phase of receiving opinions and to be forwarded for further procedure.

Furthermore, the work on changes and amendments of the **Law on Social Protection** is on-going. All the rights within financial support will be to a greater or lesser degree subject to changes, so significant changes have been proposed requesting additional analyses and estimations.

In the field of financial social assistance, enhancement is necessary in the area of **appropriateness of financial social assistance amount**, complying with budget possibilities, in which case, attention should be given to average income amount and minimum income and income amount for

low paid jobs, to avoid potential un-stimulating impact of financial social assistance on employment.

Better beneficiaries targeting is also necessary to secure that this type of financial benefit is provided to those who are really in need.

It is necessary to develop measures securing **social inclusion of financial social assistance beneficiaries**, foresee mechanisms for activation of working-age financial social assistance beneficiaries and define the best forms of cooperation with other institutions especially with national employment service (individual employment plans and individual activation plans).

It is necessary to harmonise the Changes of the Law on Social Protection with on-going Changes and Amendments of other laws, like Law on Pension and Disability Insurance.

3.6.2.5. Improving foster care system by increasing the availability and quality of services for children with disabilities and their families through:

-Strengthening the capacity of regional centers for foster care (Centers for foster care and adoption) and centers for social work; -development of procedures and guidelines for foster care as shared care between foster and biological families. (2015-2017)

Activity is being successfully implemented. Two working groups have been set up by the Ministry for Labour, Employment, Veteran and Social Affairs in partnership with the Provincial Institution for Social Protection, the members of which are various practitioners to promote foster care by developing a) respite care, supposed to be accessible for children at risk of displacement from family with focus to children with developmental disorders who are at risk of institutional placement. The respite care guidelines have been developed. The piloting of the service will cover 24 families with 28 children, which have been selected and trained, pending launching of the pilot programme by the end of this year or beginning next year. The finance challenges were such as to cause the piloting exercise of this type of foster care to be delayed. Now that the challenges have been addressed, it is expected that the selected families will receive needed support from other families that have been selected and trained. After the piloting is over, it is expected that respite care will be accepted and replicated outside the piloting regions, which will have covered about 200 families by 2017.

All the activities under this item have been carried out as an integral part of the UNICEF IPA 2013.

3.6.2.6. Improve the quality of work with inpatient service users to enable more efficient engagement in the community through:

-Provision of psychosocial support for social reintegration;

-Organization of contacts outside of the institution and participation in local support services such as day care centres and clubs;

-Participation in cultural and sporting events and camps. (Continuously)

Report of the Responsible authority was not submitted.

3.6.2.7. Evaluation of existing resources in large and small residential institutions for children and drafting recommendations on the methods of their use in the process of transition from institutional to community care. (2015-2019)

Submitted report does not contain data on implementation of the activity. Out of four institutions piloting the service of family assistant, three have been in the process of conversion, whereas „Knjeginja Ljubica“ has already been converted from the residential care for children into an institution delivering social services. All four institutions are set to be converted into the child and family center, on the basis of a common basic design defined in October 2014. In addition to the service of family assistant, these institutions have been piloting other programmes and activities focused to families: club for children and parents, day care centre for families with children who have developmental disorders, resource centre for children and families. With the aim of defining next steps in conversion of institutions, in cooperation with the UNICEF, an analysis of resources has been undertaken of five big institutions for children with developmental disorders. Also, recommendations have been made for their further conversion.

***Note:** Given that the report of the Ministry of Labor, Employment, Veteran and Social Affairs contains solely data up to October 2014, it is not possible to assess the implementation status of this activity.

3.6.2.8. Strengthen capacity of providers of social services in accordance with the processes of deinstitutionalization and system decentralization by organizing staff training for the provision of psychosocial support for service users' reintegration. (Continuously, commencing from IV quarter of 2015.)

Activity is being successfully implemented. Among the activities to be undertaken as planned under the IPA2012 –funded project Social Inclusion is a training to be delivered on active inclusion of Roma to 50 social welfare practitioners. The training programme has been designed with the TA support, and will be implemented in 2016, accompanied with 28 grants focused to the launching of social welfare services for vulnerable categories, in particular socially vulnerable Roma, in 2016 and 2017.

The budget draft (under programme 0902, the programme activity 005 has been introduced, objective 1, measure 2) that implies appropriations for the training of 2000 members of staff in social work centres. Among the budget indicators applicable to this measures to monitor the number of staff and trainings, whereas the objective in every of the three upcoming years is to train

1150 persons, by way of implementing the accredited training programmes (to result in at least two trainings successfully participated in by all 2000 staff within three years).

At Republic Institute for Social Protection 143 training programmes, in total, have been accredited:

- Development of general competences in social protection (28 in total)
- Support to adults and elderly in the social protection system (20 in total)
- Support to children and youth (23 in total)
- Support to marginalised groups (9 in total)
- Support to persons and children with disabilities (34 in total)
- Support to family (29 in total)

3.6.2.9. Improving the system of case management in the centres for social work in order to focus treatment planning on support to families at risk of separation instead of an institutionalization-oriented approach. (2015-2019)

Submitted report does not contain data on implementation of the activity. Ministry of Labour, Employment, Veteran and Social Affairs in cooperation with the Association of Professionals has undertaken an analysis of social work centres' needs the aim of which is to upgrade its service delivery in order to effectively provide support to families and prevent dislocation of the children whenever possible. On such a basis as well as taking into account the UN Alternative Guidelines for the Care of Children focused on prevention, the Instruction on Support for Families at Risk from Separation for Social Work Centres is developed which is expected to be signed by the Minister early in 2016 when it will also become binding. Also, indicators that could be helpful for case managers in centers for social work to detect a child at risk from residential placement and to make it a priority to work with the concerned family. Further, the training on application of the Instruction, of the indicators and on intensified cooperation with community based service providers to be delivered to the staff of social work centres is developed, all with the aim of preventing institutionalization of children.

All the activities under this item are carried out as an integral part of the UNICEF IPA 2013.

***Note:** Given that the last report refers to data in 2015, it is not possible to assess the implementation status of this activity.

3.6.2.10. Adopt amendments and supplements to the Law on Juveniles in order to:

-Review the type and system of criminal sanctions for juveniles:

-Introduce a broader spectrum of specific obligations;

-Introduce the new diversion orders;

-Comply with the provisions of the new Criminal Procedure Code - (primarily in relation to the stage of the procedure and the altered role of the officials in the procedure in the specific procedural stages). (III quarter of 2016.)

Activity is almost completely implemented. Draft Law on juveniles is prepared. Public debate is finalized. Adoption is expected in the forthcoming period.

3.6.2.11. Improve the work of the Juvenile Justice Council in order to achieve the coordination of state bodies, the judiciary and the non-governmental sector in dealing with juvenile offenders by: -holding regular meetings of the Council; -holding regular meetings of the Council with other relevant agencies and non-governmental sector; -launching initiatives for amendments of the normative framework, the adoption of best practices and other steps necessary for the development of the child friendly judiciary. (Continuously, commencing from III quarter of 2016.)

Activity is not implemented.

3.6.2.12. Increasing use of diversionary schemes and prioritizing restorative approach to juvenile offenders to ensure their social reintegration and reduce recidivism rates, by:
- Piloting the draft by-law governing implementation of diversionary schemes in Belgrade, Nis, Novi Sad and Kragujevac; - Defining the role of the guardianship authority as the organization responsible for the implementation of diversionary schemes; - Defining mechanisms for long-term funding of diversionary schemes; - Improving the use of alternative sanctions; - Better data collection measures implemented with introduction of any new mechanisms to monitor effectiveness over time and document impact on children. (Continuously, commencing from IV quarter of 2014.)

Activity is being successfully implemented. Application of diversion orders has been piloted in 4 cities in cooperation with the Ministry of Labour, Employment, Veterans and Social Affairs, Ministry of Justice and Republic Institute for Social Protection. It means that service providers who work with minors in conflict with law receive funds for such a work. Service providers selected for piloting include: NGOs (in Belgrade), municipalities, institutions providing social welfare services (in Kragujevac) or centers for social work (in Novi Sad and Nis). 276 juveniles have been subject of diversion order application in this pilot exercise, and alternative sanctioning has been ordered to 146 juveniles as a part of the sanction.

In compliance with developed standards and procedures for application of diversion orders, the training on significance of diversion orders has been delivered to judges and prosecutors for the

territory of Belgrade, and three more are planned to be organised. Six trainings on how to prepare a finding and opinion to be communicated to court authorities and on importance of application of diversion orders have been delivered to staff of centres for social work in all big cities of Serbia.

The project continues in line with planned activities, without significant deviations and changes in terms of timeframes and expected outcomes. Speaking of numerical data, it should be emphasised that the last summarised review was done in July, so there are probably some deviations comparing it to displayed results, which do not change essential results achieved in Reporting period.

Centres for social work, from all four locations say that in reporting period **number of findings and opinions including proposals for application of diversion orders and diversion measures of alternative sanctioning** in accordance with obvious trend of increasing number of findings and opinions including proposals for application of mentioned measures (99 findings and opinions including proposal for application of **diversion orders** and 87 findings and opinions in which, in all four locations, application of diversions measures of alternative sanctioning is proposed).

Speaking of **number of received decisions on application of diversion orders and diversion measures of alternative sanctioning** in reporting period 85 diversion orders were imposed and 76 diversion measures of alternative sanctioning.

Furthermore, **shorter deadline for preparation of findings and opinions** is recommended during the training on creation of findings and opinions (in part referring to standardisation of deadlines for actions in certain process phases). This training was attended by all professional workers of the Services for children and youth from the Centre for Social Work involved in diversion orders implementation. It was expected that after the training, the time needed for preparation and communication of findings and opinions would become shorter. This indicator was monitored during supervisory visits and it can be said that some positive changes are noticed in all locations, meaning that professional workers make additional effort to follow the planned deadline of 15 days. There is still room for enhancement and shortening of time for procedure. With an aim to enhance professional workers' competencies in this area, the Republic Institute **conducts training** for cases managers from Centres for social work from the territory of the Republic. **In Reporting period, 67 professional workers in total attended the training.** It should be emphasised that from the beginning of 2016, 7 training sessions were organised, with 182 participants in total, from 45 Centres for social work. The training cycle will continue in the forthcoming period, so the number of professional workers who finished accredited training programme for enhancement of application of diversions orders will significantly exceed the cipher that was given as one of project aims.

Creation of Guidelines for preparation of findings and opinions is ongoing. In addition to contents covered by training, guidelines also describe other topics of relevance for enhancement

of qualities of findings and opinions communicated to judiciary authorities by centres for social work.

In reporting period, in cooperation with the Judiciary Academy, **training on significance of diversion orders has been delivered to judges and prosecutors for the territory of Kragujevac appellation**, so with this training planned training sessions have been conducted in all four appellations.

In the given period, **continuous supervisory support** has been delivered to all centres for social work and service providers in all four cities. In principle, all centres and service providers show good results. Standards and procedures for application of diversion orders have been applied in all locations. Special attention is paid to creation of diversion order implementation plan in order to adjust support activities and planned interventions to the individual needs of every child and his family.

From the beginning of this project, a special emphasis has been on the part of diversion orders implementation that is directly focussed on **interventions with a child and family**. During project implementation period, a trend of increasing number of minors and their families involved in different service providers support activities was noticed in all four locations. It should be emphasised that, apart from minors with imposed diversion orders and diversion measures of alternative sanctioning, service providers also work with young persons who are directed by Centre for social work with increased risk from committing or repeating criminal acts and criminally irresponsible with rejected criminal charges by Public Prosecutor's Office or by information from the Ministry of Interior; young persons directed by family outreach workers; young persons directed from homes for accommodation of children without parental care showing behavioural problems; minors against whom there is an ongoing court procedure or who have measure imposed "increased supervision by parents" / guardianship authority. Furthermore, recently a number of children has been directed by the Institute of mental health. Between June and September services providers' programmes involved 232 children and youth in total.

Support activities carried out with minors and their families are various covering the following: consulting work (individual and group), psychotherapeutic work, social and therapeutic club (support groups), group workshop for youth and parents, consultative work (directly and by phone), help in learning, individual mentoring programme, field work with family, cultural and entertaining activities, sport activities, etc.

In reporting period, one **local teams meeting** was organised on September 16, 2016. In addition to local teams' members, the meeting was also attended by service providers' representatives and the Republic Institute supervisory support team members. The aim of the meeting was to exchange the most important pieces of information on actual practice in work with minors with **special accent on partners' network**, quality of established cooperation and the need for its expansion. It was agreed that by October 16 all four locations deliver evaluation reports on enhancement of application of diversion orders to the Republic Institute. Furthermore, the current work on

treatment programme creation was analysed during the meeting and an agreement was reached for future activities related to this programme.

Within the last reporting period the UNICEF IPA 2013 project was implemented in line with planned activities. Centres for social work say that in reporting period **there were 113 findings and opinions including proposals for application of diversion orders and 149 findings and opinions** in which, in all four locations, **diversion measures of alternative sanctioning were proposed.** The mentioned results speak of constantly increasing number of findings and opinions including proposals for application of mentioned measures, indicating that professional workers are sensibilised for application of diversion measures and trained for their practical application.

With regard to **number of received decisions on application of diversion orders and diversion measures of alternative sanctioning** in reporting between 15 July and 15 November, **77 diversion orders and 123 diversion measures of alternative sanctioning** were imposed. Comparing to previous period, the number of received decisions on application of diversion measures of alternative sanctioning significantly increased, while the number of decisions on application of diversion orders is slightly reduced.

The time needed for communication of findings and opinions was shortened. **Time for communication of findings and opinions is not equal in all four locations and it ranges from 7 to 30 days.** In reporting period there were no changes comparing to previous period in which only professional workers of CSW Kragujevac successfully communicated findings and opinions within planned deadline of 15 days. In other centres there is still room for advancement and shortening the time of procedure.

From the beginning of this project, a special emphasis was on the part of diversion orders implementation that is directly focussed on **interventions with a child and family.** A conclusion can be made that relating to the number of children involved in services providers programmes, there are no major differences comparing to previous period and/or number of children is almost the same (232 in previous period, 225 between 15 July and 15 November). In addition, there is no difference in the content of work with children and their families: consulting work (individual and group), psychotherapeutic work, social and therapeutic club (support groups), group workshop for youth and parents, consultative work (directly and by phone), help in learning, individual mentoring programme, field work with family, cultural and entertaining activities, sport activities, etc.

In Reporting period, 4 training events have been organised according to accredited programme “The role of CSW and other social protection services providers in application of diversions orders”. **The training was attended by 107 participants from 25 Centres for social work.** It should be emphasised that from the beginning of this project, 472 professional workers from 72 centres for social work and 23 other organisations and institutions in the field of social protection,

education, health, non-government and business sector, police, etc. successfully completed this programme.

Until now, **continuous supervisory support** has been delivered to all centres for social work and service providers in all four cities. In the reporting period special attention has been given to **evaluation of agreements concluded at local level**. It showed that practice is not equalised and in some locations significantly bigger number of agreements on cooperation have been signed comparing to other towns. Locations also differ in relation to cooperation quality. In forthcoming period, in all four locations and especially in Belgrade, activities on expansion of the network should be one of the priorities in work.

In reporting period, one **local teams meeting** was organised. The meeting **Agenda** included exchange of the most important pieces of information on actual practice in work with minors with special accent on partners' network, quality of established cooperation and the need for its expansion. Furthermore, during the meeting it was agreed to organise a professional gathering on the subject "Enhancement of application of diversion orders", which was later on postponed for the beginning of the next year. One of the topics was devoted to creation of treatment programme for work with children and youth having behavioural difficulties and their families and to the agreement on further activities in this field.

The trainings conducted by the Republic Institute in cooperation with professional workers from the CSW, as well as supervisory visits served as a valuable source for gathering material for development of **Guidelines for preparation of findings and opinions**. Creation of this document started in this phase of the project, relying to the great extent on professional literature and normative framework in this area.

In the future period the main focus will be on overcoming difficulties in direct work with children and their families, expansion of partners' network and enhancement of specific competences of service providers. An important segment of work in the future period is related to completion of work on writing of Guidelines for preparation of findings and opinions, as well as to creation of conditions for signing of Memorandum of Understanding at national level.

In the reporting period I quarter of 2017:

Based on the reports received from social welfare centres and service providers from all four locations in which application of diversion orders have been piloted, a conclusion can be made that the number of issued diversion orders and diversion measures of alternative sanctioning significantly increased.

As of the beginning of the project, in all four locations, **471 diversions orders** have been issued in total: Belgrade 76, Kragujevac 208, Nis 106, Novi Sad 81.

As of the beginning of the project, in all four locations, **366 diversion measures of alternative sanctioning** have been issued: Belgrade 71, Kragujevac 50, Nis 60, Novi Sad 185.

Analysis of obtained data shows that in Kragujevac and Nis the number of issued diversion orders is bigger comparing to the number of issued diversions measures of alternative sanctioning, while in Novi Sad this proportion is the opposite - the number of alternative sanctioning is much bigger. Speaking of Belgrade the number of issued diversions orders and diversions measures of alternative sanctioning is equable.

It should be mentioned that participation of service providers in implementation of diversion orders and alternative sanctioning in Kragujevac and Belgrade is significant. Namely, 91 minors with diversion order and 27 minors with diversion measure of alternative sanctioning were directed to the Centre for development of local services “Kneginja Ljubica”. There are two non-governmental organisations in Belgrade which implement diversion orders and diversions measures of alternative sanctioning. These are Centre for social preventive activities GriG and International Aid Network IAN. From the beginning of the project, NGO GRiG involved 15 minors with diversion order and 27 minors to whom diversion measure of alternative sanctioning was issued. 26 minors to whom diversion order was issued and 36 to whom diversions measure of alternative sanctioning was issued, were directed to the IAN. It should be pointed out that, apart from minors with diversion orders and diversion measures of alternative sanctioning, service providers also work with young people, directed by the Social Welfare Centre, being at increased risk from committing or repeating criminal acts or criminally irresponsible with criminal charges rejected by public prosecutor’s office or upon notice from MOI; youth directed by family outreach workers; youth directed from homes for children without parental care who are having behavioural problems; minors against whom court procedure is ongoing or to whom increased parental supervision / guardianship authority measure was issued.

In the Reporting period focus was on **evaluation of the agreements signed at local level**. After the last meeting of local teams, when the need for additional engagement was noticed, all locations worked to enrich partners’ network and to enhance mutual cooperation quality. A conclusion can be made that the number of institutions and organisations with which cooperation was established for the purpose of diversion orders and diversion measures of alternative sanctioning application is much bigger comparing to the beginning of the project. What is also important is that these institutions and organisations are from different areas:

Novi Sad: PCTE "Novi Sad", PUC “City Green Area”, Gerontology centre Novi Sad, Specialised clinic for treatment of addiction diseases “VITA”, NGO "Raspustilište", NGO "Caritas", NGO “Shelter for children and youth”, Educational Training Centre for Professional and Working Skills – Vojvodina, Children Hospital – adolescent psychiatry, School for adults "Sveti Sava", Elementary School: “Nikola Tesla“, High Chemical School “Pavle Savić“, High electro-technical

school “Mihajlo Pupin“, High Technical School “Mileva Marić Ajnštajn“, Ecumenical humanitarian organisation, Youth Centre, Red Cross and Environmental Movement.

Belgrade: IAN – International Aid Network, Centre for social preventive activities GriG and Red Cross Belgrade.

Centre for social preventive activities GriG signed agreements with the following institutions and organisations: Centre for protection of infants, children and youth, Association “Let's Live Together”, NGO “Element“, Secondary vocational school “Petar Lekovic” and AST (Association of systemic therapists)

Nis: Public Utility Company "Medijana" – City Cleaning Company and Recycling, Public Utility Company "Gorica"- City Cleaning Company, Clinical Centre Nis – Mental Health Protection Institute, School Administration Nis, Gerontology Centre, Red Cross of Serbia – Red Cross of Nis, National Library, Sport Recreational Centre “Cair” and Cultural Centre of Nis.

Kragujevac: PUC “Cleaning”, PUC ,”Parking Service”, PUC ,”Green Area”, Gerontology Centre, PE Sports Centre “Mladost”, Red Cross of Kragujevac, Centre for development of local services “Kneginja Ljubica”, Centre for family housing and adoption Kragujevac, Institute for Adults Care “Male Pcelice”, Memorial Park “Kragujevac’ October”, Zastava Inpro and Children’s Institution “Nada Naumovic”.

From the beginning of the project continuous efforts were made to develop professional workers’ competencies for application of diversion orders and for the work with minors having behavioural problems. **20 training sessions** were conducted and **attended by 472 professional workers** from 72 social welfare centres and 23 other organisations and institutions in the field of social protection, education, non-governmental and business sector, police, etc. As an example we will mentioned few of them: Institute for education of children and youth – Belgrade, Centre for family housing and adoption in Nis and Cuprija, Provincial Institute for Social Protection, Caritas, Centre for Youth Integration, Centre for social preventive activities GriG, International Aid Network IAN, Civil Society Organization Zlatibor Circle, Ecumenical Humanitarian Organisation „ECHO“, Centre for development of local services “Kneginja Ljubica”, Mechanical School in Nis, School for children with visual impairment “Veljko Ramadanović”, Centre for Education “Osmeh/Smile“, Higher Court in Novi Pear, Public Utility Company City Green Area in Nis, Gerontology Centre in Nis and Novi Sad, etc.

Training sessions were conducted according to accredited programmes “**Guardianship Authority Findings and Opinion**” (65 participants) and **the role of SWC and other service providers in diversion orders’ application**“ (407 participants). Four training sessions were conducted for representatives of juvenile criminal justice system in cooperation with the Judicial Academy.

Joint Training conducted by the National Social and Health Insurance and SWC professional workers, as well as supervisory visits, serve as valuable source for gathering of material for

development of **Guidelines for creation of findings and opinions**. Creation of the document started in the last project phase and largely depends on professional literature and normative framework in this field. Draft version of the document covers the following chapters:

- Findings and opinion of Guardianship authority
- Authority of the SWC to give findings and professional opinion
- Who is creating findings and opinion
- Data sources and use of assessment method
- Structure of findings and opinion
- Opinion creating process
- Technical aspects of findings and opinions writing

Final fine-tuning of this document and preparation for printing is on-going.

3.6.2.13. Adopt bylaws specifying the implementation of diversionary schemes in line with the approach placing the implementation of diversionary schemes in the context of community responsibility. (I quarter of 2017.)

Activity is not implemented. Law on juveniles has not been adopted yet. The development of bylaws depends on the final text of the law.

3.6.2.14. Conduct training and support continued certification of judges, prosecutors, lawyers and police officers in contact with juvenile offenders. (Continuously)

Activity is being implemented successfully. Activities are implemented in line with the Action Plan for Chapter 23. All judges and prosecutors who handle juvenile cases, are licensed, in accordance with the Law. The licenses have been granted to the targeted number of the police officers. During 2016, 5 seminars took place in two phases, with a total of certified participants: 19 judges, 7 deputy public prosecutors and 149 attorneys at law.

Judicial Academy reports that within the reporting period 7 seminars were delivered, 11 in total in 2016. During 2016 in total 313 lawyers, 54 law enforcement representatives, 8 deputy public prosecutors, 30 judges and 43 judges assistants were certified. Seminar Minors as offenders and as victims of offence took place on February 24th in Judicial academy in Belgrade, for judges of the basic courts.

3.6.2.15. Define practical guidelines for interviewing children, based on best practices of EU countries and provide conditions for the uniform application of protective measures of children victims / witnesses in criminal proceedings to avoid secondary victimization. (III and IV quarter of 2015.)

Activity is fully implemented Within the UNICEF project “Improving of children’s rights by strengthening the judicial system and social welfare in Serbia” guidelines for interviewing children were prescribed which shall prevent secondary victimization and traumatization of children in criminal proceedings.

Also, within the same project units were formed in Belgrade, Kragujevac, Niš and Novi Sad to provide support for children in criminal proceedings aiming to support vulnerable groups – children and their parents in relation to criminal proceedings.

3.6.2.16. Conduct training and informative sessions for police officers, public prosecutors and deputy public prosecutors, judges and employees of Centres for Social Work, on the protection of children victims / witnesses in criminal proceedings in order to avoid secondary victimization and distribute educational materials. (IV quarter of 2015 to III quarter of 2019.)

Activity is being implemented successfully. From May to November 2015 91 information sessions on protection of a juvenile as an injured party and a witness in a criminal proceedings were organized in all high and primary courts, which was attended by the judges and judges’ assistants, staff of centers for social work and police. 573 representatives of judiciary, 247 representatives from centers for social work, 166 police members, and 29 representatives of other institutions took part in these info-sessions. Also, leaflets were distributed and posters on the given subject matter, and the Guidelines on protection of children in criminal proceedings were developed which will be distributed next year.

All the activities under this item are carried out as an integral part of the UNICEF IPA 2013

On 27.06.2016., the fifth meeting of the Project Board was held, project IPA 2013 „Strengthening the justice system and social protection in order to improve child protection in Serbia“ and the draft of the Annual Report for the second year of implementation of the mentioned project from 30.07.2015. to 30.07.2016. was presented, as well as conclusions and recommendations of the project evaluation, EU ROM monitoring mission from Brussels, which was conducted in May 2016.

Representatives of the State Prosecutorial Council, jointly with the Republic Public Prosecution Office representatives, initiated communication with the OSCE Mission to Serbia representatives regarding organization of education for public prosecutors and deputy public prosecutors, as well as for the employees at Information Offices for Support to Injured Parties and Witnesses in public prosecution offices, on support and communication with victims of criminal offences. It is agreed to deliver eight one-day educational events in 2017, where lecturers shall be public prosecutors and psychologists.

Judicial Academy reports that within the reporting period 7 seminars were delivered, 11 in total in 2016. During 2016 in total 313 lawyers, 54 law enforcement representatives, 8 deputy public prosecutors, 30 judges and 43 judges assistants were certified.

Within the reporting period (I quarter of 2017) education has been initiated in the area of providing information and support to the injured parties and to the witnesses, both for persons working at the Services and for prosecutorial office holders. The following seminars were delivered: 27-28 February 2017 in Nis, 13-14 March 2017 in Kragujevac and 20-21 March 2017 in Novi Sad, while seminar in Belgrade shall be delivered on 3-4 April 2017.

Judicial Academy reports that the Seminar High-tech criminal and protection of children and minors with the support of Sve the children project took place on January 26th and 27th 2017. in Belgrade, hotel Majestic, and also on February 2nd and 3rd 2017. in Novi Sad, hotel Planeta Inn, for judges prosecutors, deputies, assistants and advisors from basic court in Belgrade, high prosecutor's office in Belgrade, basic prosecutor's office in Belgrade and basic prosecutor's office in Pancevo; judges, prosecutors, assistants, deputies from Novi Sad, basic court in Novi Sad, Zrenjanin, Backa Palanka and basic prosecutor's office in Novi Sad, Ruma, Zrenjanin.

3.6.2.17. Strengthen staff capacity of the Administration for enforcement of criminal sanctions in order to improve the treatment and the rights of juveniles through continuous staff training in all the institutions housing juvenile offenders. (IV quarter of 2015)

Activity is being implemented successfully. Administration for Enforcement of Criminal Sanctions seeks to improve the treatment of minors through the use of modern methods of work and improvement of the treatment. Continuous trainings for employees in this field in the framework of strengthening the capacity to deal with juveniles are implemented by Administration for Enforcement of Criminal Sanctions, and the funds were provided by the Government of Norway. Manuals for training of teachers and penology instructors for the work with juvenile offenders have been developed.

3.6.2.19. Develop and implement specialized treatment programs and programs for release preparation of juvenile offenders. (Continuously, commencing from IV quarter of 2015.)

Activity is partially implemented. Administration for Enforcement of Criminal Sanctions has taken actions, through the twinning project, which will improve the work of the Centre for training and professional development of employees, enabling widespread application of specialized programs, which is important for the treatment of convicts, especially juvenile, who belong to a particularly vulnerable group. The project includes the creation of specialized treatment programs and training of trainers. Implementation of Twinning Project for improving the work of the Centre

for training and professional development of employees and the creation of new specialized treatment programs has not started due to delays in concluding the contract and shifting the team members - foreign partner to implement the project.

3.6.2.20. Improve the protection of children in civil and administrative court proceedings by establishing uniform case law in terms of children's rights to express their opinion and the right to have that opinion taken into account in the court proceedings. (I quarter of 2016 to IV quarter of 2017.)

Activity is being successfully implemented. The Supreme Court of Cassation regularly publishes, on its web-page in the “Case-law” section, all its decisions related to the application of children’s rights to express their opinion.

3.6.2.21. Introduction of post-traumatic counselling and support for children victims / witnesses in criminal proceedings in the context of family support services which is provided as part of the support service for victim protection set up in four residential homes in transformation. (I quarter of 2016 to IV quarter of 2017.)

Submitted report does not contain data on implementation of the activity. Four units for protection of children victims or witnesses in criminal proceedings have been established within 4 residential care facilities that are undergoing conversion. The staff has been trained by the Zagreb Polyclinic for Protection of Children from Abuse, in particular: for preparation of a child and parent for court trial, for provision of support during statement-giving, for forensic interview and for post-traumatic counselling after court trial. The providers of protection are equipped with mobile equipment for recording of statements and they have a vehicle to be able to provide support across municipalities in their regions. The demand for service is still low, and in forthcoming period a stronger accent will be placed on it when it is presented as well as on the significance of protection of children from secondary victimisation and of good-quality procedure of statement-taking with view to increase efficiency of court proceedings and avoid multiple interviews with a child. Currently, the service has been used in 18 cases of which some were also related to the support in how to do a forensic interview, and another for preparation of a child for court proceedings.

***Note:** Given that the data refers to 2015, it is not possible to assess the implementation status of this activity.

3.6.2.22. Improving regulations and practices for managing data in the courts by records keeping in compliance with the principle of 'best interests of the child' in civil proceedings. (Continuously)

Activity is being implemented successfully. Regarding children in civil proceeding cases, focus is put on promotion of the right of the child to express his/her opinion and the right for the opinion to be taken into account during the proceedings, through developing specific guidelines in line with relevant international and European standards and building capacities of relevant professionals

The Working Group developed Guidelines for child participation in all civil proceedings. The Guidelines include: a) assessing ability of the child to give his/her opinion; b) how to prepare and introduce a child to the legal process and wider context of statement-giving, and c) the way in which the child's opinion is sought, as well as the Instrument for assessing the best interest of the child. The Guidelines have been printed and distributed to all courts acting in civil proceedings and all centers for social work. The Supreme Court of Cassation has pointed out to the Ministry of Justice and the High Judicial Council the need to develop and introduce an unique template of report for first instance courts which would be deployed into the case management systems and which would enable recording of all civil cases having children as participants, with "best interest of the child" as a special entry/search criterion.

3.6.2.28. Establishment of a mechanism for resolving cases of missing infants from maternity hospitals in relation to the decision of the ECHR Zorica Jovanovic vs. Serbia (no. 21794/08) to enable all parents in similar situations to get adequate answers and compensation. (III quarter of 2016.)

Activity is almost completely implemented. Acting in accordance with the measures ordered to the Republic of Serbia by the verdict of the European Court for Human Rights in the case of Ms Zorica Jovanović, Ministry of Justice, Ministry of Interior and Ministry of Health took a number of measures to find the manner for implementation of the procedure of identifying the fact regarding the fate of children suspected to be stolen from maternity hospitals in the Republic of Serbia and decided to implement the aforementioned procedure, by adopting a special law, which is also the recommendation of the European Court for Human Rights.

To create a special law a Working Group was established which, in addition to the mentioned ministries, consisted of the representatives of the National Public Prosecutor's Office, courts of appeal, and representatives of the associations for missing babies. The mentioned Working Group prepared a Draft Law, a public debate was organised after which the remarks and suggestions made during the public debate were discussed and accepted, which were believed to contribute to better quality and more efficient legal solutions.

Since the Draft Law defines the procedure to take place before the competent courts, the Ministry of Justice is the main holder of activities and it continually monitors the progress and the manner of preparing this law, which will establish a legal framework for defining the fate of the "missing babies". General Police Directorate of the Ministry of Interior created its opinion on the Draft law on establishing the facts about the status of newborn children who are suspected to have

disappeared from the hospitals in the Republic of Serbia. Adoption of the law is expected in the forthcoming period.

3.7. PROCEDURAL SAFEGUARDS

3.7.1.1. Adopt Draft Law on Free Legal Aid aligned with EU acquis. (III quarter of 2016.)

Activity is almost completely implemented. Draft Law on Free Legal Aid has been prepared and submitted for opinions of relevant ministries before the elections in 2016. Impact analysis and its results are incorporated into the rationale of the Draft Law on Free Legal Aid, in part related to the financial effects. The draft was developed by a working group of the Ministry of Justice and an agreement of members of the working group on the draft text existed in that period.

After the formation of the new government, the working group resumed its activities, taking into account publicly expressed views of the Bar Association stating that there is no agreement on the specific provisions of the draft law. Disputed provisions refer to determination of the circle of providers of free legal aid in relation to which there are different views of the Bar and civil society organizations in this regard.

Since September 2016, regular meetings of the working group take place at the Ministry of Justice with an aim to determine the final text of the draft law. These meetings are primarily characterized as negotiations between the Bar associations and civil society organizations, with representatives of the EU Delegation as observers. Once an agreement is reached, the draft will be submitted for opinions. It is important to note that even though the adoption of the law was scheduled for 2016, the Ministry of Justice has received the support of the EU Delegation to continue its work on the development of high-quality text of the law that will enable all citizens and especially vulnerable groups' adequate access to justice. Bearing in mind that the representatives of bar associations cannot take a stand on the content of the draft in this moment, since they have no legitimate leadership, representatives of the Ministry of Justice continue discussions within the working group. In this regard, a round table was organized on 26 January 2017 with the main topic of consideration of controversial issues, with the participation of civil society organizations, all bar associations in the Republic of Serbia, as well as international partners.

3.7.1.2. Adopt by-laws relating to the implementation of the Law on Free Legal Aid. (By I quarter of 2017.)

Activity is not implemented. Law on FLA has not been adopted yet. The development of bylaws depends on the final text and conceptualization of the law.

3.7.1.3. Perform impact assessment to assess and evaluate the costs of running a free legal aid system.

Anticipate effective allocation of budget to fund the free legal aid system, in particular when it comes to obligations of the local self-government units. (For impact assessment: III-IV quarter 2015; Continuously, commencing from the adoption of the law)

Activity is being successfully implemented. Impact assessment has been performed and the results are included in the financial part of the Rationale of the Draft Law on FLA.

3.7.1.4. Conduct training of all groups of free legal aid providers in relation to the start of implementation of the Law on Free Legal Aid. (Continuously, commencing from I quarter of 2017.)

Activity is not implemented. Law on FLA has not been adopted yet. The training of providers depends on the final text and conceptualization of the law.

3.7.1.5. Conduct a campaign to provide information to citizens about the Law on Free Legal Aid. (Continuously, commencing from I quarter of 2017.)

Activity is not implemented. Law on FLA has not been adopted yet. The campaign depends on the final text and conceptualization of the law.

3.7.1.8. Continuously monitor the exercise of the right to a trial in reasonable time through implementation and improvement of the judicial reform. (Continuously)

Activity is being successfully implemented. Implementation of this activity is in progress. Detailed analysis of implementation will be available once sufficient time has passed from the start of implementation (1st January 2016).

3.7.1.9. Conduct an analysis of alignment of normative framework with EU Acquis and standards in the field of procedural safeguards, with particular emphasis on comparative experiences and best practices at EU level and identify the necessary changes. (II quarter of 2016)

Activity is fully implemented. The Working group for the analysis of necessary amendments to the CPC has been established. Members of the WG have been tasked to analyze different aspects of procedural safeguards, including the new EU acquis in this field. Analysis of the new EU acquis in the field of procedural safeguards has been completed, including recommendations for amendments to the CPC, and has been submitted to the Ministry of Justice.

3.7.1.10. Adopt the Criminal Procedure Code amendments based on the recommendations in the analysis to align with: - Directive 2013/48/EU on the right of suspect or accused persons to have access to a lawyer, in terms of strengthening the right of suspects and accused persons to access to a lawyer without delay and before any questioning by investigators in criminal proceedings and proceedings by the European arrest warrant. - Directive 2010/64/EU on the right to interpretation and translation, in order to precisely define the withdrawal from the right to translation. - Directive 2012/13/EU on the right to information, in order to improve the exercise of the right to information, and in line with the three proposals for directives on procedural rights upon their adoption: (1) on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial [COM(2013) 821], (2) on procedural safeguards for children suspected or accused in criminal proceedings [COM(2013) 822], (3) on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings [COM(2013) 824] and two recommendations (1) on procedural safeguards for vulnerable persons [C(2013) 8178], (2) on the right to legal aid for suspects or accused persons in criminal proceedings [C(2013) 8179].

(I quarter of 2017)

Activity is not implemented. Analysis of EU acquis in this field was submitted to the Ministry of Justice. The recommendations from the analysis shall be utilized by the working group for amendments to the Criminal Procedure Code.

3.7.1.11. Regularly monitor the implementation of the amendments and supplements to the Criminal Procedure Code with regard to procedural safeguards focusing on legislative, operational and financial aspects. (Linked with the measures in recommendation 1.3.10.) (Continuously, commencing from I quarter of 2017.)

Activity is not implemented. As the Criminal Procedure Code has not yet been amended, it was not possible to start implementation of this activity.

3.7.1.12. Amend and supplement Criminal Procedure Code in order to provide temporary legal aid granted without undue delay after deprivation of liberty and before any questioning by the police, other law enforcement authorities or court authority for the purposes of criminal proceedings which involve a suspect or defendant. (I quarter of 2017)

Activity is not implemented. Analysis of alignment was submitted to the Ministry of Justice. The recommendations from the analysis shall be utilized by the working group for amendments to the Criminal Procedure Code.

3.7.1.13. Design a ‘Letter of Rights’ that shall be provided to an arrested person, suspect or an accused person by the police/prosecution. (I quarter of 2017.)

Activity is not implemented. As the Criminal Procedure Code has not yet been amended, it was not possible to start implementation of this activity.

3.7.1.16. Conduct an analysis of normative framework for the implementation of minimum standards concerning the rights, support and protection of victims of crime / injured parties in accordance with Directive 2012/29/EU, in order to specify how the normative framework should be amended in order to incorporate specific victims' rights such as right to understand and be understood, rights of victims when making complaint, rights to receive information, rights to interpretation and translation, right to access victims support services, rights related to protection of victims and recognition of their specific protection needs (including individual assessment). (II quarter 2016)

Activity is fully implemented. The analysis of normative framework for the implementation of minimum standards concerning the rights, support and protection of victims of crime / injured parties in accordance with Directive 2012/29/EU has been finalized by a local expert in December 2015. The analysis was submitted and circulated to the WG members for analysis of necessary amendments to the Criminal Procedure Code and the Ministry of Justice. The recommendations from the analysis shall be utilized by the working group for amendments to the Criminal Procedure Code.

3.7.1.17. Amend normative framework in order to effectively implement minimum standards concerning the rights, support and protection of victims of crime / injured parties in accordance with Directive 2012/29/EU and in line with the analysis.

Timeframe/Deadline: I quarter of 2017

Activity is not implemented. Analysis of alignment was submitted to the Ministry of Justice. The recommendations from the analysis shall be utilized by the working group for amendments to the Criminal Procedure Code.

3.7.1.20. Establish countrywide network of services for support to the victims, witnesses and injured parties in investigative phase and all phases of criminal proceeding, through the following steps:

1. Comprehensive analysis on:

-legal aspects (current normative framework, best comparative solutions, international standards);

- financial assessment (sustainable funding, adequacy of premises and staffing, training needs);

- access to support services (network span, distance, mobile support teams),

2. Development and implementation of a National strategy for improvement of the rights of victims , witnesses and injured parties of criminal offences and its AP specifying the content and dynamics of the activities needed for the establishment of the network, such as:

- alignment of the legal framework with EU Acquis,

- mapping available providers,

- linking available providers and establishment of coordination centers for the judiciary and police,

- training needs assessment,

- comprehensive trainings to all stakeholders focused on implementation of new legislative framework,

- develop comprehensive database to be used by police, prosecution and courts,

- establishment of monitoring mechanism in the area of rights of victims and witnesses,

- public awareness campaign,

- infrastructural improvement.

Link with activity 6.2.11.8. in Chapter 24. (For analysis: From I quarter to III quarter of 2016; For development and implementation of the strategy: Continuously, commencing from IV quarter of 2017.)

Activity is being implemented successfully. The expert hired within the MDTF-JSS submitted the Final Analysis focusing on the alignment of the Serbian legal framework with the Victims Directive, as well as best comparative practices in 5 states in June 2016. Moreover, the local expert conducted an analysis of the alignment of the Law on Juveniles with the relevant *acquis* on victims. Application for IPA 2016 has been submitted with an aim to obtain support for the establishment of victim support services network across the state.

The following information summarizes the activities performed so far:

A1. Analytical phase completed

Following the analyses performed in the period 2015-2016, with the support of MDTF JSS experts, recommendations for establishment of high quality and sustainable network of support services for victims and witnesses at national level have been developed and submitted to the Ministry of Justice. The key aspects of the analysis are the following:

Basic principles of organization and functioning of the network of support services for victims and witnesses

I AVAILABILITY

The key principle that should be followed when establishing a network of support services at the national level is the high level of availability of services through:

- maximum territorial coverage;
- a uniform structure of services throughout the territory;
- development of a precise plan for the gradual improvement of network availability, both geographically and in terms of the variety of services offered.

II MAXIMUM UTILIZATION OF AVAILABLE RESOURCES

Bearing in mind the need of a prompt establishment of a network of support services for victims and witnesses, as well as the limited material and human resources, it is necessary to work on the maximum utilization of existing resources by:

- mapping of existing service providers;
- mapping available services;
- networking of existing providers that meet clear, objective and previously established criteria, including from among the institutions of the Republic of Serbia, as well as civil society organizations.

III SUSTAINABILITY

Although project support will be provided for the initial establishment of the network services, one of the key challenges will be to ensure its sustainability through balancing the need to provide a sustainable source of funding of the providers and restrictive budgetary policy of the Government of the Republic of Serbia. In this regard, it will be necessary to:

- establish a Fund for periodic allocation of funds to service providers;
- identify sources of inflow of funds into the Fund (gambling, seized proceeds from crime, funds raised by applying the principle of opportunity of criminal prosecution, fines, etc.);
- establish a system of specialized training with the emphasis on training of trainers (ToT);

3.7.1.21. Fully implement stronger procedural safeguards for the victims of war crimes. (Linked with the part on war crimes). (Determined in the part on war crimes)

Activity is being implemented successfully. The working group for amendments to the CPC is established, tasked with harmonizing the procedural safeguards framework with the acquis in the field of procedural safeguards. Work is in progress.

3.7.1.22. Sign cooperation protocols with CSOs specialized in victim support to enable stable functioning of general and specialist support services. (Continuously, commencing from I quarter of 2015)

Activity is being implemented successfully. Implementation of the action is in progress. On 20 February 2015 the Republic Public Prosecution signed a Memorandum of Understanding with the Victimology Society of Serbia within realization of the project “Establishing Victims and Witnesses Support Service in Public Prosecutions in the Republic of Serbia”. Through cooperation with Victimology Society of Serbia, the Information Service for injured parties and witnesses have the opportunity to refer these persons, if necessary, not only to the Victimology Society, but also to its partner organizations.

Concurrently, the Republic Public Prosecutors Office is open for signing similar memoranda with other relevant civil society organizations.

Services for information and support of injured parties and witnesses in the Public Prosecutor’s Offices continuously cooperate with the Victimology Society of Serbia and its network of partner organizations, based on the signed Memorandum of Understanding.

During the reporting period no new Memoranda of Understanding were signed with civil society organizations. After establishment of those services within basic Public Prosecutor's Offices, signing the memorandum with the organizations of civil society specialized in domestic violence and intimate partner violence will be considered.

On December 9, 2016 within the Local network for the prevention of discrimination and violence against LGBT people in Belgrade, Memorandum of Understanding was signed between City Administration of Belgrade, Higher Public Prosecutor's Office in Belgrade, First Basic Public Prosecutor's Office in Belgrade, Second Basic Public Prosecutor's Office in Belgrade, Center for Social Work in Belgrade, the National employment service (Belgrade branch), Ombudsman of the city of Belgrade, on the one hand and civil society organizations Labris Belgrade, Gayten-LGBT, AID +, Haver Serbia, the Network of organizations for children of Serbia – MODS and AS center, on the other hand.

The memorandum, inter alia, refers to the encouragement and support of LGBT persons victims of offenses involving discrimination based on sexual orientation.

3.7.1.23. Amend legislative framework to define the concept of the victim in order to be aligned with relevant international treaties. (III quarter of 2016. – I quarter of 2017.)

Activity is being implemented successfully. The analysis of normative framework for the implementation of minimum standards concerning the rights, support and protection of victims of crime / injured parties in accordance with Directive 2012/29/EU has been finalized by a local expert in December 2015. The analysis was submitted and circulated to the WG members for analysis of necessary amendments to the Criminal Procedure Code. The recommendations from the analysis shall be utilized by the working group for amendments to the Criminal Procedure Code. The amendments shall be performed in line with the Action plan.

3.7.1.24. Adopt a special law governing prevention of violence against women in the family and partner relationships. (III quarter of 2016.)

Activity is fully implemented. Ministry of Justice prepared the Draft law. Public debate was organized, as well as a number of consultations with CSOs. On 23 November 2016, the National Assembly adopted the Law on the Prevention of Domestic Violence (“Official Gazette of the Republic of Serbia” No 94/16). By adopting this Law, the Republic of Serbia took the necessary legislative measures to establish the instrument for an effective multi-sectoral cooperation, it introduces the risk assessment of the direct danger of domestic violence, and imposition and execution of urgent measures against the perpetrator of domestic violence, which is provided for in some provisions of the of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). The Law stipulates a special procedure for the prevention of domestic violence, which is one of the most important novelties and an essential application of some of the most important provisions of the Istanbul Convention

Concurrently, the Ministry of Justice initiated a public campaign “*Switch off violence*”, aimed at prevention of violence against women in the family and partner relationships.

3.7.1.25. Conduct training of judges, public prosecutors and deputy public prosecutors focused on acting in the cases of violence against women in the family, partner relationships and gender based violence. (Continuously)

Activity is being implemented successfully. Activities are implemented in line with the Action Plan for Chapter 23. The training aimed at improvement of prosecution and protection of victims of violence against women in the family, partner relationships and gender based violence were organized for more than 120 judges. The education is being conducted continuously and also through initial education, both at theoretical seminars and at workshops.

Within the initial training during 2016, a five-day workshop for the last generation of students was organized. In the second half of the year, a workshop for the last generation will be organized. This type of training was carried out in previous years for all students of the Judicial Academy. Continuous training - In total, by the end of 2014, two seminars on criminal-law protection from domestic violence were held. The seminars were dedicated to judges of the criminal departments and prosecutors in cases of domestic violence, with special emphasis on the role of the new proceedings under the new CPC. In total, 4 seminars on women who killed their abusers in Belgrade, Nis, Kragujevac and Novi Sad were held. The seminars were attended by 77 participants. A total of two seminars were held on civil legal protection from domestic violence, enforcement in family legal relations in Belgrade and in Niš for judges of enforcement departments of basic courts of Belgrade and appellate court in Nis and representatives of centers for social work who handle these cases on the territory of Belgrade and Nis appellate courts.

The first such seminar was held on 2 December 2013 and a total of 4 seminars on civil legal protection from domestic violence were held - advanced level of training by the end of 2014 for judges of civil (family) departments and 4 appellate courts. Since this is considered an advanced level of training, an expert in other areas has been added to ensure proper understanding of the nature of the problem of violence against women, especially in terms of victims. Training in the field of gender-based violence involved a total of 16 sessions, a total of 297 trained judicial office holders, including 48 trainees of initial training at the Judicial Academy, 129 judges, 41 prosecutors and 79 judicial and prosecutorial assistants.

Seminar "Training for lecturers on the subject of Prevention of Domestic Violence" was held on 8, 9 and 10 February 2017 in Belgrade, in hotel "Zira" for judges of appellate courts in Belgrade, Novi Sad, Kragujevac and Nis; Prosecutors and Deputy Public Prosecutors of Appeals public prosecutor's offices in Belgrade, Novi Sad, Kragujevac and Nis.

Seminar "Introduction to the Law on Prevention of Domestic Violence" was held on 20 and 21 February 2017 the High Court in Subotica and 27 and 28 February 2017 in High Court in Novi Sad for the judges of the higher courts in Subotica and Sombor and basic courts in Vrbas and Senta, deputy public prosecutors of basic and higher public prosecutor's offices in Subotica and Sombor and basic public prosecutor's offices in Vrbas and Senta; Judges of basic and higher courts in Novi Sad and basic courts in Backa Palanka and Vrbas, deputy public prosecutors of basic and higher public prosecutor's offices in Novi Sad and basic public prosecutor's office in Backa Palanka. Also, this topic during the month of March is held 10 times, the same as the two-day seminar for prosecutors, judges and police from Sabac, Zrenjanin, appeals from the territory of Belgrade, Novi Sad, Subotica and Sombor.

3.8. POSITION OF NATIONAL MINORITIES

3.8.1.1. Establish multi-sectorial working group to draft Special Action plan for the exercise of the rights of national minorities with active participation of the national councils of national minorities. (I – II quarter of 2015.)

Activity is fully implemented. The activity has been fully implemented. Decision of the Minister of Public Administration and Local Self-government No. 119-01-00068/2015-17 of 23 March 2015 provided for the formation of the Special Working Group, which prepared the Draft Action Plan on the Exercise of Rights of National Minorities, with active involvement of representatives of national councils. The Action Plan on the Exercise of Rights of National Minorities was adopted at the Government's session held on 3 March 2016. (further details in 3.8.1.2)

3.8.1.2. Adopt through an inclusive process specific action plan focused on the effective implementation of existing rights of national minorities, taking into account the recommendations issued in the third Opinion on Serbia in the context of the Advisory Committee of the Council of Europe Framework Convention for the Protection of National Minorities: (By I quarter of 2016.)

Activity is fully implemented. The Action Plan on the Exercise of Rights of National Minorities was adopted at the Government's session held on 3 March 2016. The Action Plan is a mid-term strategic document containing the objectives set in accordance with the recommendations of the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, the implementation of which is necessary for the improvement of the status of national minorities.

3.8.1.3. Identification of adequate model among various options such as:

-project financing,

- exclusion of the media owned by National Minorities' Council from privatization,

-increased number of programs in languages of national minorities at public service broadcast providers(RTS/RTV) by declaring such content to be public service remit,

-privatization of media combined with conditioned licensing by REM with an obligation to broadcast specified hours of content in languages of national minorities,

Concurrently reviewing the impact of privatization and the introduction of digital television broadcasting on minority media, in consultation with all national minorities;

In order to ensure financial sustainability of media in languages of national minorities through inclusive process that includes representatives of national minorities, and ensure that the outcome does not result in any degradation of existing rights. (I – II quarter 2016)

Activity is being implemented successfully. The *Ministry of Culture and Information* reports that on 18 January 2017 in Belgrade TAIEX workshop with the topic “*Right to information for the people belonging to minorities*” was successfully organized and held.

Concurrently, the *Regulatory Body for Electronic Media* reports on the activities as follows:

The Action Plan, item 3, activities 3.8.1.3 as well as Law on Public Media Services, article 7, paragraph 1, item 5 and 6, define public interest to be achieved by public media services through their program contents. This specifically refers to the satisfaction of informative needs of all society layers without discrimination, paying pronounced attention to the socially sensitive groups such as children, the young and the old, minority groups, the disabled, socially and health-impaired persons; meeting the needs of citizens for program content that ensures the preservation and expression of cultural identity of not only Serbian people but of national minorities as well, taking into account that national minorities follow certain program segments and in their native language and script.

In achieving the public interest, public service broadcaster is obliged to respect the linguistic and speech standards, of the majority population and, proportionately, of national minorities in the area where the program is broadcast, as well as linguistic and speech standards of deaf and hard of hearing people.

Regulator generates reports on the activities of public service broadcasters on an annual basis, in which, inter alia, it identifies the duration of broadcast program in the languages of national minorities. Regulator's expert department has composed 2015 annual report for the public broadcasters “Radio Television of Serbia” (hereinafter referred to as RTS) and “Radio Television of Vojvodina (hereinafter referred to as RTV).

According to the findings of the Regulator's expert department, RTS broadcast content in the language of national minorities only on its second channel (RTS2); and, for the most part, those were shows in Roma and Croatian language, which were produced and broadcast on the second channel of RTV, with a total annual share of 1.26% in RTS 2 broadcasted program. When it comes to the radio program, Radio Belgrade has shows in Roma language, which make 2,65% in total annual broadcasted program.

The first channel of RTV (RTV1) broadcasts predominantly in the Serbian language and is intended for the widest audience, whereas the second channel of RTV (RTV2) is reserved for programs in national minority languages. On its second channel, RTV broadcasts program content in nine languages of the minorities living on the territory of Vojvodina, but also contents in Serbian (with a share of 22,20%). According to the share of RTV2 total annual broadcasted program, the most common program is the program in Hungarian (18.53%), followed by programs in Romanian (9.03%), Roma (6.93%), Ruthenian (6.71%), Slovak (5.73%), Croatian (2.60%), Macedonia (1.08%), Ukrainian (1%), Bunjevac (0.65%).

When it comes to RTV radio program, the first program of Radio Novi Sad is broadcast in Serbian, the second one in Hungarian, whereas the third one is broadcasted in eight minority languages (Slovak, Romanian, Ruthenian, Roma, Croatian, Bunjevac, Ukrainian and Macedonian).

Pursuant to the Action Plan, item 4, activities 3.8.1.3.:

Pursuant to Article 142 of the Law on Public Information, media privatization is done in a manner that ensures continuity in the production of media content of public interest, for a period of 5 years as of the conclusion of the equity sale contract. Continuity in the production of media content includes the obligation to maintain the share of program time in certain minority languages, or the share of informative, educational, scientific, cultural, artistic, entertainment, sports and other programs of public interest in certain minority languages, in accordance with the program schedule that was applicable for a period of twelve months before the date of this Act entry into force.

On May 27th 2015, Privatization Agency (now Ministry of Economy) and Regulator enacted Protocol on Cooperation, by which the signatories expressed intention to enable lawful, efficient and successful privatization of media broadcasters, in accordance with the Law on Privatization, Law on Public Information and Media, and in the manner which provides the protection of media pluralism and continuity in the production of public interest media content.

With Article 2, paragraph 1 of the Protocol, the Privatization Agency has committed to deliver the contracts on the sale of electronic media capital to the Regulator, within three days as of the conclusion of the contract. Paragraph 2 of the same Article commits the Regulator to submit a written act on the execution of Buyer's obligation to the Privatization Agency, i.e. on securing continuity in the production of media content of public interest for the electronic media, for a period of 12 months as of the conclusion of the contract of capital sale, within the defined duration of contractual obligation i.e. whenever it is determined that there has been a derogation from the obligation of continuity in the production of media content of public interest that requires taking measures within the competence of the Agency.

Furthermore, by paragraph 3 of this Article, the Regulator is committed to deliver the Agency the written document referred to in paragraph 2, within 30 days of the expiry of the relevant period for which the written document is submitted; while paragraph 4 stipulates that the Agency decides on the fulfillment of the obligations of continuity in the production of media content of public interest exclusively on the basis of a written document provided by the Regulator.

Pursuant to the fact that the first agreements on the sales of capital of media service providers whose privatization was ongoing, were concluded on September 25th 2015, we are hereby pointing out that the quoted activities of the Regulatory Authority of Electronic Media are the first ones taken with reference to the resumed obligations from the listed Protocol, and that these activities have been conducted in the third and fourth quarter of 2016.

Thirteen media, which, in accordance with the permit for the provision of media services, have a program in the languages of national minorities in their programming plans, were privatized during the privatization by the method of capital and assets sale. Those media are as follows:

| No | Media Service Provider | Media service | Minority languages |
|----|--|---------------|--------------------|
| 1. | «RADIO MEDVEĐA» Medveđa LLC | radio | Albanian |
| 2. | «Radio Televisoon Caribrod ЦАРИБРОД» Dimitrovgard LLC | radio and TV | Bulgarian |

| | | | |
|-----|--|--------------|--|
| 3. | «KOPERNIKUS RADIO TELEVISION» LLC, Šid– radio Šid | radio | Ruthenian, Slovak |
| 4. | «Informative Center» LLC Bačka Topola – regional radio | radio | Ruthenian, Hungarian, Slovak |
| 5. | «RADIO TELEVISION INĐIJA» LLC Inđija | radio | Romanian, Hungarian, Ukrainian, Roma, Croatian |
| 6. | «RADIO TELEVISION PANČEVO» LLC Pančevo | TV | Hungarian, Roma |
| 7. | «NOVOSADSKA TV» LLC Novi Sad | TV | Hungarian, Slovak |
| 8. | «Informative Company B C Info» LLC Bela Crkva – Radio Bela Crkva | radio | Czech, Romanian, Roma |
| 9. | Informative company «RADIO TELEVISION STARA PAZOVA» LLC Stara Pazova | radio | Roma, Slovak |
| 10. | «RADIO TELEVISION ŠABAC» LLC Šabac | TV | Roma |
| 11. | «RADIO TELEVISION KRUŠEVAC» LLC Kruševac | radio and TV | Roma |
| 12. | Informative company «RADIO BARAJEVO» LLC Barajevo | radio | Roma |
| 13. | Public company «TELEVISION POŽEGA» Požega | TV | Roma |

It is also worth mentioning that the privatization procedure in the model of capital transfer without compensation to the employees, has not ended in 12 privatization subjects (media service providers) who hold the licence for media service provision, issued by the Regulator. Some of those subjects broadcast the program in minority languages

Total number of media service providers who stated within the elaborates to broadcast programs in minority languages is 131 radio service providers and 56 television service providers, among which there are also 13 privatization subjects from the above given table.

In the reporting period IV quarter of 2016, Regulatory body for electronic media reports the following:

The process of privatization by the method of transfer of capital without compensation to the employees has not been completed in 2 privatization entities (media service providers) who are holders of a license for the provision of media services issued by the Regulator, and who are obliged to broadcast programs in languages of national minorities in their programming plans. In the previous period, the privatization process is completed, pursuant to the outlined method, for 14 privatization subjects (providers of media services), out of which 6 are obliged to broadcast the program in the languages of national minorities. These subjects are listed below:

| No. | Media Service Provider | Media Service | Languages of national minorities |
|-----|--|---------------|-------------------------------------|
| 1. | Štampa, radio i film Bor – Radio Bor | Radio and TV | Vlach, Romani, Romanian |
| 2. | JP Radio Bujanovac – Radio Bujanovac | Radio and TV | Albanian, Romani |
| 3. | JP Radio Subotica – Radio Subotica | radio | Croatian, Hungarian |
| 4. | JP Informativni centar Odžaci – Radio Odžaci | radio | Croatian, Hungarian, Romani, Slovak |
| 5. | JP Informativni centar Tutin – TV Tutin | TV | Bosnian |
| 6. | JP RTV Trstenik | TV | Romani |

The Provincial Secretariat for information reports that for the purposes of co-financing projects of producing the media content in the field of public information in 2016, the total amount of RSD 8,500,000.00 was allocated, out of which RSD 6,000,000.00 for the content in the Serbian language and RSD 2,500,000.00 for producing the media content in the languages of national minorities – RSD 1,000,000.00 for private enterprises and RSD 1,500,000.00 for non-government organisations.

The Provincial Secretary for Culture and Public Information published the invitation for integrated call proposals for co-financing the production of these contents on 18th March 2016, while the committee the Secretary formed passed the decision on the allocation of funds on 1st June 2016.

Pursuant to the decision, the abovementioned total amounts of RSD 1,000,000.00 and RSD 1,500,000.00 will co-finance the projects of producing media content in the field of public information in the languages of national minorities by **8** private enterprises and **11** non-governmental organisations.

For each project the Provincial Secretariat finances, it obtains the opinion of the National Council of National Minorities, to which this project pertains.

PRIVATE ENTERPRISES IN THE LANGUAGES OF NATIONAL MINORITIES

| Number | Media title | Project title | Media enterprise | Place | Amount |
|--------|-------------|---------------|------------------|-------|--------|
|--------|-------------|---------------|------------------|-------|--------|

| HUNGARIAN LANGUAGE | | | | | |
|--------------------|---------------------------|--|--|-----------|------------|
| 1 | TV Pro-Media | Show "Célkeresztben" | Outlet for Television and Radio Activities – Pro Media, Ürményi Frigyes PR | Senta | 100,000.00 |
| 2 | Family Circle Családi kör | Improving the columns of the independent weekly Family Circle | Family Circle Doo (LLC) for newspaper publishing activities | Novi Sad | 100,000.00 |
| 3 | Production | On two wheels through Vojvodina Vajdaság dűlőin | Media News – Television Agency - Hübsch Bodis Éva PR | Novi Sad | 200,000.00 |
| 4 | Portal Vajdaság ma | Media contribution to the cleaner and healthier Vojvodina | Honestas Agency Sebestyén Imre PR | Novi Sad | 168,000.00 |
| ROMANIAN LANGUAGE | | | | | |
| 5 | Radio Far | The series of radio news broadcasts in the Romanian language about the significant events in the municipalities of Alibunar and Plandište – “At the end of the week” | LLC for goods and services Daneli | Alibunar | 100,000.00 |
| 6 | Newspaper Zrenjanin | Voice of Banat, pages in the Romanian language | Joint stock company for newspaper publishing activities Zrenjanin | Zrenjanin | 132,000.00 |
| RUTHENIAN LANGUAGE | | | | | |
| 7 | Q Radio | Ruthenian Youth Radio | Information and propaganda Centre KULA Doo (LLC) | Kula | 100,000.00 |
| UKRANIAN LANGUAGE | | | | | |

| | | | | | |
|---|--|---------|--|------|------------|
| 8 | Kulska Komuna (Kula Commune) (newspaper) | My home | Information and propaganda Centre KULA Doo (LLC) | Kula | 100,000.00 |
|---|--|---------|--|------|------------|

NON-GOVERNMENT ORGANISATIONS IN THE LANGUAGES OF NATIONAL MINORITIES:

| Number | Media title | Project title | Media enterprise | Place | Amount |
|---------------------------|------------------------------------|---|---|------------|------------|
| HUNGARIAN LANGUAGE | | | | | |
| 1 | TV Panon | Developing news programmes in the Hungarian language on TV Panon | “Panonija” Foundation | Subotica | 200,000.00 |
| 2 | TV Mozaik | Vanishing villages – documentary news show | Foundation Mozaik for developing culture and nurturing tradition of Hungarians in diaspora on the territory of AP Vojvodina | Novi Sad | 160.000,00 |
| 3 | Crnjanske novine (Crnja newspaper) | Youth and self-employment | Native Club of Nova Crnja citizens | Nova Crnja | 100.000,00 |
| 4 | Szó-Beszéd | Publishing newspaper "Szó-Beszéd" in 2016 | Association "Szó-Beszéd" | Mali Idoš | 100.000,00 |
| SLOVAKIAN LANGUAGE | | | | | |
| 5 | Production | "Meko f (soft F)"-children’s feature and educational programme in the Slovakian language, one episode of the series | Association of Slovakian Journalists | Kulpin | 200.000,00 |

| CROATIAN LANGUAGE | | | | | |
|---------------------|--------------------------------------|--|--|------------------|------------|
| 6 | Hrvatske novine (Croatian newspaper) | Mjesečnik hrvatske novine (Monthly Croatian newspaper) | Association of Croatian independent list | Subotica | 100.000,00 |
| 7 | Production | TV programme in the Croatian language "Croatian panorama" | KRO INFO Association of Journalists | Subotica | 190.000,00 |
| BUNJEVAC LANGUAGE | | | | | |
| 8 | Bunjevac Radio | Bunjevac rič (Bunjevac word) | Association of citizens Bunjevac Youth Centre | Subotica | 100.000,00 |
| ROMA LANGUAGE | | | | | |
| 9 | Production | Programme with cultural and entertainment content for the socialization of young Roma population | Association of citizens "Fralipe" | Novi Sad | 100,000.00 |
| GERMAN LANGUAGE | | | | | |
| 10 | Fenster | Publishing two volumes of Fenster magazine | Foundation for the protection of native heritage of Danube Swabians "Native House" | Sremski Karlovci | 150,000.00 |
| MACEDONIAN LANGUAGE | | | | | |

| | | | | | |
|----|------------|--|---|--------|------------|
| 11 | Production | Documentary “70 years since the migration of Macedonians in Vojvodina” | Association of citizens of the Macedonian ethnic community in Jabuka “Ilinden-Jabuka” | Jabuka | 100,000.00 |
|----|------------|--|---|--------|------------|

I quarter of 2017

For the purposes of co-financing projects of producing the media content in the field of public information in 2017, the total amount of RSD **53,200,000.00** was allocated, out of which RSD **47,000,000.00** for the content in the Serbian language and RSD **6,200,000.00** for producing the media content in the languages of national minorities – RSD **4,200,000.00** for private enterprises and RSD **2,000,000.00** for non-government organisations.

The Provincial Secretary for Culture, Public Information and Relations with Religious Communities published the call proposals for co-financing the production of these contents on 1st March 2017. Following the submission of the applications, the Provincial Secretary forms the Commission for the allocation of funds, which determines the distribution proposal, while a final decision is made by the Provincial Secretary.

3.8.1.4. Regular provision of sufficient and stable funding guaranteeing the sustainability of media in languages of national minorities through:

- Continued budgetary support for media owned by the National Minority Councils;**
- The exclusion of the media owned by National Minorities’ Council from privatization in line with the Law on public information and media**
- Launching public call for co-financing of media in the languages of national minorities, with full respect of the opinions and proposals of national minority councils on funds distribution and guaranteeing respect of public procurement rules and principles.**
- co-financing of media in the languages of national minorities from the Budgetary Fund for national minorities;**
- Ensuring the participation of national minority councils in the council of the regulatory body for electronic media, based on transparent selection criteria. (Continuously)**

Activity is being implemented successfully.

According to the report of the Ministry of State Administration and Local Self-government, Regulation on the Procedure for Allocation of Financial Resources from the Budget Funds for National Minorities (Official Gazette of RS, No. 22/16) was passed at the Government's session held on 3 March 2016, which ensured compliance with the requirements for the provision and operationalization of all funds allocated to the dedicated budget expenditure line of the Ministry of Public Administration and Local Self-government. Regulation sets out that the budget fund can also be financed from donations. Financial resources from the Fund are allocated through public calls for programmes and projects in the fields of culture, education, provision of information and official use of languages and scripts of national minorities. Allocations from the budget fund for national minorities, included in the budget chapter of the Ministry of Public Administration and Local Self-government in the amount of RSD 1,800,000, have not been made because *the National Minority Council*, responsible for adoption of the Draft Programme of Priority Areas Financed from the Budget Fund and for determining objectives achieved, the amount of funds and the period for which funds are allocated, *has not met* since *passing the Regulation* on Allocation of Funds from the Budget Fund for National Minorities.

The session of the Council for National Minorities scheduled for 16 December 2016 has been postponed because a majority of the presidents of National Councils of National Minorities did not vote in favour of the proposed Agenda. One of the items on the Agenda to be debated by the Council in this session was the adoption of a Programme of Priority Areas for Funding from the Budget Fund for National Minorities, the objectives to be achieved, the amount of funding and the period for which the funding would be awarded.

According to the **report of the Ministry of Culture and Media**, with regard to particular items in this activity:

-, exemption from privatization of media established by national councils in accordance with the Law on public information and media“:

The Law on Public information and media in its Article 16 envisages that: „The Republic of Serbia is realized public interest in the field of public information exclusively:

3) Enabling National Minority Councils to establish institutions and companies in order to exercise the right to information in minority languages or to establish a foundation in order to achieve the objective of improving public information in minority languages that benefits all, in accordance with law;

Article 142. of the Law stipulates that which media must be privatized, in its paragraph 1 envisages that media established by national councils are exempted.

The privatization process has ended and not one media established by the national councils of national minorities was privatized.

-., launching call for proposals for co-financing media content on languages of national minorities with fully taking into account opinions of national councils on ways of distribution of means“ ;

The Ministry of culture and information has adopted the new *Rulebook on co-financing projects for realization of public interest in the field of public information* (Official Gazzette RS, no. 16/16). Taking into account the activity form the Action Plan related to the role of national councils of national minorities, during the allocation of the budget means for production of media content, the Ministry defined through the Rulebook, the role of the national councils of the national minorities during decision making process on allocation of the budget means of the members of the expert commission for calls for proposals for co-financing media content in languages of national minorities. Article 23 of the Rulebook envisages: „ Professional service of the competition announcing authority shall obtain the opinion of the appropriate national council on the applied projects, for the purpose of increasing the quality of the information for the national minorities members. The opinions of the national councils for national minorities, which have been received within the required deadline, shall be submitted, along with the projects, to the Commission members. The Commission members shall consider the received opinion of the national council for national minorities. “

Call for proposals for co-financing projects in the field of public information in languages of national minorities in 2016 was launched in the period March 1-31, 2016 with the total budget of RSD 40.000.000,00. In total 162 projects were submitted and 86 projects were allocated budget means. Out of said, 71 project in 16 languages and 15 multi-language projects.

In accordance with the Law on public information and media, form the national councils the opinion was asked for submitted projects. The deadline for providing opinion was 6 days, but all the national councils were previously via emails informed that projects will be delivered to them to give their opinions. Opinions of the most of the national councils have been given in the stated deadline and they were given with the projects to the expert commissions. National councils of Albanian and Vlach minorities did not deliver their opinions.

Hereby enclosed is table with data on submitted and supported projects sorted by languages of national minorities.

| Language | Submitted projects | Supported projects by national councils of national minorities | Supported projects by the expert commission of the Ministry | Supported projects by the Commission and by the national councils | Total amount of allocated means |
|-----------------|---------------------------|---|--|--|--|
| | | | | | |

| | | | | | |
|----------------|------------|-----------|-----------|-----------|-----------------------|
| Albanian | 3 | - | 3 | - | 1.200.000,000 |
| Bosnian | 7 | 6 | 5 | 5 | 2.400.000,000 |
| Bulgarian | 7 | 4* | 4 | 5 | 2.310.000,000 |
| Bunjevac | 2 | 2 | 2 | 2 | 800.000,000 |
| Vlach | 12 | - | 5 | - | 2.310.000,000 |
| Hungarian | 23 | 10 | 14 | 6 | 6.281.600,000 |
| Macedonian | 3** | 1 | 1 | 1 | 450.000,000 |
| German | 1 | 1 | 1 | 1 | 400.000,000 |
| Roma | 50 | 17 | 19 | 11 | 10.020.000,000 |
| Rumanian | 6 | 6 | 4 | 4 | 1.800.000,000 |
| Russian | 3 | 2 | 2 | 1 | 830.000,000 |
| Slovak | 8 | 6 | 4 | 3 | 1.700.000,000 |
| Ukrainian | 2 | 2 | 1 | 1 | 400.000,000 |
| Croatian | 5 | 3 | 4 | 3 | 1.900.000,000 |
| Montenegrin | 1 | 1 | 1 | 1 | 400.000,000 |
| Check | 1 | 1 | 1 | 1 | 508.320,000 |
| Укупно: | 134 | 62 | 71 | 45 | 33.099.920,000 |

*National council of the Bulgarian national minority has upfront supported the expert opinion of the expert commission of the Ministry.

**Two projects were later on dismissed due to not being compliant with the legal request for participation in the call for proposals

From 62 projects supported by national councils, the expert commission supported 45, which is 73% of the total number of suggested projects from the national councils. Therefore, the opinions of the national councils have been taken into account in great measure, except for those projects, that by the opinion of the expert commission, that have not fulfilled criteria of the call for proposals (not justified well, whose topics are not innovative and are not contributing to development of media content in the field of public information of the people belonging to national minorities etc.)

Within the Call for proposals for co-financing projects in the sphere of public information in languages of national minorities in 2016, the installments have been made for realization of 72 projects in 16 national minority languages. Given that one of the users gave up on realization of multilingual project, the installments intended for realization of that project were approved for realization of another project in Bulgarian language.

Call for proposals for co-financing projects in the field of public information in the languages of national minorities **in 2017** was launched in the period 14 February till 16 March, 2017, with the total budget of RSD 40.000.000,00.

Ministry of culture and information is going to organize the working meeting with representatives of national minorities councils which will be dedicate to the issues regarding the co-financing projects and other relevant issues which could be of importance for exercise the rights of the national minorities in the fields of public information. This meeting will be held on 30 March this year.

According to the **Provincial Secretariat for information**, for the purpose of financing the media in languages of national minorities, owned by national councils of national minorities, the total amount of the funds allocated was RSD **264,805,000.00**. The funds were allocated by way of the Provincial Assembly Decision on the Budget of AP Vojvodina for 2016 – Section 06, Provincial Secretariat for Culture and Public Information, Functional classification 830 –Broadcasting and Printing Services, Programme 1024 Public Broadcasting System, Programme activity 1005 Support to public information of national minorities, economic classification 451 – Subsidies to public non-financing companies and organisations.

The Decision on Allocating the Funds to Publishers of Newspapers Publishing the Information in Languages of National Minorities-National Communities was passed by the Provincial Secretary for Culture and Public Information on 20 January 2016.

It concerns **9** publishers of the newspapers founded by national councils of national minorities, a total of **22** newspapers (one daily newspaper, five weekly, three monthly and seven youth and/or children newspapers), that received the funds appropriated as follows:

| | |
|--|----------------------|
| -Magyar Szo d.o.o. (LLC) (1 daily and 3 youth/children newspapers) | 89,919,600.00 |
| -Hét nap d.o.o (LLC) (1 weekly newspaper) | 26,262,000.00 |
| -Hlas ljudu (1 weekly and 2 youth/children newspapers) | 33,930,000.00 |
| -Libertatea (1 weekly and 2 youth/children newspapers) | 33,498,000.00 |
| -Hrvatska riječ (1 weekly and 2 youth/children newspapers) | 32,670,000.00 |
| -Ruske slovo (1 weekly and 2 youth/children newspapers) | 31,086,000.00 |

| | |
|--|---------------------------|
| -Bunjevače novine (1 monthly and 1 youth/children newspaper) | 8,248,800.00 |
| -Makedonski informatni centar d.o.o. (LLC) (1 monthly newspaper) | 5,139,000.00 |
| -Ridne slovo (1 monthly and 1 youth/children newspaper) | 4,051,560.00 |
| Total | RSD 264,805,000.00 |

Out of the funds appropriated for 2016, in the period from 1 January to 25 November 2016, the publishers and/or newspapers owned by national councils of national minorities received the total of **RSD 242,737,880.00**, whereas the subsidy for December, amounting to RSD 22,067,080.00, will be paid until 31 December 2016.

I quarter of 2017

Budgetary support for the media owned by the national councils of national minorities continued:

For the purpose of financing the media in languages of national minorities, owned by national councils of national minorities, the total amount of the funds allocated was RSD **264,805,000.00**. The funds were allocated by way of the Provincial Assembly Decision on the Budget of AP Vojvodina for 2017 – Section 06, Provincial Secretariat for Culture, Public Information and Relations with Religious Communities, Functional classification 830 – Broadcasting and Printing Services, Programme 1024 Public Broadcasting System, Programme activity 1005 Support to public information of national minorities, economic classification 451 – Subsidies to public non-financing companies and organisations.

The Decision on Allocating the Funds to Publishers of Newspapers Publishing the Information in Languages of National Minorities-National Communities was passed by the Provincial Secretary for Culture, Public Information and Relations with Religious Communities on 24th January 2017.

It concerns **9** publishers of the newspapers founded by national councils of national minorities, a total of **22** newspapers (one daily newspaper, five weekly, three monthly and seven youth and/or children newspapers), that received the funds appropriated as follows:

| | |
|--|----------------------|
| -Magyar Szo d.o.o. (LLC) (1 daily and 3 youth/children newspapers) | 89,919,600.00 |
| -Hét nap d.o.o (LLC) (1 weekly newspaper) | 26,262,000.00 |
| -Hlas ljudu (1 weekly and 2 youth/children newspapers) | 33,930,000.00 |
| -Libertatea (1 weekly and 2 youth/children newspapers) | 33,498,000.00 |

| | |
|--|---------------------------|
| -Hrvatska riječ (1 weekly and 2 youth/children newspapers) | 32,670,000.00 |
| -Ruske slovo (1 weekly and 2 youth/children newspapers) | 31,086,000.00 |
| -Bunjevače novine (1 monthly and 1 youth/children newspaper) | 8,248,800.00 |
| -Makedonski informatni centar d.o.o. (LLC) (1 monthly newspaper) | 5,139,000.00 |
| -Ridne slovo (1 monthly and 1 youth/children newspaper) | 4,051,560.00 |
| Total | RSD 264,805,000.00 |

Out of the funds appropriated for 2017, in the period from 1 January to 20 March 2017, the publishers and/or newspapers owned by national councils of national minorities received the monthly subsidy in the amount of **RSD 44,134,160.00**. Funds are paid on monthly basis in the amount of RSD 22,067,080.00.

3.8.1.5. Raising public awareness about the rights of national minorities and respect for cultural and linguistic diversity by supporting the production of media content in order to achieve equal rights. (Continuously)

Activity is being implemented successfully. In domain of the jurisdiction of the Ministry of Culture and Media, the implementation of this activity is continuously conducted through the implementation of the Law on Public Information and Media, as well as through the provisions on project co-financing in the field of public information. In addition to co-financing the production of media content, the Ministry of Culture and Media, also through calls for proposals, provides support and promotion of professional and ethical standards in the field of public information. The call for proposal for co-financing projects on organization and participation in professional, scientific and relevant gatherings, as well as improving professional and ethical standards in the field of public information was launched and independent expert commission decided which projects will be co-financed.

Through *the Call for proposals for co-financing of projects in the field of public information in languages of national minorities in 2016*. Within the stated call for proposal 15 multi-language projects were supported, that is projects that are realizes in Serbian and one or more other languages of national minorities in the total amount of RSD 6.900.080,000. The stated projects contribute to raising awareness on rights of national minorities, embracing cultural and language differences, as well as development of dialog, better understanding between the representatives of the minorities and majority. Within the Call for proposals for co-financing projects in the sphere of public information in languages of national minorities in 2016, one user gave up on realization of multilingual project. The transfer of installments has been made in total amount of RSD 6.500.080,000 for realization of 14 multilingual projects.

Within the *Call for proposals for co-financing projects of production of media content in the sphere of public information in 2016* the installments have been made for 5 projects that contribute to raising public awareness on rights of national minorities, in total amount of RSD 4.409.600,00.

Within the *Call for proposals for co-financing projects of organization and participation in professional, scientific and appropriate events, as well as enhancement of professional and ethical standards in the sphere of public information in 2016*, the installments have been made of RSD 1.800.000, 00 for realization of one project dedicated to minority media.

Within the Call for proposals for co-financing projects in the sphere of public information in languages of national minorities in 2017, one of the priorities of the program is to develop a dialogue, better understanding and understanding between different communities.

3.8.1.6. Adopt a new Law on Textbooks,-further to wide consultations with National Minority Councils, which alleviates the current obstacles in ensuring the availability of textbooks in languages of national minorities through:

-Precise definition of textbooks in languages of national minorities enabling wider availability of textbooks;

-Simplification of the procedure for import and approval of textbooks to be used in education in languages of national minorities.

- Definition of a catalogue of textbooks for education in languages of national minorities.

- Introduction of mandatory edition of textbooks in languages of national minorities funded from the state budget by the Institute for textbooks and teaching tools in the event of a lack of interested private publishers.

- Financing the development and printing of textbooks for the module mother tongue with elements of national culture, funded from the state budget by the Institute for textbooks and teaching tools in the event of a lack of interested private publishers.(II and III quarter of 2015.)

Activity is fully implemented. In accordance with the Law on Textbooks, adopted in the National Assembly of the Republic of Serbia on 29th July 2015, *Article 3, Textbook in the language and script of a national minority*, further defines these textbooks in the following manner:

A textbook in the language and script of a national minority is:

1) A textbook in the language and script of a national minority which has been published on the territory of the Republic of Serbia;

2) A textbook in the language and script of a national minority which is a translation of a textbook approved in the Serbian language,

- 3) supplementary material for a textbook which is used for implementation of a tailored part of curriculum for subjects of interest to a national minority;
- 4) A textbook in the language and script of a national minority which has been published in another country, and which has been approved in accordance with this Law. Provisions of this Law referring to the textbook consequently also apply to the supplementary material for a textbook for a subject of interest to a national minority.

Textbooks in languages of national minorities have been published in the Catalogue of Textbooks for Primary School Approved for School Years 2016/17, 2017/18, 2018/19, on the website of the Ministry of Education, Science and Technological Development, <http://opendata.mpn.gov.rs/rezultatikompletiprint.html>.

The new Law on Textbooks, Article 2, paragraph 2, reads as follows: *A public publisher is obliged to prepare manuscripts of textbooks for all subjects in primary school, and pedagogical materials for preparatory pre-school program, in Serbian and in the language of the national minority, as well as textbooks with tailored contents and/or form for students with disabilities and learning difficulties, other than students in inclusive education.*

3.8.1.7. Full implementation of the new Law on textbooks which permanently ensures the required number of textbooks in languages of national minorities for each school year. (Continuously, commencing from I quarter of 2016.)

Activity is being implemented successfully. On 24th March 2016, the Ministry of Education, Science and Technological Development, Institute for Textbooks, and 7 national councils of national minorities (Bosniak, Slovakian, Croatian, Bulgarian, Hungarian, Romanian and Ruthenian) signed Tripartite Agreements with a view to ensuring the provision of priority missing textbooks for primary school by 1st September 2016. Similar Tripartite Agreements will be continuously signed each year.

On 9th August 2016, the Ministry of Education, Science and Technological Development, Institute for Textbooks, and the National Council of Albanian National Minority also signed the Tripartite Agreement with a view to ensuring the provision of priority missing textbooks for primary school, which covers all the students who are members of the national minority realising their education in their mother tongue.

As of October 2016, the Ministry, in cooperation with the National Councils of minorities undergoing full education in their mother tongue and the Institute for Textbooks, initiated the process of signing the Annex Memorandum related to the provision of missing textbooks (the trilateral agreements) defining the additional textbooks for primary schools.

In the first week of December 2016, the Annexes were sent for reconciliation, through the Coordination of National Councils of National Minorities to the National Councils. With respect to the fact that the Memorandum (Ar. 6) defines that national councils of national minorities shall deliver the list of priority textbooks for each forthcoming school year, the Ministry of Education, Science and Technological Development with seven national councils of national minorities (Bulgarian, Bosniak, Croatian, Slovakian, Romanian, Ruthenian and Hungarian national minority) and the Institute for Textbooks signed on 23 December 2016 Annexes to the Memorandum for preparing and printing the lacking textbooks for the following school year 2017/2018. An Annex shall be signed with the National Council of the Albanian National Minority including the same terms, once the realisation of the Memorandum commences.

According to the Memorandum Annexes, it is envisioned to ensure 84 additional textbooks, as follows: 25 in the Bosnian language and script, in Bulgarian 12, in Croatian 18, Hungarian 3, Romanian 5, Ruthenian 5 and Slovakian 16.

3.8.1.8. Develop a Rulebook on Detecting Discrimination in Education focused on the prevention of discrimination and segregation of national minorities in educational system. (I – II quarter of 2016)

Activity is fully implemented. Having in mind the importance of preventing and combating discrimination in the society, MoE has prepared and adopted the "Rulebook on Detailed Criteria on Identifying Forms of Discrimination by Employees, Children, Students or Third Parties in Educational Institutions" (*"The Official Gazette of RS"*, no 22/2016), February 2016. At the moment, Working Group is being created with a view to preparing the Instruction for Implementation of the Rulebook. The Working Group consists of experts from relevant sectors of MoE, the Office for Human and Minority Rights, the Ministry of Public Administration and Local Self-Government, and, as observers, representatives of independent institutions, Protector of Citizens (Ombudsman) and Commissioner for Protection of Equality.

In cooperation with UNICEF, a set of trainings is being prepared for employees in the education system, for implementation of the Rulebook on Detailed Criteria on Identifying Forms of Discrimination by Employees, Children, Students or Third Parties in Educational Institutions.

3.8.1.9. Introduction of the contents and topics that develop knowledge about rights of national minorities and the basic characteristics of national minorities living in the Republic of Serbia, promotion of culture of tolerance between members of the majority and national minority communities and inclusion of such content into the formal education system. Conduct ongoing performance evaluation, monitoring and improving the effects of introduced programs.

Link with Action plan for Antidiscrimination measure 4.1.1. (Introduction of topics and forms of work in formal education: Continuously, commencing from adoption of new Law

on textbooks; Performance evaluation and monitoring: Continuously, commencing from its introduction)

Activity is being implemented successfully. The Institute, in its proposal of the Curriculum for next year, has planned the amendments to the curricula in gymnasiums and general subjects in specialised schools. Introduction of these contents and topics can be achieved solely within the bigger interventions in the teaching programs which have been planned and which cover all the subjects hence this activity can be performed during 2017. Based on the request of the Ministry of Education, Science and Technological Development no. 110-00-00407/2016-07 dated 15 November 2016, the Institute for Improvement of Education initiated the forming of a working group to be tasked with changing the curricula in the primary school education cycle II, in the first phase, changing only the curricula for the 5th grade and further on, successively, for the 6th, 7th and 8th grades. The preparation of new curricula shall be done taking into consideration the requirement to include the content and topics developing the knowledge about the rights of minorities and basic characteristics of national minorities living in the Republic of Serbia.

The Institute for the Advancement in Education prepared a draft of the new Teaching Programme oriented towards the fifth grade in terms of the outcomes and forwarded it on 3 March 2017 to the Ministry of Education, Science and Technological Development for further adoption process. Having had the insight into the objectives and outcomes of certain subjects, the intention of promoting the culture of tolerance is obvious between the pupils who are members of the prevailing population and national minorities, with regards to the fact that more outcomes are expected from this field in terms of the programmes for the 6th, 7th and 8th grade. For instance, the following are the set objectives of the specified subjects:

The objective of teaching and learning Serbian as a Non-Mother Tongue is enabling the students to use the Serbian language on an elementary level both in oral and written communication for the purpose of later successful inclusion in the community life and exercising the civil rights and liabilities, as well for the sake of enjoying the fruits of Serbian culture and developing multiculturalism as the fundamental values of a democratic society.

The objective of teaching and learning a Foreign language is to enable the students to adopt functional knowledge and on the linguistic system and culture and develop strategies for learning a foreign language so as become literate both in terms of a written and oral communication and build a positive relation towards other languages and cultures, as well as towards their own language and cultural heritage.

The objective of teaching and learning Arts is for the students to develop visual observation, creative thinking and aesthetic criteria in order to become capable of visual communication and creative resolution of problems, as well as to build a responsible attitude towards the visual culture heritage of their own and other nations.

The objective of teaching and learning Musical Education is for the students to develop interest in musical art, creative and critical thinking, aesthetic criteria and form aesthetic perception and

musical taste, and also build a responsible attitude towards preserving musical heritage and culture of their own and other nations.

Outcomes of the subject Civic Education. The student shall able to:

- recognise and analyse similarities and differences between other students in a group
- accept other students and appreciate their differences
- indicate examples of prejudice, stereotypes, discrimination, intolerance on various grounds observed in everyday life
- recognise examples of intolerance and discrimination in the literary works he/she is reading
- recognise the examples of stereotypes, discrimination, intolerance on various grounds in the media and critically asses them.

3.8.1.10. Establish an expert team in order to improve the quality of the content of textbooks, curricula and other educational materials at all levels of education and the elimination of discriminatory content related to national minorities, for the purpose of:

-continuous monitoring of the content of textbooks and teaching materials at all levels of education;

-development of standards and technical guidelines;

-establishment of the methodology of reporting and preparation of the annual report.

Link with Action plan for Antidiscrimination measure 4.1.2 (Establishment of the expert team: III quarter of 2015.; Monitoring content and development of standards, guidelines and reporting: Continuously, commencing from establishment of the expert team)

Activity is being implemented successfully. Institute for improvement of education and upbringing prepared the Draft Rulebook on the plan of textbooks and textbook quality standards. In the part related to national minorities, the proposals of representatives of national minorities have been accepted, as agreed with representatives of the Coordination of national councils of national minorities.

Plan of textbooks in the language and script of national minorities and textbooks for subjects of interest to national minorities (primary and high schools) was forwarded to the Ministry of Education, Science and Technological Development.

Further to the initiative to supplement the regulations on curricula and programs for subjects such as art, music, history, nature and society and the world around us, with contents that are important for national minorities, at the written request of the Coordination of National Councils of National Minorities, the Institute for improvement of education and upbringing scheduled a meeting with all representatives of national minorities on 18.11.2015. The steps that are necessary for the implementation of these activities have been agreed at the meeting. Textbooks Quality Standards and Plan of Textbooks, including a list of textbooks for national minorities, have been adopted.

In 2016, a memorandum of cooperation was signed between the MESTD, Institute of Textbooks and individual councils of national minorities which defines the mutual rights and liabilities of these three parties in the process of creation and publishing of textbooks in the languages of national minorities. Funds have been allocated from the budget of the Republic of Serbia which will cover the publishing of the missing textbooks for individual national minorities. For each of them, the memorandum states how many textbooks are planned to be financed of those which are the translations of the already approved textbooks, and those which are originally prepared in the language of a national minority. For example, the memorandum with the National Council of Albanian National Minority, it can be clearly seen that the financing of 35 textbooks is planned, which are the translations of the approved textbooks and 8 which will be originally written in Albanian language. National councils are obliged to inform the Institute of Textbooks on the number necessary for each textbook. At this point, the Institute for the Improvement of Education and the Provincial Institute which are, according to the Law on Textbooks, in charge of inspection of all textbooks, received a number of textbooks (mostly in Bosnian language) and they will be inspected according to the new procedure and new Textbook Quality Standards.

Upon a one-day training organised by the Institute for the Improvement of Education in April 2016 for the representatives of the national minorities on writing the curricula within their competences (in line with Article 79 of the *Law on Foundations of the Education System*) individual national councils prepared proposals of some curricula. In September, they were submitted to the Institute for the Improvement of Education and are now in the phase of inspection and opinion provision.

In the last quarter of 2016, the Institute received overall 63 manuscripts in the languages of national minorities, for the review, specifically:

1. 4 in Romanian language;
2. 1 in Slovenian language;
3. 7 in Croatian;
4. 1 in Hungarian;
5. 11 in Bulgarian;
6. 2 in Albanian;
7. 37 in Bosnian language.

In accordance with the Law on Textbooks, working groups were formed with the task to review the submitted manuscripts and provide their expert evaluation and/or opinion thereon.

All manuscripts written in the languages of national minorities which arrived in the last quarter of 2016 have been reviewed. Some of them received affirmative evaluation, whereas some other were returned for additional adjustment in accordance with the Law on Textbooks. On the other hand, some were negatively evaluated since they were not in line with the Textbook Quality Standards. In terms of the negatively evaluated textbooks, it has been ensured that, according to the signed Memorandum, they do not have to wait for legal deadlines for submitting new manuscripts

(September) but instead, they can be submitted for a repeated review immediately after their correction in accordance with the obtained evaluation.

3.8.1.11. Raising the quality of primary and secondary education in minority languages by launching the competition for financing and co-financing activities, programs and projects of national councils of national minorities. (Continuously, launching the competition each year in August.)

Activity is being implemented successfully. Implementation of the activity is underway. Regulation on the Procedure for Allocation of Financial Resources from the Budget Funds for National Minorities (Official Gazette of RS, No. 22/16) was passed at the Government's session held on 3 March 2016, which ensured compliance with the requirements for provision and operationalization of all funds allocated to the dedicated budget expenditure line of the Ministry of Public Administration and Local Self-government. The Decree sets out that the budget fund can also be financed from donations. Financial resources from the Fund are allocated through public calls for programmes and projects in the fields of culture, education, provision of information and official use of languages and scripts of national minorities. Allocations from the budget fund for national minorities, included in the budget chapter of the Ministry of Public Administration and Local Self-government in the amount of RSD 1,800,000, have not been made because the National Minority Council, responsible for adoption of the Draft Programme of Priority Areas Financed from the Budget Fund and for determining objectives achieved, the amount of funds and the period for which funds are allocated, has not met since passing the Regulation on Allocation of Funds from the Budget Fund for National Minorities.

According to the report for I quarter of 2017, the session of the Council for National Minorities scheduled for 16 December 2016 has been postponed because a majority of the presidents of National Councils of National Minorities did not vote in favour of the proposed Agenda. One of the items on the Agenda to be debated by the Council in this session was the adoption of a Programme of Priority Areas for Funding from the Budget Fund for National Minorities, the objectives to be achieved, the amount of funding and the period for which the funding would be awarded.

Call for proposals for funding and co-funding of activities, programs and projects of national councils of national minorities in the field of primary and secondary education in the territory of the autonomous province of Vojvodina in 2015 was announced in the period 02 – 16 September 2015 and published on the web-page of the Secretariat. The call is aimed at funding and co-funding of activities, programs and projects of national councils of national minorities in the field of development and quality enhancement of primary and secondary education in languages/dialect of national minorities – national communities in the autonomous province of Vojvodina in 2015. Eligible participants are registered national councils of national minorities based in the territory of

the autonomous province of Vojvodina. The total amount of the call is 1,615,000.00 RSD (primary education 950,000.00 RSD and secondary education 665,000.00 RSD)

Call for proposals for funding and co-funding of activities, programs and projects of national councils of national minorities in the field of primary and secondary education in the territory of the autonomous province of Vojvodina in 2016 was announced in the period 07 – 31 March 2016 and published on the web-page of the Secretariat. The call is aimed at funding and co-funding of activities, programs and projects of national councils of national minorities in the field of development and quality enhancement of primary and secondary education in languages/dialect of national minorities – national communities in the autonomous province of Vojvodina in 2016. Eligible participants are registered national councils of national minorities based in the territory of the autonomous province of Vojvodina. The total amount of the call is 1,325,000.00 RSD, allocated for activities, programmes and projects in the field of primary education –855,000.00 RSD and for activities, programmes and projects in the field of secondary education –470,000.00 RSD. The entire amount envisaged for 2016 has been disbursed.

3.8.1.12. Promotion of learning Serbian as a second language in accordance with the methodology for studying foreign language. (Continuously)

Activity is being implemented successfully. Institute for Evaluation of Quality of Education is in the process of developing educational standards for the subject Serbian as a second language. The project started in January 2015, and the first phase includes the drafting of educational standards for the subject Serbian as a second language, based on expert evaluation and empirical check. The working group consists of 15 members: professors of Serbian language and literature at the Faculty of Philology in Belgrade and professors of Serbian as a second language at the Faculty of Philosophy in Novi Sad, professors who teach Serbian language and Serbian as a second language in primary and secondary schools, advisors, coordinators of the Serbian language and Literature in the Institute for Quality Education and the Institute for Improvement of Education, and an associate of the OSCE Mission in Serbia.

The working group has defined expert proposals of standards for Serbian as a second language for the end of the first cycle of basic education, the end of the second cycle of basic education (end of compulsory education) the end of the third cycle of education (secondary education) in three levels of achievement, and the end of primary education of adults on two levels of achievements. The tasks for testing draft standards for the end of the second and third cycle education have been developed. There is currently a trial/test of standards for the end of the second and third cycle which covers all students who are learning Serbian as a second language in the Republic of Serbia (2890 students in 106 primary schools and 2,656 students in 45 high schools).

During the first quarter of 2016, processing and analysis of data obtained from testing of standards was completed, and these results served as the basis for the Working Group to prepare the final

proposal of standards for Serbian as a Second Language. This proposal will be discussed in meetings which will be organized separately for each national council. The debate will include representatives of national councils, managers and expert associates of schools where classes are conducted in the mother tongue, teachers of Serbian as a Second Language, and teachers of mother tongues.

All planned sessions have been held in line with the planned dynamics.

Eight expert sessions in total were attended by 203 representatives from schools (teachers, expert associates and principals) and national councils of national minorities.

Table 1 gives the overview of the dynamics realised in expert sessions and the number of participants.

| No. | Venue | Date and Time | Number of participants | National Minority |
|-------------------------|--|---------------------------------|------------------------|-----------------------------|
| 1. | Bosilegrad, Municipal Hall | May 24, 2016 14 – 16 o'clock | 11 | Bulgarian National Minority |
| 2. | Bujanovac, premises of OSCE Mission | May 25, 2016 10 – 12 o'clock | 36 | Albanian National Minority |
| 3. | Novi Pazar, premises of the OSCE Mission | May 26, 2016 10 – 12 o'clock | 23 | Bosniak National Minority |
| 4. | Subotica, City House | June 7, 2016 11 – 13 o'clock | 41 | Hungarian National Minority |
| 5. | Subotica, City House | June 7, 2016 15 – 17 o'clock | 19 | Croatian National Minority |
| 6. | Ruski Krstur, Cultural Centre | June 8, 2016 10 - 12 o'clock | 26 | Ruthenian National Minority |
| 7. | Novi Sad, Secondary School of Mechanical Engineering | June 8, 2016 15 – 17 o'clock | 38 | Slovakian National Minority |
| 8. | Novi Sad, Secondary School of Mechanical Engineering | June 9, 2016 9 – 11 o'clock | 9 | Romanian National Minority |
| 203 participants | | | | |

After these sessions, all national councils and primary and secondary schools in which Serbian language is taught as non-mother tongue were e-mailed the standard proposal and the representatives of national councils and teachers were invited to provide their opinion and proposals for standard development.

In this manner, the opinion was provided by the teachers from 13 schools: Secondary Vocational School of Chemistry and Technology, Subotica, PS “Majšanski put”, Subotica, PS, “Ivan Goran Kovačić”, Subotica, Secondary School of Chemistry and Food Industry, Čoka, PS “Sveti Georgije” from Uzdin, “Sveti Sava”, Rumenka, PP “Kizur Ištvan”, Subotica, Gymnasium “Mihajlo Pupin”, Kovačica, PS “Jožef Atila”, Novi Sad, Music School, Subotica, PS “Bratstvo jedinstvo”, Bajša, PS “Jovan Mikić”, Subotica, PS “15 oktobar”, Pivnice.

The Work Group has analysed the proposal provided by the participants of public debates and prepared the final version of standard for Serbian language as a non-mother tongue.

Opinions on the standard proposal for Serbian language as a non-mother tongue have been provided to the Institute for Evaluation of Education Quality by: National Council of Albanian National Minority, Bosiank National Council, Croatian National Council, National Council of Hungarian National Minority, National Council of Ruthenian National Minority, National Council of Slovakian National Minority, National Council of Romanian National Minority.

In early September 2016, a procedure on discussion and adoption of the Proposal of general achievement standard was initiated for the subject Serbian language as a non-mother tongue for the end of the first, second and third cycle of education and the end of the primary education of adults.

Since the development of the standard for Serbian language as a non-mother language is in the final phase, the Institute for Development of Education, in the proposal of the Annual Curriculum for 2017, planned the project with the aim to prepare new teaching programs for this subject for primary and secondary school, respecting the standards and initial understanding of Serbian language.

At the session held on Tuesday, 15th November 2016, the National Education Council adopted General Achievement Standards for Serbian language subject taught as non-mother tongue. The standards are expected to be published in the Official Gazette and thereby become mandatory.

The production of the handbook for teachers teaching Serbian as a non-mother tongue is close to its finalization and it will facilitate the implementation of standards in teaching and provide scenarios for trainings. In the next year, printing of textbooks has been planned, including the delivery of trainings for teachers.

General standards of achievement regarding the school subject Serbian as a Non-Mother Tongue adopted on 15 November 2016 are currently in the process of their publication in the Official Gazette. The text of the manuscript and the training scenario have been finished, but the printing of the manuscript and the training intended for teachers cannot be implemented until the document General standards of achievement regarding the school subject Serbian as a Non-Mother Tongue is officially published.

The Institute for the Advancement of Education has prepared a proposal regarding the Serbian Language as a Non-Mother Tongue within the process of preparing the draft of the new Teaching

programme oriented in terms of the outcomes towards the fifth grade. For the first time, in line with the requirements of national minorities, two programmes were prepared, as follows:

- PROGRAMME A – FOR PUPILS WHOSE MOTHER TONGUE BELONGS TO NON-SLAVIC LANGUAGES AND WHO RESIDE IN HOMOGENOUS SETTLEMENTS (elementary level of standards);
- PROGRAMME B - 3A FOR PUPILS WHOSE MOTHER TONGUE BELONGS TO SLAVIC LANGUAGES AND WHO RESIDE IN MULTINATIONAL SETTLEMENTS (intermediate–advanced level of standards).

Aside from this, the Institute has signed the agreement on cooperation with the Organisation for Security and Cooperation in Europe (OSCE) concerning the preparation of all other teaching programmes for this subject in primary and secondary schools. The obtained funds ensure the possibility of preparing the programmes in cooperation with a large number of external associates from various national minorities.

3.8.1.13. Providing basic and further training of the teachers in charge of education on languages of national minorities. (Continuously)

Activity is being implemented successfully. Within the Center for Lifelong Learning at the Faculty of Philology in Belgrade, a course for the Roma language and acquisition of certificates is created. At the Faculty of Philosophy in Novi Sad and the State University of Novi Pazar, courses for acquiring a certificate of knowledge of Croatian or Bosnian language are formed.

Cooperation programs with kin states in the field of education of national minorities are in the process of harmonization. Parts of cooperation programs are related to initial education and professional development of teachers.

The total number of programs for professional development of teachers in minority languages is 53. Institute for improvement of education has approved five programs and the Pedagogical Institute of Vojvodina 48 programs (17 programs in Hungarian and 31 of other national minorities). There is currently no precise data available on the extent of use of specialized training in Hungary.

The Institute for Improvement of Education organized one-day training for representatives of national minorities, for drawing up of curricula, on 11th April 2016. Participants of the training included representatives of the Slovakian, Romanian, Bosniak, Hungarian, Croatian and Ruthenian national minority, 27 in total. The content of the training had been prepared on the basis of identified needs of national minorities, in respect of preparation of supplementary content to curricula of subjects relevant to specificities of the national identity, such as: World Around Us, Nature and Society, Music, Art and History. Participants in the training were also provided with an inspection of the new Law on Textbooks with an overview of articles referring to national

minorities, as well as information on inspection of textbooks and/or supplements to textbooks, through application of the new Textbook Quality Standards. At the end of the training, an agreement was reached on future working methods.

Starting from April when the one-day training was realised the Advisors of the Institute of the Improvement of Education were available to all the representatives of individual national councils who worked on the preparation of curricula for the questions and provision of expert assistance.

The National Minority Councils have continually maintained contact with advisors of the Institutes competent for teaching subjects relevant for national minorities. One common meeting was held, at which the teachers responsible for education in the languages of national minorities received additional clarifications regarding the particular curricula and their implementation.

Having regards to the fact that as part of preparing the draft for the new Teaching programme oriented towards the fifth grade in terms of the outcomes, there was the need for preparing new programmes for the obligatory subject of the mother tongue, and the elective subject of the mother tongue with the elements of national culture, the Institute for the Advancement in Education has formed Task Forces for all national minorities except for the Bulgarian and Albanian national minority who did not answer the invitation and did not provide their representatives. The Institute prepared for them a one-day training on programmes, which was oriented towards realising the standards of achievement in terms of outcomes. This way, the Institute provided assistance and support to the Councils of national minorities to independently prepare new programmes.

3.8.1.14. Improve awareness among the wider public and civil servants at all levels of the presence of national minorities in the country and of their rights, including right to positive measures as appropriate. (Continuously)

Activity is being implemented successfully. Implementation of the activity is underway. The Ministry of Public Administration and Local Self-government prepared a proposal of training titled “Rights of Members of National Minorities” in the field of “Protection of Human Rights and Data Confidentiality”, the aim of which was to introduce the attendees to the rights of members of national minorities guaranteed under positive legislation. The target group includes all civil servants. The Human Resource Management Service accepted this proposal of training and included it in the Training Plan and Programme for 2016.

In accordance with the Training Plan and Programme for 2016, the first training in the field of “Protection of Human Rights and Data Confidentiality” was held on 30 August 2016.

After obtaining opinion of the High Civil Service Council, the Minister of Public Administration and Local Self-government passed on 9 March 2016 the Rulebook amending the Rulebook Establishing the General Professional Advancement Programme for Civil Servants in State

Administration Authorities and the Government's Services, which introduced the topic Rights of Members of National Minorities in the programme field Protection of Human Rights and Data Secrecy of the General Continual Professional Advancement for Civil Servants.

The objective of this topic is to introduce trainees to the rights of members of national minorities specified by the currently applicable regulations; to inform trainees about the manner and procedure for the exercise and protection of rights of national minorities, as well as on authorities competent for issues in this field; to ensure acquiring of knowledge on national councils of national minorities; to introduce trainees to the duties of the Republic of Serbia in the European integration process relating to the rights of national minorities etc. The target group are all civil servants and the expected outcome is improvement and acquiring of new knowledge, as well as awareness rising of civil servants of the rights of members of national minorities and the manner and procedure for the exercise and protection of their rights.

In addition, it should be noted that pursuant to Article 97a of the Law on Civil Servants (Official Gazette of RS, No. 79/05, 81/05-corrigendum, 83/05-corrigendum, 64/07, 67/07-corrigendum, 116/08, 104/09 and 99/14), professional advancement of civil servants in accordance with general professional advancement programmes is organised by the Human Resource Management Service, as well as that within the meaning of Article 21, paragraph 1 of the Regulation on Professional Advancement of Civil Servants (Official Gazette of RS, No. 25/15), general professional advancement programmes for civil servants are organized and carried out by this Service. In that sense, to ensure full preparation of a report on the status of implementation of this activity, we believe that relevant data held by the Human Resource Management Service on trainings organized so far on the topic Rights of Members of National Minorities should be included in this report.

In accordance with the Training Plan and Programme for 2016, the second in a series of trainings in the field of "Protection of Human rights and Data Confidentiality" was held on 13 December 2016, with the aim of introducing trainees to the rights of members of national minorities.

After obtaining an opinion from the High Civil Service Council, on 12 January 2017 the Minister of Public Administration and Local Self-Government passed the **Bylaw establishing the General Professional Development Programme for Civil Servants at State Administration Bodies and the Government's Services**. Under the General Continual Professional Development Programme for Civil Servants, the area "Protection of Human Rights and Data Confidentiality" includes a training titled "**Rights of Members of National Minorities**", designed to introduce the trainees to the rights of members of national minorities that are guaranteed by positive law. The target group includes all civil servants. The first of a series of training events in 2017 is scheduled for 24 March.

Concurrently, the **Office for Human and Minority Rights** is in the process of formulating proposals for IPA 2016, with respect to these activities, represented by the indicator reported as the number of minutes on public services dedicated to rising awareness of the national minority rights. Within the IPA 2013 twinning project "Support to the advancement of human rights and

zero tolerance to discrimination”, the conceptualization of activities to raise public awareness of the national minorities’ rights has started in the second half of 2016. The following drafts were prepared: draft general guidelines - questions to be answered and steps to be taken when strategically planning the awareness-raising activities, draft Reminder for effective strategic communication in the field of human rights, draft step-by-step plan of work in the process of directing the development of the awareness campaign itself and draft terms of reference for the activities to raise awareness of the rights of national minorities. In order for the content of the campaign to be considered as participative as possible, in addition to the engagement of experts and agencies, an interactive workshop was held in November 2016 with representatives of NMCs. The draft campaign itself was also influenced by the conclusions of the Report on the Protection of National Minorities, prepared by the experts within the Project, which takes into account the relevant laws and the Action Plan for the realization of the national minorities’ rights of the Republic of Serbia, European conventions, resolutions, recommendations and reports of the European Union and the Council of Europe related to the rights of persons belonging to national minorities. Realization of the campaign itself is planned in the future period.

Office for Human and Minority Rights, in cooperation with the national councils of national minorities marked International Human Rights Day on 10 December 2016. A fair dedicated to national minorities was organized under the slogan "Mosaic of Serbia". The fair was attended by 15 national councils of national minorities (Ashkali, Slovak, Czech, Roma, Montenegrin, Bosnian, German, Bulgarian, Hungarian, Romanian, Croatian, Bunjevac, Ruthenian, Ukrainian and Vlach) who presented their culture and customs, folklore, publishing, as well as handicrafts and gastronomic specialties.

Fair was attended by representatives of state institutions, embassies, international organizations, civil society organizations and media representatives. A large number of citizens visited the stands and watched the cultural program during the Fair.

In the framework of the IPA 2013 twinning project "Support to the promotion of human rights and zero tolerance for discrimination", whose implementation has been extended for four months, i.e. until the end of June 2017, the development of the amended concept of awareness raising campaign for the rights of national minorities was continued, with a plan to start implementation in the second quarter of 2017.

3.8.1.15. Conduct effective investigation and sanctioning of inter-ethnic incidents, particularly those characterized by the elements of the criminal offence of racial, national and religious hatred and intolerance. (Continuously)

Activity is being implemented successfully. Implementation of the action is in progress. Criminal offences that have elements of discrimination, instigation to violence and hate speech such as Instigating National, Racial and Religious Hatred and Intolerance (Art 317 CC) are criminal

offences whose prosecution is undertaken *ex officio* which means that the public prosecutor is obliged to prosecute whenever there are grounds for suspicion that a criminal offence was committed, in accordance with the principle of legality prescribed in Art. 6 paragraph 1 of the Criminal Procedure Code. Accordingly, the public prosecutions continued to investigate and prosecute criminal offenses related to the interethnic incidents.

Additionally, the program and work plan of the Republic Public Prosecutors' Office envisages that this office shall monitor the actions of the competent public prosecutions in cases of wider social importance or for which there is a public interest, including cases concerning the violation of human rights and all forms of discrimination. In order to implement control over acting upon these cases, the Appellate Public Prosecutions are obliged to submit quarterly reports to the Republic Public Prosecutor's Office.

In order to conduct effective investigations of interethnic incidents, especially those with elements of the crime of inciting racial, national and religious hatred and intolerance, the Republic Public Prosecutor's Office continued professional training of Public Prosecutors and Deputy Public Prosecutors on this subject. In this sense, on invitation of the US Embassy in Belgrade, the Republic Public Prosecutor has undertaken preparatory activities in August 2016 to ensure the participation of 5 representatives of the Public Prosecution of the seminar "Hate Crimes", which will be, with support of the US Embassy in Belgrade, held from 3-7 October 2016 at the International Police Academy (ILEA) in Budapest.

The representative of the Republic Prosecutor's Office participated in the seventh Coordination meeting with the purpose of establishing a mechanism for the fight against hate crimes in the Republic of Serbia. Meeting was held on December 1 and 2, 2016 and was organized by the Office for Human and Minority Rights of the Republic of Serbia and the OSCE Mission to Serbia.

It was agreed that with the support of OSCE Mission in Serbia by the end of the first half of 2017, Manual for public prosecutors to investigate hate crimes would be composed.

In addition, on 3 March 2017, a representative of the Republic Prosecutor's Office participated in the round table entitled "Space for Human Rights Defenders - Round table about threats in cyberspace and the public" organized within the IPA 2013 twinning project "Support to the advancement of human rights and zero tolerance to discrimination."

Also, on 7 and 8 March 2017, a representative of the Republic Prosecutor's Office participated in the presentation of the third periodic report on the implementation of the International Covenant on Civil and Political Rights to the Human Rights Committee of the United Nations in Geneva.

At the end of 2015, in cooperation of the Judicial Academy and the Office for Human and Minority Rights, with the support of the Democratization Department of the OSCE Mission to Serbia, a pilot program "Hate crimes - training for the judiciary" started, as a part the continuous training of judges and public prosecutors and prosecutorial assistants. Training on legislation in the area of hate crimes is planned for the period 2015 -2016 and includes 8 one-day seminars. Primary objective of the training is mastering specific knowledge related to the introduction to the concept

of hate crimes, which include, inter alia, the definition of this concept, and understanding the specific concept of hate crimes, the relevant provisions of international law and jurisprudence of the European Court of Human rights and the UN Committee. During November 2015 seminars were held in Subotica and Novi Sad, and in April in Niš, Novi Pazar and Kragujevac, while the final seminar was held in Belgrade on 12 May 2016.

Ministry of Interior reports that a training named "Intercultural Communication and the fight against discrimination" was organized by the Office for Human and Minority Rights of the Government of the Republic of Serbia in cooperation with the Commissioner for Protection of Equality, the Institute for Human Rights of the Republic of Austria (Ludwig Boltzmann) and the Office for national minorities of the Republic of Slovenia, in which two police officers from the Service for Suppressing Crime of the Criminal Police Directorate of the MoI took part.

A seminar "Hate Crimes" was organized by the Judicial Academy in Belgrade, Office for Human and Minority Rights of the Government of the Republic of Serbia and the OSCE Mission in Serbia, in which, besides the representatives of the judicial authorities, two police officers from the Service for Suppressing Crime of the Criminal Police Directorate of the MoI took part.

Representative from Criminal Police Directorate will participate in the meeting titled „Response to hate crimes in connection with the Semitic community and measures to strengthen the security of Jewish communities“, which will be held in Kiev from 12. to 13. December 2016.

3.8.1.16. Conduct analysis of the public prosecutors' offices in the areas inhabited by national minorities with regard to:

-proportional representation of ethnic minorities as holders of public prosecution office.

-representation of members of national minorities as prosecutorial staff (prosecutorial assistants and employees)

-knowledge of the languages of national minorities. (I-II quarter of 2016.)

Activity is fully implemented. The State Prosecutorial Council has collected data on representation of national minority representatives as prosecutorial office holders, representation of national minority representatives as prosecutorial staff (prosecutorial assistants and clerks); - knowledge of language of national minorities in public prosecution offices in areas where national minority representatives live.

Based on the submitted data for individual public prosecution offices, the State Prosecutorial Council drafted a collective Analysis of situation in public prosecution offices, for all four appellate territories, the Republic Public Prosecution Office and prosecution offices of special jurisdiction, referred to: - representation of members of national minorities as prosecutorial office holders; - representation of members of national minorities as prosecutorial staff (prosecutorial assistants and clerks); - knowledge of languages of national minorities.

3.8.1.17. Development and adoption of the Rulebook on the criteria for assessing qualifications, competence and worthiness for nomination and selection of candidates for the holders of public prosecutorial functions, including the provisions relating to the application of Art. 82 of the Law on Public Prosecution, which states that in the nomination and election of public prosecutors and deputy public prosecutor, the ethnic composition of the population, adequate representation of national minorities and knowledge of professional legal terminology in the language of national minority in official use in court shall be taken into account. (IV quarter of 2015 – I quarter of 2016.)

Activity is fully implemented. When electing bearers of prosecutorial position, the State Prosecutorial Council takes care on national composition of the citizens, adequate representation of members of national minorities and knowledge about professional legal terminology at languages of national minorities, in official use in public prosecution offices. A joint working group SPC/HJC has been established to draft amendments and supplements to the Rulebook, in order to ensure that in the nomination and election of public prosecutors and deputy public prosecutor, the ethnic composition of the population, adequate representation of national minorities and knowledge of professional legal terminology in the language of national minority in official use in court shall be taken into account. A slight delay in full implementation of the activity was caused due to the establishment of the new composition of the SPC.

The Work Group for drafting the Rulebook on criteria and standards for evaluation of qualifications, competence and worthiness of candidates during the procedure of proposing deputy public prosecutors elected for the first time, established in April 2016, drafted in June 2016 draft of the Rulebook on criteria and standards for evaluation of qualifications, competence and worthiness of candidates during the procedure of proposing deputy public prosecutors elected for the first time, containing a provision on implementation of Article 82 of the Law on Public Prosecution Office. The Rulebook draft was subjected to public debate in August 2016 and its adoption is expected.

Considering the phase of the proceedings where implementation of Article 82 of the Law on Public Prosecution Office is taken care of, it has been decided that the Regulation on work of the State Prosecutorial Council is the most suitable by-law of the State Prosecutorial Council where these provisions of the law should be elaborated.

During the fourth quarter of 2016, the previously established work body has developed a **draft of the Regulation on amendments of the Regulation on work of the State Prosecutorial Council**, in which were introduced adequate provisions closely regulating implementation of Article 82 of the Law on Public Prosecution Office.

At the session held on 23rd of March 2017 the **State Prosecutorial Council adopted the new Regulation on work of the State Prosecutorial Council** (“Official gazette of the Republic of Serbia”, No. 29/17), with introduced provisions more clearly regulating implementation of Article

82 of the Law on Public Prosecution Office, with a view to provide full and effective equality among members of national minorities and members of national majority. With reference to that, Article 59 of the Regulation stipulates that during the procedure of the election, the Council is taking care on national composition of the population, adequate representation of members of national minorities and knowledge of professional legal terminology in language of a national minority that is in official use in the court.

The stated provision was made concrete through content of Article 50 of the Regulation, defining special rules on decision-making when deciding on election, i.e. proposing of candidates for a deputy public prosecutor in public prosecution offices on territory of local self-governments with official use a language or alphabet of a national minority, by determining an obligation for the Council to obtain data on national composition of the population at local self-governments, as well as on national composition of prosecutorial position holders at the public prosecution office. After that, if noticed that the national composition of prosecutorial position holders is not proportionate to the national composition of population on the territory of that public prosecution office jurisdiction, the Council shall, as a rule, acting in line with the new Regulation, choose, i.e. propose a candidate of a national membership whose election, i.e. proposing, would contribute to proportionality of the national composition, and the highest ranked candidate of that national membership, if his/her mark, i.e. number of points are not below 90% of the mark, i.e. number of points of the first ranked candidate. Of course, in order to implement the stated provisions, it is necessary to meet a condition from the paragraph 3 of Article 60 of the regulation – candidates are to declare their national membership in the application documentation and to give consent to the Council to implement special rules.

3.8.1.18. The establishment of a joint working group of the State Prosecutorial Council and the High Judicial Council for assessment of the access of national minorities to the judiciary. (II quarter of 2016.)

Activity is fully implemented. The State Prosecutorial Council submitted an invitation to the High Judicial Council with initiative for establishment of the stated work group. At the session held on 10 May 2016 the High Judicial Council appointed the members of the Working Group for the assessment of national minorities access to the judicial system of the Republic of Serbia. At the session held on May 5, 2016, the State Prosecutorial Council made a decision of appointing members to a work group with a view to establish a joint work group with the High Court Council for evaluation of access of national minorities to the judicial system, in line with the measure 8.9 of the Action Plan for exercising rights of national minorities.

Moreover, during the I quarter of 2016, the State Prosecutorial Council representatives have held consultations with representatives of the Ministry of Justice, the High Court Council and the management of the IPA 2013 project “Capacity Building of the High Court Council and the State Prosecutorial Council” with reference to implementing activities within the Action Plan for the

Chapter 23 and the Action Plan for exercising rights of national minorities and agreed about the upcoming activities in the area that would be delivered within the II quarter of 2016.

On 20th of July 2016, at the session of a joint work group of the State Prosecutorial Council and the High Court Council for estimating access of national minorities to the judicial system, established in May 2016, were determined institutions, objective, methodology and deadlines of work of the work group.

Considering that the objective of work of the work group is drafting the Analysis on estimation of access of national minorities to the judicial system of the Republic of Serbia, in July 2016, to the members of the work group were submitted for inspection and comment relevant analysis drafted by the State Prosecutorial Council and the High Court Council: the Analysis on use of language when estimating access of national minorities to the judicial system of the Republic of Serbia, the Analysis on representation and knowledge of languages of national minorities in courts in the Republic of Serbia and the Analysis on representation and knowledge of languages of national minorities in public prosecution offices in the Republic of Serbia.

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Joint work group of the State Prosecutorial Council and the High Court Council for evaluation of access of national minorities to the judicial system has continued its work and during the fourth quarter of 2016 participated in the expert mission – visit of the Spanish experts within the IPA 2013 project “Capacity building of the HCC and the SPC”, held between 26th and 28th of October 2016 and in drafting an expert report within the project on evaluation of access of national minorities to the judicial system.

Moreover, during the fourth quarter of 2016, joint work group of the State Prosecutorial Council and the High Court Council along with the management of the IPA 2013 project “Capacity building of the HCC and the SPC” finished organizational preparations for delivery of a round table for adoption of final recommendations for the component 3 of the objective 1 of the IPA

2013 project “Capacity building of the HCC and the SPC”, related to access of national minorities to the judicial system, which is going to be held on 13th of December 2016.

During the first quarter of 2017 the Joint work group of the State Prosecutorial Council and the High Court Council for evaluation of access of national minorities to the judicial system has continued its work and drafted the Review of the joint work group of the State Prosecutorial Council and the High Court Council on comments of participants of the held round tables on access of national minorities to the judicial system, in the area related to competence of the State Prosecutorial Council and the High Court Council, and submitted the abovementioned comments to competent public authorities, in the part related to their competence.

In addition to that, the Joint work group of the State Prosecutorial Council and the High Court Council for evaluation of access of national minorities to the judicial system has continued cooperation with the international experts on the issue of national minorities within the IPA 2013 project “Capacity building of the HCC and the SPC”. With reference to that, with a view to complete the expert report and recommendations on access of national minorities to the judicial system, which is being finalized within the project, the Joint work group of the State Prosecutorial Council and the High Court Council has forwarded to international experts both comments of participants of the held round tables on access of national minorities to the judicial system and the Review of the joint work group of the State Prosecutorial Council and the High Court Council on these comments. Moreover, on 17th of March 2017, within the project, has been held a meeting between the State Prosecutorial Council representatives (members of the Joint work group of the State Prosecutorial Council and the High Court Council for evaluation of access of national minorities to the judicial system) and the abovementioned international experts, where were discussed issues relevant for conclusion of the expert report for evaluation of access of national minorities to the judicial system.

3.8.1.19. Organize joint workshops on access of national minorities to legal aid for the State Prosecutorial Council, the High Judicial Council, civil society organizations and representatives of national minorities. (II and III quarter of 2016.)

Activity is fully implemented. During the I quarter of 2016, the State Prosecutorial Council representatives have held consultations with representatives of the Ministry of Justice, the High Court Council and the management of the IPA 2013 project “Capacity Building of the High Court Council and the State Prosecutorial Council” with reference to implementing activities within the Action Plan for the Chapter 23 and the Action Plan for exercising rights of national minorities. Discussions also involved specification of this activity, and the topics of the workshop have been agreed upon, including use of language of national minorities in court proceedings, interpretation and translation. Also, it was agreed to invite representatives of national councils of national minorities whose languages are in official use.

In accordance with conclusions from the meeting of the joint work group of the State Prosecutorial Council and the High Court Council for estimation of access of national minorities to the judicial system, held on 20th of July 2016, foreseeing holding of a joint workshop during the second half of September 2016 on access of national minorities to legal aid for the State Prosecutorial Council, the High Court Council, the civil society organizations and representatives of national minorities, representatives of the State Prosecutorial Council and the High Court Council held in August 2016 a preparatory meeting for organizing the said joint workshop and sent invitations to the competent state institutions, national councils of national minorities, civil society organizations and international organizations for participation at the workshop, scheduled for 30th of September 2016.

Workshop on access to the judiciary of persons belonging to national minorities was held on 30 September, with the participation of relevant state bodies, national councils of national minorities, CSOs, and international partners.

On 30th of September 2016 representatives of the State Prosecutorial Council and the High Court Council held a **joint workshop on access of national minorities to the legal aid**, where participated competent public institutions, national councils of national minorities, civil society organizations and international organizations. At this workshop, representatives of the joint work group of the State Prosecutorial Council and the High Court Council for evaluation of access of national minorities to the judicial system presented to the workshop participants the Analysis on language use in estimation of access of national minorities to the Republic of Serbia judicial system, the Analysis on representation and knowledge of languages of national minorities in the Republic of Serbia courts and the Analysis on representation and knowledge of languages of national minorities in the Republic of Serbia prosecution offices. In addition to oral presentation and discussion at the workshop, the stated analysis were also distributed in written form to the workshop participants, incited to send their written comments to them.

3.8.1.20. Organize round table for the adoption of the final recommendations for the component 3, Objective 1 IPA 2013 project "Strengthening the capacity of the High Judicial Council and the State Prosecutorial Council," which refers to the improvement of the relationship with civil society organizations and activities related to access of the national minorities to the judiciary. (IV quarter of 2016.)

Activity is fully implemented. On 13th of December 2016 representatives of the joint work group of the State Prosecutorial Council and the High Court Council for evaluation of access of national minorities to the judicial system, along with the management of the IPA 2013 project "Capacity building of the HCC and the SPC", will organize a round table for adoption of final recommendations for the component 3 of the objective 1 of the IPA 2013 project "Capacity building of the HCC and the SPC", related to access of national minorities to the judicial system. At the round table, to the participants of the round table – competent public institutions, national councils of national minorities, civil society organizations and international organizations – will

be presented the expert report on estimation of access of national minorities to the judicial system, drafted by the Spanish experts within the IPA 2013 project “Capacity building of the HCC and the SPC”, with participation of the High Court Council and the State Prosecutorial Council representatives.

3.8.1.21. Conduct training of judges on international instruments and standards in the field of protection of national minorities from discrimination and ECHR practice. (Link with activity 1.3.1.7.) (Continuously)

Activity is being implemented successfully. Activities are implemented in line with the Action Plan for Chapter 23. In cooperation with OSCE, the training for judges on international instruments and standards in the field of protection of national minorities from discrimination and ECHR practice has been organized. In addition, the issues related to standards in the field, are the integral part of the specialized human rights training conducted, until November 2015, for more than 200 participants. In addition, in 2015 the Judicial Academy conducted a series of roundtables with judges of the appellate courts who work in the departments of case law, imbalances in decision-making in these cases have been identified and during the first quarter of 2016 at a joint session of the appellate courts a unified position on these issues was adopted, hence it is expected that there won't be uneven judicial decisions at the appellate level, which should be reflected in the first instance in these cases.

The education is being conducted continuously and also through initial education, both at theoretical seminars and at workshops. As of the first quarter 2016 ToT for the topic is in the course for eight selected judges of high courts in Serbia. Within the training of trainers, 3 training sessions were conducted, and by the end of the year two more training sessions will take place, as well as the study visit to Strasbourg.

Training of trainers in the area of non-discrimination is completed in December 2016, thus providing the Academy with 8 competent lecturers in this area working as judges. Planning of the activities is in progress, and developing the training program in this area for second and third quarter of the year 2017.

3.8.1.22. Announcement and implementation of public calls for the cofinancing of national minority organizations in Autonomous Province of Vojvodina for the projects of a multicultural nature, with an aim to develop the spirit of tolerance and encourage the promotion of cultural diversification.

Announcement and implementation of public calls for the cofinancing of programs and projects of organizations established by national councils of national minorities and civil society organizations engaged in protection and improvement of the rights of national minorities in other areas inhabited by national minorities, by allocating funds in Budgetary

Fund for the projects of a multicultural nature, with an aim to develop the spirit of tolerance and encourage the promotion of cultural diversification.

(For public calls in Autonomous Province of Vojvodina: Continuously, commencing from I quarter of 2015.; For public calls in other areas inhabited by national minorities: Continuously, commencing from I quarter of 2016)

Activity is being implemented successfully. Regulation on the Procedure for Allocation of Financial Resources from the Budget Funds for National Minorities (Official Gazette of RS, No. 22/16) was passed at the Government's session held on 3 March 2016, which ensured compliance with the requirements for the provision and operationalization of all funds allocated to the dedicated budget expenditure line of the Ministry of Public Administration and Local Self-government. Regulation sets out that the budget fund can also be financed from donations. Financial resources from the Fund are allocated through public calls for programmes and projects in the fields of culture, education, provision of information and official use of languages and scripts of national minorities. Allocations from the budget fund for national minorities, included in the budget chapter of the Ministry of Public Administration and Local Self-government in the amount of RSD 1,800,000, have not been made because the National Minority Council, responsible for adoption of the Draft Programme of Priority Areas Financed from the Budget Fund and for determining objectives achieved, the amount of funds and the period for which funds are allocated, has not met since passing the Regulation on Allocation of Funds from the Budget Fund for National Minorities.

According to the report for I quarter of 2017, the session of the Council for National Minorities scheduled for 16 December 2016 has been postponed because a majority of the presidents of National Councils of National Minorities did not vote in favour of the proposed Agenda. One of the items on the Agenda to be debated by the Council in this session was the adoption of a Programme of Priority Areas for Funding from the Budget Fund for National Minorities, the objectives to be achieved, the amount of funding and the period for which the funding would be awarded.

According to the Provincial Secretariat for Information, multicultural projects are supported through the call for proposals invited by the Secretariat annually, in the fields concerning contemporary artistic creation, protection of cultural heritage (immovable, movable and intangible cultural heritage) and publishing activity of national minorities-national communities. In 2016 the Secretariat invited the following calls for proposals:

1. Call for proposals for co-funding the cultural programmes and projects in the field of modern artistic creation of the AP Vojvodina and
2. Call for proposals for funding and co-funding the projects and programmes in the field of protection and preservation of cultural heritage in the AP Vojvodina.

Currently in preparation is the invitation of the Call for proposals for co-funding the publishing activity in languages of national minorities – national communities.

By way of **the Call for proposals in the field of protection and preservation of cultural heritage in the AP Vojvodina in 2016**, several projects with a strong multinational character have been supported by the amount of RSD 370,000.00, and they are the following:

- a project by the Cultural Centre of Banatsko Novo Selo “*Novo selo – društveni život, ljudi, događaji*” (“New Village – Social Life, People, Events”) (allocated amount: RSD 120,000.00),
- a project by the Fund for Preservation of Cultural and Historical Heritage “**VEKOVI BAČA**” (“CENTURIES OF BAČ”) in Bač, entitled “*Preplitanja*” (“Interlinking”) (allocated amount: RSD 100,000.00),
- a project by the National Library “**Branko Radičević**” – Museum branch in Odžaci, entitled “*Prošlost Odžaka kroz stare fotografije - pedesete, šezdesete, sedamdesete (izložba i katalog)*” (“History of Odžaci through Old Photographs – the 50’s, 60’s, 70’s (an exhibition and catalogue) (allocated amount: RSD 50,000.00), and
- a project by the City Museum in Subotica “*U zaleđu. Privatni život u Subotici za vreme prvog svetskog rata - izložba*” (“Background of Private Life in Subotica during the First World War – Exhibition” (allocated amount: RSD 100,000.00),

Due to a drastic reduction of funds for this call for proposals in 2016, other projects could not have been financially supported.

Multicultural projects have not been supported in the Call for proposals for co-funding the cultural programmes and projects in the field of modern artistic creation of the AP Vojvodina, due to a lack of quality projects on the one, and the restricted funds on the other hand.

According to the report of the Provincial Secretariat for National Minorities, Call for proposals for donations to organisations of ethnic communities in the autonomous province of Vojvodina in 2016, co-financing of regular activities, projects and events organisation, procurement of equipment and investments of organisations of ethnic communities from the territory of the autonomous province of Vojvodina in 2016 registered legal entities – organisations and associations of persons belonging to ethnic communities, based in the territory of the autonomous province of Vojvodina, whose activities are based on preservation and fostering of national and cultural identity or preservation and enhancement of interethnic tolerance. The call has been invited for the amount of 9,552,151.10 rsd, call for proposals invited in the period 07 – 31 march 2016, published on the web-page of the secretariat, completed disbursement until 20 September 2016-1,887,151.10.

According to the report of the Provincial Secretariat for National Minorities for I quarter of 2017, call for proposals for donations to organisations of ethnic communities in the Autonomous Province of Vojvodina in 2017 was announced on February 6 until 3rd March 2017. The call covers co-funding of regular activities, projects and events organisation, procurement of equipment and investments of organisations of ethnic communities from the territory of the APV in 2017. The amount of the call is 29,950,000.00 RSD. Evaluation is in progress.

Also, call for proposals for funding of national councils of national minorities is announced, covering funding of regular and development activity of the registered national councils of national minorities based in the territory of the Autonomous Province of Vojvodina in 2017. The amount of the call is 60,100,000.00 rsd.

According to the report of the Provincial Secretary for Culture, Public Information and Relations with Religious Communities for I quarter of 2017, in 2017 the Secretariat published 7 calls for proposals in the field of culture, as follows: publishing activity, programmes, projects, events and festivals in the field of contemporary artistic creation and applied arts as well as amateur creation in culture; implementation of events in local self-governments in AP Vojvodina; programmes and projects of importance for the culture and art of national minorities - national communities; procurement of books and other publications for public municipal and city libraries in AP Vojvodina; projects and programmes in the field of protection and preservation of cultural heritage in AP Vojvodina and co-financing programmes and projects in the field of protection and preservation of traditional folk creation of Serbs in AP Vojvodina and cultural heritage of Serbs in the region in 2017. The Provincial Assembly Decision on the Budget of AP Vojvodina for 2017 ("Official Journal of AP Vojvodina", no. 69/16) and the Financial Plan of the Provincial Secretariat for Culture, Public Information and Relations with Religious Communities for 2017 from 6th January 2017 for the purpose of financing – co-financing programmes and projects in the field of culture earmarked funds in the total amount of RSD 69,700,000.00 (in words: sixty nine million seven hundred thousand dinars and 00/100).

The Secretariat has initiated a total of seven call for proposals for projects relating to the co-financing of programmes and projects in culture. Call for proposals were published on 10th February 2017 and last until 13th March 2017. Results are expected in the second quarter of 2017.

3.8.1.23. Enabling full implementation of the Law on Local Self-Government in particular relating to establishment of the councils for multi-ethnic relations in all ethnically mixed areas in line with the Law.

Conduct monitoring over the implementation of the Law on Local Self-Government in this regard, through reporting on the activities and outputs of the councils for multi-ethnic relations.

Link with activity 4.1.4, special measures related to vulnerable group national minorities, Action plan for implementation of the Strategy for the Prevention and Protection Against Discrimination for 2014-2018. (Continuously)

Activity is partially implemented. As the previous Government did not review the Draft Law amending the Law on Local Self-government, which had been prepared at the time, after the new Government took office the Minister of Public Administration and Local Self-government formed the Special Working Group on Preparation of the Draft Law amending the Law on Local Self-government. The Draft Law amending the Law on Local Self-Government has been endorsed and is currently at the stage of obtaining opinions from the competent authorities, after which it would be submitted to the Government for review and decision-making.

The Draft Law provides for a duty of local self-government units where the language of a national minority is officially used to obtain the opinion of a council on interethnic relations when renaming streets, squares, city districts, hamlets and other parts of settlements. This is a novel feature introduced by the Law and is a mandatory requirement for decision-making in the renaming procedure. In addition, this is also a way to ensure that such local self-government units comply with their duty to form a council on inter-ethnic relations, especially given that the currently applicable Law does not provide for any measures that could be undertaken against local self-government units that fail to comply with the duty provided for in Article 98 of the currently applicable Law on Local Self-Government.

3.8.1.24. Provide special funds in the budget of the Autonomous Province of Vojvodina for the financial support of the work of national councils of national minorities.

Provision of funds in the Budgetary Fund for the financing of programs and projects of national minorities organizations established by national councils of national minorities and civil society organizations engaged in protection and improvement of the rights of national minorities. (For funds allocated in the Budgetary Fund for national minorities: Continuously, upon its establishment; For APV: Continuously)

Activity is being implemented successfully. Regulation on the Procedure for Allocation of Financial Resources from the Budget Funds for National Minorities (Official Gazette of RS, No. 22/16) was passed at the Government's session held on 3 March 2016, which ensured compliance with the requirements for the provision and operationalization of all funds allocated to the dedicated budget expenditure line of the Ministry of Public Administration and Local Self-government. Regulation sets out that the budget fund can also be financed from donations. Financial resources from the Fund are allocated through public calls for programmes and projects in the fields of culture, education, provision of information and official use of languages and scripts of national minorities. Allocations from the budget fund for national minorities, included in the budget chapter of the Ministry of Public Administration and Local Self-government in the amount

of RSD 1,800,000, have not been made because *the National Minority Council*, responsible for adoption of the Draft Programme of Priority Areas Financed from the Budget Fund and for determining objectives achieved, the amount of funds and the period for which funds are allocated, *has not met* since *passing the Regulation* on Allocation of Funds from the Budget Fund for National Minorities. The session of the Council for National Minorities scheduled for 16 December 2016 has been postponed because a majority of the presidents of National Councils of National Minorities did not vote in favour of the proposed Agenda. One of the items on the Agenda to be debated by the Council in this session was the adoption of a Programme of Priority Areas for Funding from the Budget Fund for National Minorities, the objectives to be achieved, the amount of funding and the period for which the funding would be awarded.

Call for proposals for co-funding the projects aimed at preservation and fostering of interethnic tolerance in Vojvodina in 2015 was announced in the period 08- 22 April 2015 and published on the web-page of the Secretariat. The call for proposals was announced for co-funding of programs, projects and activities aimed at preservation and fostering of interethnic tolerance in Vojvodina in 2015, within the “promotion of multiculturalism and tolerance in Vojvodina” project. The eligible participants are registered legal entities – organizations, groups, associations and other entities based in the territory of the autonomous province of Vojvodina, whose activity is based on preservation of interethnic tolerance and/or organizations, groups and associations whose programs, projects or activities are focused on preservation and fostering of interethnic tolerance in the autonomous province of Vojvodina. The value of the project is 9,296,700.00 RSD.

Financing of national councils of national minorities refers to financing of regular and development activities of registered national councils, based in the territory of the autonomous province of Vojvodina for 2016 is in progress. Eligible participants are national councils of national minorities with the registered seat in the territory of the Vojvodina. Envisaged funds for allocation are 46,214,000.00 rsd (36,214,000.00 rsd- regular activities) and (10,000,000.00 rsd- development activity). This call is open every year in February and sent to all councils based in the territory of Vojvodina. Disbursement until 20 September 2016 is 34,214,000.00.

Call for proposals for co-financing of the projects aimed at preservation and fostering of interethnic tolerance in Vojvodina in 2016 refers to co-financing of programmes, projects and activities aimed at preservation and fostering of interethnic tolerance in Vojvodina in 2016, within the “promotion of multiculturalism and tolerance in Vojvodina” project. Eligible participants are registered legal entities – organisations, groups, associations and other entities, based in the territory of the autonomous province of Vojvodina, whose activity is based on preservation of interethnic tolerance and/or organisations, groups and associations whose programmes, projects or activities are focused on preservation and fostering of interethnic tolerance in the autonomous province of Vojvodina. The call has been invited for the total amount of 4,300,000.00 rsd in the period 07-31 march 2016. The call has been invited for the total amount of 9,000,000.00 rsd in the period 01-09 June 2016. Completed disbursement until 20 September 2016 is 2,860,000.00.

As reported in I quarter of 2017, Call for proposals for co-funding the projects aimed at preservation and fostering of interethnic tolerance in Vojvodina in 2017 was announced in the period 06 February - 03 March 2017. The call for proposals is invited for co-funding of programmes, projects and activities aimed at preservation and fostering of interethnic tolerance in Vojvodina in 2017. The amount of the call is 14.688.700.00 rsd. Processing of the incoming call documentation and application is underway

3.8.1.25. Development and distribution to the local self-government units of a mandatory instruction explicitly giving following directions to the local self-government units in charge of all personal data registries (birth, marriage, death, citizenship) in connection with:

- the exercise of the rights to the entry of a name in the birth registry books in the language and script of the national minority, applicable in all registries across country.

-subsequent entry of data in the registry at the request of persons belonging to national minorities in line with the Article 26 of the Law on Birth Registries;

-duty of the body in charge of personal data registries to inform the party on the right to exercise entry of data in the registry in the language and script of the respective national minority. (Development: IV quarter of 2015; Distribution: Continuously)

Activity is being implemented successfully. The activity was implemented. The instruction was prepared and submitted to the municipal and city administrations, directing the organization of activities and working methods of the registrars and deputy registrars in connection with exercising the right of entry of a name in the registry books in the languages and scripts of national minorities.

Also, a sample of a Notice of the procedure and method of registration of personal names of persons belonging to national minorities in the registers was delivered for the purpose of placing it on the notice boards of all registry areas, i.e. towns and municipalities for which registers are kept, and the local self-government units in which the statute establishes the use of the official language of a national minority, whereby it was requested to highlight the notice in the language and script of the national minorities as well.

3.8.1.26. Regular monitoring over the work of local self-government units with regard to the exercise of the right to entry of a name in the Birth Registry in languages and script of national minorities and the imposition of corrective measures. (Continuously)

Activity is being implemented successfully. Administrative Inspectorate, as a part of regular inspections, supervises and ensures the exercise of the rights of national minorities with regard to the entry of a name in the registry books in the language and script of the national minority. During

inspection, no irregularities were determined and any complaints about the work of the bodies with delegated tasks to keep the registers and resolve matters pertaining to registers in the first instance administrative procedure.

3.8.1.27. Training of registrars and deputy registrars in connection with the implementation of laws and regulations governing the manner of registration of personal names of persons belonging to national minorities in the language and script of the national minority. (IV quarter of 2015)

Activity is fully implemented. In accordance with the established training plan in 2015 in connection. With the implementation of laws and regulations governing the registration of personal names of persons belonging to national minorities in the registry books in the language and script of a national minority, trainings of registrar and deputy registrar who keep registers in all administrative bodies which are entrusted the registers were held. A total of eight training was organized (in Nis, Belgrade, Pirot, Zlatibor, Novi Sad and Subotica on one training and Belgrade two training). These trainings were attended by a total of 335 registrars and deputy registrars, thus fully implementing the training curriculum.

Ministry of Interior, in cooperation with the Ministry of Public Administration and Local Self-Government, Ombudsman and High Commissioner UN for Refugees – Serbia representation took part in training course in Belgrade for employees in Local Self-Government responsible for birth register, employees in Centres for Social work and police officers. The topics was the implementation of laws and regulations governing the manner of registration of personal names of persons belonging to national minorities in the language and script of the national minority.

Ministry of Interior, in cooperation with the Ministry of Public Administration and Local Self-Government, Ombudsman and High Commissioner UN for Refugees – Serbia representation took part in training course in Sokobanja, Vrsac, Valjevo and Zrenjanin for employees in Local Self-Government responsible for birth register, employees in Centres for Social work and police officers. The topics was the implementation of laws and regulations governing the manner of registration of personal names of persons belonging to national minorities in the language and script of the national minority.

Ministry of Interior, in cooperation with the Ministry of Public Administration and Local Self-Government, Ombudsman and High Commissioner UN for Refugees – Serbia representation took part in training course in Belgrade for employees in Local Self-Government responsible for birth register, employees in Centres for Social work and police officers. The topics was the implementation of laws and regulations governing the manner of registration of personal names of persons belonging to national minorities in the language and script of the national minority.

3.8.1.29. Organization of a round table with representatives of the national councils of national minorities, the interested professional public, as well as non-governmental organizations to discuss:

-open issues regarding implementation of Law on national councils of national minorities, and

- provide recommendations. (IV quarter of 2015)

Activity is fully implemented Activity is carried out. Ministry of State Administration and Local Self-Government organized a round table entitled "National Councils - minority self-government in the legal system of the Republic of Serbia", on 18 December 2015. At the roundtable, which was attended by representatives of national councils of national minorities, non-governmental organizations and the international community and the interested professional public, the analysis of the normative framework regulating the rights of national minorities in the Republic of Serbia was presented, with the aim of finding the most appropriate solutions in the process of amending the Law on National Councils of National Minorities.

3.8.1.30. Establishment of a multi-sectorial working group in order to draft a new Law on National Councils of National Minorities, or adopt amendments and supplements of current law in accordance with the results of the conducted analysis, and with active participation of the national councils of national minorities. (IV quarter of 2015)

Activity is fully implemented. Activity is carried out. Minister of State Administration and Local Self-government established the Working group to draft the amendments to the Law on National Councils of National Minorities. The working group includes representatives of the relevant ministries in charge of areas in which national minorities have the right to self-government, culture, education, information and official use of language and script of the language of national minorities, representatives of national councils of national minorities and the professional community.

3.8.1.31. In line with analysis and conclusions of working group and taking into account the January 2014 decision of the Constitutional Court, adoption of the new Law on National Councils of National Minorities or adoption of amendments and supplements of current law, in order to ensure that NMCs fully contribute to the creation of a more integrated society, with special focus on: -the role of National Minority Councils as institutions tasked to enhance integration within society as a whole; - clear definition of the competences of NMCs; -reduction of an excessive politicization of National Minority Councils, including by considering the introduction of rules on power-sharing systems in the government of a NMCs or on incompatibilities such as between membership in a National Minority Council and high political offices; - support measures to

increase cooperation between State authorities and all National Minority Councils and among National Minority Councils. (I quarter of 2017)

Activity is partially implemented. The Special Working Group on preparing the text of the Draft Law amending the Law on National Councils of National Minorities has so far held four meetings in its new composition. In its meetings, the Working Group has agreed on the method and schedule of its work and has reviewed the provisions which govern the role and status of the National Councils of National Minorities in Serbia's legal system, as well as the rules on distribution of power and management of the National Councils.

The Working Group is composed of representatives of state administration bodies responsible for culture, education, information and official use of languages and scripts, five representatives of National Councils of National Minorities (nominated by the Coordination of National Councils) and representatives of international organisations; it will also hold a broad consultative process with civil society organisations. The OSCE Mission to Serbia provides permanent professional and technical support to the Working Group.

3.8.1.32. Adoption and implementation of the Law on employees in the autonomous province and local self-government units, which provides that:

-in the process of recruitment it must be taken into account that, among other criteria, the ethnic composition shall reflect, to the greatest extent possible, the structure of the population;

-keeping personnel records with the employer, containing the information on education in minority languages.(I-II quarter of 2016.)

Activity is being successfully implemented. Committee of the National Assembly for the Judiciary, Public Administration and Local Self-Government, at its 63rd session, held on 1st March 2016, and at the 64th session, held on 2nd March 2016, considered the Law on the employees in the autonomous provinces and the Local Self-Government units in general and in detail. Law on Employees in Autonomous Provinces and Local Self-Government Units was adopted on 3rd March 2016, and published in the "Official Gazette of the Republic of Serbia", No. 21/16. The Law will take effect on 1 December 2016, except the provisions relating to professional advancement, the provisions on the appeals committee and the provisions regulating the issues in connection with human resources, which took effect on the day following the date when the Law came into force, subject to certain additional restrictions (e.g. promotion to higher pay grades).

Under the Article 19 of the subject law it is provided that:

*at the moment of the candidates getting employed all the positions shall be available to them under the equal conditions,

*the selection of candidates shall be based on the professional qualification, knowledge and skills;

*in the course of employing the staff, care shall be taken about the balance in national structure, gender representation and the number of people with disabilities among the employees, which shall reflect, to the most possible extent, the structure of population.

This law shall regulate rights and duties pertaining to employment of the employees with the bodies/agencies of the autonomous provinces and local self-management units.

The provisions of this law shall be adequately applied to employees with the bodies/agencies of the urban municipalities (districts) and in services and organizations established by the competent authority of the autonomous province, local self-government unit and urban municipality (district) in line with a special act. Services and organizations will refer to professional services and special organizations established in order to render administration services.

The **Law on Employees in Autonomous Provinces and Local Self-government Units** sets out that all positions are available to all job candidates under equal conditions and that factors to be taken into account when hiring include ethnic and gender composition and the number of persons with disabilities, all of which should reflect the structure of the population to the largest extent possible.

In addition, the Law provides for the keeping of human resource records, which among other things include information on the mother tongue, with employees' written consent, but without an obligation to provide such information, information on the language in which primary, secondary and higher education was completed and information on ethnicity of civil servants and employees in accordance with the regulation providing for the register of employees in public administration in the Republic of Serbia, with employees' written consent, but without an obligation to provide such information.

The Ministry of Public Administration and Local Self-government prepared the **Regulation on the Criteria for Job Classification and the Criteria for Description of Jobs of Civil Servants in Autonomous Provinces and Local Self-government Units and the Regulation on the Criteria for Job Classification and the Criteria for Description of Jobs of Employees in Autonomous Provinces and Local Self-government Units**. The above implementing regulations set out that in autonomous provinces, local self-government units or city municipalities where languages and scripts of national minorities are in official use, a specific requirement for posts which include direct oral and written communication with citizens is knowledge of languages and scripts of national minorities. The Regulation on Regulation on Internal and Public Job Announcement Procedures in Autonomous Provinces and Local Self-Government Units has also been prepared, which among other things stipulates that if there is a need to employ members of national minorities which are insufficiently represented in the staff structure, the job announcement must specifically state that those national minorities have priority in selection if qualified candidates have been equally ranked. In addition, it is stipulated that, when hiring for an employee position in respect of which knowledge of languages and scripts of national minorities is a specific

requirement, the job announcement must specifically state this requirement and specify whether compliance with this requirement would be checked by a written test.

At the end of 2016, the Ministry of Public Administration and Local Self-Government applied for IPA funding for a project aimed at creating affirmative action for the employment of members of minorities in public administrations, on the positions that would contribute to better exercise of the rights of members of national minorities. The project has been developed further and designed as a component of a wider project (to be funded under IPA 2017) in a workshop with the Serbian European Integration Office, the Ministry of Justice and the EU Delegation in Belgrade. In the ensuing communication, it was decided that this project should be separated and nominated for funding under a Framework Contract (for up to EUR 300,000) from unallocated IPA funds. The MPALSG prepared a Concept Note, which was sent to the Serbian European Integration Office in February 2017 to be forwarded for further decision-making to the Committee on unallocated IPA analysis.

A current situation analysis will be made in order to identify the criteria and standards for setting the relevant standards for appropriate representation of national minorities in specific segments of the public sector through:

- An analysis of comparative law practices in EU Member States and neighbouring countries,
- An analysis of positive laws governing the labour law status of public sector employees,
- An analysis of the job requirements for specific posts in certain segments of the public sector, in line with the functions of the public sector, with relevance for the exercise of the right of members of national minorities to communicate in an officially used language.

3.8.1.33. Adoption and implementation of the Regulation governing, inter alia, the language and script of national minorities, as a special condition for the performance of tasks at the individual workplaces for the purpose of proportional representation of ethnic minorities among civil servants and clerks. (45 days after the entry into force of the Law on employees in the autonomous province and local self-government units.)

Activity is being successfully implemented. To ensure implementation of the Law on Employees in Autonomous Provinces and Local Self-government Units, at the proposal of the Ministry of Public Administration and Local Self-government, on 22 October 2016 the Serbian Government adopted the **Regulation on Criteria for Job Classification and the Criteria for Description of Jobs of Civil Servants in Autonomous Provinces and Local Self-government Units** (Official Gazette of RS, No. 88/16) and the **Regulation on Criteria for job Classification and the Criteria for Description of Jobs of Employees in Autonomous Provinces and Local Self-government Units** (Official Gazette of RS, No. 88/16). These implementing regulations stipulate that, in autonomous provinces, local self-government units or city municipalities where languages and scripts of national minorities are in official use, a specific requirement for posts which include direct oral and written communication with citizens is knowledge of languages and scripts of

national minorities. In addition, in its session held on 29 November 2016, the Serbian Government adopted the **Regulation on Internal and Public Job Announcement Procedures in Autonomous Provinces and Local Self-Government Units**, which among other things provides that, if there is a need to employ members of national minorities who are underrepresented in the workforce, job announcements must specifically state that national minorities would be given preference if eligible candidates score equally on all other requirements. In addition, it is stipulated that job announcements for employee positions in respect of which knowledge of a national minority language and script is a specific requirement must clearly state such requirement and knowledge of the language should be tested in writing as appropriate.

3.8.1.34. Announcement of a public call for the allocation of budgetary resources to the local authorities in order to:

-Educate the staff in bodies and organizations of local self-government units where minority languages and scripts of national minorities are in the official use;

-Improve the electronic administration system to work in conditions of multilingualism in areas inhabited by national minorities;

-Secure funding for preparing and setting up bilingual topographic signs and printing of bilingual or multilingual forms, official journals and other publications for public use. (Continuously)

Activity is being implemented successfully. Regulation on the Procedure for Allocation of Financial Resources from the Budget Funds for National Minorities (Official Gazette of RS, No. 22/16) was passed at the Government's session held on 3 March 2016, which ensured compliance with the requirements for provision and operationalization of all funds allocated to the dedicated budget expenditure line of the Ministry of Public Administration and Local Self-government.

The call for proposals for allocation of budget funds in 2015 to bodies and organizations in the autonomous province of Vojvodina where languages and scripts of national minorities – national communities are in the official use has been announced and published on the web-page of the Secretariat. The call for proposals was announced in the period 13/ 05/ - 15/ 06/ 2015. The value is 9,500,000.00 RSD. The eligible participants of the call are:

1. Bodies of local self-government units from the territory of the autonomous province of Vojvodina where the statute of the town or municipality has regulated the official use of languages and scripts of national minorities – national communities in the entire territory of that local self-government unit or in settlements situated in their territory;
2. Local communities in the territory of towns and municipalities from the previous line; other bodies, organizations, services
3. Institutions, budget beneficiaries, based in the territory of a local self-government or carrying out the tasks in the territory of that local self-government.

Call for proposals for allocation of budget funds in 2016 to bodies and organizations in the autonomous province of Vojvodina where languages and scripts of national minorities – national communities are in the official use refers to financing and/or share in financing of activities aimed at enhancing the exercise of the right to official use of languages and scripts of national minorities – national communities in the autonomous province of Vojvodina. Eligible participants are bodies of local self-government units from the territory of Vojvodina where the statute of the town or municipality has regulated the official use of languages and scripts of national minorities in the entire territory of that local self-government unit or in settlements situated in their territory, local communities in the territory of towns and municipalities from the previous line, other bodies, organizations, services and institutions, budget beneficiaries, based in the territory of a local self-government or carrying out the tasks in the territory of that local self-government. The call has been invited for the total amount of 3,178,264.00 rsd in the period 07-31 march 2016. Completed disbursement until 20 September 2016 is 3,173,326.00 rsd.

As reported in I quarter of 2017, a call for proposals for allocation of budget funds in 2017 to bodies and organisations in the Autonomous Province of Vojvodina where languages and scripts of national minorities – national communities are in the official use was announced in the period 06 February - 03 march 2017. The call covers funding and/or share in funding of activities aimed at enhancing the exercise of the right to official use of languages and scripts of national minorities – national communities in the APV. The amount of the call is 9,500,000.00 rsd. Processing of the incoming call documentation and application is underway

3.8.1.35. Providing support to the National Councils of National Minorities in the implementation of their jurisdiction.

-trainings of the NCNMs on mechanisms for the protection against discrimination, antidiscrimination legislation and on recognizing types of discrimination and grounds for discrimination.

-strengthening the managerial capacities and financial reporting capabilities of NCNMs. (Continuously)

Activity is being implemented successfully. Within these activities, financial support is provided through the funding of national councils of national minorities for regular work. For this purpose, 2015 national budget provided 245 million dinars. Amounts allocated to funding regular work of National Councils of National Minorities in 2016 have not been reduced, in spite of the restrictive budget, and the national budget earmarks 245,000,000 Dinars for this purpose.

Office for Human and Minority Rights in cooperation with the OSCE Mission in November 2015. organized the workshop “Training of national councils of national minorities- Financial Management“ which was aimed at strengthening the management capacity and capabilities for national council of national minorities` financial reporting

Support funding for these activities is also provided through the twinning project from IPA 2013 „Support to the advancement of human rights and zero tolerance to discrimination“. The incorrect project value and the wrong duration of project implementation are stated in the adopted Action Plan. The total value of the project, which lasts 18 months (from September 2015 to March 2017) and includes some activities other than those mentioned under activity 3.8.1.35., amounts to 1,200,000.00 EUR, not 10,476,550.00 EUR as erroneously stated, (with national contribution of 60,000 EUR provided by the Office for Human and Minority Rights, out of which 39,024 EUR were transferred to the National Fund in 2015). The adopted Action Plan also erroneously quotes the amounts planned for 2015 and the amounts planned for the forthcoming period. In 2015, 178,439.61 EUR was spent on the project. The total budget planned for 2016 is 804,483.08 EUR, while 217,077.31 EUR is planned for 2017. The project in 2016 foresees the funding to the amount of 68,785.90 EUR for providing support to National Councils of National Minorities in fulfilling their responsibilities through training and capacity building.

In January 2016, the first consultative meeting with the representatives of national councils of national minorities was held in order to make assessments of training needs of national councils in implementing antidiscrimination measures and institutions. This needs assessment will further serve for creating the reference programs for the representatives of the national councils of national minorities that will be organized during 2016.

On the basis of the need assessment for implementing this activity the training programs that will be implemented in the coming period are prepared.

During the III quarter, supporting the National Minority Councils in the realization of their responsibilities is continued, and stable funding of their work is provided. Pursuant to the Decision on distribution of the annual quota to National Minority Councils, the transfer of the funds on a monthly basis is regularly performed in the amount of 1/12 of the provided funds.

On 14 and 15 June, within the IPA 2013 Twinning Project “Support to the advancement of human rights and zero tolerance to discrimination”, the Office for Human and Minority Rights organized the trainings for National Minority Councils on the subject “Introduction to Anti-discrimination Framework” and “Dealing with Complaints - Zero Tolerance to Discrimination” in order to contribute to successful implementation of the Action Plan for implementation of the Strategy of Prevention and Protection Against Discrimination, as well as the Action Plan for the realization of the rights of national minorities. Trainings were focused on legal and systemic mechanisms that are available in fighting against discrimination, and on providing support to the victims of discrimination in the process of opening the issue of discriminatory incidents and their reporting.

From 18 to 20 July 2016, the Office for Human and Minority Rights, in cooperation with the OSCE Mission, organized a training for National Minority Councils “Financial and Project Management in the field of Culture and Information”, which was aimed at strengthening the management

capacities and capabilities for financial planning and reporting, and programme and gender responsive budgeting.

In cooperation with the OSCE Mission in Serbia, the Office for Human and Minority Rights organized a two-day training on 1 and 2 December 2016, for members of the National Minority Councils, on the subject of programme and gender budgeting.

The review of the results achieved in the area of reporting and submission of relevant documents by the national councils after two cycles of trainings on the subject of financial management and financial reporting was presented at the seminar, and the trainings for the preparation of programme schemes and financial plans based on defined programme structures and analyses of previous financial plans continued.

The submitted data of the national councils, which are the basis for the allocation of budget funds for financing the work of the councils in the coming year, on the total number of institutions in the field of culture, education, information and official use of language and script, and on the scope of activities of these institutions, were analyzed.

The reporting of the national councils on the Action Plan for the realization of the rights of national minorities and the plans for the improvement of monitoring techniques, reporting and improvement of the capacity of the councils in this area was also discussed at the seminar.

On 15 December 2016, the Office for Human and Minority Rights will hold a training course for contact persons from National Minority Councils on reporting on the implementation of the Action Plan for the realization of the rights of national minorities.

Within the IPA 2013 twinning project “Support to the advancement of human rights and zero tolerance to discrimination”, the experts in cooperation with the employees in the Office for Human and Minority Rights have prepared the Training Needs Analysis and developed different versions of the training programme and training material in order to strengthen the management capacities and capabilities for financial reporting of NMCs. The experts have supported the Office in the further development of tools for financial planning and reporting, aimed at NMCs, taking into account the principle of the programme budget, which should be considered by NMCs in the process of planning their budgets for 2017.

Preparations for the implementation of trainings can be completed only after the Office for Human and Minority Rights analyzes the 2016 financial and audit reports and 2017 draft budget, which are to be submitted by the NMCs to the Office in 2017.

In this reporting period, the Office has prepared and publicly presented, at the conference on 28 November, the First report on the implementation of the Action Plan for realization of the national minorities’ rights. In addition to the representatives of ministries, special organizations, Government services and other holders of activities from the Action Plan, the conference was attended by representatives of the OSCE Mission to Serbia, which has supported the preparation

of this report, as well as by representatives of other international organizations, National Minority Councils, National Convention on the European Union and Council for the implementation of the Action plan for Chapter 23.

The First report includes information on activities planned for implementation in the AP in the first two quarters of the current year, as well as activities that have the status of continuous implementation. In order to efficiently monitor the implementation of the AP, OHMR has initiated the appointment of contact persons and their deputies by all the holders of activities, and has started the process of training them.

Office for Human and Minority Rights, in accordance with the Regulation on the allocation of funds from the budget of the Republic of Serbia for financing the work of the national councils of national minorities, gathered data, conducted the scoring of each institution of national minorities in the fields of culture, education, information and official use of language and script and determined the participation of each national council for the distribution of funds, based on which the Decision on allocation of the annual quota to national minority councils for 2017 was adopted. Funds provided from the Serbian budget for this purpose for the year 2017 amounted to 245 million dinars, by which stable financing and support for the work of national councils of national minorities continued. Before issuing the decision, on 24 February 2017, a meeting was held with representatives of national councils of national minorities, to learn about the way in which the allocation was made and the amount of funds that were defined for the work of each of the councils in the current year.

Office for Human and Minority Rights has, supported by the Open Society Foundation, **translated the First report on the implementation of the Action Plan for the realization of the rights of national minorities in the 11 languages of national minorities**, in addition to Serbian language, which are in official use in individual local self-government units in the Republic of Serbia, including: Albanian, Bosnian, Bulgarian, Hungarian, Macedonian, Romanian, Ruthenian, Slovak, Croatian, Montenegrin and Czech language. The report on minority languages is available on the website of the Office, at the following link: <http://www.ljudskaprava.gov.rs/sr/node/21794>.

The Office has prepared and presented the **Second report on the implementation of the Action Plan for the realization of the rights of national minorities**. The presentation of the report, which was held on 24 February, was attended by representatives of state bodies, international organizations, civil society organizations, national councils of national minorities, as well as media representatives.

The Second report includes information on the activities whose implementation is planned for the second two quarters of 2016, as well as activities that have the status of continuous implementation.

3.8.1.36. Reinstate the work of the Council for national minorities, including participation of the representatives of all national minorities, aimed at effective exercise of

the rights of national minorities. (For reinstatement – II quarter of 2015; For regular meetings of the Council-Continuously).

Activity is being implemented successfully. The Council for National Minorities was constituted on 29 April 2015, which has restored the dialogue between the Government of the Republic of Serbia and the national councils of national minorities at the highest level. The Council has regular meetings. As of reinstatement, three meetings were held, focusing on important areas relevant for national minority rights. The Council also regularly received reports from the Working group for AP on the exercise of rights of national minorities. The work of the Council contributed to continuous dialogue between relevant ministries and councils of national minorities. It is necessary to prepare a decision on the new composition of the National Minority Council to take into account the appointment of new members of the Government who sit on this Council.

The Government at the 17th session held on 9 November 2016, on the basis of Article 18 of the Law on Protection of Rights and Freedoms of National Minorities ("Official Gazette", No. 11/02 and "Official Gazette of RS", no. 72/09 - and 97/13 - CC) and Article 43, paragraph 1 of the Law on Government ("Official Gazette of RS", no. 55/05, 71/05 - correction, 101/07, 65/08, 16/11, 68 / 12 - CC, 72/12, 7/14 - CC and 44/14), adopted the Proposal of the Decision amending the Decision on establishing the Council for national minorities, which has changed the composition of the Council aligned with the Decision of National Assembly on the election of Government of the 11 . August 2016. Decision amending the Decision on establishing the Council for National Minorities was published in the "Official Gazette of RS" No.91/16.

In its session held on 9 November 2016, the Government passed the Decision amending the Decision to Form the National Minority Council (Official Gazette of RS, No. 91/16). Ms Ana Brnabic, Minister of Public Administration and Local Self-government, was appointed to the position of Chairperson of the Council, while Ms Nela Kuburovic, Minister of Justice, was appointed to the position of Deputy Chairperson. The National Minority Council should hold its session on 16 December 2016.

The session of the Council for National Minorities scheduled for 16 December 2016 has been postponed because a majority of the presidents of National Councils of National Minorities did not vote in favour of the proposed Agenda. The Minister of Public Administration and Local Self-Government, who chairs the Council, had a meeting with representatives of the Coordination of National Councils on 31 January 2017, in which the parties agreed to intensify cooperation between the Ministry and the National Councils/the Coordination when preparing the Council's sessions.

3.8.2.1. Adoption of a new Strategy for social inclusion of Roma in the Republic of Serbia 2016-2025 accompanied by Action Plan, with active participation of Roma

representatives and dedication of financial resources for its implementation, focusing in particular on the following areas:

- **Issuing personal documents**
- **Comprehensive anti-discrimination measures**
- **Compliance with international standards on forced evictions**
- **Equal access to health care and social protection**
- **Equal access to education**
- **Equal access to labor market**
- **Improvement of housing conditions. (I quarter of 2016.)**

Activity is fully implemented. The Strategy for Social Inclusion of Roma men and women for the period 2016-2025 has been adopted by the Conclusion of the Government 05 number: 90-1370/2016-1 dated March 3, 2016 and it has been published in the Official Gazette of the RS number 26/2016.

3.8.2.2. Full implementation of Action Plan for the implementation of the new Strategy for social inclusion of Roma in the Republic of Serbia 2016-2025 , containing SMART indicators. (Continuously, commencing from adoption of the Action plan.)

Activity is almost completely implemented. The Government of the Republic of Serbia, at the session held on 3 March 2017, adopted the Decision (05 No. 02-02-1617 / 2017) on the establishment of the Coordination Body for monitoring the implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia for the period from 2016 to 2025. Coordinating body tasked to coordinate the activities of state administration in the field of social inclusion of Roma. The Coordination Body shall consider all issues and coordinate the work of state administration bodies, bodies of local self-government, public companies and other forms of organization of the Republic of Serbia and local self-government in connection with the affairs of their scope of work in relation to social inclusion of Roma in the Republic of Serbia. In addition, the scope of work of the Coordination Body is: improvement of inter-agency cooperation in the field of social inclusion of Roma; reviewing and making recommendations for solving urgent situations which may result in an additional vulnerability of Roma; Proposing ways for achieving the prescribed, but also additional, measures / activities that contribute to greater social inclusion of ethnic minorities, as well as the European integration process. Director of the office for Human and Minority Rights has been appointed for a member of the Coordinating body for monitoring of the realization of the Strategy for social inclusion of Roma men and women in the Republic of Serbia. Coordinating body has been established on the 6th of March of 2017 ("Official gazette of the Republic of Serbia", no 17/17). Office for Human and Minority Rights also has a representative in the Expert group of the Coordinating body which will perform all expert businesses regarding the ongoing questions in the field of social inclusion of Roma men and women.

The draft of the Action plan for implementation of the Strategy for social inclusion of Roma is translated into English language and sent to European commission. According to recommendations of the European commission, the financial aspect (including budget and donor resources) is additionally developed through a new round of consultations with relevant ministries and representatives of the donor community. Improved draft of the action plan is shared with all relevant ministries in order to gather official opinion and consent on the content. It is also shared with the European commission. After this process of consultation, the action plan draft will be prepared for evaluation and adoption on the level of the government of the Republic of Serbia.

3.8.2.3. Monitoring the achievement of the objectives of a new Strategy for social inclusion of Roma in the Republic of Serbia 2016-2025 through:

- continuous work of the Coordination body for social inclusion of Roma,**
- regular meetings with responsible authorities including local governments and public enterprises,**
- ongoing reporting to the Office for Human and Minority Rights and Social Inclusion and Poverty Reduction Unit. (Continuously, commencing from I quarter of 2016.)**

Activity is being successfully implemented.

According to the report in 2015:

The Ministry of Labor, Employment, Veteran and Social Affairs (MLEVSA), in cooperation with the Office for Human and Minority Rights of the Government of Serbia (OHMR) and Social Inclusion and Poverty Reduction Unit (SIPRU), has initiated wide public consultations on the Draft Strategy for Social Inclusion of Roma for the period from 2016 to 2025 that occurred in the last months of 2015. Final document is consistent with the Europe 2020 Strategy and the EU Framework for National Roma Integration Strategies for Member States. The Strategy for social inclusion of Roma was adopted by the Government of the Republic of Serbia on 3rd of March 2016. The Action Plan for the implementation of the Strategy is under development and its preparation will also be done with the participation of wide network of stakeholders. It is expected that the Action plan for this Strategy would be one of the first documents adopted by the new Government.

The Deputy Prime Minister and Minister of Construction, Transport and Infrastructure, Ms Zorana Mihajlović, was officially appointed by the Prime Minister to coordinate the efforts of public authorities, including local governments and public enterprises, geared towards improving the position of the Roma and their full inclusion in the social, economic, cultural and political life, with emphasis on areas in which they are the most vulnerable (civil registration, education, housing, health, social protection and employment). On the regional level, Memorandum of understanding between the Regional Cooperation Council and the Government of the Republic of Serbia was signed on 30 of March 2016. This MoU is signed for the purpose of establishment and

functioning of the Action Team for the Roma Integration until 2020 with the Regional Office in Belgrade. Deputy Prime Minister indicated that the Government of the Republic of Serbia was committed to all aspects of the regional cooperation, and also to those concerning the improvement of the status of the Roma population. In addition to this, it was stated that joint efforts in the region should give significant results, not only because of our obligations towards EU but also because it is crucial for our societies in this part of Europe. On the local level, in cooperation with Standing Conference of Towns and Municipalities, SIPRU will conduct consultation process during the month of May 2016, regarding the preparation of Action plan for the implementation of the Strategy in 4 regional meetings with representatives of local self-governments and Coordinators for Roma issues all around Serbia.

The Office for Human and Minority Rights and the Social Inclusion and Poverty Reduction Unit provide support to the Deputy Prime Minister in monitoring the implementation of the Operational Conclusions, as well as in preparing annual reports on the implementation of the Roma Strategy and its Action Plan. Regarding reporting obligations, in the previous period Serbia presented its efforts during *the Meeting of the EU-Serbia Sub-Committee on Research and Innovation, Information Society and Social Policy, Belgrade from 1st to 2nd of December 2015*". One of the sessions was devoted to Roma Inclusion, as follow up and review of the June 2015 Roma inclusion seminar conclusions. On this occasion, Draft of the Strategy for Social Inclusion of Roma (2015 – 2025) has been presented. On 12th of April in Brussels, *the Meeting of the EU stabilization and association council* took place. The focus of reporting was on activities that contribute to social and economic inclusion of Roma. Serbia will also provide inputs during the *Human dimension comity meeting on the topic "Tolerance and antidiscrimination, with focus on Roma and Sinti"* in May 2016 in Vienna. The event will focus on 'Tolerance and Non-Discrimination' in connection with OSCE commitments and the implementation of the OSCE Action Plan on improving the situation of Roma and Sinti. This report provides inputs on current situation in all areas covered by the Strategy for social inclusion of Roma 2016-2025 with focus on discrimination as a cross-cutting issue. SIPRU and OHMR will continue their monitoring and reporting obligations regarding social inclusion of Roma, fulfillment of the obligations under AP for CH 23 and Operational conclusions from the Roma inclusion seminar in the future period.

According to the report in 2016:

The **Strategy for social inclusion of Roma was adopted by the Government of the Republic of Serbia** on 3rd of March 2016. The Action Plan for the implementation of the Strategy will also be developed with the participation of wide network of stakeholders (governmental institutions, civil society organizations and Roma community representatives) and adopted by the Government of Serbia. The Social Inclusion and Poverty Reduction Unit of the Government of Serbia conducted consultative workshops with 125 representatives of Roma community (coordinators and other municipality employees dealing with Roma issues, pedagogical assistants, health mediators and members of civil society organizations) from 59 local self-governments. The participants were

introduced with goals and measures of the Strategy in details and their inputs from these consultative workshops are valuable contribution to the national Action plan.

Open call for mentoring support in preparation of concept notes for IPA 2013 call “Durable housing solutions and physical infrastructure improvements in Roma settlements” was published in August 2016. SIPRU offered mentoring support in preparation of concept notes for this call to local self-governments and civil society organizations that are actively contributing to social inclusion of Roma in these municipalities. One of the conditions for mentoring support is that local self-governments need to have a coordinator or another employee dealing with Roma inclusion issues.

The Social Inclusion and Poverty Reduction Unit of the Government of Serbia organized a meeting with editors of media on 20th of July in Belgrade, in collaboration with the Serbian European Integration Office in order to emphasize the importance of the Action plan for Chapter 23, as well as the role of media in reporting about vulnerable groups, including Roma men and women. Also, it was announced to the editors that training for journalists on sensitive reporting, with special focus on Roma, will be organized in September/October by SIPRU.

The Office for Human and Minority Rights and the Social Inclusion and Poverty Reduction Unit provide support to the Deputy Prime Minister in monitoring the implementation of the Operational Conclusions, as well as in preparing annual reports on its implementation. Regarding reporting obligations, in the previous period Serbia presented its efforts during the visit of the delegation from the *European Commission against racism and intolerance, Belgrade 29th of September*. Several topics of the discussion were related to Roma inclusion. Serbia also provided inputs during the *Human dimension committee meeting on the topic “Tolerance and antidiscrimination, with focus on Roma and Sinti”* on 26th of September 2016 in Poland. The event will focus on ‘Tolerance and Non-Discrimination’ in connection with OSCE commitments and the implementation of the OSCE Action Plan on improving the situation of Roma and Sinti with special focus on participation of Roma in public and political life. Also, SIPRU supported the OHMR by preparing inputs for the report for *71st UN General Assembly meeting, regarding the correlation between human right on life and adequate housing* in the context of discrimination prevention. Inputs provided by SIPRU were focused on housing conditions of Roma and its influence on health situation among Roma population.

In cooperation with the Office for Human and Minority Rights, SIPRU prepared an **annual report on the implementation of Operational conclusions**. Also, a meeting with all relevant ministries and institutions were organized in order to exchange information about implemented activities and upgrade inter-sectorial cooperation. This report will be translated on English and shared with the European commission in the following period.

The Social Inclusion and Poverty Reduction Unit of the Government of Serbia organized training for media representatives in Belgrade on 8th and 9th of December 2016. Around 15 of different

media agencies participated in this training. The role of media in implementation of the Action plan for chapter 23 was emphasized, as well as the importance of this document for improvement of the position of vulnerable groups, especially Roma, people with disabilities and women. The training was facilitated by experienced professionals in media, but also direct inputs from members of vulnerable groups and civil society organizations were provided for the participants. With the support of SIPRU, after the training journalists prepared 18 stories related to gender equality and rights of vulnerable groups.

The Coordinator for social inclusion of Roma from SIPRU, participated in regional workshop for monitoring and reporting on Roma Inclusion under Europe 2020 initiative. The regional workshop was organized by Regional Council for Cooperation (RCC) in Vienna on 12th and 13th of December. Also, SIPRU provided inputs for selection of 6 local self-governments that will develop Local Action Plans for social inclusion of Roma with the support of RCC Roma Action Team.

SIPRU presented the position of Roma during the gathering of Coordinator for Roma issues and other local-self-government representatives during the Permanent Conference of Towns and Municipalities Network for Roma issues. Also, SIPRU represented the government during the Permanent Conference of Roma Associations annual meeting. In the previous period, SIPRU supported capacity building of the Serbian Roma Youth Association in the area of public policies creation. In addition to this, SIPRU supported the organization of the second Festival of Roma culture and Activism.

SIPRU and OHMR will continue their monitoring and reporting obligations regarding social inclusion of Roma, fulfillment of the obligations under AP for CH 23 and Operational conclusions from the Roma inclusion seminar in the future period.

According to the report in I quarter of 2017:

The **Draft of the Action plan for implementation of the Strategy for social inclusion of Roma** is translated into English language and sent to European commission. According to recommendations of the European commission, the financial aspect (including budget and donor resources) is additionally developed through a new round of consultations with relevant ministries and representatives of the donor community. Improved draft of the action plan is shared with all relevant ministries in order to gather official opinion and consent on the content. It is also shared with the European commission. After this process of consultation, the action plan draft will be prepared for evaluation and adoption on the level of the government of the Republic of Serbia.

The Government of the Republic of Serbia, at the session held on 3 March 2017, adopted the Decision (05 No. 02-02-1617 / 2017) on the establishment of the **Coordination Body for monitoring the implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia for the period from 2016 to 2025**. Coordinating body tasked to coordinate the activities of state administration in the field of social inclusion of Roma. The Coordination Body shall consider all issues and coordinate the work of state administration bodies, bodies of local self-

government, public companies and other forms of organization of the Republic of Serbia and local self-government in connection with the affairs of their scope of work in relation to social inclusion of Roma in the Republic of Serbia. In addition, the scope of work of the Coordination Body is: improvement of inter-agency cooperation in the field of social inclusion of Roma; reviewing and making recommendations for solving urgent situations which may result in an additional vulnerability of Roma; Proposing ways for achieving the prescribed, but also additional, measures / activities that contribute to greater social inclusion of ethnic minorities, as well as the European integration process. Director of the office for Human and Minority Rights has been appointed for a member of the Coordinating body for monitoring of the realization of the Strategy for social inclusion of Roma men and women in the Republic of Serbia. Coordinating body has been established on the 6th of March of 2017 ("Official gazette of the Republic of Serbia", no 17/17). Office for Human and Minority Rights also has a representative in the Expert group of the Coordinating body which will perform all expert businesses regarding the ongoing questions in the field of social inclusion of Roma men and women.

In cooperation with Ministry of construction, traffic and infrastructure (MCTI) and UN agency of the High Commissioner for Human Rights (OHCHR), material for citizens has been created in order to illustrate their rights on housing support and the procedure of resettlement, according to regulations within the new Law on housing.

As a follow up activity, SIPRU organized a study visit to relevant institutions and organizations in Sarajevo for participants of training held in December.

SIPRU supported participation of the representative of the Serbian Roma Youth Coalition in the regional workshop on budgeting of action plans organized by RCC Roma Action Team. Regional workshop was organized in Skoplje on 20th and 21st of March. In addition to this, within the same regional workshop, a consultant of SIPRU presented the budgeting of the Serbian Action plan for the implementation of the Strategy for social inclusion of Roma, as an example of good practice.

3.8.2.4. Regular coordination meetings on projects focused on improvement of the situation of Roma. (Continuously)

Activity is being implemented successfully. In collaboration with Serbian European Integration Office (SEIO), OHMR and SIPRU continued with the organization of coordination meetings on Roma inclusion projects. The goal of these gatherings is to ensure the contribution of all relevant project beneficiaries, donors and implementation teams to more efficient and effective use of budget and donor funds through regular exchange of information about the activities implemented and planned, thus providing substantial support to the process of improving the status of the Roma in the Republic of Serbia. Meeting within this mechanism was held in December 2015. Among participants there were representatives of OHMR, SIPRU as hosts, Ministry of health, Ministry of Construction, Transport and Infrastructure and Ministry of Labor, Employment, Veteran and Social Affairs as representatives of national institutions, OSCE and UNOPS as representatives of

international organizations and SECO representing civil society. During the meeting, information about the implementation of obligations under the Action plan for chapter 23 and specific conclusions from Roma seminar were exchanged. Common conclusion of participants was that these meetings are of crucial importance for effective and efficient use of resources, as well as time bounded coordination of activities in social inclusion of Roma.

Coordination meeting of the projects designed for Roma inclusion, with the aim of the regular exchange of information of all relevant project beneficiaries, donors and teams for the implementation of projects on implemented and planned activities, which should contribute to more effective and efficient use of resources and improvement of the coordination of policies and future activities concerning the Roma inclusion. The meeting was held on July 19 2016. The importance of participation of all departments, networking the activities from the various projects, and exchange of information connected to the activities of local self-governments were particularly pointed out at the meeting, as well as the activation/updating the existing project records within the database whose preparation is financed from IPA 2012 - TARI project. After presentations of current situation on policy and on implementation level, results and plans of individual projects were presented. One of the conclusions of the meeting is that networking and exchange of information about project activities are crucial for effective implementation in the field. Also, the format for monitoring project implementation is upgraded and the next meeting will be organized in October 2016.

In collaboration with Serbian European Integration Office (SEIO), OHMR and SIPRU will organize the next coordination meetings on Roma inclusion projects after the adoption of the Action plan for social inclusion of Roma from 2016 to 2018. The next coordination meeting will contribute to optimal use of financial resources for the implementation of activities within the Action plan.

3.8.2.5. Collection and processing analytical data in a coordinated manner, covering the 5 priority areas (official registration, education, housing, health, social protection and employment), through a "one-stop-shop" body, in order to:

- consolidate data,
- facilitate targeted surveys on the position of the Roma,
- provide all stakeholders, primarily ministries and governmental agencies, with consistent data, in conformity with the law governing personal data protection. (III and IV quarter of 2015.)

Activity is fully implemented. Coordinated collection and processing of data from the five priority areas through the "one-stop-shop" body, involves the development of a database which is financed from IPA 2012- TARA project. Within the EU-funded project „European support for Roma Inclusion“, a database on monitoring of Roma inclusion was established on the website of

the Republic Statistical Office (<http://www.inkluzijaroma.stat.gov.rs/sr>). The SIPRU will provide further support for its maintenance. This database is a significant contribution to the coordinated data collection and analyses from 5 key areas of the Strategy of Social Inclusion of Roma (2015 – 2020).

A memorandum between the OSCE Mission and the Statistical Office of the Republic of Serbia, which took over the database, was signed in December 2015. The information from the database will have an impact on creating policies of the national and local institutions and making strategic decisions by donors. Entering data into the database will ensure better visibility of the results, plans and needs of the Roma community locally. The username and code were sent to the addresses of 149 local self-governments, out of the total of 169 local self-government units, while 20 local self-governments with already established mobile teams were provided with a direct access to the system. 82 representatives of local self-government underwent training. Technical assistance to representatives of local self-governments will be provided in the process of completing electronic questionnaires.

With technical support of IPA 2012 project “European support for Roma inclusion - We are here together”, which is funded by the European Union and implemented by the OSCE Mission in Serbia, in this reporting period the cumulative of 97 local self-governments have submitted filled in questionnaires for the database.

The database is being worked on intensively, and it is being supplemented with data. The institutions that are responsible for the collection and entry of data into the system will be responsible for their accuracy.

In February in Belgrade, within the IPA 2012 ‘European support for Roma inclusion - We are here together’, a one day training was held for 39 representatives of the cities and municipalities, about data entry into the electronic data base for the monitoring of measures for Roma inclusion. Since 2017. the field of information in the base has been expanded and now it includes the data about the number of children who are receiving support from the pedagogical assistants in order to prevent school dropout. Pedagogical assistants are responsible for inserting these data.

SIPRU will continue with providing support in development and maintenance of the data base for monitoring of the measures for inclusion of Roma on the local level. Recently, SIPRU organized a consultative workshop with representatives of relevant ministries, institutions and civil society organizations in order to define recommendations for technical and content related improvement of this data base. OSCE organized trainings for new local self/governments and pedagogical assistants on how to update information within this data base. In February, during the regular annual reporting, 80 local self-governments entered data from their reports into the data base.

3.8.2.6. Development and further strengthening of the network of Roma coordinators including an increase of their number, according to the local needs, in order to closely

cooperate with other relevant state mechanisms to improve the position of the Roma. (By 2017.)

Report of the Responsible authority was not submitted

3.8.2.7. Establish mechanisms for an integrated social services delivery model by searching more actively for solutions for the activation of clients who are fit for work, yet continually receive financial social assistance, in order to promote active inclusion of the Roma. (By 2017.)

Report of the Responsible authority was not submitted

3.8.2.8. Undertake enhanced efforts to complete the registration of "legally invisible" persons as foreseen by the end of 2015, through continuous exercise of the right to subsequent registration of the fact of birth in the birth register, citizenship, and declaration of permanent or temporary residence while allowing for the continuation of the process until June 2017.

Concrete tools:

- full implementation of the provisions of the Law on Birth Registers,**
- full implementation of the provisions of the Amendments and Supplements to the Law on Extra-Judicial Proceedings,**
- full implementation of the Law on Citizenship,**
- full implementation of the provisions of the Law on Residence of the citizens. (By June 2017)**

Activity is being implemented successfully. Ministry of Interior of the Republic of Serbia, initiated the procedure of adoption of the Law on Residence of Citizens (Official Gazette of RS, 87/11), which was enacted and came into force on 29 November 2011 to ensure realization of the right to identity/personal documents for the Roma population. The Law contains the provisions facilitating registration of residence for the citizens of the Republic of Serbia, and therefore the Roma, who in most cases are undocumented, which is a pre-requirement for the granting of identity documents, among which, an identity card. In particular, the Law stipulates that citizens of the Republic of Serbia who are not permanent residents on any of legal grounds, may have their residence established on the basis of the decision of a competent authority, among other things, at the address of a center for social work, and/or an institution in which the applicant is placed permanently, accompanied with the citizen's registration with the institution /center for social work which contains the statement that the applicant's address will be the address of the institution or

CSW concerned. On the basis of thus established place of residence, a competent authority shall issue an identity card for the period of 10 years, thus responding to the matter of the issuance of personal documents in longer term.

On the basis of the Law, the *Rulebook on the residence application form with the address of an institution and/or center for social work (Official Gazette of RS 113/2012)* is adopted, which entered into force on 8 December 2012, as well as the *Rulebook on the procedure of registering and de-registering place of residence of the citizens, registering of temporary residence abroad and the return from abroad, dormancy of residence, application forms and record keeping (Official Gazette of RS 68/2013)*, which entered into force on 9 August 2013.

Under the referred Law and Rulebooks, all the citizens of the Republic of Serbia, and thus the Roma, who do not have permanent place of residence registered on any of the legal grounds, may register it on the basis of decision establishing residence at address of a center for social work in the territory of which the applicant is located, or at address of an institution in which the applicant is permanently placed, accompanied by the statement of the applicant to the institution or CSW that their address will be the address of the applicant concerned.

In cooperation with the Belgrade Administration and Secretariat for Social Protection, Ministry of Interior conducted urgent issuance of identity documents for persons resettled from the informal settlements under the Gazela Bridge and in Belvile to the newly formed settlements in the territories of municipalities of Čukarica, Surčin, Rakovica, Mladenovac, Barajevo. Thus, it enabled registration of place of residence for about 1.000 persons, who also obtained identity documents. For those who were relocated from the settlement Belvil-Trasa to Orlovsko in the territory of municipality Zvezdara, the MoI conducted the action of the urgent issuance of personal documents and thus enabled to 120 persons to register their place of residence, and obtain personal identity documents. For the citizens who lived in one section of the unhygienic settlement Belvil Trasa, from which 27 families were relocated into the settlement Jabucki Rit in the municipality Palilula, obtained over 110 personal documents and registration of place of residence.

As of the entry into force of the Rulebook on residence application form at the address of an institution or center for social work, a place of residence was established by the Ministry of Interior for more than 1620 persons, of which most live in informal settlements, after which they also obtained personal identity documents.

The Law Amending the Law on Identity Card was adopted as initiated by the MoI, which entered into force on 4 June 2011. It foresees that the identity card shall be granted to nationals who are entitled to the identity card and who do not have their place of residence registered in the territory of the Republic of Serbia, on the basis of the established residence for 2 year period before expiry. Also, the Rulebook amending the Rulebook on Identity Card (Official Gazette of RS, 85/2014) was adopted to regulate the matter in greater detail.

Please note that in the procedure of granting identity documents for this category of citizens requires that an applicant is to be entered into birth register, which is a prior condition that needs to be met as most of the Roma are not entered into birth register, which falls under the remit of the Ministry of State Administration and Local Governments.

Also, on 25 October 2012, on the basis of Article 7 of Memorandum of Understanding between Ministry of Interior of the Republic of Serbia and then Ministry of Justice and State Administration, Ombudsman, and High Commissioner UN for Refugees – Serbia representation the decision was made on the establishment of Task Force the task of which is to conduct activities aimed at the implementation of the subject matter of the MoU – entry into birth register of the Roma national minority population remained unregistered in this official records. The MoI has its members of the TF who actively participate in its work by exchange of information and decision-making in connection to individual cases concerning regulation of citizenship and identity documents for the Roma.

2015:

As reported by the Ministry of Labor, in 2015, in compliance with the Memorandum on Understanding, a total of 8 trainings have been delivered on the topic “Registration of Birth and Place of Residence” for the staff of centers for social work, registrars and their deputies and police officers, in a total number of 827 participants. In 2015, more than 250 members of the staff of centers for social work participated in this training. Up to 1 May 2015, almost 1.000 persons registered their place of residence with a center for social work, and 700 persons registered their place of residence at the address of a social welfare institution. Also, up to 1 May 2015, personal name was provided to more than 1.800 persons in the administrative procedure conducted in a center for social work.

Ministry of State Administration and Local Self-Government regularly monitors the state of the exercise of the right to register the fact of birth in the birth register. Among other things, the Ministry gave relevant instructions and opinions on the implementation of the provisions of the Law on Registries and regulations adopted based on this law governing the procedure of subsequent registration of the fact of birth in the birth register, civil registration on the basis of foreign authorities and acting registrar at the expiration the deadline for registering the personal name, which is a uniform practice in the work of administrative bodies which perform tasks entrusted to the registers. As regards the preparation of the report on the number of persons who in 2015 exercised the right to registration with the register of births in administrative proceedings or in a judicial proceeding for determining the time and place of birth, according to the information obtained from the Administrative Inspectorate, 1072 requests for subsequent registration of the fact of birth with the birth register have been resolved. Other registrations with the birth register in that year were completed with the statutory time limit for reporting of this fact.

In addition, a certain number of persons who were not able to demonstrate the fact of birth in the administrative proceedings exercised the right to registration with the birth register in accordance

with the provisions of the Law amending the Law on Non-contentious Proceedings (the provisions on determining the time and place of birth). According to the information provided the Ministry of Justice, procedures pursuant to 264 proposals for determining the time and place of birth were completed in 2015.

It is impossible to determine how many of these resolved requests for registration were filed by members of the Roma national minority, since the Constitution of the Republic of Serbia guarantees freedom of expression of ethnicity and also provides that no one shall be required to state their ethnicity, which is why information on ethnicity is not registered in the birth register.

2016:

In the reporting period III quarter:

Following its remit the Ministry of Interior of the Republic of Serbia, is active in implementation of the Social Inclusion Strategy for Roma men and women Inclusion Decade 2016-2025, in particular concerning the issuance of identity documentation required for the exercise of social welfare, healthcare and other rights.

In the period of 01.07.2016-12.09.2016, in cooperation with City Administration and Secretariat for Social Welfare of the City of Belgrade, Ministry of Interior has made 1 registration of residence for citizen from part of non-formal, unhygienic settlement Belvil-Trasa from where persons were displaced to Orlovsko naselje settlement, municipality of Zvezdara and issued 4 passports, but for persons displaced in Jabučki rit village, municipality of Palilula MOI has made registrations of residence for 5 persons. For 110 persons who were displaced mostly from Rakovica and Čukarica to municipality Mislođin village, municipality of Obrenovac, MOI has made registrations of residence and has issued 5 ID cards and 1 passport. MOI has made registrations of residence for 18 persons who have dislocated from the municipalities of Rakovica and Čukarica to Kamendin village, Zemun Polje, municipality of Zemun and has issued 1 ID card.

By the end of first half of 2016 more than 1600 persons registered on the address of the Centre for social work. In 2016 the fourth training cycle was initiated. In May and June, 2 training out of 8 planned were organised and the remaining ones will be held starting from September on the subject of “Registration in birth register and exercising the rights in the area of citizenship, residence and permanent residence and family and legal protection, focusing on antidiscrimination and good governance”.

In the reporting period IV quarter:

Following its remit the Ministry of Interior of the Republic of Serbia, is active in implementation of the Social Inclusion Strategy for Roma men and women Inclusion Decade 2016-2025, in particular concerning the issuance of identity documentation required for the exercise of social welfare, healthcare and other rights.

In the period of 13.09.2016-28.11.2016, in cooperation with City Administration and Secretariat for Social Welfare of the City of Belgrade, Ministry of Interior has made 5 registration of residence for citizen from part of non-formal, unhygienic settlement Belvil-Trasa from where persons were displaced to Orlovsko naselje settlement, municipality of Zvezdara and issued 2 ID, but for persons displaced in Jabučki rit village, municipality of Palilula MOI has made registrations of residence for 10 persons. For 15 persons who were displaced mostly from Rakovica and Čukarica to municipality Mislođin village, municipality of Obrenovac, MOI has made registrations of residence and has issued 6 ID cards and 2 passport. MOI has made registrations of residence for 7 persons who have dislocated from the municipalities of Rakovica and Čukarica to Kamendin village, Zemun Polje, municipality of Zemun and has issued 1 ID card.

Please note that in the period of 01.07.2016-12.09.2016, Ministry of Interior has made 38 registration of residence for citizen who have displaced mostly from the municipalities of Rakovica and Čukarica to Mislođin village, municipality of Obrenovac but it is a technical error in the second report that has been made registrations of residence for 110 persons.

2017:

In the reporting period I quarter of 2017:

Ministry of State Administration and Local Self-Government states that according to of the report on the number of persons who in 2016 exercised the right to registration with the register of births in administrative proceedings or in a judicial proceeding for determining the time and place of birth, according to the information obtained from the Administrative Inspectorate, 1330 requests for subsequent registration of the fact of birth with the birth register have been resolved in this period, as well as 2807 requests in procedures for renewal of registration of the fact of birth with the birth register.

As regards persons who were not able to demonstrate the fact of birth in the administrative proceedings, they exercised their right to registration with the birth register in accordance with the provisions of the Law amending the Law on Non-Contentious Proceedings (the provisions on determining the time and place of birth). According to the information provided the Ministry of Justice, procedures pursuant to 291 proposals for determining the time and place of birth were completed in 2016 for the purpose of exercising the right to registration of the fact of birth with a birth register.

It is impossible to determine how many of these resolved requests related to the registration related to members of the Roma national minority since the Constitution of the Republic of Serbia guarantees freedom of expression of ethnicity and also provides that no one shall be required to state their ethnicity, which is why information on ethnicity is not registered in the birth register.

Following its remit the Ministry of Interior of the Republic of Serbia, is active in implementation of the Social Inclusion Strategy for Roma men and women Inclusion Decade 2016-2025, in

particular concerning the issuance of identity documentation required for the exercise of social welfare, healthcare and other rights.

In the period of 29.11.2016-10.03.2017, in cooperation with City Administration and Secretariat for Social Welfare of the City of Belgrade, Ministry of Interior has made 10 registration of residence for citizen from part of non-formal, unhygienic settlement Belvil-Trasa from where persons were displaced to Orlovsko naselje settlement, municipality of Zvezdara and issued 4 ID cards and 1 passport, but for persons displaced in Jabučki rit village, municipality of Palilula MOI has made registrations of residence for 8 persons. For 2 persons who were displaced mostly from Rakovica and Čukarica to municipality Mislođin village, municipality of Obrenovac, MOI has made registrations of residence and has issued 1 ID card. MOI has made registrations of residence for 2 persons who have dislocated from the municipalities of Rakovica and Čukarica to Kamendin village, Zemun Polje, municipality of Zemun and has issued 1 ID card and 1 passport.

3.8.2.9. Continue to inform the Roma about their civil status rights and provide free legal aid to members of the Roma community in these proceedings by the relevant authorities and CSOs active in the promotion of human and minority rights.

Strengthen the access to free legal aid in line with the Law on Free Legal Aid to ensure full access to rights of the Roma community. (Provision of legal aid by the relevant authorities and CSOs: Continuously; Provision of legal aid in line with FLA Law: Continuously, commencing from the start of implementation of the law.)

Activity is being implemented successfully. The Ministry of Interior of the Republic of Serbia undertakes the activities of identification and addressing the identified issues the Roma are faced with. It is done through various forms of cooperation towards resolution of status issues, as well as independently, in the form of a prioritized decision – making on the basis of applications for acquisition of Serbian citizenship filed by the Roma, timely and full informing of the Roma on the procedures for the issuance of identity documents, as well as on other measures to be taken which allow that every individual case of the granting of identity document to this category of persons is conducted in a simplified and efficient fashion.

3.8.2.10. Providing the opportunity to register the place of residence at the Centre for Social Work, enabling the fulfilment of the requirements for the registration of address or residence when applying for personal documents.

Monitoring the exercise of the right to permanent residence registration at the address of a centre for social work by persons who are unable to register their permanent residence on any other grounds. (Continuously)

Activity is being implemented successfully In 2015, in compliance with the Memorandum on Understanding, a total of 8 trainings have been delivered on the topic “Registration of Birth and Place of Residence” for the staff of centers for social work, registrars and their deputies and police

officers, in a total number of 827 participants. In 2015, more than 250 members of the staff of centers for social work participated in this training.

Up to 1 May 2015, almost 1.000 persons registered their place of residence with a center for social work, and 700 persons registered their place of residence at the address of a social welfare institution. Also, up to 1 May 2015, personal name was provided to more than 1.800 persons in the administrative procedure conducted in a center for social work.

As of the entry into force of the Rulebook on residence application form at the address of an institution or center for social work, a place of residence was established by the Ministry of Interior for more than 1620 persons, of which most live in informal settlements, after which they also obtained personal identity documents.

2016:

In the period of 01.07.2016. – 12.09.2016 connected to the Rulebook on residence application form at the address of an institution or centre for social work, a place of residence was established by the Ministry of Interior for 99 persons, of which most live in informal settlements, after which they also obtained personal identity documents.

In the period of 13.09.2016. – 28.11.2016 connected to the Rulebook on residence application form at the address of an institution or centre for social work, a place of residence was established by the Ministry of Interior for 93 persons, of which most live in informal settlements, after which they also obtained personal identity documents.

Monitoring the work of the centres for social work in this area, the Ministry estimates whether centres for social work consistently apply the Law on permanent residence and residence of citizens and the Ministry's Instruction defining procedure for actions in cases of registration of residence and permanent residence.

2017:

In the period of 29.11.2016. – 10.03.2017. connected to the Rulebook on residence application form at the address of an institution or centre for social work, a place of residence was established by the Ministry of Interior for 100 persons, of which most live in informal settlements, after which they also obtained personal identity documents.

3.8.2.11. Fully implement the planned activities aimed at addressing the issue of Roma birth registration in accordance with the Memorandum Amending the Memorandum of Understanding signed between the Ministry of Public Administration and Local Self-government, the Ombudsman and the United Nations High Commissioner for Refugees – Office in Serbia, aimed at:

- provision of legal aid to applicants,

-promoting the operation of and adherence to regulations on birth registration by the competent authorities. (By IV quarter of 2016.)

Activity is being implemented successfully. Activities are implemented in line with the Action Plan of the Steering Committee in 2015.

The plan developed in accordance with the Agreement of Understanding was entirely implemented in 2015, as follows:

- training of judges was held in cooperation with the Judicial Academy in connection with the implementation of the Law on Amendments to the Law on Non –contentious proceedings, determining the time and place of birth, which was attended by judges who perform judicial functions in basic courts from the territory of appellate courts in Belgrade, Kragujevac, Novi Sad and Nis (total of 39 judges);

- training of registrar and deputy registrar was held, as well as employees in social welfare centers and police departments of the Ministry of Interior, who are engaged in the personal status of citizens in the area of all cities and municipalities in the Republic, in connection with the implementation of regulations on registries, citizenship , determining the time and place of birth, residence registration, personal names, family-legal protection. These trainings were attended by a total of 827 participants;

- training of Roma coordinators, health mediators, teachers' assistants, and representatives of associations whose field of action involves protection and promotion of human and minority rights was held, for the purpose of provision of information on legislation and the exercise of rights in the areas of civil status in order to identify and provide assistance to persons who cannot exercise any of those rights;

Special attention was paid to the identification of undocumented persons and the provision of free legal aid in the procedure of subsequent registration of the fact of birth in the birth register, extra-judicial proceedings of determining the time and place of birth, issuing identity cards, residence registration, determination of citizenship and other procedures in the field of civil status.

Field visits to informal settlements where persons belonging to the Roma minority live were organized (in 118 Roma settlements 2,420 persons attended visits). Based on the expressed needs of these individuals 52 requests for subsequent registration in the birth register were submitted to the competent authorities; 55 proposals for determining the time and place of birth in extra-judicial proceedings; 133 requests for determining the personal names; 28 requests for renewal of registration; 46 of birth registration in the register of births on the basis of documents of a foreign authority; 124 proceedings regarding the regulation of citizenship of the Republic of Serbia and 26 the request for renewal of registration in the records of citizens of the Republic of Serbia. During the reporting period, proceedings were initiated and 4,582 public documents (birth certificates and

citizenship certificates) were issued, and compensation fees and other expenses for the issuance of 2,751 ID cards was secured. In the process of registration of residence 180 requests for permanent residence and 81 request for permanent residence at the center for social work have been submitted.

The activities planned under the Action Plan passed by the Steering Committee for 2016 (2nd quarter) have been implemented.

In accordance with the Action Plan passed by the Steering Committee for 2016, formed in accordance with the Memorandum of Understanding and the Plan on Implementation of Activities under Item 1 of the Action Plan passed by the Steering Committee for 2016:

- Training was held for registrars and deputy registrars, employees at centres for social work and police administrations of the Ministry of Internal Affairs in the territories of Pomoravski, Raski and Rasinski administrative districts on the implementation of laws and implementing regulations which govern the registration of facts and information with registers of births, marriages and deaths in administrative proceedings and non-contentious proceedings for determining the time and place of birth, nationality and registration of permanent place of residence, with emphasis on anti-discrimination and good governance. This training was attended by a total of 92 participants.

- Training was held for registrars and deputy registrars, as well as for employees in centres for social work and police administrations of the Ministry of Internal Affairs in the territories of Pirotski, Jablanicki and Pcinjski districts in implementation of laws and secondary legislation providing for registration of facts and data in registers of births, marriages and deaths in administrative and non-contentious procedures to determine the time and place of birth, nationality and registration of permanent place of residence; the training also addressed the fields of anti-discrimination and good governance. This training was attended by a total of 87 participants.

- Two trainings will also be held in the 3rd quarter according to the schedule.

The following activities under the Plan of Activities of the Board of Directors for 2016 have been implemented: training was held for registrars and deputy registrars, as well as for employees at centres for social work and police administrations of the Ministry of Internal Affairs in the territories of Podunavski, Branicevski, Sumadijski, Macvanski, Zajecarski, Borski, Nisabski, Toplicki, Sremski, Juznbacki, Juznobanatski, Zlatiborski, Moravicki, Kolubarski, Severnbacki, Srednjobanatski, Severnbanatski and Zapadnbacki administrative districts, on implementation of laws and implementing regulations providing for registration of facts and data in registry books in administrative procedures and non-contentious procedures for determining the time and place of birth, nationality and registration of permanent residence address. The trainings also touched on the topics of anti-discrimination and good governance. In total, these training events were attended by 456 participants.

On 2 December 2016, training was held for employees/trainees in the territory of the city of Belgrade. It included representatives of centres for social work and the Police Administration of the city of Belgrade. This training event was attended by a total of 110 participants.

Ombudsman reports that in accordance with the Memorandum of Understanding with the UNHCR and the Ministry of Public Administration and Local Self- Government which provided for further addressing of the issue of “legally invisible persons”, a session of the Technical Group was held to plan for further trainings for registrars, employees at centers for social work, employees at the Ministry of Interior and the Roma civil society. One training was held during the reporting period and ten more will be organized by the end of the year.

Representatives of the Protector of Citizens participate in trainings as lecturers on topics concerning the sphere of competence of the Protector of Citizens, handling of complaints and good governance principles.

During the reporting period, the Protector of Citizens received no complaints concerning matters of registration with the register of births.

The Protector of Citizens reports that implementation of the Memorandum of Understanding (MoU) shall cease on 31 December 2016. **In the reporting period (IV quarter 2016)**, eight training for registrars, employees of the social welfare centers and police departments of the Ministry of Interior were organized. The last training pursuant to the MoU was organized on 2 December 2016 in Belgrade.

In the past four years, more than a thousand officers from all administrative districts of the Republic of Serbia took part in trainings.

Representatives of the Protector of Citizens participated in all training programs, as lecturers, speaking on the powers of the Protector of Citizens, complaint-handling procedure and principles of good governance.

3.8.2.12. Development and implementation of electronic procedures for data and document exchange between civil registrars and other authorities and institutions involved in the birth registration procedure. (By end of 2017)

Activity is being implemented successfully. The activity is implemented in accordance with the Government’s Work Plan.

A project is currently being implemented which will enable electronic exchange of information and documents between registrars and other authorities and institutions involved in the procedure of registering the fact of birth in the birth register to ensure lawful and effective exercise of the right to report and register the fact of birth in the birth register within the statutory time limit.

The Ministry of Public Administration and Local Self-government continues with its partner implementation of a project the aim of which is full introduction of the electronic procedure for

exchange of data and documents between registrars and other authorities and institutions involved in the procedure of registration of the fact of birth in the register of births by the end of 2017 to ensure lawful and efficient exercise of the right to reporting and registration of the fact of birth in the register of births within the statutory time limit.

The Ministry has implemented electronic procedures for keeping registries of births. Under the project titled “Welcome to the World, Baby”, many municipality and city administrations which have maternity units in their territories have fully shifted to electronic registration of facts and data with registries of births within the Central System for electronic keeping of registry books.

In addition, the Ministry is implementing the final stage of a project the aim of which is to fully automatize administrative procedures for the keeping registries of marriages and deaths within the Central System.

3.8.2.13. Resolve the employment status of 175 teaching assistants that have completed accredited training modules and hold certificates from the Life-long Learning Centre at the University of Kragujevac, in a sustainable manner by including their positions in job classifications and recognizing them in the comprehensive occupational classification, in line with an agreement reached with the Ministry of Finance. (By the end of 2016.)

Activity is not implemented. According to the report of Ministry responsible for education submitted in early 2016: “Establishing the Working Group to upgrade the existing Rulebook on training programmes for pedagogical assistants and to create the framework for work description of pedagogical assistants is still in progress. This will be the basis for the creation of a new bylaw defining the type and level of education and training programme, work quality standards, rationalisation of the network of pedagogical assistants, employment of new assistants and their work status until the end of 2016, in line with Article 121, paragraph 12 of the Law on Foundations of the Education System (“*Official Gazette of RS*”, No 72/2009, 52/2011 and 55/2013)”.

3.8.2.14. Further expand the teaching assistants' network on the basis of an analytical survey carried out by the relevant government bodies.

(Analytical survey: I quarter of 2017.; Expansion of network: Commencing from III quarter of 2017.)

Activity is partially implemented. Data are being collected for the purpose of an analytical study, in cooperation with the Association of Teaching Assistants.

3.8.2.15. Adoption of a by-law regulating teaching assistants' scope of work with specific tasks, performance quality standards, continued building of teaching assistants' capacities and contractual modality. (IV quarter of 2016.)

Activity is partially implemented Establishing the Working Group to upgrade the existing Rulebook on training programmes for pedagogical assistants and to create the framework for work description of pedagogical assistants and work quality standards of pedagogical assistants is still in progress. Members of the working group are the representatives of all the Sectors of Ministry of Education, Science and Technological Development and the partners – REF, UNICEF, Team for Social Inclusion and Poverty Reduction.

With respect to organising pedagogical assistance and overcoming the aforementioned issues, the following was performed: the initial meeting was organised, dedicated toward organising the matter of pedagogical assistance in the educational system of the RS. The existing regulations, performed analyses and reports on the practice of PA contain sufficient amount of information representing a firm ground for developing a handbook on the pedagogical assistance. Within this meaning, what conveys special importance is the comprehensive analysis of the “International policies and practice in pedagogical assistance in the region and world wide“, being the product of the joint activity of the Group for Social Inclusion and the UNICEF office in Serbia, as well as the contribution to the contextual framework for improving the educational policy and practice in the field of pedagogical assistance in Serbia and preparation for introducing amendments to the legislation and passing the bylaws.

3.8.2.16. Develop and adopt a Rulebook on Detecting Discrimination in Education focused on the prevention of discrimination and segregation of national minorities in educational system and set the framework for creating measures of desegregation in both classes and schools.

Monitoring over implementation through the development of the Protocol on Response to Discrimination. (For development and adoption of Rulebook: I quarter of 2016; For framework for creating measures of desegregation: IV quarter of 2016.)

Activity is being implemented successfully. Having in mind the importance of preventing and combating discrimination in the society, MoE has prepared and adopted the "Rulebook on Detailed Criteria on Identifying Forms of Discrimination by Employees, Children, Students or Third Parties in Educational Institutions" ("The Official Gazette of RS", no 22/2016), February 2016. At the moment, Working Group is being created with a view to preparing the Instruction for Implementation of the Rulebook. The Working Group consists of experts from relevant sectors of MoE, the Office for Human and Minority Rights, the Ministry of Public Administration and Local Self-Government, and, as observers, representatives of independent institutions, Protector of Citizens (Ombudsman) and Commissioner for Protection of Equality.

In cooperation with UNICEF, a set of trainings is being prepared for employees in the education system, for implementation of the Rulebook on Detailed Criteria on Identifying Forms of Discrimination by Employees, Children, Students or Third Parties in Educational Institutions.

Activity completed in the part referring to the adoption of the Rulebook. The Work Group in charge of creation and implementation of measures for desegregation had its first session on June 20, 2016.

The Working Group for drafting Instructions for implementation of the Rulebook on Detailed Criteria on Identifying Forms of Discrimination by Employees, Children, Students or Third Parties in Educational Institutions, that shall also create measures for desegregation, has continued its work. The WG expanded its membership to involve representatives of other sectoral ministries (Ministry of Public Administrations and Local Self-governments, Ministry of Health, including the Team for reduction of poverty and social inclusion). UNICEF supported the work of the WG by engaging experts who shall outline the Instructions. The binding level of Instructions is satisfactory, while the use of Rulebook/Instructions will expand and include other stakeholders from the local community, other than the school, while the existing teams for protection from violence in schools will have their scope of work extended to include the protection from discrimination. The WG and the expert will, by the end of 2016 produce Draft Instructions that shall be additionally developed. The “Guide for prevention of segregation/Development of inclusive enrolment policies and desegregation of schools and classes”, developed by the group of experts working at the UNICEF project, will be used as the basis for developing the segregation measures within the Instructions for Implementation of the Rulebook on Detailed Criteria on Identifying Forms of Discrimination by Employees, Children, Students or Third Parties in Educational Institutions.

The plans for the future period include:

- Drafting of handbooks for 1) teaching staff; 2) parents; 3) children;
- Set of trainings for educational advisors and inspectors;

- Set of trainings for teaching staff and school administrations;

The Working group for developing the Guidance for implementing the Rulebook on detailed criteria for recognising forms of discrimination by the employee, child, pupil and third person in the educational institution (“Official Gazette of the RS“, No 22/16) continued its operation on defining the procedures and implementation of the Rulebook. The Working group has organised two (2 February 2017 - Belgrade; 1 March 2017 - Niš) of the planned three consultation workshop so far with the interested parties from the civil society, school administrations and international organisations.

During the first workshop, the structure of the future document was defined, including definitions of terms relevant for understanding the phenomenon of discrimination, the proposal of the programme for preventing discrimination, then defining measures of protection from discrimination, as well as the proposal of a possible mechanism for treating the issues of

discrimination. The second workshop dealt with the issue of segregation in education. The results of this workshop were specific propositions of measures for preventing segregation and measures for desegregation in the educational system. The third workshop is also planned as part of this project which is to consider the text of the draft Instruction jointly with the educational inspection with the view to obtaining specific suggestions of sustainable mechanisms for implementing the Instruction.

As part of the existing Working group, a narrower expert group shall be formed, to be harmonizing the text of the Instruction with the existing legislation and practice.

In the forthcoming period, after adopting the Instruction for the Rulebook implementation, three handbooks shall be developed intended for recognising and reacting on discrimination in education – intended for the teaching staff, parents and pupils. Furthermore, there will be organised a set of training sessions for teachers, educational inspectors, councilors, head teachers and school administrations with the aim of improving the capacities required for implementing the Rulebook on detailed criteria for recognising the forms of discrimination by the employee, child, pupil or a third party in the educational institution.

3.8.2.17. Adoption of a Rulebook on the Enrolment of Roma Students in Secondary Schools through affirmative action, defining the modalities of monitoring the effects of affirmative action on Roma education. (I quarter of 2016.)

Activity is fully implemented. The Rulebook on Criteria and Procedure for Enrolment of Roma Students in Secondary Schools under more Favorable Conditions with a view to Achieving Full Equality ("*Official Gazette of the RS*", no 12/2016) was adopted in early February 2016. At the same time, all school administrations were given instructions for acting in accordance with this Rulebook, as a model document for enrolment of students using affirmative action measures. School administrations have sent this instruction to all primary schools in the Republic of Serbia. Primary schools have respected the deadline (31st March 2016) and submitted collected data on enrolled students, for the purpose of the affirmative action measure. 1512 Roma students have been enrolled.

3.8.2.18. Conduct a survey and analysis of the causes of early school dropout. (IV quarter of 2016.)

Activity is fully implemented. In the first phase of the project "Preventing student dropout from the education system of the Republic of Serbia" (MoE in partnership with the Centre for Education Policy and UNICEF), an as-is state report has been prepared, which mapped the situation in 10 schools participating in the project. The report shows the school practice in terms of

implementation of legally prescribed measures for prevention of student dropout from the education system, and will be the point of reference for analysis of the final report.

The Conference titled: "How to stay in school: Preventing early school leaving from the education system in the Republic of Serbia" where data obtained during the implementation of the project were presented. These data have shown that significant results have been achieved in all 10 schools that participated in piloting of this framework, reducing the rate of dropout by 66.1%. During the implementation of this phase, the instruments for teachers have been prepared, to assist them in identifying risks from early abandonment of schooling. These instruments have been tested in pilot schools and gave good results. Based on the identification of risks by applying these instruments, different individualized support measures have been planned and conducted. They have proven to be the most efficient tool for students under the dropout risk and contributed to achieving this rate of dropout reduction. The school is also able to prevent such incidence by influencing those factors that are commonly believed not to be susceptible to such influence – extreme poverty, serious family issues and behavioural issues, by initiating the cooperation with other relevant local partners and by involving parents. One of the results of this project have been three Teachers Handbooks.

The Centre for Social Policy initiated the implementation of the project "Mechanisms for preventing Roma pupils from dropping out of the educational system", with the support of the Ministry of Education, Science and Technological Development, with the aim of decreasing the level of dropping out of the educational system and early termination of schooling, with the special emphasis on Romani girls and boys and returnees under the readmission agreement from the EU member states.

The project shall analyse the current response of institutions at the local level pertaining to the decrease of the pupils' dropping out of the educational system and develop a model of the improved system for early identification and reaction of institutions at the local level, for the purpose of preventing dropping out of the educational system.

Pupils of the Roma nationality and returnees under the readmission agreement from the EU member states shall be in the focus of the project. Prevention of dropping out of the educational system is also recognised as one of the priority fields of action in terms of ensuring education of high quality for everyone in the Education Development Strategy in Serbia by 2020, Strategy for Roma Inclusion in the Republic of Serbia for the period 2016-2025 and Programme of employment policy and social policy reforms (2016).

Some of the key project activities are the following: Conducting a research on the functioning of the existing mechanisms in the local communities for preventing dropping out of the educational system; Designing and governing the improved system for early identification and reaction at the local level for the purpose of preventing dropping out of the educational system; Protocol design at the local level intended for preventing dropping out of the educational system which should

serve schools, social care centres, cross-competence committees, health centres, magistrates, local self-governments and other relevant mechanisms and local partners (Roma coordinators, pedagogical assistants, health mediators); The selection of 10 examples of good practice from the local self-governments across Serbia dealing with the decrease of dropping out of the educational system; Promotion of the improved system model *модела* for early identification and reaction at the local level for the purpose of preventing dropping out of the educational system. The project shall be conducted in three local self-governments: Pirot, Prokuplje and Vladičin Han until June 2018, followed with the support of the European Union, via the European Instrument for Democracy and Human Rights (EIDHR).

3.8.2.19. Formulation of systemic support measures at school level and local government level on the basis of findings and recommendations of the analysis, subsequent piloting and promotion of systemic measures in order to support the education of Roma children at the local level and at the school level. (IV quarter of 2016. – IV quarter of 2017.)

Activity is being successfully implemented Through the project "Preventing student dropout from the education system of the Republic of Serbia" (MoE in partnership with the Centre for Education Policy and UNICEF), which is being implemented in 10 schools (4 primary schools and 6 secondary schools), a functional model for prevention of student dropout from the education system has been developed. The Early Warning Indicator System (EWIS) for identification of students under risk of dropout has been created and checked, school capacities for implementation of activities for reduction of dropout rates have been increased (approximately 60% of teachers in all schools have undergone at least one training for strengthening of capacities for dropout prevention), and a system of efficient provision of support measures has been established (including extra classes, peer support, and cooperation with the local community), which is being successfully implemented on the school level. Data submitted by schools show very positive results and effects of implementation of the project, which are mainly reflected in the reduction of the dropout rate by as high as 53.2% compared to the dropout rate in the year prior to the beginning of implementation of the project on the level of all schools, where reduction of dropout rates has been especially notable in professional schools.

The Project "Preventing student dropout from the education system of the Republic of Serbia" (MoESTD in partnership with the Centre for Education Policy and UNICEF), supported the improvement of capacities of 10 regular primary and secondary schools for the effective implementation of the system for early identification of students under dropout risk, including planning and implementation of intervention measures. New measures and activities have also been introduced, to include peer support, increased involvement of parents in school life, improvement of the quality of remedial teaching and strengthening of cooperation between schools and the local community. The implementation plan has been developed for successfully delivered measures at 10 pilot schools throughout the entire educational system of the Republic of Serbia.

3.8.2.20. Further strengthen early education of children of age 3 to 5 under a support system targeting the child, rather than the institution, and developed through:

-support to early childhood development programs,

-the introduction of integrative specialized and additional programs in preschool education,

-enabling active inclusion of more Roma children and parents in early development programs. (Continuously, until 2017.)

Activity is being implemented successfully. The increased enrollment of Roma children of age 3 to 5 in preschool education has to be implemented through the Project „**Improvement of preschool upbringing and education**“, which MPNTR plans to implement with support of the World Bank loan and Novak Djokovic Foundation (The Project's estimated value: 50 million euro). MPNTR has performed a wide range of activities aimed at the Project preparation – study of good international practices, analysis of current situation and development of Draft Project. Coordination extended meeting was organized where representatives of MPNTR competent groups, vocational associations, academic community, Institute for the Advancement of Education, Institute for Evaluation of Education, Red Cross, Association of the Pedagogical Assistants, SIPRU, FOS, REF and several organisations of the civil society took part. It was agreed to perform within the Project the activities falling within the three components: 1. Extension of the scope, 2. Quality increase and 3. Increase of justice in preschool education system. Within the component Scope, the reference is made to identifying the opportunity for children, particularly those from vulnerable social groups, primarily Roma children, to attend at least four-hour free of charge preschool programme for age 3 to 5.5.

- It is planned to support within the component Justice of the Project „**Improvement of preschool upbringing and education**“ the opportunity for active inclusion of a larger number of Roma children and parents into development programmes for assistance in early childhood. The focus of the component Justice is placed on comprehending the mechanism of support to families with children of age 3 from vulnerable social groups, in particular of Roma nationality, on intersectoral basis within the community. It is planned to develop a programme of support to Roma children within the community, aimed at development of family functionality, parental skills to support the child development, and healthy life. The negotiations with the World Bank, consultative meetings, and preparation of the draft project is in progress.

The start of the implementation of the IPA 14 project is also expected for early 2017, aimed at strengthening the capacities of local self-governments to increase the number of children encompassed by the preschool education system.

Based on data from the Statistical Office of the Republic of Serbia for 2015, 88 preschool institutions in RS have at least one specialized programme on offer, 27 PIs have 2-3 programmes, while only 3 PIs have more than 3 specialized programmes on offer. Only 68 PIs have at least one special programme. The number of children attending special and specialized preschool

programmes implemented by PIs in 2015 was 2519 children attending PE and attending special and specialized programmes and 6918 children not attending PE, but attending special and specialized programmes (total number of children – 199790).

- Until now, except through the Project implementation, there has not been a significant increase in the number of Roma children that have been included in preschool upbringing and education based on specific and specialised programmes. The Working Group engaged in the preparation of amendments to the Rulebook on specific and specialised programmes and other forms of work and services performed by a preschool institution has been disbanded. This was done because it was established that the impediment for the organisation of specific and specialised programmes was not connected with the existing Rulebook, but with insufficiency in resources of local self-government units (premises and funds) to organize and finance PSP and also, with the regulation on prohibition of employment, thus, disabling the engagement of teachers in these groups.

During the reporting period – III quarter of 2016, the following activities were realised:

In early July, a two-day expert meeting was held “Preschool education tailored to fit each child” for principals of preschool institutions with the participation of educational advisors. The focus of the meeting was the following: Prevention of violence and discrimination in the education system with the accent on the preschool education system; Potential sources of financing in the education institution through applying for the funds from various European funds and writing of projects which might increase the coverage and better fairness of the system; Increase of the coverage and quality of Preschool education for children aged three to five and a half, through diversification of the offer and modernisation of approach – presented project “Kindergartens without borders 2 – quality inclusive preschool education in Serbia”; Proactive role of the PI and LSGU in the increase of the coverage and provision of additional support to attending PPP; Activities of PI and LSGU on the increase of the coverage of children by preparatory preschool program; Transition of children and procedures of inclusion of personal guardians to preschool institutions.

Through designing the activities and future steps to be made by preschool institution, principals of preschool institutions discussed the following topics during their two-day meeting:

- Inclusion of children from vulnerable groups and provision of additional support to preschool institutions
- Activities of preschool institutions on the increase of coverage of children aged 3.5 – 5.5 with the preschool program
- Improvement of mechanism for quality entrance to the preschool education and movement towards higher levels of education for all children

Ministry of Education, Science and Technological Development, in cooperation with the World Bank Office to Serbia, realises consultative workshops during the reporting period, on the topic of improvement of availability, quality and fairness of preschool education. In June 2016, three workshops were realised: in Ruma, Loznica and Kovin. During September, the workshops are

realised in Surdulica, Kruševac, Leskovac, Zaječar, Paraćin and Belgrade. Workshops are realised by including a wide range of stakeholders at the local level relevant for improvement of availability, quality and fairness of preschool education.

During this reporting period, the SIPRU supported the Ministry of Education, Science and Technological Development in preparing the Sector Reform Contract for IPA 2016 programme dealing with increased participation of Roma children and students in the pre-university education and reducing dropout rates as envisaged by the Roma inclusion strategy. During the reporting period for I quarter of 2017, the British Council, with the support of SIPRU, organized the “New technologies in education 2017” conference. One of the sessions was devoted to early development.

SIPRU participated in the preparation of the Manual for the implementation of the Guide for criteria for recognizing forms of discrimination from the side of employee, child, student or other person in the institution of education.

SIPRU is one of the members of the Counseling body of the program “Initiative to support development and education of children in early age in Serbia”. This program is implemented by Centre for interactive pedagogy and Cultural and educational community-Romanipen, with the support of Open Society Foundation in London and in Serbia.

Furthermore, a Working group on creation of Rules of procedure towards children working and/or living on the street was formed by the City of Belgrade and Save the children International. An intervention protocol was drafted and regional meeting of drop in centers was organized where this protocol was presented. SIPRU followed these initiatives and provided inputs in the process of preparation.

The implementation of preparatory activities for launching the Project “Inclusive Preschool Education” has been continued, encompassing the status analyses, planning of project components and development of Project feasibility evaluation Documents:

- In September, the third coordination meeting was held, with members of advisory body discussing different options for the Project implementation.

(Members of advisory body include: representatives of vocational associations of pre-school education (Federation of Medical nurses-teachers Professional Associations of Serbia, Federation of Associations of Teachers in Serbia, Association of Qualified Associates and Associates of PA of Serbia, Council of Directors of PA of Serbia) representative of National Education Councils among teachers, Sections of pre-school teachers within the Pedagogical Association of Serbia: Section of pre-school psychologists of the Association of Psychologists of Serbia; Association of (first four grade) teachers of Serbia, World Bank and Novak Đoković Foundation, Delegations, EU, UNICEF, Center for interactive Pedagogy, Standing conferences of cities and municipalities, Fund for Open Society, Roma Education Fund, Romanipen Network of Organizations for Children in Serbia, Belgrade and Novi Sad Universities, Secretariat for Education and Child Protection of

Belgrade, Institute for improvement of education and Institute for Education Quality and Evaluation, Ministry of Education, Science and Technological Development).

- During the World Bank mission in November, the following agreements have been reached on this topic:

Within the Project Component 3: Support to children and families (worth 9 million USD) it has been agreed that further strengthening of early education of children aged 3 to 5, through the support system designated for children, rather than institutions, support through the implementation of national communication campaign and realization of programmes reaching children and families from vulnerable groups, aimed at providing support in early development age.

The national campaign has been planned to focus on raising awareness among parents and decision makers locally, about the importance of early age, with efforts made to improve parent competencies for achieving the development of their children through an early stimulation, play and positive interaction, best health practices and practice of having meals at home; providing information about a range of services available in the community to provide support to general development of their children (including health aspect, nutrition, early detection of development impairments, social protection and early learning); and the importance of attending pre-school programmes.

It has also been planned to improve solving of key challenges posing a threat to the wellbeing of children in their early childhood within this component, through grants to selected municipalities, aimed at vulnerable groups, such as Roma, children with disabilities and the poor. The local self-governments will apply for grants and have a leading role in local municipal teams who should develop the programs of support for the children and the families in cooperation between the local self-government and NGOs, all the stakeholders and communities.

- The process of continuing information communication to key players locally, about the forthcoming activities within the project of “Inclusive pre-school education“ and their mobilization aimed at taking over a proactive role in this process.

At the third meeting of the Standing Conference of towns and municipalities of the Network for Roma Issues, the representatives of local self-governments (about 125 participants: representatives of 32 local self-governments and 11 city municipalities) have been informed that the grants shall be provided to municipalities according to priorities, for projects and activities that support the implementation of the Action Plan of educational inclusion of Roma population. Also, they have been notified that after forming the local inter-sectoral teams (the Mobile Teams), each municipality shall have to: conduct mapping of the needs of Roma children in the local community and evaluate the support required for their inclusion in the pre-school education at the age 3-5.5 and develop programmes in the community that will be directly focused on providing support to

Roma children and families in order to solve the identified requirements of the most vulnerable population.

Around 300 professional associates, teachers and headmasters of pre-school institutions were informed about the forthcoming activities and they have been invited to be the initiators and publicly promote initiating and creating of support programs in the early childhood of Roma population children in the local community and be the proactive members of teams, locally.

The World Bank Steering Committee approved realisation of the project “Inclusive Preschool Education“. There is an ongoing development of a Project Management Office. All local self-government units have been provided with the questionnaire with the view to collecting the data which are to enable insight into the available capacities, actual problems and possibilities in the field of realising preschool education.

The project “Kindergartens without Borders 3 – support for improving the system of social care for children and preschool education at the local level“ implemented by the Centre for Interactive Pedagogy and supported by the UNICEF and the Ministry of Education, Science and Technological Development, is currently in its initiating stage. The focus shall be on decreasing the gap concerning the scope of preschool education and further education between the general population children and the children from vulnerable social groups by strengthening local self-governments and preschool institutions for developing policies and programmes of preschool education adjusted for the needs of children and families. The project has been created as the response on the recognised priorities for developing social care for children and preschool education and further education as part of the Strategy on Education Development in Serbia by 2020 and the Action Plan for implementing the Strategy in question. Planned duration of the project is 20 months, as of December 2016 until July 2018.

The expected project results are the following: Improved and harmonised regulations and provisions at the local level with the national legislation and strategic framework for quality inclusive preschool education and education in two selected cities /3 municipalities and preschool institutions; Increased number of children aged 3 to 5.5 included in quality inclusive PE by creating the supporting environment/programme and by improving the competencies of employees working in preschool institutions; Established partnerships at the local level contribute to the development of integrated support for children and families, improving the knowledge exchange and advocating the importance of inclusion of children in the PE, with a special emphasis on children from vulnerable social groups.

Equipping (furniture and toys) shall be conducted on special locations in two cities (Belgrade and Niš)/three municipalities, required for organising and implementing various programmes and activities for children not included by PE, as well as for their parents.

Direct project beneficiaries shall be the following: 500 children aged 3 to 5.5 from three municipalities (20% from vulnerable groups), to be included in PE via various programmes and

activities in the community (the focus shall be on the children coming from vulnerable social groups). Indirect project beneficiaries shall be the following: approximately 3000 children from preschool institutions whose teachers shall be provided with support through training courses for organising various programmes, as well as children outside the PI, who shall be included via various local activities and events. The project shall have as its target group 300 teachers, associates and head teachers, included via direct and online training courses. Partnerships at the local level shall enable the project to include at least 100 representatives of local self-governments, parents, experts from various fields as well as activists from local non-governmental organizations and volunteers.

3.8.2.21. Increase the coverage of children by the education system, from mandatory preschool programme to higher education, through:

- Development of support system, including active involvement of Roma parents;

-adoption of by-laws on students' living standard.

(Development of a support system: by the end of 2016; Adoption of bylaws: by the end of 2016; Reaching academic achievement: by June 2017)

Activity is being successfully implemented. Improvement of the competences for qualitative (inclusive) education has to contribute both to the extension of the scope and improvement of academic success of children/students within the institutions they attend. With the objective to improve the competences of the employed in education institutions that provide additional support to the education of children from vulnerable social groups, including Roma national minority, a number of educational activities have been organised: „Cooperation with parents – support to inclusive education“, „Initiative for inclusion BigSmall, UNICEF; „Contribution of external evaluation to the current system projects for provision of education quality“; 4 professional meetings – Joint activities of the Group for social inclusion and school administrations; Training of the members of intersectoral commissions from all the self-government units; Training of the MIO members „Strengthening of competences of the members belonging to the Network for support to inclusive education; 5 professional meetings.

“Preschool education created to measure of each child“; The Forum „Inclusive education viewed by students and parents“; Round Table: „Policies and practices of inclusive education in Serbia“; Professional meeting „Teachers to Teachers“– presentation of Action plans and strategic measures relating to the improvement of PSE inclusiveness.

- The Group for social inclusion in cooperation with UNICEF Office for Serbia and organisation named Initiative for Inclusion BigSmall launched the service of free „Info-line for Parents – support to inclusive education“, which started with its work on January 11. The Info-line was opened with the objective to provide support for the children's parents from vulnerable social

groups including Roma population, to be timely informed on the rights and opportunities related to the inclusive education and provision of additional support in education.

In the two-day expert meeting “Preschool education tailored to fit each child” organised for principals of preschool institutions with the participation of education advisors, one of the central topics was: “Activities of preschool institutions aimed at increasing the coverage of children with preparatory preschool program”. The Report was presented on the realisation and effects of the campaign for increasing the coverage of children with preparatory preschool program in the school year 2015/2016 and a new campaign was initiated. All preschool institutions are obliged according to the notice to the Minister to provide the competent school administrations with the activity plans by July 15 (as a part of the annual work plan) for increasing the coverage of children from vulnerable social groups with preparatory preschool program, and the institution did it.

It has been planned to, within the Project of “Inclusive Pre-school Education“ by way of developing and reconstruction and change of designation of appropriate space in the local community, provide up to 17,000 new spaces for children, which will contribute to a higher degree of enrolment of children coming from vulnerable groups, primarily the Roma children. One of the key criterion for the selection of municipalities where new place for the children will be provided in kindergartens, will be the number of Roma children in that local community who have not been included in the pre-school education. The collection of data on free spaces in Primary Schools that could be renovated and designated for the realization of pre-school programs is under way.

Moreover, in order to increase availability and equality in providing the pre-school education to children coming from the most vulnerable groups predominantly being the Roma children, it has been agreed that the project should provide the support to subsidies that will ensure free participation for the children coming from socially and financially deprived families, aged 3 to 5.5. We expect that the subsidies and an increased number of places for children in kindergartens at the age 3-5.5 including the development of the support programmes for children and the families, will bring about the increased coverage of children by the pre-school programmes.

The Association of Pedagogical Assistants has conducted a conference titled “The Turning Point of Pedagogic Assistance in Educational System in Serbia – best practice examples, challenges, visions for the future“ discussing, as one of the focal topics, the results of the last year’s campaign to increase the coverage of Roma children by obligatory pre-school education, ways to improve activities of pedagogic assistants but also of other key partners during the this year’s campaign (80 participants: members of the Association of Pedagogical Assistants of Serbia and representatives of key partner institutions and organizations).

3.8.2.22. Improvement of the educational status of the Roma on the basis of improved cooperation among all existing mechanisms by:

- providing support for enrolment of Roma in schools and preventing dropout by the scholarship programme for high school students with average marks higher than 2.5, which will contribute to dropout prevention.

-ensuring the universal enrolment of Roma children in regular schools and the Preparatory Preschool Programme

- monitoring the implementation of the actions and warning of potential shortcomings in the system

***More specific details shall be available in Specific AP for Strategy for Social Inclusion of the Roma in the Republic of Serbia 2016-2025 (By June 2017)**

Activity is being successfully implemented. Through the project IPA 2012 – TARI, there are 520 scholarships awarded to Roma students from first to fourth grade of secondary school. Based on the Competition, a final list of Roma students who receive scholarships for 2015/2016 school year and have the average grade from 2.5 to 3.5 has been signed by the Minister of Education. In schools that have students with scholarship recipients for the first time, new mentors have been selected, who have provided their support to the students and monitored their progress, regular attendance of classes and inclusion in extracurricular activities. The students, who have become eligible according to the established criteria, have received scholarships for the period September-January 2015/2016, in the amount of RSD 3.900 per month. Support to the inclusion, learning and progressing of these students has been provided by 201 teacher-mentors who have become qualified through the training for mentoring.

-176 Roma students who earn excellent marks regularly receive scholarships from the budget of the Republic of Serbia, in the amount of RSD 5.400 per month.

- In the Report Period MPNTR created several working groups, which started developing **by-laws that are expected to contribute to the extension of the scope** and improvement of the educational status of children/students from vulnerable social groups, in particular those coming from Roma community:

- Action Plan for inclusive education – to be adopted;

- Rulebook on criteria and procedure for enrollment of Roma students in Secondary Schools under more favourable conditions in order to acquire full equality status. („Official Gazette of RS“, No. 12/2016, No. 12/2016 of 12. February, 2016), came into effect;

- Rulebook on detailed criteria for detection of discrimination forms exercised by employee, child, student or any third person within the education institution („Official Gazette of RS“, No. 22/2016 of 3. April, 2016)-adopted;

- Public call for enlisting the persons competent in inclusive education for 2015/16 and 2016/17 year.- Public call announced, candidates registered, selection of persons to be made;

- Working group created for enrollment of students according to affirmative measures, preparation of letters for schools and registration forms for Roma students.

- The Report has been prepared in reference with running the campaign for enrollment in the preparatory preschool programme and primary school in 2015/2016 school year, as well as the guidelines for the Campaign for 2016/2017 school year. The data show that in the course of the

campaign, 935 children were enrolled in a PSP. Round Table is scheduled for June, where all relevant stakeholders have been invited to attend, on which occasion a new campaign shall be launched. In running the campaign we plan to include: UNICEF, Professional Associations: Federation of Associations of Teachers in Serbia, Association of Qualified Associates and Associates of Preschool Institutions in Serbia, Council of Directors of Preschool Institutions in Serbia, Roma Education Fund, Swiss Development Agency (SDC), Fund for Open Society, OSCE Mission to Serbia, Red Cross in Serbia, Office for Human and Minority Rights of the Government of the Republic of Serbia, National Council of Roma National Minority, Association of Pedagogical Assistants in Serbia and Team for Social Inclusion and Poverty Reduction of the Government of the Republic of Serbia.

- In order to support vertical and horizontal transition of children/students from vulnerable social groups, including Roma children, in pre-university education in the Republic of Serbia, a procedure for developing Guidelines for transition of children in education (UNICEF) has been initiated and additionally, the collection and promotion of the examples of good practice is in progress, being carried out by Professional associations.

-Working Plan of the Group for Social Inclusion MPNTR covers the support to transition of students (under 15 years) from the schools for adult education to primary schools. For the purpose of preventing unjustified enrolment of Roma children in the schools for adult education, these schools and competent school administrations have been sent a letter by MPNTR, obliging them to include children, providing support to such children as well, into regular education system.

One of the results of the last year's campaign is that after September 2015, 1000 children enrolled. In May 2016, a new campaign was initiated. The focus of the campaign was on enrolment, but also on regular attendance of classes by children from vulnerable social groups.

3.8.2.23. Provide funds for community services aimed at social inclusion of Roma children through the provision of support to Roma children in learning, inclusion in extra-curricular activities and the development of additional skills necessary for the labour market. (Continuously)

Activity is being implemented successfully. In the period from January to March 2016, the Group for Social Inclusion of the Ministry of Education, Science and Technological Development (MESTD) organized activities and participated in the work of the Commission for the selection of CSO candidates for the representatives in the Joint Body with the representatives of the Office for Cooperation with civil society aimed at establishing a Joint Body to support social inclusion, to support the work and coordinate the supervision over the work of Inter-ministerial Commissions (IC) in order to assess the needs for additional educational, health and social support for children and students (hereinafter: Joint Body). The Joint Body is established by the Ministry of Education, Science and Technological Development, the Ministry of Health, the Ministry of Labour,

Employment, Veteran and Social Affairs and the Ministry of State Administration and Local Self-Government and the representatives of other bodies under the Decision of the Ministry. The Joint Body is also responsible for the coordination and monitoring the work of Inter-ministerial Commissions.

During February, professional meetings/trainings were organized for IC members from all over Serbia (10th February in Belgrade, 11th February in Šabac, 17th February in Niš), as a part of the project titled “Strengthening the capacity of Inter-ministerial Commissions (IC) to provide additional support for the involvement of children in early development and education“, CSP and UNICEF. It is expected that IC in the future period shall play more substantial role in supporting Roma children in the educational system.

The funds for community services focused on social inclusion of Roma children will be provided by the Project “Inclusive Pre-school Education”, as specified in the Report on the issue, presented under 3.8.2.20.

Pursuant to Article 64 paragraph 2 of the Law on State (“Official Gazette the of the RS”, No 79/2005, 101/2007, 95/2010 and 99/2014) and Article 27 of the Regulation on the Principles of Internal Organisation and Systematisation of Job Positions in Ministries, special organizations and services within the Government (“Official Gazette the of the RS”, No 81/07 – revised text, 69/08, 98/12 and 87/13), the Ministry of Education, Science and Technological Development, Ministry of Health, Ministry of Labour, Employment, Veteran and Social Affairs and the Ministry of State Administration and Local Self-Government have concluded an agreement on establishing a Joint Body for supporting social inclusion, operation and coordination of surveillance over the work of interministerial committees dealing with the assessment of needs for providing additional educational, health and social support to children and pupils.

2. Tasks of the Joint Body are the following: (1) providing support in the operation of interministerial committees in terms of assessing the needs for providing additional educational, health and social support for children and pupils (hereinafter: IMC), especially in terms of organising training courses, coordinators’ support in competent ministries and other forms of expert, financial and technical assistance; (2) assistance on promoting and harmonising legislation on the inter-ministerial level in the field of social inclusion and inclusive education and monitoring the implementation of legislation; (3) establishing the system of collecting data concerning operation of the IMC and providing additional support to children/pupils, analyzing data in terms of quality and effects of the IMC operation and suggesting measures for improving the operation of the IMC and ensuring additional support; (4) monitoring the scope of inclusion of children from vulnerable social groups by preschool and pre-university education and proposing the intersectoral measures/mechanisms for increasing this scope and preventing dropping out of children from the educational system to the competent ministries; (5) establishing the operation standards of the IMC and other relevant institutions and harmonising the methodology required for assessing the support needs; (6) defining the IMC operation surveillance mechanisms, harmonising the activities of performing the IMC operation surveillance and defining the surveillance plan. A Working group

for introducing the Amendments to the Rulebook on the Operation of the IMC was formed at the first session of the Joint Body.

3.8.2.24. Continue the implementation of affirmative measures through the mentoring system and scholarships for education. (Continuously)

Activity is being implemented successfully. Provision of scholarships has continued this school year through the project IPA 2012 – TARI, there are 520 scholarships awarded to Roma pupils from first to fourth grade of secondary school (three-year and four-year educational profiles). Since students of the third and fourth grade completed secondary education (about 90% of students), the Ministry announced a competition for admission of new students of first and second grades; the competition was completed on October 15 2015, the preparation of rankings is in progress, opening of student bank accounts and award of scholarships after quarter, because the success of students and regular attendance are followed. In schools that have students with scholarship recipients for the first time, new mentors will be selected. Other mentors have continued their work and regularly monitor the status of students in all the criteria adopted.

Students who receive scholarships from the RS budget are monitored through a system of affirmative action.

Based on the competition, the pupils from the first and second grade of secondary school were elected to receive scholarships this year. The final list of all Roma pupils entitled to scholarships for the school year 2015/2016 with the average marks from 2.5 to 3.5 is signed by the Minister of Education. In schools that have students who were awarded scholarships for the first time, new mentors are selected and tasked to monitor the progress of students, the regularity of their attendance on classes and extra-curricular activities. Students who met the requirements based on set criteria received scholarships for the period from September 2015 to January 2016. The amount of the monthly scholarship is RSD 3.900.

-A total of 176 Roma students with excellent marks receive regular monthly scholarships from the budget of the Republic of Serbia. The amount of monthly scholarship is RSD 5.400.

In the TARI Project from September 2015 until the end of this school year **August 2016**, 517 Roma pupils of secondary schools /three-year and four-year education for pupils with the average marks from 2.5 to 3.5 were granted scholarships. One of the results of this activity is that all the pupils who improved their general score at school remained within the scholarship system, 200 mentors/secondary school teachers provide assistance and support to the Roma pupils in secondary schools in the field of education and extracurricular activities.

MoESTD – school year 2015/2016 granted 176 pupil scholarships to Roma secondary school pupils who have excellent performance at school.

By the end of January 2017, all the planned scholarships for Roma participants attending secondary schools in the Republic of Serbia will be paid both to them and their mentors/professors of secondary schools providing assistance and support to Roma students, beneficiaries of scholarships in secondary schools within and outside the regular curricula. This component of the TARI project will end with this term of payment. The scholarship process will continue through the new IPA 2014 Project, the financial agreements already being signed, with its implementation expected in the second half of 2017. In the school year 2016-2017, the MoESTD will award around 150 scholarships to Roma students in the secondary schools who have achieved excellent grades, as of December 2016, when the final list of beneficiaries will be defined.

According to the report in I quarter of 2017:

In early February 2017, the memorandum on cooperation between the Ministry of Education, Science and Technological Development and the Romani Education Fund (REF) was signed thus envisioning scholarships from the donation of the German Development Bank obtained by the REF, for 500 secondary school Roma students and their mentors. This ensured continuity in granting scholarships for students whose grade point average was between 2.5 and 3.5, with the aim of decreasing early dropping out of education.

We expect that the IPA 2014 will start with implementation by the end of 2017 or at the beginning of 2018, when it is expected to have the number of scholarships increased to 1200.

There were allocations in the budget of the Republic of Serbia for 140 secondary school students of Roma nationality for the school year 2017/2018.

3.8.2.25. Adoption of an annual plan of adult education based on experience gained through “Second Chance” IPA project that allows:

-persons who complete primary education to continue their education with the support of affirmative measures, or

-for persons older than 17 to graduate from secondary school with additional financial support. (Continuously)

Activity is being implemented successfully. In order to increase accessibility and greater coverage of adult learners, in which the majority of learners are Roma minority, the following bylaws were adopted:

The first Annual Plan of Adult Education for 2015 was adopted (“Official Gazette“, no. 2/2015 as of 09/01/2015.). The Report on the implementation of the Annual Plan of Adult Education in 2015 shows a high coverage of basic adult education (according to the model of functional basic adult education), especially among students of Roma nationality. Basic adult education was conducted in 73 primary schools on the territory of 15 school administrations, and was attended by 5.950 adults who interrupted their basic education or for whatever reason never started it, and are older than 15 years of age. Part-time (external) secondary education was conducted in 235

secondary schools on the territory of 17 school administrations, and was attended by 2.952 students, older than 17 years of age. *Retraining, additional education and specialization* was realized in 191 secondary schools on the territory of 11 school administration, with 8.399 students.

Pursuant to the Decision of the RS Government, the Annual Plan of Adult Education for 2016 was adopted (“Official Gazette of RS“, no. 5/2016 as of 05/02/2016), with the plan to conduct the basic adult education on the territory of 15 school administrations in 68 primary schools, with 6.421 students. Part-time (external) secondary education will be conducted in 209 secondary schools in 17 school administrations, with 4.628 students older than 17 years of age. According to unofficial information regarding the basic adult education, more than 60% of students are Roma, of which 40% are girls.

Due to joint activities of the Ministry of Education, Science and Technological Development and the Ministry of Justice and local self-government – the Directorate for Execution of Criminal Sanctions, future steps for systematic resolving of issues of education of protégées in the Penal and Correctional Institutions and Juvenile Detention Facilities, in which part of the members are Roma, were agreed. In 2015, the Functional Basic Adult Education Programme was implemented in Penal and Correctional Institutions in Niš, Kruševac and Valjevo. The same programme will be implemented in 2016 in the Penal and Correctional Institutions in Požarevac and Sremska Mitrovica.

Pursuant to provisions of the Rulebook on measures and procedures for enrolment of students who completed basic adult education programme to secondary school under more favourable conditions for the purpose of achieving full equality (“Official Gazette of RS“, no. 42/2016 as of 22/04/2016) and the Decision of the Minister on enrolment of students in secondary school for the school year 2016/2017, for students over 17 years of age, the number of credits achieved in the school and the final exam shall be increased by 30 percent of the number of credits they are missing up to 100 credits. If these students live in families which are users of financial social assistance, the number of credits achieved in the school and the final exam will be increased by 35 percent of the number of credits they are missing up to 100 credits. This approach allows Roma students easier enrolment to the preferred secondary school.

Preparation of the Annual education plan for the school year 2016/2017 is ongoing, which defines priority fields based on the conclusions made according to the Report on the Realisation of the Annual Plan of Adult Education for 2015/2016. The priority fields for 2017 are the following:

1. Formal adult education (primary and secondary education of adults);
2. Informal education of adults;
3. Implementation of the Rulebook on Detailed Conditions in terms of Program, Staff, Space, Equipment and Teaching Aids for acquiring the status of publicly recognised organiser of adult education activities (“Official Gazette of RS”, No 89/2015);
4. Recognition of previous learning.

The Annual Plan of Adult Education for 2016/2017 has been prepared. The preparation was facilitated by the Center for Secondary School Vocational Education of Adults of the Institute for Improvement of Education. It has been presented to the Council for Professional Adult Education, pending its adoption.

128 requests for accreditation of Certified Training Organizers have been filed. Ten organizers have obtained the accreditation resolutions after the finalization of the procedure.

The Council for Vocational and Adult Education issue an affirmative opinion regarding the Annual Adult Education Plan for the school year 2016/2017. Currently, it is part of the further procedure conducted by the Legal Department, where it is being prepared for adoption by the Government of the RS, which envisions realisation of adult elementary education in the territory of 15 school administrations, and 73 primary schools with 6,166 students. Part-time secondary education shall be realised in 255 secondary schools in 16 school administrations with 5,391 students older than 17. Retraining, additional training and specialisation shall be realised in 15 school administrations in 238 secondary schools, with the planned number of students being 16,651. According to the off record information concerning realisation of basic adult education, more than 60% of students belong to Roma population of whom 40% are girls.

Based on the joint activities of the Ministry of Education, Science and Technological Development and the Ministry of Justice and the Ministry of Local Self-Government – Directorate for Execution of Criminal Penalties, steps on systemic resolving of educational issues have been agreed pertaining to the residents of the Penal and Correctional Facilities and Educational and Correctional facilities, where one part of the residents belong to Roma population. In 2016, a programme of the Functional Basic Education of Adults in penal and correctional facilities in Niš, Požarevac, Kruševac and Valjevo was conducted, which has also been continued in 2017.

According to the provisions of the Rulebook on the measures and procedure of enrolling attendees into the secondary schools under more favourable conditions, who have previously completed the programme of basic education for adults, in order to achieve full equality (“Official Gazette of the RS”, No 42/2016 as of 22 April 2016), data on all attendees of the FBEA were collected in primary schools and schools intended for adult education школама who are finishing their eighth grade this year as part of the third cycle of education. This way, the students older than 17 and Roma students are enabled to have an easier enrolment into the desired secondary school. Out of the total of 131 requests for accrediting State recognised training facilitators (SRTF), 23 facilitators have reached the end of the procedure of their accreditation and have been provided with the decision of the competent minister verifying their accreditation validity for the period of five years.

3.8.2.26. Development of systemic models of support to migrant/reintegration returnee children and pupils through programs of the Serbian language as a non-mother tongue and support to learning during summer holidays. (For development of systemic models of

support: III quarter of 2016; For implementation: Continuously, commencing from IV quarter of 2016.)

Activity is being implemented successfully. A total of 25 schools indicated in the questionnaire that they have the children returnees under the readmission, i.e. 115 students (attending the Serbian language as non-mother tongue).

Measures in primary schools:

- Providing free textbooks;
- Preparing Individual Education Plan (IEP) – primarily to support learning the Serbian language and Cyrillic script - IEP-1 for Serbian Language (plan for fast learning of Serbian language); then mathematics and other subjects;
- The individualization of curricula by adapting the material and corrective pedagogical work and additional classes, primarily as regards the Serbian language and the Cyrillic script, and then teaching mathematics;
- Enhancing peer education and involvement in extra-curricular activities of children returnees under the readmission agreement;
- Supporting learning during the summer holiday – only few schools apply this measure. The schools mainly organize preparatory classes for the final exam; for this purpose the school must procure special textbooks and give instructions for individual work during the holidays; these classes are organized at the end of June and in the second half of August.
- Highly involved Roma pedagogical assistant;
- Enhanced cooperation between schools with returnee families and advisory work in small groups; special work programmes with such families; involvement of local Roma Office in planning the future measures; diverse economic and material support;
- Referring to cooperation with local Roma associations and cooperation of the school on NGO projects;
- Humanitarian aid in the form of humanitarian packages and clothes;
- Mediation of School administration in the process of validation;

Unresolved issues:

- Irregular attendance
- Insufficient knowledge of the Serbian language and Cyrillic script, poor knowledge of Serbian words, poor reading skills
- Validation of diplomas;
- Social vulnerability of families, children do not have conditions for learning
- Lack of motivation
- Hampered cooperation with student's parents;
- Difficult adaptation to education process due to missed material;

- Lack of understanding of the importance of education and the role of the school;
- Lack of documents on education abroad;
- Adaptation to the new peer environment;
- Insufficient knowledge of material on subject teaching in higher grades.

MoESTD, as a partner, participates in the Twinning project “Supporting the National Asylum System in the Republic of Serbia”, where the activity holders are the Commissariat for Refugees and Migration and the Ministry of Interior.

In cooperation with the UNICEF, the project is realised on the preparation of the national response and strategy of integration of children coming from the families with the status of refugees/migrants, of African, Middle Eastern, and Asian origin.

Establishment of the Working Group and the definition of the existing activities are still in progress. Some of the activities are:

- Training of school administrations, expert associates and teachers on cultural diversity and intercultural education;
- Cultural education through the implementation of workshops and teaching aids and programs for all pupils of those classes accepting new pupils coming from other cultural background;
- Support to schools with the creation of individual education plan and/or IEP for support to new pupils;
- Support to parents who are in the process of asylum seeking with the aim at intensified learning of the language of the country (Serbian as a foreign language) and new cultural modules, retaining their own tradition and language.

The Project titled “**Support to education of migrant/refugee children and students within the territory of the Republic of Serbia**“ was developed based on the **Work Plan for the implementation of the Cooperation Program between UNICEF and the Republic of Serbia Government in Education, in the period 2016-2017**, and it has been implemented by MoESTD and UNICEF in cooperation with the Centre for Education Policies. The MoESTD invited the primary schools and pre-school institutes to join in the implementation of these activities.

The main objective of the Project is the building of capacities of the employees working at MoESTD school administration s in order to provide a more efficient support to schools and pre-school institutes in planning, implementing and monitoring the integration of foreign students, in particular the children among the migrants/refugees.

Planned activities:

- to define procedures for enrolment and integration of migrant children staying in Serbia for a prolonged period or who have already sought an asylum;

- to define the method of cooperation between advisors and institutes and guardians form the social welfare centres in this process;
- to improve inter-sectoral cooperation and develop a joint protocol with the aim to define the steps of the integration process for the migrant children into the society and the education system;
- to use the existing resources – STIO and other teams, pedagogical assistants.

The draft support plan has been developed, to be implemented by the educational institutes:

- Step one: in the school: Headmaster, interpreter, Pre-school Education service, teacher, will make an interview and observation in the presence of a guardian/parents
- Step two: the first estimate will be made by: teachers, teacher in charge, Pre-school Program teachers, foreign language teachers, EA;
- Step three: drafting of the support plan for children/students: Serbian language learning program and individualized learning, peer support, volunteers, block teaching;

The inclusion and support program has been prepared at 2 levels – support plan for the level of the institute and support for individuals. When discussing the drafting of inclusion plan, forming of the team is planned (the particular number of employees from schools with the headmaster, professional assistants, representatives of pre-school teachers in pre-school institutes and teachers in the schools). This team would be delegated the tasks and activities required in order to ensure the efficient and high-quality inclusion.

The next task would be to define a number of additional, remedial classes: facultative teaching (where appropriate funding is provided) or to extend the number of facultative subjects one of which being the inter-cultural learning, that could be interesting both to the local and migrant children.

It is proposed to include the local self-government, students of the Faculty of Philology in order to eliminate the language barrier, as well as the students of human sciences.

In terms of legislation, the amendments to subordinate legislation have been planned, to include: Rulebook on Supplemental Education Support, Rulebook on Class Norms, Rulebook on Census, on additional new assignments for pedagogical assistants (without changing the name, only adding the job). Moreover, there is a proposal for the preparation of the Professional Guide of the Minister in order to ensure that school administration and headmasters are aware with the planned activities related to this topic.

Commissariat for Refugees and Migration in September 2016 announced a public call for NGOs to finance the program proposals of importance to the population of refugees, internally displaced persons, asylum seekers and returnees upon readmission agreement.

The deadline for submitting applications with necessary documentation is 21 September 2016. A total amount of funding is 4.2 million RSD. Priority for funding will have programs aimed at improving awareness in areas of importance to the beneficiary population, programs directed to

raising public awareness about the problems and obstacles that migrants face and programs of legal and other forms of assistance (forms of assistance relating to assistance to children returning after agreement upon readmission to learn Serbian language and help in mastering the curriculum in the educational process).

Commissariat for Refugees and Migration in September 2016 announced a public call for NGOs to finance the program proposals of importance to the population of refugees, internally displaced persons, asylum seekers and returnees upon readmission agreement. A total amount of funding is 4.2 million RSD. Some 24 projects in total were approved. Two projects are related to support for children and returnee students through programs for learning Serbian as non-mother tongue and support in learning. Allocated funds for each of the two projects were 250,000 RSD. Projects are currently being implemented.

Commissariat for Refugees and Migration in March 2017 announced a public call for NGOs to finance the program proposals of importance to the population of refugees, internally displaced persons, asylum seekers and returnees upon readmission agreement. A total amount of funding is 3 million RSD. Public call is in progress until 21 March 2017.

Ministry of Education, Science and Technological Development has sent letters to schools and preschool institutions from the territory of the School Administration of Belgrade (Municipality of Palilula) and the School Administration of Valjevo, where collective and transitory centres can be found, for the purpose of including institutions in the project *Educational support for migrant/refugee pupils in the territory of the Republic of Serbia*.

The ministry also supported realisation of two training courses for facilitators who are activists of the civil society organisations regarding implementation of programmes involving children placed in reception/transitory centres for asylum seekers for the purpose of strengthening their capacities for developing and implementing the programmes of non-formal education. Moreover, a full day consultation meeting was held with educational advisors from the territories of school administrations where collective and transitory centres can be found, as well as the meeting with the representatives of the social care centre, in order to prepare efficient procedures for including children asylum seekers in preschool institutions and schools.

A train-the-trainer programme intended for additional training in all education institutions has been developed so as to achieve the best possible quality inclusion of children and pupil asylum seekers. As for the migrant children or children without parental care, they are taken care of by guardians from competent social care centres and the Institute for Education of Children and Youth *Vasa Stajić*. From this Institute, as of the second semester of the school year, children start attending PS *Filip Filipović* and PS *Karađorđe*.

Primary school for adult education *Branko Pešić* in Zemun is currently attended by 23 refugee students without parental care, aged 12 and 14-17. They are attending lectures based on the model 2 lessons in the classroom (subject-based) and 2 lessons of workshops (linguistic and theme-based). The school maintains continuous contact with the Ministry, social care centre guardians, as well as with the Centre for Educational Policies providing them also with the mentorship

through the project “*Educational Support for Migrant/Refugee Students in the Territory of the Republic of Serbia*“. The teachers have also prepared an internal handbook which allows amending and preparation for other schools as well.

Agricultural Boarding School PKB has enrolled four students with completed 10 and 12 grades only speaking the *Paštu language*, and therefore, with the support of the non-governmental organizations, a translator was provided for these purposes.

All children asylum seekers are entitled to use public transport free of charge.

In cooperation with the Danish Council, activities related to preparing the Programme for learning **Serbian as a Foreign Language** have been realised at the Faculty of Philology, since learning of the surrounding needs to be intense, thus it should be organised based on a certain methodology and based on a special programme to be delivered to schools. At the moment, there are pilot modules implemented in the aforementioned schools, which are to be upgraded in order to have the Ministry of Education, Science and Technological Development in cooperation with the Institute for the Advancement of Education, facilitate development of standards for learning Serbian as a foreign language. Moreover, the **Expert Guidance** for schools is currently in its final stage of preparation, and it is going to be used for regulating an efficient procedure of school enrolment and informing the institutions on the methods of developing the Children Support Plan, so as to have a child/pupil efficiently involved in the community life.

With regards to the children who are returnees according to readmission, a Questionnaire has been developed for all schools and preschool institutions in the Republic of Serbia in order to have the number, type and method of support identified which is to be delivered to pupils, but also to children attending preschool facilities.

3.8.2.27. Opening of the Romani Language Centre at the Faculty of Philology of the University of Belgrade to train teachers and researchers in teaching and science/research work in the area of the Romani language and culture. (For opening: By IV quarter of 2015; For certification of teachers: By IV quarter of 2015.)

Activity is fully implemented. In June 2015, at the Centre for Lifelong Learning at the University of Belgrade Faculty of Philology, a course was established for acquisition of certificate of knowledge of the Romani language. In July, 23 teachers attended the course and acquired certificates. During September and October 2015, based on the results of surveys of students for elective "Mother tongue with elements of national culture", groups were formed and several certified teachers are engaged. The process of further engagement of teachers is ongoing.

3.8.2.28. Introduction of the elective subject 'Romani Language with Elements of the National Culture' into primary schools in Serbia in conformity with the Law, upon the certification of teachers eligible to teach 'Romani Language with Elements of the National

Culture' conducted by the Faculty of Philology of the University of Belgrade. (By the end of 2016.)

Activity is fully implemented. Upon completion of the survey for electives in primary schools, conducted at the beginning of the school year 2015/2016, the classes for learning of *Romani Language with Elements of the National Culture*, as an elective subject, were formed. Communication with primary schools and certified teachers of Romani language, with the aim of high-scale inclusion of Roma children in this elective subject, runs continuously the entire school year along with the approval for classes that include less than 15 students. At the moment, a total of 18 primary schools introduced *Romani Language with Elements of the National Culture*, and 2 more primary schools are planning to introduce this elective subject, but do not have teachers at the moment and 3 more primary schools are in the process of introducing this elective. More than 20 primary schools have a significant percentage of Roma students, but the response of parents is rather low, while 15 primary schools is interested in this but lack the staff in their respective municipalities.

In the forthcoming period, MESTD and the National Council of the Roma will put their efforts to improve spreading the information among the parents and teachers about the importance of learning the mother tongue.

School year 2016/2017 – The activity will continue in accordance with the Law.

3.8.2.29. Development of legislative framework in the field of co-operatives and social entrepreneurship, which will improve the possibilities of employment of Roma population in accordance with the best practices of the European Union. (I quarter of 2017.)

Activity is partially implemented. The Working Group for Drafting of the Law on Social Entrepreneurship has been formed and intensive consultations with relevant institutions and social actors continue with a view to developing legal framework for social entrepreneurship, in line with positive practice of the EU countries, as a flexible and open business model primarily focused to occupational and social activation of persons in social need, with the ultimate goal to be able to conduct business independently and effectively in open labour market.

Following the establishment of new Government, composition of a new Working Group for drafting the Law on Social Entrepreneurship has been defined (MoLEVS Decision on establishment of a Working Group as of November 7, 2016) creating the conditions to continue activities on drafting the Law on Social Entrepreneurship.

In accordance with the Action Plan for implementation of Government programme from November 17, 2016, the deadline for adoption of legal decisions that contribute to enhancement of condition on the labour market, through development of social entrepreneurship, is IV quarter 2017.

On December 23, 2016 Thematic Round Table was organised to share the experience of the Republic of Slovenia in the process of creation and implementation of normative framework of the social entrepreneurship area with members of the Working Group for drafting the Law on Social Entrepreneurship

3.8.2.30. Actively promote and implement the policies and measures aimed at increasing employment of the Roma, with special emphasis on Roma women, in particular through:

-public calls for applications of self-employment

-public works activities targeting the Roma population. (Continuously)

Activity is being implemented successfully.

2015:

Registration of a person in the National Employment Agency and/or the way of maintaining registries and the content of data on the person are defined by the Law on Employment and Unemployment Insurance („Official Gazette of the RS“, no. 36/09, 88/10 and 38/15) and the Rulebook on more detailed content of data and the way of maintaining records in the employment area. Nationality or ethnicity is only one of personal data foreseen by Article 5 of the mentioned Rulebook. The data is **registered upon person’s statement, which is not binding**, bearing in mind legal provisions relating to prohibition of discrimination during job searching and employment.

On December 31, 2015, according to the data from the National Employment Agency, 22.930 members of Roma national minority, out of which 10.669 women, were registered as unemployed persons.

From the education level perspective, the majority of them are persons without qualifications (I and II level of education) 20.376 persons, and/or 88,86% out of total number of registered persons, then persons with secondary schools finished – 2.435, with high (college) 83 persons, with high level of education 36 (0,16%) of Roma men/women.

From the age structure perspective, there is an important share of young Roma men/women up to the age of 30 – 7.400 persons (32,23% out of total number of unemployed members of Roma national minority).

By the National Action Plan for Employment for 2015 Roma national minority members are determined as category of unemployed persons who need support in the process of labour and social activation, integration or reintegration to the labour market. The mentioned document foresees programme and active employment policy measures implementation directed towards Roma employment promotion:

- Employers belonging to private sector shall be able to realise subsidy for employment of unemployed persons from hard-to-employ category to newly opened workplaces (one of five categories of hard-to-employ persons, this subsidy refers to, is Roma population);

- Organising motivation trainings aiming to activate Roma population, inclusion of Roma population in the programmes of additional education and training, promoting entrepreneurship and employment of Roma population (including announcement of separate public invitation).

In line with the mentioned document, and based on data from the National Employment Agency, estimations of employability were made in 2015 and employment individual plans were established with 18.479 unemployed members of Roma national minority (8.289 women), including plans revisions, upon the registration of unemployed persons in the National Employment Agency. Professional Orientation System Services covered 257 unemployed Roma (information, selection, classification) out of which 114 Roma women.

In addition, during 2015, active employment policy measures included, in total, 4.241 unemployed members of Roma national minority, out of which 1.879 Roma women.

Table 1: Preview of inclusion of Roma in AEP measures in 2015 (NEA data)

| ACTIVE EMPLOYMENT POLICY MEASURE | Roma | |
|--|--------------|--------------|
| | Total | Women |
| Active job searching training AJS 1 | 1.843 | 850 |
| Self-efficacy training AJS 2 | 13 | 6 |
| Workshop for coping with stress due to loss of a job | 1 | 0 |
| Job search club | 18 | 6 |
| Employment fairs | 942 | 400 |
| Entrepreneurship development training | 161 | 59 |
| Internship programme | 5 | 2 |
| Gaining practical knowledge | 1 | 1 |
| Labour market training | 5 | 0 |
| Training upon employer's request | 2 | 1 |
| Functional primary education of adults | 635 | 353 |
| Self-employment subsidies | 98 | 43 |
| Subsidies to employers for opening of new workplaces | 76 | 46 |
| Subsidy for employment of social help beneficiaries | 1 | 1 |
| Public works | 436 | 111 |
| Wage subsidies to persons with disability without working experience | 4 | 0 |
| TOTAL NUMBER OF PERSONS INCLUDED | 4.241 | 1.879 |

In addition, 173 unemployed Roma members (35 Roma women) are included in active employment policy measures through local employment action plans implementation.

During 2015, 1.994 persons of Roma national minority (750 women) were employed from the National Employment Agency register.

2016:

In accordance with the National Action Plan for Employment for 2016 (“Official Gazette of the RS, no 82/2015”) employment policy still focuses on promoting employment in private sector, directing active employment policy measures towards less developed/undeveloped areas and increasing inclusion level of persons from hard-to-employ categories, which also cover members of Roma national minority (separate public invitation for allocating funds for self-employment of Roma men/women was announced by the National Employment Agency on February 17, 2016). In addition, Roma population as category of hard-to-employ persons are also one of six categories of unemployed persons for whose employment employers from private sector can realise subsidies for employment of unemployed persons from hard-to-employ category in 2016.

In 2016 the NEA brought decisions, based on the Public announcement for organisation of public works in 2016, for work engagement of 4.198 unemployed persons whereof 1.702 persons with disabilities.

On June 30 2016, according to the data from the National Employment Service, **25.431** members of Roma national minority, out of which 11.831 **Roma women**, were registered as unemployed persons, which makes share of 3,6% in total registered unemployment (706,611 unemployed persons). In the first six months of 2016, increase in number of registered unemployment of Roma population by 2,501 persons was noted.

From the aspect of educational level, unskilled persons (1st and 2nd level of educational qualification) are most represented (22.762), and/or 89,5 per cent of the total number of unemployed Roma registered at the NES, after which are persons who completed intermediate level of education – 2,541, Roma persons with higher level of education - 73, and Roma men/women (0.22%) with high level of education - 55.

If hard employability factor is also viewed from the aspect of job-search duration and/or duration of the status on the register of unemployed persons, 15.554 Roma/Roma women belong to category of long-term unemployed persons.

The National Action Plan for Employment for 2016 was adopted on September 24 2015 (“Official Gazette of the RS, no 82/2015”). Employment policy in 2016 focuses, on the one hand, on private sector employers and, on the other, on unemployed persons, focusing on harder-to-employ categories (unemployed Roma men/women, registered at the NES, have status of harder-to-employ persons) and/or those unemployed persons who need additional system help and support within the process of integration or reintegration into the labour world. Special services packages have been prepared (and being implemented) intended for 4 categories of unemployed persons:

- Services package for youth up to 30;
- Services package for redundant workers;
- Services package for persons with disabilities and
- Services package for unskilled persons, with low level of qualification, and long-term unemployed.

Speaking of unemployed Roma population category, the focus is on the following:

- Increasing inclusion of Roma men and women in active employment policy measures, especially in measures contributing to increase of employability for more competitive appearance on the labour market (mostly active job-searching measures and programmes from the system of additional education and training);
- Promoting employment and self-employment of Roma men and women, by granting subsidies for job creation for unemployed persons belonging to harder-to-employ categories (Roma are classified as such among six categories of harder-to-employ), and/or subsidies for self-employment (special public invitation);
- Increasing inclusion of Roma men and women in active employment policy measures established in local EAPs (bearing in mind that the NAPE foresees co-financing of subsidies programmes for job creation for unemployed persons belonging to harder-to-employ category, public works programmes, programmes for gaining practical knowledge and internship programmes).

On February 17 2016, in accordance with the NAPE, the NES announced public invitations/competitions for implementation of active employment policy measures.

Between January and June 2016 active employment policy programmes and measures involved 88,668 unemployed persons, whereof 85,017 persons belonging to the harder-to-employ category, representing a share of 95,86% of total number of persons involved in active employment policy measures.

Active employment policy measures involved **2,253 Roma (895 Roma women)**. Unfavourable educational structure of unemployed Roma men/women is still the key aggravating factor for their competitive appearance on the labour market, conditioning primary involvement in short-actions programmes and work engagement (for ex. Public works programmes) and influencing the low level of employers' interest for their employment/work engagement.

*Preview of involvement of Roma men and women in active employment policy measures in period
January-June 2016*

| Active employment policy measure | Number of persons involved in measure | |
|------------------------------------|---------------------------------------|-------|
| | Total | Women |
| Active job-search training – AJS 1 | 903 | 390 |
| Self-efficiency training – AJS 2 | 18 | 6 |
| Job Search Club | 19 | 8 |

| | | |
|--|--------------|------------|
| Employment Fair | 837 | 339 |
| Entrepreneurship development training | 124 | 47 |
| Internship programme | 4 | 2 |
| Gaining practical knowledge | 1 | 0 |
| Labour market training | 1 | 1 |
| Training upon employer's request | 4 | 1 |
| Functional primary education of adults | 2 | 2 |
| Apprentices IPA 2012 | 1 | 0 |
| Self-employment subsidies | 49 | 20 |
| Subsidies to employers for job creation | 55 | 17 |
| Public works | 234 | 62 |
| Wage subsidies to persons with disability without working experience | 1 | 0 |
| TOTAL | 2.253 | 895 |

Source: NES, Report on implementation of the NES Performance Agreement for period January-June 2015

Based on the NES data, in the first seven months of 2016, 1,752 Roma men and women from the register of unemployed persons were employed.

On October 31 2016, according to the data from the National Employment Service, 25.578 persons who declared themselves as members of Roma national minority (out of which 11.834 Roma women) were registered as unemployed persons, which makes share of 3.72% in total registered unemployment.

From the aspect of educational level, unskilled persons (1st and 2nd level of educational qualification) make 89.4 per cent of the total number of unemployed Roma men/women registered at the NES (22.863 unemployed persons), persons who completed medium level of education (II and IV level) make 10.1% of registered unemployed Roma men/women (2,578 persons), while persons with secondary and high level of education participate with 0.54% in total registered unemployment of Roma men/women (V and VI level of education – 83 unemployed persons, VII – 54 unemployed persons). Unfavourable educational structure of unemployed Roma men/women continues to represent an aggravating factor for their competitive appearance on the labour market resulting in the low level of employers' interest for their employment/work engagement.

From the age structure perspective, number of Roma men/women up to the age of 30 registered as unemployed is 8,213, 12,760 persons belonging to the age group of 30 to 50, while the number of unemployed persons older than 50 is 4,605 persons.

If hard employability factor is viewed from the aspect of job-search duration, 36.3 unemployed Roma men/women (9,282) has been searching for a job up to one year, while 63.7% is in status of long term unemployment (16,296 unemployed persons).

Based on data from the Report on Implementation of the NES Performance Agreement for period between January and September 2016, active employment policy measures involved 2,870 unemployed members of Roma national minority, whereof 1,149 women, which represents share

of 2.7% in total number of unemployed persons involved in the active employment policy measures (107.954).

*Preview of involvement of Roma men and women in active employment policy measures in period
January – September 2016*

| Active employment policy measure | Number of persons involved in measure | |
|--|---------------------------------------|--------------|
| | Total | Women |
| Active job-search training – AJS 1 | 1.248 | 546 |
| Self-efficiency training – AJS 2 | 26 | 9 |
| Job Search Club | 31 | 17 |
| Employment Fair | 935 | 377 |
| Entrepreneurship development training | 139 | 53 |
| Internship programme | 6 | 3 |
| Gaining practical knowledge | 4 | 1 |
| Labour market training | 1 | 1 |
| Training upon employer's request | 7 | 3 |
| Functional primary education of adults | 35 | 19 |
| Apprentices IPA 2012 | 1 | 0 |
| Self-employment subsidies | 63 | 25 |
| Subsidies to employers for job creation | 68 | 24 |
| Subsidy of part of NES users' income | 1 | 0 |
| Public works | 304 | 71 |
| Wage subsidies to persons with disability without working experience | 1 | 0 |
| TOTAL | 2.870 | 1.149 |

Source: NES, Report on implementation of the NES Performance Agreement for period January-September 2016

In the first ten months of 2016, 2,412 members of Roma national minority from the register of unemployed persons were employed.

2017:

In the reporting period I quarter of 2017:

Registration of a person in the National Employment Service and/or the way of maintaining registries and the content of data on the person are defined by the Law on Employment and Unemployment Insurance (“Official Gazette of the RS“, no. 36/09, 88/10 and 38/15) and the Rulebook on more detailed content of data and the way of maintaining records in the employment area (“Official Gazette of the RS“, number 15/10). Nationality or ethnicity is only one of personal data foreseen by Article 5 of the mentioned Rulebook. The data is registered upon person's statement, which is not binding, bearing in mind legal provisions relating to prohibition of discrimination during job searching and employment.

Number of unemployed persons on the National Employment Service registry on 31 December 2016 was 700,947 persons, whereof 360,877 were women (51.48%). Out of the given number 26,065 unemployed persons stated they are members of Roma national minority (whereof 11,993 are women), which represents a share of 3.72% in total registered unemployment.

Registered unemployment of Roma men and women

| STATE OF AFFAIRS ON 31 DECEMBER | | | |
|---------------------------------|--------|--------|--------|
| | 2014 | 2015 | 2016 |
| Total | 21.791 | 22.930 | 26.065 |
| Roma women | 10.053 | 10.669 | 11.993 |

Source: NES

From the education level perspective, persons without qualifications, i.e. with low level of education (I and II level of education) make almost 90% of registered unemployment of Roma men and women which is aggravating factor for their competitive appearance on the labour market influencing the low level of employers' interest for their employment/work engagement.

In the course of 2016, active employment policy measures involved 146,891 unemployed persons, whereof 4,308 are Roma minority members. Roma members have been mostly involved in the active job-search training (1,665 persons), job fairs (1,247 persons), then in functional primary education programme (661) and public works (318). Certain number of Roma members established employment relationship with subsidy to employers for job creation (93) and some Roma members, who successfully finalised entrepreneurship development training, started their own business with allocation of subsidies for self-employment (65) and mentorship support in the first year of their business. It is noted that in 2016 the National Employment Service announced a special public call to the unemployed members of the Roma nationality for allocating self-employment subsidies.

Involvement of Roma men and women in AEP in 2016

| ACTIVE EMPLOYMENT POLICY MEASURE | Roma | |
|--|-------|-------|
| | Total | Women |
| Active job searching training - AJS | 1,665 | 725 |
| Self-efficacy training | 34 | 14 |
| Workshop for coping with stress due to loss of a job | 2 | 1 |

| | | |
|---|-------|-----|
| Job search club | 34 | 19 |
| Employment fairs | 1,247 | 513 |
| Entrepreneurship development training | 155 | 61 |
| Internship programme | 8 | 3 |
| Gaining practical knowledge | 4 | 1 |
| Labour market training | 6 | 4 |
| Training upon employer's request | 13 | 7 |
| Functional primary education of adults | 661 | 368 |
| Trainees IPA 2012 | 1 | 0 |
| Self-employment subsidies | 65 | 26 |
| Subsidies for employment of unemployed persons from the harder-to-employ category | 93 | 37 |
| Subsidy of part of social assistance beneficiaries income | 1 | 0 |
| Public works | 318 | 72 |
| Wage subsidies to persons with disabilities without working experience | 1 | 0 |

Source: NES, Report on implementation of the NES Performance Agreement for period January-December 2016

Up to and including 31 December 2016, 173 Roma men and women participated in active employment policy measures foreseen by local action plans for employment, whereof 37 Roma women.

3.8.2.31. Launch concrete projects linking education (vocational, university) to concrete employment. (Continuously, commencing from II quarter of 2016.)

Activity is partially implemented. Representatives of the Ministry of Education, Science and Technological Development are members of inter-ministerial working group for drafting of the Strategy for the Social Inclusion of Roma in the Republic of Serbia for the period from 2016 to 2025 (adopted in February 2016). In cooperation with all relevant sectors of MESTD, an annex/draft to the Action Plan for the Implementation of the Roma Strategy was prepared for the

field of education. Further consultations in the preparation of the final version of this document regarding the budget are expected in the future period.

According to the report of the Ministry of Education, the project “Roma Integration 2020“, conducted by the Council for Regional Cooperation - Sarajevo, Action Team for Roma Integration, with the partner being the Ministry of Labour, Employment, Veteran and Social Affairs is currently implemented. The Council gathers representatives of state institutions and civil society organisations from Albania, Bosnia and Herzegovina, Kosovo*, Montenegro and Turkey. The first regional workshop dealt with the topic of monitoring and reporting, whereas the second one was dedicated to the topic of funding public policies regarding Roma population. MESTD has its representative in the Expert Group of the newly formed Coordination Body for Monitoring Implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia for the period 2016 - 2025.

According to the Ministry of Labor, in cooperation with German organisation for international cooperation (GIZ), and within the Project “*Youth employment promotion*”, consultations for project activities implementation have started aiming to enhance Roma youth employability. The short training programmes, involving 100 young unemployed Roma men/women have been planned, in 5 profiles for which there is a need on the labour market, with an impact on employment/self-employment of 60%. Furthermore, through project activities implementation, support will be provided to 10 Roma men/women in initiating their own business through procurement of necessary material resources. The total value of planned project activities has been estimated to be EUR 250.000,00, with implementation period between January and December 2017.

3.8.2.32. Conduct analysis of the reasons why an important part of the Roma work remains in the grey economy, identifying the problems and possible solutions and provision of recommendations to tackle this situation. (By IV quarter of 2016)

Activity is fully implemented. Analysis of the reason why a significant number of Roma work in the grey economy: problems and possible solutions, was initiated and prepared by the Office for Human and Minority Rights in the framework of the Swedish International Development Agency – SIDA financed project.

3.8.2.33. Enhance involvement of local government in reducing Roma unemployment through implementation of local action plans for employment. (Continuously)

Activity is being successfully implemented. Support for regional and national employment policy was provided in 2015 through appropriation of funds and budget of the Republic of Serbia for co-financing of programme and active employment policy measures foreseen by funds from national action plans for employment. By the Decision made by Minister

responsible for employment affairs funds from the Republic of Serbia budget were approved for co-financing of programmes and measures from national action plans for employment upon requests from 113 local self-government units. The NEA signed an Agreement on arrangement of mutual rights and obligations during implementation of programme and active employment policy measures with 83 local self-government units, while 30 local self-government units gave up from decision realisation. For implementation of programme and measures foreseen by local action plans, in 83 local self-government units, amount of 250.763.547,16 dinars was appropriated from budget of the Republic of Serbia, as co-financing share, and local self-government units 209.536.012,32 dinars based on which 5096 unemployed persons were involved in measures. Through implementation of local action plans for employment, active employment policy measures involved 173 unemployed Roma (whereof 35 Roma women).

In addition, the NEA concluded technical cooperation agreements for implementation of programme and measures in 2015, with 48 local self-government units, which secured in their own budget 444.225.439,42 dinars and independently financed programmes and active employment policy measures. In this way 2.674 unemployed persons were involved in measures.

In accordance with the **National Action Plan for Employment for 2016** and with an aim to promote development of employment policy addressing the position, needs and opportunities of the local labour market, a Decision was made on participation in financing programmes or active employment policy measures foreseen by local action plans for employment in 2016. Funds amounting up to 338.016.557,90 dinars were approved for co-financing of **97** local action plans for employment, which makes share of 12,07% of budget funds of the Republic of Serbia appropriated for financing active employment policy measures in 2016.

The National Employment Service signed Agreements on arrangement of mutual rights and obligations during implementation of programme and active employment policy measures with 90 local self-government units, while 5 local self-government units gave up from the implementation, and 2 did not sign the Agreement. In addition, the NES also signed 44 technical cooperation agreements with local self-government units.

Up to and including June 30 2016, 50 Roma population members participated in active employment policy measures foreseen by local action plans for employment. However, having in mind that announcement of public invitations, for implementation of majority of action plans for employment, is ongoing, additional involvement of Roma national minority members in active employment policy measures is expected by the end of the year.

Within IPA 2012 programme cycle and technical support from the NES, there is an ongoing evaluation of local action plans for employment that are co-financed from the budget of the Republic of Serbia, in terms of number, funds appropriated, measures and involvement of unemployed persons (special emphasis is on Roma inclusion). Recommendations for further enhancement of capacities of local councils for employment and/or local action plans for employment will make an integral part of the evaluation.

Out of 90 local self-government units with which the NES signed agreements on arrangement of mutual rights and obligations during implementation of programme and active employment policy measures, 86 local self-government units have been implementing the mentioned agreements. In addition, between January and September 2016, the NES also concluded 48 agreements on technical cooperation with local self-government units.

Up to and including September 30, 2016, active employment policy measures, foreseen by local action plans for employment, involved 130 Roma men/women.

Within IPA 2012 programme cycle and/or technical support project, active employment policy measures, implemented through local action plans for employment in period 2010-2016 have been evaluated, with special focus on harder-to-employ categories. Recommendations for further enhancement of capacities of local councils and/or local action plans for employment will also make an integral part of the evaluation. In addition, within the mentioned technical support project, in period between 28 and 29 November and between 30 November and 1 December 2016, there will be a training cycle aimed at enhancement of capacities of local councils for employment to define employment policy (in line with local labour market needs) and recognise and involve harder-to-employ categories of unemployed persons into active employment policy programmes and measures foreseen by local action plans for employment.

Under the project “*European Support for Inclusion of Roma – We are here together*” on October 26, 2016 and within the Conference “*Roma Inclusion – challenges and chances at local level*”, 20 local self-government units signed Declaration on Social Inclusion of Roma men and women at local level.

2017:

In the reporting period I quarter of 2017:

In the course of 2016, the National Employment Service branch offices continually provided support to creation of local action plans for employment, i.e. requests for co-financing of active employment policy measures from the budget of the RS, as well as technical support to implementation of programmes and measures funded exclusively by local self-governments.

Number of 109 requests for co-financing of active employment policy programmes and measures in 2016 was submitted. 97 requests of the local self-government units were approved by the Decision on participation in funding active employment policy programmes and measures foreseen by local action plans for employment in 2016, number: 401-00-00520/2016-24 dated 20 April 2016 and by the Decision on changes and amendments of the Decision on participation in funding active employment policy programmes and measures foreseen by local action plans for employment in 2016, number: 401-00-00520/2016-24/1 dated 23 June 2016. Funds for realisation of participation in funding active employment policy programmes and measures foreseen by local action plans for employment are secured within funds allocated by the Budget of the Republic of Serbia for implementation of active employment policy measures in 2016, in total amount of RSD 338.016.557,90.

Out of 97 local self-government units, 84 local self-government units implemented the Agreement on arrangement of mutual rights and obligations during implementation of active employment policy programmes and measures.

Up to and including 31 December 2016, 173 Roma men and women participated in active employment policy measures foreseen by local action plans for employment, whereof 37 Roma women.

In 2016, the National Employment Service concluded 54 Agreements on technical cooperation with local self-governments aimed at implementation of local action plans for employment, when total needed funds were secured in budgets of local self-governments units (RSD 431.463.531,64).

3.8.2.34. Develop and institutionalize affirmative actions as well as financial and non-financial incentives such as small grants and public private partnerships, in order to support employment of Roma and facilitate the launching of sustainable Roma business activities. (Continuously)

Activity is being implemented successfully. Support for development of entrepreneurship, provided under employment policy system, as **self-employment subsidies** and related support services.

Support for entrepreneurship and self-employment is implemented as subsidies, expert/technical assistance, information and advisory services in business centers of the National Employment Agency and as trainings on entrepreneurship for unemployed persons. In addition, in the first business year, entrepreneurs have been given support through mentorship programme and specialist training. Based on the NEA data, during **2015**, training for entrepreneurship development involved 161 member of Roma national minority, while self-employment subsidy has been given to 98 Roma, whereof 43 Roma women.

In accordance with the National Action Plan for Employment for **2016** self-employment subsidy shall be granted for setting up a business, cooperative or some other form of entrepreneurship by an unemployed person or by a pool of unemployed persons, as well as for establishment of a business entity within which a founder establishes employment relationship, in a lump sum of 180,000.00 RSD per an user; and subsidy for self-employment of persons with disabilities amounts 200.000,00 per an user. Public invitations for submission of requests for granting self-employment subsidy were announced on February 17, 2016 by the NES, including special public invitation for granting funds for self-employment of Roma men/women.

Up to and including June 30 2016, self-employment subsidy was granted to 49 Roma population members, out of whom 20 Roma women. In 2016 unemployed persons are still very interested for self-employment subsidy programme, but quota is insufficient to cover all submitted requests with business plan meeting criteria from public invitation. Speaking of Roma population, there is a problem with quality of submitted requests and business plans, as well as in securing security instruments.

According to the data available with National Employment Service, between January and September 2016, financial support in ‘starting your own business’, in form of subsidies for self-employment, has been provided to 63 Roma, whereof 25 Roma women.

2017

In the reporting period I quarter of 2017:

Support in grants is not provided within employment policy system, and/or support for entrepreneurship development is provided through self-employment subsidies and accompanying support services.

Support for entrepreneurship and self-employment is implemented as subsidies, expert/technical assistance, information and advisory services in business centres of the National Employment Service and as trainings on entrepreneurship for unemployed persons. In addition, in the first business year, entrepreneurs have been given support through mentorship programme and specialist training.

Based on the NES data, in 2016, entrepreneurship development training was attended by 155 unemployed Roma members (61 Roma women), while financial support for setting up a business (self-employment subsidy) was granted to 65 Roma members, whereof 26 Roma women.

3.8.2.35. Promote information sharing about the employment opportunities to inform as many Roma nationals as possible on employment opportunities, along with the provision of financial and professional (mentoring) support to self-employment of disadvantaged groups through a small grant scheme. (2014-2016)

Activity is being implemented successfully. Under the project “European support for Inclusion of Roma – We are here together”, National Employment Service participated in the activity of mobile teams set up in 20 pilot municipalities in Serbia. Representatives of NES take part in joint visits organized by these mobile teams to Roma settlements to inform locals on finance and non-finance measures undertaken by NES, as well as on employment opportunities. Ministry for Labour, Employment, Veterans and Social Affairs monitors how project activities are implemented by its participation in the Steering Committee of the Project.

Under the project “Poverty reduction and promotion of employment opportunities of marginalized and vulnerable population groups in Serbia with focus on Roma women” (implemented by HELP in the territories of municipalities of Kraljevo, Kruševac, Leskovac, Vladičin Han, Vranje and Prijepolje) a total of 2014 grants in the value of EUR 2.400 and EUR 1.500 were awarded, among which to 39 Roma men and 59 Roma women.

Promotion of active employment policy measures directed towards increase of employability and employment of hard-to-employ persons continued in 2016. On May 19, 2016 the NEA and the

Embassy of the Republic of Austria in the Republic of Serbia organized Regional Conference “*Employment of hard-to-employ groups*”, with an aim of promotion, experience exchange and good practice examples in implementation of activities directed towards timely and quality integration or reintegration of hard-to-employ persons to the labor market.

On May 31, 2016 the OSCE Mission in the Republic of Serbia, in cooperation with the Ministry of Labour, Employment, Veteran and Social Affairs and Social Inclusion and Poverty Reduction Unit, organised the “*Conference on the best practices in employment of Roma men and women*”, when results and good practice examples of Component 6 of the Project “We are here together - European Support to Roma Inclusion”, funded by IPA 2012 programme cycle, were presented.

Within Project Component 6, technical assistance was delivered as well as support in establishing new and developing existing companies, aiming to create opportunities for employment, social mobilisation and enhancement of Roma inclusion. In line with needs identified and funds available within the Project, technical assistance covered training, mentorship, equipment procurement and other forms of help and support, facilitating establishment or expansion of company’s business activity creating necessary conditions for sustainable job creation. Out of 249 companies/initiatives interested for registering good practices in employment of Roma men and women, through several selection cycles, 18 companies/initiatives were chosen to be supported, out of which 14 companies/initiatives in Roma ownership (even 8 Roma women were owners). As a final Project result 17 chosen companies/initiatives established employment relationships with 60 Roma men/women.

On November 9, 2016, National Action Plan for Employment for 2017 was adopted (“*Official Gazette of the RS*”, number 92/2016) representing the main strategic document for implementation of active employment policy measures in 2017. It is featured by better targeting of harder-to-employ categories and/or prioritising those categories within harder-to-employ categories which are in more unfavourable position on the labour market for inclusion into active employment policy measures as well as reliability of active employment policy measures on the results of impact assessment conducted. In line with the mentioned document, in 2017 status of harder-to-employ categories, which will have priority during inclusion into active employment policy measures will be given to: youth up to age of 30, redundant employees, older than 50, persons without qualification and low-qualified, persons with disabilities, **Roma**, working-age beneficiaries of social assistance, long-term unemployed (more than 12 months registered as unemployed, and especially unemployed persons searching for job longer than 18 months), youth up to 30 having status of fallen fighters’ children, youth up to 30 who used to have/have status of a child without parental care, human trafficking victims and domestic violence victims.

Furthermore, active employment policy measures and programmes will also involve other harder-to-employ categories from special vulnerable categories of unemployed persons such as: women, rural population, refugees and internally displaced persons, returnees according to readmission agreement, single parents, parents from families where both of them are unemployed,

parents of children with disabilities in a way to enable their integration into labour market and to improve their quality of life.

2017

In the reporting period I quarter of 2017:

Based on the NES data, in 2016, employment counselling services (assessment of employability and creation/review of individual employment plan) involved 21,778 Roma (9,691 Roma women). Service of obtaining information on opportunities for career development (from the professional orientation system) was used by 74 Roma (24 Roma women).

On the basis of the National Employment Action Plan for 2017 (“Official Gazette of the RS”, number 92/2016)⁷, NES Performance Agreement for 2017 was concluded and on 7 February 2017 public calls/competitions with the aim of implementing the active employment policy programmes and measures in 2017 were announced (including special public call for granting self-employment subsidy to unemployed Roma members).

Total planned number of unemployed persons to be covered by active employment policy measures in 2017 is 131,230 unemployed persons, whereof 7,590 persons with disabilities, with effect on employment of 31%, i.e. 40,991 unemployed persons.

For implementation of active employment policy measures in 2017 the amount of 2.8 billion dinars was allocated from contributions in case of unemployment, as well as 550 million dinars from Budget fund for professional rehabilitation and incentives for the employment of employees with disabilities.

Public calls/competitions for implementation of active employment policy measures in 2017 were announced by the National Employment Service on 7 February 2017.

3.8.2.36. Adoption of legislation on forced evictions, in line with relevant international standards, framing the conditions to be respected in such cases (particularly including the rules in case of necessary relocation only after their residents have been given sufficient advance notice, with full respect of their human rights), accompanied by:

-development of manual and guidelines on the competent authorities' procedures for the relocation of informal settlements, with particular emphasis on the roles and obligations of local Self-Governments,

-distribution of manual and guidelines to all relevant administrative actors.

-clear monitoring and reporting mechanism.(I quarter of 2016)

⁷ Information on NEAP for 2017 and active employment policy measures, which will be implemented in 2017, including defined categories of harder-to-employ persons, is an integral part of previous report.

Activity is fully implemented. The National Assembly of the Republic of Serbia adopted the Law on housing and building maintenance („Official Gazette” no. 104/16) which regulating the procedure of forced evictions in accordance with relevant international standards. The provisions of Article 78 to 87 of the Act regulates the procedure of removal of persons from illegally built residential buildings on land owned by another person, when necessary. The whole procedure is carried out with the prior consultation of the population affected by the eviction and their involvement in the adoption of appropriate decisions within the framework of this process with full respect for their human rights. These provisions include the determination of conditions to be met by adequate housing for relocation.

This Law incorporates all the provisions arising from the confirmed international Conventions, first and foremost the International Covenant on Economic, Social and Cultural Rights and bylaws that result from it, general comments: 3. (progressive achievement of the state full realization of human rights), 4. (elements of appropriate apartment) and 7 (protectin from/during eviction).

The Republic of Serbia, trough such legislature, strives also towards realization of high human rights protection defined by international legislature implemented by the Members of the European Union, that foremost relate to the relevant provisions:

- European Convention on Human Rights and Fundamental Freedoms: Article 8 - Right to the respect of private and family life and among others home; Article 13 - Right to an effective remedy and Article 14 - Prohibition of discrimination), as well as

Revised European Social Charter, Article 31 confirming the fundamental element of rights to housing: 1 – to promote access to housing of an adequate standard; 2 – to prevent and reduce homelessness to its gradual elimination; 3 – to make the price of housing accessible to those without adequate resources.

3.8.2.37. Adoption and implementation of the Law on Housing in compliance with the provisions of the International Covenant on Economic, Social and Cultural Rights. (For adoption of legislation: IV quarter 2015- I quarter 2016; For implementation: Continuously)

Activity is being successfully implemented. The National Assembly of the Republic of Serbia adopted the Law on housing and building maintenance („Official Gazette” no. 104/16) which regulating the procedure of forced evictions in accordance with relevant international standards. The provisions of Article 78 to 87 of the Act regulates the procedure of removal of persons from illegally built residential buildings on land owned by another person, when necessary. The whole procedure is carried out with the prior consultation of the population affected by the eviction and their involvement in the adoption of appropriate decisions within the framework of this process with full respect for their human rights. These provisions include the determination of conditions to be met by adequate housing for relocation.

This Law incorporates all the provisions arising from the confirmed international Conventions, first and foremost the International Covenant on Economic, Social and Cultural Rights and bylaws

that result from it, general comments: 3. (progressive achievement of the state full realization of human rights), 4. (elements of appropriate apartment) and 7 (protection from/during eviction).

The Republic of Serbia, through such legislature, strives also towards realization of high human rights protection defined by international legislature implemented by the Members of the European Union, that foremost relate to the relevant provisions:

- European Convention on Human Rights and Fundamental Freedoms: Article 8 - Right to the respect of private and family life and among others home; Article 13 - Right to an effective remedy and Article 14 - Prohibition of discrimination), as well as

Revised European Social Charter, Article 31 confirming the fundamental element of rights to housing: 1 – to promote access to housing of an adequate standard; 2 – to prevent and reduce homelessness to its gradual elimination; 3 – to make the price of housing accessible to those without adequate resources.

3.8.2.38. Resolution of existing informal substandard Roma settlements through:

- Assessment of all possibilities for the legalization of individual existing housing structures in sustainable substandard settlements.

- Where relocation is absolutely necessary, provision of sites for their relocation, in line with international standards, the new legislation on forced evictions and accompanying manual that defines competent authorities' procedures for the relocation of informal settlements issued by the Government and communicated to the local authorities. (Continuously, commencing from I quarter of 2016)

Activity is being implemented successfully. In order to strengthen the capacity of the local governments, the Ministry of Construction, Transport and Infrastructure has established a geographic information system for monitoring informal ("Roma") settlements, whereby the aforementioned Draft Law on housing prescribes an obligation of monitoring forced evictions and displacement.

Geographical information system for substandard Roma settlements is established in the Ministry of Construction, Transport and Infrastructure, within the Project "We are here together: European support for Roma inclusion" and the ongoing control of its quality is in progress. The funds that are listed in the result refer not only to the establishment of Geographical information system, but mostly relate to the preparation of planning documentation for the spatial planning regulation of settlements (13 regulatory plans have been issued), as one of the key preconditions for the regulation of property rights on land and legalization of housing and infrastructure improvements. Also, through this project has been 13 packages of technical documentation for improvement and construction of municipal infrastructure have been prepared.

Within the framework of Geographical information system, an analysis of the state of physical and social infrastructure in Roma settlements, as well as the need for their improvement has been performed. That phase preceded the drafting of plans and technical documentation and it also

included the analysis of the existing Roma housing, whereas corresponding models for the improvement of housing conditions were also proposed.

The Law on Housing and Maintenance of Buildings was adopted on December 22, 2016 and entered into force on January 1, 2017.

3.8.2.39. Address the situation of the internally displaced Roma from Kosovo and Metohija who largely do not plan to return there by financing programs for enhancement of the living conditions of internally displaced people, with focus to Roma. (Continuously)

Activity is being implemented successfully. The Commissariat for Refugees and Migration is planning and implementing both national and donors funds in a manner to cover local self-governments (LSGs) where a large number of internally displaced persons (IDPs) are living. IDPs who are Roma are eligible to apply in all programs for the improvement of living conditions of IDPs. Please see the point 3.9.1.4 due to the fact that all stated below refers to the most vulnerable IDPs, Roma included.

Remark: There is no obligation for IDPs to declare as Roma.

3.8.2.40. Establishment of a Geographic Information System for substandard (Roma) settlements with a view to efficiently and effectively take investment decisions aimed at improving the position of the Roma community. (IV quarter of 2015.)

Activity is being implemented successfully. Within the establishing of the Geographical Information System of Substandard Roma Settlements (GISRS), information between the Ministry and the Republic Geodetic Authority has been exchanged and the quality control is ongoing. The funds that are listed under this result do not refer only to the establishment of the GISRS. Most of the funds are related to the preparation of planning documents for spatial planning regulation of settlements (13 regulatory plans have been adopted) as one of the key preconditions for regulating land property rights, legalization of housing and improving infrastructure. Furthermore, 13 technical documentation packages for improving or constructing municipal infrastructure have been prepared over the course of this project.

Within the framework of GISRS, an analysis was performed on the state of physical and social infrastructure in Roma settlements, as well as on the need for their improvement. Within this phase that preceded the drafting of plans and technical documentation, an analysis was also conducted on existing housing of Roma, while corresponding models for the improvement of housing conditions have also been proposed.

Within the framework of the establishment of the Geographic Information System of substandard Roma settlements, a quality control of the system has been completed while additional trainings for its use and maintenance are currently taking place.

3.8.2.41. Improve the infrastructure conditions in substandard settlements among the Roma population presently residing in informal settlements, as well as relocation to appropriate social housing in the territories of local governments. (Launching the project: I –II quarter of 2016; Implementation: 2017-2020)

Activity is being implemented successfully. Preparatory activities for the implementation of the project “Durable housing solutions and physical infrastructure improvements in Roma settlements”, which will be funded through IPA 2013 have been started. Project documentation for these solutions has largely been prepared within the EU project "We are here together" (financed by the IPA 2012), and local governments and non-governmental organizations will so be able to nominate additional projects in case their project documentation is ready.

As part of the preparations for the implementation of the project “Durable housing solutions and physical infrastructure improvements in Roma settlements”, a call for proposals (grants) was launched on July 5th, 2016. The call was published on the EuropeAid web site (EuropeAid/138222/ID/ACT/RS), on the web-site of the Department for Contracting and Financing of EU Funded Programmes of the Ministry of Finance of the Republic of Serbia (CFCU) and the daily newspaper "Politika".

Information sessions on this Call for Proposals were held in the period July 13th -15th, 2016 in Belgrade, Novi Sad and Nis. The deadline for the submission of proposals, which was originally intended for September 9th, 2016, has been extended until September 23rd, 2016.

Department for Contracting and Financing of EU Funded Programmes of the Ministry of Finance of the Republic of Serbia, published on its website a call for Technical assistance for improvement of living and housing conditions among the Roma population presently residing in informal settlements on August 9th, 2016. The deadline for submission was September 8th, 2016 the evaluation of submitted applications being in progress.

On its website, the CFCU has also published a call for the selection of external consultants to assist the Commission in evaluating proposals on August 10th, 2016. The call was open until August 17th, 2016. Approvals from the European Commission for final selection of external consultants are currently being awaited.

I 2017

The projects financed from IPA 2013 "Improving living conditions and housing Roma currently living in informal settlements" (Technical Assistance € 1,5 million) and "The implementation of durable solutions for housing and improving physical infrastructure in Roma settlements" (Grant Scheme € 9.5 million) are in the contracting phase. Tender procedures are underway, and the deadline for signing contracts is June 6, 2017.

3.8.2.42. Identify new substandard settlements in which living conditions require improvement, including:

- preparation of planning documentation,**
- provision of conditions for improving infrastructure networks,**
- actions to relocate the inhabitants to new social housing. (I quarter of 2016 – 2021)**

Activity is being successfully implemented. The Project “Improving the socio-economic living conditions of the Roma population” under IPA 2014 is in preparation for launching of the tender process. Launching tender process is expected in the second half of 2017.

3.8.2.43. Update or adopt where missing local strategies and action plans to also include more accurate data on Roma residents in informal settlements, as well as to propose measures to regulate and consolidate living conditions within existing informal settlements.

(IV quarter of 2016.)

Activity is partially implemented.

Ministry of Construction, Transport and Infrastructure reports in **I quarter of 2017** that the Project “Improving the socio-economic living conditions of the Roma population” under IPA 2014 is in preparation for launching of the tender process. Launching tender process is expected in the second half of 2017.

3.8.2.44. Develop and institutionalize local protocols for protection of Roma children living and/or working on the street and provide sustainable financial support for urban community services such as drop-in centres, which facilitate protection and social inclusion. (Development of protocols: by IV quarter 2016; Sustainable funding: Continuously)

Report of the Responsible authority was not submitted

3.8.2.45 Organizing support assistance to children living and/or working on the street, with increased reliance on the capacities of social protection institutions providing services of temporary and permanent residence, including the services of intensified treatment of children with structural behavioral and personality problems (PIT programme). (Continuously, commencing from I quarter of 2016.)

Report of the Responsible authority was not submitted.

3.8.2.46. Identify methods to intensify the inclusion of Roma children in local social care services, improve the support programs for mothers and strengthen counselling role in working with Roma families. (Development of methods: by II quarter of 2016; Implementation: Continuously, commencing from IV quarter of 2016)

Report of the Responsible authority was not submitted.

3.8.2.47. Conduct needs assessment to improve the access to health mediators' services by the beneficiary population. (I quarter - II quarter of 2016)

Report of the Responsible authority was not submitted.

3.8.2.48. Introduce health mediators as health care assistants in the nomenclature of occupations, including:

- development of modules for formal education,
- systematization of their positions and
- inclusion in the national qualification framework. (For development of modules for formal education: II quarter of 2016; For systematization – by IV quarter of 2016; For inclusion in the national qualification framework: IV quarter of 2017.)

Activity is not implemented Activity is in progress. Mediators attend the professional development programme for health mediators – of the OSCE mission to Serbia, project We are here together – European support to Roma Inclusion. Development programme contains seven three-day trainings, conducted by the Secondary Medical School “Belgrade”.

According to the Law on Health Care, the Ministry of Health has determined that the health mediators can be systematized only as health associates, which requires their additional training or re-training, in accordance with the applicable regulations governing secondary education

3.8.2.49. Earmark additional funds to gradually increase the number of health mediators, based on needs assessment. (By 2017.)

Submitted report does not contain data on implementation of the activity.

**3.8.2.50 Enhance system of protection and support measures for victims of domestic violence, in line with new Strategy for Combating Domestic Violence. (Continuously)
Link with measure 3.6.1.11.**

***More specific details shall be available in Specific AP for Strategy for social inclusion of the Roma in the Republic of Serbia 2016-2025.**

Activity is being implemented successfully. In July 2015, after the adoption of the Rulebook on internal organization and job systematization in the Ministry of Interior, in the Criminal Police Directorate, at the Ministry headquarters, a new Department for prevention and suppression of domestic violence was formed.

In the police administrations in the Republic of Serbia, a network consisting of 54 coordinators, police officers from the organizational units of criminal and general police department in charge of monitoring the problem of domestic violence and violence in intimate relationships against women, as well as the implementation of the Special protocol on the conduct of police officers in cases of violence against women in families and intimate relationships. Also, local teams were formed comprising of representatives of the police, public prosecutor's offices, institutions of social and health protection and citizens' associations, with the task of coordination, exchange of information and direct involvement in specific cases.

The Minister of Justice signed the Agreement on cross-sectoral cooperation in the implementation of the General Protocol of conduct and cooperation of institutions, bodies and organizations in situations of violence against women in the family and in intimate partner relationships in the area of the City of Belgrade on November 25, 2015. The signatories of the agreement are: Secretariat for Social Welfare of the City of Belgrade, Secretariat for Education and Child Protection of the City of Belgrade, Secretariat for Health of the City of Belgrade, City Center for Social Work in Belgrade, Police Department for the city of Belgrade, all Basic Courts in Belgrade, the Magistrates' Court in Belgrade, all Municipal Public Prosecutors' Offices of Belgrade, Center for Protection of Infants, Children and Youth in Belgrade, Autonomous Women's Center, and the Counseling Center Against Family Violence in Belgrade.

Concurrently, the Ministry of Justice prepared a Draft Law focusing on coordination of state bodies in cases of violence against women in the family and in intimate partner relationships which is currently on public debate.

Police officers from Department for prevention and suppression of domestic violence, in cooperation with representatives from OSCE Mission in Serbia, upon approval of the Cabinet of Minister 01 No. 5787/16 of 04.07.2016., implemented one of three planned roundtables titled „Improvement of police officers in the work with victims of crime – treatment under the Special Protocol for police officers in cases of domestic violence“, 08.07.2016. in Novi Sad for representatives of nine Police Directorates: Police Directorate in Novi Sad, Sombor, Subotica, Sremska Mitrovica, Kikinda, Pančevo, Zrenjanin, Šabac, Smederevo (18 police officers).

Implementation of second round table is in preparation, which is planned for 11.10.2016. in Niš for police officers from nine Police Directorates: Police Directorate in Niš, Bor, Zaječar, Pirot, Leskovac, Vranje, Prokuplje, Novi Pazar and Prijepolje (18 police officers) and third round table is scheduled to be implemented in November 2016 in Belgrade for police officers from Belgrade's Police Directorate, Police Directorates in Valjevo, Požarevac, Jagodina, Kragujevac, Čačak, Užice, Kraljevo and Kruševac (18 police officers).

Implementation of instructive control activity is in progress, implemented by Department for prevention and suppression of domestic violence in cooperation with Section for prevention and suppression of juvenile delinquency, as well as representatives of Directorate of Police, in Police Directorates (1-27), in order to determine ways of organizing and directing the work of police officers on prevention and suppression of criminal offences and offences with the elements of violence, committed in the context of family and partner relationships, as well as protection of children and minors from abuse and neglect. So far, till 16.09.2016., the instructive control activity was implemented in eight Police Directorates.

After the adoption the Law on prevention of domestic violence, which begins its implementation in 2017, the training for police officers dealing with cases of domestic violence will be organized and conducted.

As reported by the Ministry of Labor, a new strategy has not been adopted. Working version of the amendments to the Family Code contains two new measures related to protection from domestic violence from civil law aspect, in particular 1) issuance of an order to refer the perpetrator of domestic violence to psychological and social treatment 2) introducing a requirement for a guardianship authority (center for social work) to follow-up on the ordered measures and report to the court, and for the court in case the imposed measure has not been complied with, to institute the proceedings to seek full compliance, or full enforcement, and to impose other measures under law.

2017:

There is ongoing implementation of training for 410 police officers from police administrations and headquarters of the Ministry in the area of preventing and combating domestic violence.

3.8.2.51. Improve prevention, support, protection and reintegration services for victims of human trafficking in line with new Strategy for Combating Human Trafficking.

Link with AP Chapter 24

*** More specific details shall be available in Specific AP for Strategy for social inclusion of the Roma in the Republic of Serbia 2016-2025. (Continuously, by 2017)**

Activity is being implemented successfully. With the purpose of enhancing the prevention of human trafficking in cooperation of the Center for the protection of human trafficking victims, Ministry of Education and Unitas Fund, during May 2016 a training has been organized for 80 representatives of all school boards in the Republic of Serbia regarding the implementation of preliminary indicators of human trafficking for educational system.

Drafting of Training Program for representatives of all school boards in the Republic of Serbia is in the course; this training shall be delivered by already trained school board representatives (80)

ensuring carrying out of the training in each school for students age 14 to 18 regarding the human trafficking issue and recognition of human trafficking indicators.

The preparation of an educational documentary on human trafficking that will be shown in all schools as a preventive activity is in the course.

With the aim of improving the protection of human trafficking victims, the Center for the protection of human trafficking victims has applied for the Ministry of Justice competition in May 2016 for the use of prosecution opportunity and received funding from this Ministry in the amount of 1.4 million RSD for direct support to the trafficking victims, such as the provision of humanitarian kits, purchase of medicines and medical examinations that are not on the list for budget funding, purchase of firewood and transportation tickets, etc.

In the period from 24 - 30 October 2016 in the Educational Center "Kula" in town of Kula a "Specialist course for combating human trafficking" has been delivered for 15 police officers of the organizational units of the the Republic of Serbia Ministry of Interior with the purpose of modernizing the existing and acquiring new knowledge, skills and positions for efficient and effective performance of tasks in suppressing human trafficking.

In the period from 11 October to 09 November 2016, in line with the Program for professional development of the Republic of Serbia Ministry of Interior police officers for 2016, trainings on the subject of "Legislative provisions regulating the issues of human trafficking, illegal migration and human smuggling" have been carried out, on which occasion a total of 159 border police officers attended in 12 organized trainings.

Within the project "Prevention of the risks of trafficking of children and young people in Serbia", which aims to reduce the general risk of trafficking among students in primary and secondary schools, and which is implemented by the humanitarian organization "Unitas fund" in cooperation with the Center for Protection of Human Trafficking victims and the Ministry of Education, in October 2016 a preventive educational movie called "Observers" has been filmed. Preview of the movie has been held on 17 October 2016 in Belgrade on the eve of the European Day against Human Trafficking, while on 18 October 2016 the movie premiere has been broadcasted on the "Radio Television Serbia" on the occasion of the European Day against Human Trafficking. The movie has been translated into English and is available to young people on the "YouTube" website. Also, the project served for training of 80 educational workers - professional trainers to educate 300,000 children in primary and secondary schools in the Republic of Serbia.

In the scope of the International Labor Organization project "Engagement and support at the national level to reduce the incidence of child labor", in the period July-October 2016, there were a number of workshops with the participation of representatives of the Ministry of Interior and

other national bodies and organizations, during which has made a proposal of the legal framework, procedures for officials of the Labor Inspectorate and the list of unsafe occupations for children.

3.8.2.52. Improvement of the software to enable data exchange of information from the Ministry of Health database on the Roma, among relevant sectors, in line with Law on the Protection of Personal Data, in order to facilitate a more comprehensive response to Roma inclusion by social services. (IV quarter of 2016.)

Activity is partially implemented. The work has started on improvement of the software and database of the Ministry of Health, which will be carried out in several phases.

3.9. POSITION OF REFUGEES AND INTERNALLY DISPLACED PERSONS

3.9.1.1. Providing permanent housing solutions for refugees through the implementation of the Regional Programme for housing refugees and regular national housing programs. (Continuously, until 2018.)

Activity is being implemented successfully. Implementation of five sub-projects within Regional Housing Programme is on-going. The RHP is being implemented in 117 local self-governments (LSG). Out of that number of LSGs, in 49 construction of apartments is planned and the LSGs provided land and infrastructure. Public calls for a total of 3,703 housing solutions were published under the RHP. Some 9,123 refugee families submitted applications, and a total of 2,014 refugee families were selected. In the course of beneficiary selection a total of 144 commissions were set up for each model of housing solutions in particular. Of this number, 108 had completed the process of selection of beneficiaries, and the procedures in other committees are in progress. In the first sub-project was completed delivery of 129 packages of construction materials as well as construction 54 prefabricated houses. In the second and fourth subproject selection of beneficiaries for 600 packages of construction materials in 26 LSGs is completed, the 461 beneficiaries was selected in 22 LSGs, while the signing of the contract with beneficiaries for the allocation of 150 prefabricated houses is completed as well. The Republic of Serbia through a contribution is provided 80 packages of construction materials in 9 LSGs and 59 village houses in 5 LSGs. Within the third sub-project, which is implemented on the territory of Belgrade, beneficiaries were selected for the allocation of 49 prefabricated houses. Tender for the design and construction is ongoing. The opening of bids is scheduled for 16 December 2016, beneficiaries for the allocation of aid for the purchase of 69 households were selected and the tender for the designer and the contractor is ongoing. Beneficiaries were selected for allocation of aid for the purchase of 67 village houses (houses are bought and moved in), while the ceremony in September, in Ovca, marked the start of construction of 235 housing units. Construction works in Ovca are successfully in progress in accordance with the implementation of the Program. Implementation of the fifth

sub-project has started. Selection of beneficiaries is on-going for 1.262 housing units (992 which will be built in 25 municipalities, 165 in Stara Pazova and 270 in the municipality of Zemun, Belgrade). The implementation of grant schemes in the context of the fifth sub-project for the allocation of 250 construction material packages has also started, for which 11 municipalities was selected. For the purchase of 200 village houses 19 LSGs was selected. The ceremony of signing the contracts with the municipalities encompassed within the fifth sub-project, as well as the municipalities encompassed with the extension, was completed on 22 November 2016. In parallel with the five sub-projects in the Republic of Serbia, expansion of the fourth sub-project was approved. This sub-project includes the selected beneficiaries from previous sub-projects which, due to the limited number of housing solutions, could have not been cared for within these sub-projects. Annex to the contract for the project was signed on 12 October 2016, thus providing further implementation of the RHP. Commissariat for Refugees and Migration continues with the implementation of all components of the Regional Housing Programme. In addition to all approved projects that are ongoing, the Assembly of Donors, held on 1 December 2016 in Paris, approved a new project for the Republic of Serbia in the amount of 9.2 million euros. The new project includes the purchase of apartments on the market, the allocation of a building material packages, as well as purchasing village households.

The seventh sub-project, which was approved in December 2016, will provide the design of 358 housing units in 11 LSGs, the purchase of 130 residential units, 180 packages of building materials packages and the purchase of 180 village households. The preparation of the Grant Agreement for this subproject is under way. Commissariat for Refugees and Migration continues with the implementation of all components of the Regional Housing Programme. In addition to these housing solutions Republic of Serbia will be granted additional funds in 2017. That will enable submitting one more sub-project to the approval by the CEB.

The budget of the Republic of Serbia - Commissariat for Refugees and Migration in February 2017 announced three public calls for LSGs for funds earmarked for creation and improvement of housing conditions of families of refugees on their territory; through the purchase of a village house and allotment of one-time assistance for the construction and other material; through the purchase of construction materials, as well as economic empowerment. Selection of LSGs is ongoing.

3.9.1.2. Provide free legal aid in order to ensure full access to rights including personal documents for internally displaced persons and refugees. (Continuously, commencing from II quarter of 2016.)

Activity is being implemented successfully. This activity is implemented continuously, whereas upon the adoption of the Law on FLA, it will be organized in a different manner.

3.9.1.3. Effective implementation of the Law on Non-contentious proceedings especially in the part related to the provision of civil documentation to undocumented persons. (Continuously)

Activity is being implemented successfully. This activity is being implemented continuously before the competent courts of the Republic of Serbia.

The total number of submitted proposals for determining the time and place of birth and number of decisions rendered on the submitted proposals under Article 71a-71lj (i.e. Chapter 3a: DETERMINATION OF THE TIME AND PLACE OF BIRTH) of the Law on Amendments and Supplements to the Law on Non-Contentious Proceedings for the period from 1 October 2015 to 25 April 2016 is:

- Number of submitted proposals: 162
- Number of decisions rendered by the submitted proposals: 85.

Within eight days from the finality of the decision in the aforementioned procedure, the first instance court submits the decision to the competent registrar, in order to register the relevant facts in the Register of Births.

3.9.1.4. Improvement of the living conditions of internally displaced persons while in displacement by:

- **Aid allocation to improve housing conditions;**
- **Provision of building materials to start construction of real estate;**
- **Aid allocation for the purchase of village house with garden;**
- **Aid allocation for obtaining and construction of prefabricated houses and other residential premises;**
- **Aid allocation for resolving the issue of informal collective centres. (Continuously)**

Activity is being implemented successfully. The above-mentioned assistance modalities have been implemented through programs financed from budgetary and donor funds. On the basis of the annual program of the Government, proposed and implemented by the Commissariat for Refugees and Migration, the LSGs have been allotted funds for financing selected projects aimed at solving problems of forced migrants (refugees and IDPs). Regulation on establishing of programs of incentives for the implementation of measures and activities necessary for achieving the stated objectives in the field of migration management in LSGs earmarks 330 million RSD to improve the living conditions of IDPs while in displacement. Until now, 310 million RSD through public calls were allocated.

From January to August 2016, seven public calls for improving the living conditions of IDPs while in displacement were issued for the LSGs outside Kosovo* (four public calls a total value of 28

million RSD for resolving housing issues and three public calls a total value of 8 million RSD to improve housing conditions) and two for LSG on Kosovo* (one public call a total value of 5.5 million RSD for solving the housing issue and one public call a total value of 3 million RSD for the improvement of living conditions).

In June 2016, through the Stamp project "Krov" 2016, the Commissariat has announced a public call for LSGs in the Republic of Serbia for the allocation of funds intended for creation and improvement of housing conditions for refugees and internally displaced families in their territories, through the purchase of village houses (the maximum amount of funds for the LSGs is 2.3 million RSD). Through the public calls, funds were granted for:

- 22 LSGs for minimum 120 packages of the building material (plus for 6 LSGs in Kosovo* for 37 packages of building material).
- 40 LSG were granted funds for 156 village houses.
- Stamp project - 11 VH for IDPs
- Income generating activities – funds were granted for 44 LSGs for 300 packages (plus 5 LSGs on Kosovo* for 40 packages).
- The budget of the Republic of Serbia provides 30 million RSD through a public call for the allocation of aid for solving the issue of so-called informal collective centers. In August 2016, Commissariat announced Public call for the LSGs for allotment of funds aimed at closing the informal collective centers by improving the living conditions of IDPs who reside in substandard collective centers.

Project Support to improve the living conditions of forced migrants and closure of collective centers, within the Programme IPA 2012 is aimed at closing of collective centers and support to local action plans in LSGs in Republic of Serbia. Implementation of components intended for the closure of collective centers is in progress. During the reporting period, through the program of social housing in a supportive environment, housing solution were provided for 36 families from Collective Center Krnjača (24 refugees and 12 IDP families), 29 refugee and IDP families from CC Varna, 21 families from CC Trmbas (one refugee and 20 IDP families) and 9 IDP families from CC Vranje.

The closure of the remaining collective centers, as well as completion of the construction of other housing units, is expected till the end of 2016.

During the reporting period, tender documentation for the design of the Programme IPA 2014 intended for addressing the housing needs and the construction of buildings for refugees and internally displaced persons is prepared and submitted for approval to the Ministry of Finance of the Republic of Serbia.

In the reporting period for III quarter:

- The above-mentioned assistance modalities have been implemented through programs financed from budgetary and donor funds. On the basis of the annual program of the Government, proposed

and implemented by the Commissariat for Refugees and Migration, the LSGs have been allotted funds for financing selected projects aimed at solving problems of forced migrants (refugees and IDPs).

- Regulation on establishing of programs of incentives for the implementation of measures and activities necessary for achieving the stated objectives in the field of migration management in LSGs earmarks 330 million RSD to improve the living conditions of IDPs while in displacement. Until now, 310 million RSD through public calls were allocated.

From January to August 2016, seven public calls for improving the living conditions of IDPs while in displacement were issued for the LSGs outside Kosovo* (four public calls a total value of 28 million RSD for resolving housing issues and three public calls a total value of 8 million RSD to improve housing conditions) and two for LSG on Kosovo* (one public call a total value of 5.5 million RSD for solving the housing issue and one public call a total value of 3 million RSD for the improvement of living conditions).

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Through the public calls, funds were granted for:

- 22 LSGs for minimum 120 packages of the building material (plus for 6 LSGs in Kosovo* for 37 packages of building material).
- 40 LSG were granted funds for 156 village houses.
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- Income generating activities – funds were granted for 44 LSGs for 300 packages (plus 5 LSGs on Kosovo* for 40 packages).
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The closure of the remaining collective centers, as well as completion of the construction of other housing units, is expected till the end of 2016.

-During the reporting period, tender documentation for the design of the Programme IPA 2014 intended for addressing the housing needs and the construction of buildings for refugees and internally displaced persons is prepared and submitted for approval to the Ministry of Finance of the Republic of Serbia.

In the reporting period for IV quarter:

Out of the remaining budget, the Commissariat for Refugees and Migration in November issued a public call to local self-governments in the Republic of Serbia., outside the territory of Kosovo and Metohija, for allocation of funds for the allocation of aid to IDPs while in displacement residing on the territories of the local self-governments encompassed with the public call, for the purchase of a rural households and additional aid to the construction material for the repair or reconstruction of the respective rural household. Selection of the local self-governments is in progress, and the maximum amount of funds earmarked for grants assistance to internally displaced persons, to purchase up to 5 village households and additional aid for the construction material, per unit of local government, together with the participation of local self-government unit, is 6.65 million RSD.

In the reporting period within the framework of the IPA 2012, in the municipality of Ub, the component of social housing in a supportive environment, housing solutions were provided for 6 IDP families. Under the component of the construction and allocation of prefabricated houses, housing solutions were provided for 20 IDP families.

- The budget of the Republic of Serbia provides 30 million RSD through a public call for the allocation of aid for solving the issue of so-called informal collective centers. In August 2016, Commissariat announced Public call for the LSGs for allotment of funds aimed at closing the informal collective centers by improving the living conditions of IDPs who reside in substandard collective centers. On the basis of applications for this public call, the Commissariat and the City of Belgrade concluded a contract so that the City of Belgrade implements a program aimed at providing solutions for IDPs residing in informal collective centers in Belgrade.

- During the reporting period, the tender documents for the design of the Programme IPA 2014 for resolving the housing needs and construction of buildings for refugees and internally displaced persons is being prepared.

In the reporting period for I quarter of 2017:

Decree on the Programme of incentives for implementation of measures and activities necessary for achieving the stated objectives in the field of migration management in local government units, for 2017 was submitted to the Government, its adoption is expected in mid-March 2017. This Regulation shall provide, among other things, funds the budget of the Republic of Serbia to improve the living conditions of IDPs while in displacement and for the allocation of aid for the improvement of living conditions intended to complete the renovation of a residential building, repair or renovation of a rural household with garden, for the purchase of rural household and for awarding assistance in obtaining and construction of prefabricated houses and other living space.

In the reporting period within the framework of the IPA 2012, in the city of Belgrade two prefabricated houses are under construction, while the construction of other two prefabricated houses are waiting for a building permit.

During the reporting period, the tender documents for the design of the Programme IPA 2014 for the renovation and reconstruction buildings for asylum seekers is in preparation.

3.9.1.5. Providing complementary measures aimed at sustainable integration of refugees through programs for economic empowerment through income generating activities. (Continuously)

Activity is being implemented successfully. The Commissariat for Refugees and Migration in April 2016 issued a public call for LSGs in the Republic of Serbia regarding the allocation funds for the economic empowerment of refugees on their respective territories through their engagement in income-generating activities. The maximum amount of resources set aside for LSGs, for the economic empowerment of refugees through income-generating activities amounts to 2 million RSD. The value of the funds allocated for economic empowerment is RSD 200.000 per family household of beneficiary. Within the context of this public call 31 LSGs have applied and the selection process for LSGs is currently on-going.

During the III quarter, no new public calls for economic empowerment from the budget of the Republic of Serbia have been announced, since the projects related to the economic empowerment of refugee families that will be funded by bilateral donors are envisaged.

During the IV quarter, no new public calls for economic empowerment from the budget of the Republic of Serbia have been announced. In cooperation with bilateral donors 70 packages for economic empowerment of socially vulnerable refugee families will be provided. Commissariat for Refugees and Migration in February 2017 announced a public call for LSGs in the Republic of Serbia, outside the territory of Kosovo and Metohija for economic empowerment of refugees on their territory, through income-generating activities. Selection of LSGs is ongoing.

3.9.1.6. Establishment of a mechanism for regular monitoring of the exercise of the rights of Roma internally displaced persons in cooperation with the health mediators, educational assistants, to assess their equal exercise of rights and potential improvements. (Continuously)

Activity is almost completely implemented Coordination body for social inclusion of Roma was established in March 2017 and it will be responsible for this activity. Upon the adoption of the Action plan for Roma Strategy, this body will actively start its operation.

3.9.1.7. Conduct an information campaign to raise awareness of refugees and internally displaced persons to ensure their social integration and awareness on the mechanisms available for the exercise of rights. (Continuously, commencing from III quarter of 2015)

Activity is being implemented successfully. The Commissariat for Refugees and Migration in March 2016 issued a public call for financing programs of importance for the population of refugees, internally displaced persons, asylum seekers and returnees upon readmission agreements. NGOs registered in the Republic of Serbia, dealing with issues of importance to the above categories of users, applied to this competition. The total amount of funding amounted to RSD 3.076.000. Funds for the financing of 20 projects were approved, of which majority has programs aimed at legal aid and activities of importance for the exercise of property rights of refugees and internally displaced persons in the country of origin, as well as programs aimed at raising public awareness about the problems and obstacles that migrants face, as well as promoting and strengthening tolerance at national and local level.

In November 2015, public call in the amount of 2 million RSD was issued on the selection of local self-governments for the allocation of funds intended for strengthening the capacities of local self-governments to solve the problems of migrants residing on their territories. Decision of the Commissariat allocates funds to 8 municipalities and realization of projects is underway.

During June 2016, the Commissariat for Refugees and Migration announced public call for financing programs of importance for the population of refugees, internally displaced persons and returnees under the Readmission Agreements for NGOs registered in the Republic of Serbia dealing with issues of importance for the abovementioned categories of users. The total amount of funding amounted to 4.5 million RSD. Funds for the financing of 31 projects were approved. Majority of programs were aimed at legal aid and activities of importance for the exercise of property rights of refugees and internally displaced persons in the country of origin, as well as programs aimed at raising public awareness about the problems and obstacles that migrants face, as well as promoting and strengthening tolerance at national and local level.

Public call for financing programs of importance for the population of refugees, internally displaced persons and returnees under the Readmission Agreements for NGOs, which was announced in September 2016 is on-going. The total amount of funding is 4.2 million RSD, and projects will be selected. During the reporting period, 24 projects were approved within the framework of a public call for NGOs, which was published in September 2016 to fund programs of importance for the population of refugees, internally displaced persons, asylum seekers and returnees under the readmission agreement. The total amount of funding is 4.2 million RSD. All projects are currently being implemented.

Commissariat for Refugees and Migration in March 2017 announced a public call for NGOs to finance the program proposals of importance to the population of refugees, internally displaced persons, asylum seekers and returnees upon readmission agreement. A total amount of funding is 3 million RSD. Public call is in progress until 21 March 2017.

3.10. MEASURES AGAINST RACISM AND XENOPHOBIA

3.10.1.1. Amend and supplement the Criminal Code to align with the Framework Decision of the Council 2008/913/JHA of 28 November 2008 Article 1 (Paras c and d) (III quarter of 2016.)

Activity is fully implemented. The Ministry of Justice prepared the Draft amendments and supplements to the CC. On 23 November 2016, the National Assembly adopted the Law amending the Criminal Code in order to align it with the Framework Decision of the Council 2008/913/JHA, Article 1 (Para. c and d).

3.10.1.2. Amend and supplement the Criminal Code - supplement the criminal offence of Violation of Equality (Article 128), to incriminate limitation or denial of citizen's rights due to sexual orientation or gender identity. (III quarter of 2016.)

Activity is fully implemented. The Ministry of Justice prepared the Draft amendments and supplements to the CC. On 23 November 2016, the National Assembly adopted the Law amending the Criminal Code with regard to supplementing the criminal offence of Violation of Equality (Article 128), in order to incriminate limitation or denial of citizen's rights due to sexual orientation or gender identity

3.10.1.3. Conduct joint training of the judges, prosecutors and deputy prosecutors and police officers, to advance their knowledge and skills for efficient suppression of hate crime. (Continuously, commencing from IV quarter of 2015)

Activity is being implemented successfully. Activities are implemented in line with the Action Plan for Chapter 23. The standards for efficient suppression of hate crime are integral part of the specialized criminal law training within the continuous and initial education for the judges, prosecutors and deputy prosecutors as well as within the joint training with the police officers. Judicial Academy, in cooperation with the Office for Human and Minority Rights and the OSCE, organized a total of 6 seminars on "hate crime", out of which 2-day seminars were organized in 2015 and 4 in 2016. The main objective of this training was to acquire specific knowledge related to the specifics of the concept of hate crimes, to meet with the relevant international legal provisions and practices of the European Court and UN Committee. Participants who attended these seminars were judges, prosecutors and prosecutorial assistants from the Higher and Basic courts and prosecutors' offices, as well as representatives of the Ministry of Interior, from these areas, who work on cases of hate crime. The total number of participants during 2016 is 70. In December was held the seventh coordination meeting with representatives of competent public institutions and civil sector organizations organized by the Office for Human and Minority Rights and supported by the OSCE Mission to Serbia with a view to introduce a mechanism for combating hate crime in Serbia. Purpose of the meeting was to continue cooperation, share experiences and to research possibilities and mechanisms for setting up cooperation between competent public institutions, above all the Ministry of Justice, the Ministry of Interior, the Supreme Court of Cassation, the Republic Public Prosecution Office, the Judicial Academy, the Commissioner for Protection of Equality, the Center for basic police training and the Office for Human and Minority Rights, as well as the civil sector organizations, which have had significant role in combating hate crime so far. The OSCE Mission to Serbia representatives were present at the meeting as well.

3.10.1.4. Raise awareness on elimination of hate crime through:

- **Development and distribution of educational material**
- **Organization of annual roundtables**
- **Active media campaign. (Continuously, commencing from II quarter of 2015.)**

Activity is being implemented successfully. Two coordination meetings (18-19, June and 26-27, October) have been organized with representatives of relevant state bodies and civil society organizations in order to establish a mechanism for the fight against hate crimes in the Republic of Serbia. Representatives of the Ministry of Interior, Republic Prosecutor's Office, the Judicial Academy, the Commissioner for the Protection of Equality, the Centre for Basic Police Training, the Lawyers Committee for Human Rights, Gay Straight Alliance, Labris and Praxis. Participants of the meetings were provided with the handbook "Collecting data on hate crimes and monitoring mechanisms - A Practical Guide".

A coordination meeting between the representatives of the relevant state authorities and civil society organizations was prepared and held on 17 March 2016 for the purpose of establishing the mechanism for combating hate crimes in the Republic of Serbia.

In cooperation with the Judicial Academy and the OESC Mission to Serbia, six training events for judges, public prosecutors, deputy public prosecutors, assistant judges and assistant prosecutors on the topic of „Hate Crimes – Training for Judiciary Representatives“ have been conducted. The training events took place in Subotica on 9 November 2015, Novi Sad on 10 November 2015, Niš on 19 April 2016, Novi Pazar on 25 April 2016, Kragujevac on 26 April 2016 and Belgrade on 12 May 2016.

According to the report of the Office for human and minority rights, on 8 November 2016, the National Point of Contact on Combating Hate Crimes attended the Regional Conference on criminal acts committed out of hatred in South Eastern Europe in Sarajevo.

On 16 and 17 November, the National Point of Contact on Combating Hate Crimes attended the Annual Meeting of National Points of Contact on Combating Hate Crimes in Warsaw.

The seventh Coordination meeting of relevant representatives of state bodies and civil society organizations was organized and held (1 and 2 December 2016) in order to establish a mechanism to combat hate crimes in the Republic of Serbia.

On 5 and 6 December, in Belgrade, the National Point of Contact on Combating Hate Crimes attended the Training on hate crimes for representatives of civil society organisations, and held a lecture.

Monitoring work of the Council of Europe's European Commission against Racism and Intolerance

In the period from 26.9-30.09.2016, the Council of Europe's European Commission against Racism and Intolerance visited Serbia within the fifth cycle of monitoring. MPs, independent state bodies, ministries, public institutions, the Republican Public Prosecutor's Office, the Supreme Court of Cassation, representatives of the City of Belgrade and municipality of Preševo, and civil society participated in the dialogue with ECRI's delegation, in order to obtain a more complete picture of the situation in the country in the area of the fight against racism and intolerance. The issues related to the implementation of recommendations from the fourth cycle of monitoring were addressed in the dialogue with the Serbian delegation, and particularly the areas related to legislation in the field of racism, racial discrimination and intolerance, hate speech, violence motivated by racism, homophobia and transphobia, policies for combating discrimination and intolerance against LGBTI persons, integration policies. The first draft report is expected in December this year.

The European Commission against Racism and Intolerance of the Council of Europe submitted the first Draft Report on the Republic of Serbia in December 2016.

In the process of confidential dialogue, on 1 February 2017, competent authorities submitted written comments on the Draft Report of ECRI on the Republic of Serbia through the National Liaison Officer who works within the Office of Human and Minority Rights. Comments were primarily related to factual errors stated by the ECRI in its report, data sources, and additional information in order to complete the report and conclusions with the aim of achieving objectivity, which should fully reflect the views of all stakeholders involved in process monitoring. After the intervention of the state, ECRI acknowledged the comments that were related to the correction of factual errors and a letter was addressed through the Ministry of Foreign Affairs with the final report to be published and comments submitted by the competent authorities of the Republic of Serbia.

3.10.1.5. Improve the work of the Action Team for development and implementation of a Strategy and Action Plan to combat violence and misbehavior at Sports Events through:

- **appointment of new members,**
- **regular meetings. (Continuously, commencing from II quarter of 2016.)**

Submitted report does not contain data on implementation of the activity

According to the report of the Ministry of Interior, Police Directorate of the Ministry drafted a proposal letter on behalf of the Ministry to the General Secretariat of the Government stating that it would be expedient to initiate amendment, revising the Decision on establishing the Action team, with legal-working status or the functions of individual members of the Action Team, as well as to undertake activities to improve work of the Action Team. Decision is pending the constitution of the new Government.

According to the report of the General Secretariat of the Government, the Government has, at its 57th meeting held on 21 March 2013, at the proposal of the Legal System and Public Administration Committee, in accordance with the Article 33, paragraph 2 of the Law on Government ("Official Gazette of RS", no. 55/05, 71 / 05 - correction, 101/07, 65/08, 16/11, 68/12 - CC and 72/12), adopted the Decision on the establishment of the Action Team for development and implementation of a Strategy and Action plan to combat violence and misbehavior by spectators at sporting events, in the proposed text.

The proponent of this Decision is the General Secretariat of the Government.

The decision was published in the Official Gazette of RS, number 27 on 22 March 2013. Correction of the Decision was published in the Official Gazette of RS, No. 28 on 26 March 2013

The Government has, at its 58th meeting held on 28 March 2013, at the proposal of the Legal system and Public Administration Committee, in accordance with the Article 33, paragraph 2 of

the Law on Government ("Official Gazette of the RS", no. 55/05, 71 / 05 - correction, 101/07, 65/08, 16/11, 68/12 - CC and 72/12), adopted the Decision to amend the Decision on the establishment of the Action Team for development and implementation of the Strategy and Action plan to combat violence and misbehavior of spectators at sporting events, in the proposed text. The proponent of this Decision is the General Secretariat of the Government. The decision was published in the Official Gazette of RS, No. 29 on 29 March 2013.

The Government has, at its 83rd session on 12 July 2013, at a proposal from the Legal System and Public Administration Committee, on the basis of the Article 45, paragraph 1 of the Law on Government ("Official Gazette of RS", no. 55/05, 71 / 05-correction, 101/07, 65/08, 16/11, 68/12-CC and 72/12), adopted the National strategy to combat violence and misbehavior at sports events for the period from 2013 to 2018 with the National Action Plan to combat violence and misbehavior at sports events, in the proposed text.

The proposer of the National Strategy is the General Secretariat of the Government.

The National Strategy was published in the Official Gazette of RS, No. 63 on 19 July 2013.

***Note:** The submitted reports do not provide sufficient data to determine the status of implementation of the activity, given that the last data refer to 2014.

3.10.1.6. Monitor the implementation of the Action Plan for the implementation of the Strategy Against Violence and Misbehavior at Sports Events and develop the report with recommendations for potential updating of the Action plan. (Continuously, commencing from IV quarter of 2016.)

Activity is being successfully implemented. Monitor the implementation of the Action plan to combat violence and misbehavior at sports events and develop a report with recommendations for possible revising of the Action Plan.

By decision of The Minister of Internal Affairs working group of the Ministry of Interior has been formed for the implementation of activities defined by the Action Plan for the National Strategy to combat violence and misbehavior at sports events for the period from 2013 to 2018.

The tasks of Working Group of the Ministry are:

- 1) Development of the Plan of activities for the implementation of activities defined by the Action Plan;
- 2) Monitoring the implementation of the Plan of activities and
- 3) Preparation of quarterly reports to the Action Team of the Government of the Republic of Serbia.

Since forming, the working group of the Ministry has developed the Plan of activities which has been approved by the Minister and ten meetings were held since then. Also, the Working Group

submits quarterly reports to the Government considering the implementation of the National Strategy.

Ministry of the Interior has been implementing the Plans of activities aimed at implementing the activities defined by the Action Plan for the implementation of the National Strategy to combat violence and misbehavior at sports events for the period from 2013 to 2018 and from the third quarter of 2015 the following activities :

I The activities on the "Establishing of a legal framework for the fight against violence and misbehavior at sports events" has been initiated and the Ministry of Interior has appointed the representatives for intergovernmental working group for analysis, harmonization, development, monitoring, revision and the drafting of the necessary legal regulations established by the National Council for the prevention of violence and misbehavior at sports events.

Within this strategic area one of the tasks is to analyze the legal regulations in the field of violence and misbehavior at sports events, and in this regard the Working Group members of the MoI for the implementation of the Action Plan of the National Strategy to combat violence and misbehavior at sports events for period from 2013 to 2018. developed the Analysis Report and after that the recommendation for the harmonization of legal standards. Analysis Report with recommendations was submitted to the members of the Intergovernmental Working Group for analysis, harmonization, development, monitoring, revision and drafting of the necessary legal regulations.

An initiative together with the representatives of the Ministry of Justice and Public Administration has been launched in order to take actions on the process of establishing a system of regulations for unified monitoring the proceedings of criminal and misdemeanor procedures in the field for prevention of violence. Activity will be implemented in a way that Ministry of Interior will have access to all criminal and misdemeanor proceedings; implementation will be conducted in phases, so that the first phase will relate to the monitoring of misdemeanor proceedings, and in the subsequent phases there will be implementation of monitoring the proceedings in criminal matters. Currently, the exchange of "keys" for access to the records of misdemeanor proceedings is under procedure.

In order to provide conditions for constant monitoring of new forms of violence, the Ministry has developed a report on the analysis of the means of monitoring and Proposal of models for improving the means of monitoring the security at sports events. Also, the activities on defining the design and content of the records of sports clubs and fans are under procedure.

Also, electronic domestic and international available channels for the exchange of information are used in the field of hooliganism, and cooperation with the EU NFIP's and INTERPOL is conducted on a daily basis on the occasion of the exchange of information on upcoming sports events.

II In the strategic area which refers to the "Developing multi-sectoral collaboration to combat violence and misbehavior at sports events," representatives of the Ministry have taken part in the work of international bodies, round tables and conferences which deal with issues of preventing violence at sports events.

Participation in the 40th meeting of the Standing Committee of the European Convention on violence and misbehavior of spectators at sports events, particularly at football matches (Brussels, 18th June 2015) - regular meetings twice a year (the next one is in December)

Cooperation with UEFA (from 9th to 11th September 2015, in Warsaw – Poland, representatives of the Ministry took part in the meeting organized by UEFA and the Think Tank team, relating to the Champions League and Europa League matches, season 2015/2016, called "Responding to the risks").

III In the strategic area which refers to the "**Raising the capacity of the national authorities and sports organizations to combat violence and misbehavior at sports events**", the Working Group of the Ministry has developed the analysis of the organizational structure of units directly and indirectly involved in the monitoring and prevention of violence at sports events, as well as the Proposal of improved organizational organization of units with a recommendation of the systematization.

In cooperation with the Bureau for technical assistance and information exchange TAIEX EU - the expert mission named "Analysis and development of material technical equipment of the organizational units of the Ministry dealing with the activities of monitoring and preventing violence at sports events" was conducted (from 21st to 24th April 2015 in Belgrade and Pancevo) and after the a/m mission, Analysis about condition of material and technical equipment of the organizational units was developed.

V In the strategic area which refers to the "Prevention in preventing violence and misbehavior at sports events", Ministry of Interior, on the occasion of the drafting the plan of sports events security measures, is establishing effective organizational measures on prevention before, during and after sports events, and therefore is planning measures in order to control prohibition of alcohol consumption, inside and in the area of the sports facilities; planning measures in order to prevent the access to sports facility of persons who, according to their behavior and condition, could misbehave and be violent; and by monthly plans of Regional police departments, the Ministry is planning and implementing measures in order to control the sale of pyrotechnics.

VI In the strategic area which refers to the "Cooperation and communication with the media and media associations on the prevention of violence and misbehavior at sports events", the police officers of the Ministry of Interior, on the occasion of high-risk sports events take participation on TV shows, giving interviews, press releases and notices, in order to inform the public about the measures taken by the police authorities for safe and secure playing of the sports events

In the field of "Developing multi-sector collaboration to combat violence and misbehavior at sports events," police representatives took part in the work of international labor groups, round tables and conferences dealing with the prevention of violence at sporting events.

Participation at the 15th International Conference on safety and security in connection with the matches of the UEFA Champions League and the Europe League, entitled "Responsibility and Risk" in the period from 7 to 9.9.2016 in Bucharest - Romania.

Participation in the international conference "Safety and security at football matches and other sporting events" in the period from 18 to 20.10.2016 in Bucharest - Romania.

Visits to the Federal Ministry of Internal Affairs of the Republic of Austria in Vienna on 15 and 16.11.2016.

Participation in the seminar entitled "Prevention of disturbing public order at sports events", on 21 and 22.11.2016 in Sarajevo - Bosnia and Herzegovina.

3.10.1.7. Update Action Plan for the implementation of the Strategy Against Violence and Misbehavior at Sports Events (2013-2018) in line with recommendations from the report on implementation of the Action Plan. (I - II quarter of 2017.)

Submitted report does not contain data on implementation of the activity.

3.11. PERSONAL DATA PROTECTION

3.11.1.1. Draft new Law on personal data protection in line with:

- tables of concordance,

-Draft Law developed by the Commissioner for Information of Public Importance and Personal Data Protection, and

- Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation COM 2012 11), upon its adoption. (IV quarter of 2016.)

Activity is partially implemented The Working group continued the work on the Draft Law. Meetings take place in the Ministry of Justice on a weekly basis. The expert engaged through MDTF JSS supports the working group in drafting the law and shall develop the final report/assessment of alignment of the new legislative framework. In March 2017, the expert submitted to the Ministry of Justice the following documents: Recommendations for

harmonization of the legal framework on personal data protection with the EU acquis and Conclusions reached on the meetings of the Working group for drafting the new Law.

3.11.1.3. Strengthen the human resource capacity of the Commissioner for Information of Public Importance and Personal Data Protection based on current Rulebook on internal organization and jobs systematization, taking into account limitations arising from fiscal consolidation. (Continuously, commencing from I quarter of 2016. until the fulfilment of current vacancies)

Activity is being implemented successfully. The Commissioner announced the tender for 9 (nine) new employees, on May 18, 2016. The Commissioner, as a responsible authority, during the third quarter 2016, employed 9 (nine) new employees.

During 2016, 2 (two) employees terminated their employment relation at the Commissioner. Current situation: 71 employed staff.

3.11.1.4. Conduct analysis on potential needs to strengthen human resource capacity due to additional competencies of the Commissioner for Information of Public Importance and Personal Data Protection, after the adoption of the new Law on personal data protection especially in terms of:

-organizational structure,

-number of employees,

-level of training so that they coincide with the competencies prescribed by the new Law on personal data protection

(Analysis: I quarter of 2017.; Acting in line with the analysis: II quarter of 2017.)

Activity is not implemented. Given that the precondition for implementation of this activity is the adoption of the new Law on personal data protection, it was not possible to conduct the analysis in the given timeframe.