

Strasbourg, 23 March 2016

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English only

European Commission for the Efficiency of Justice (CEPEJ)

Working Group on evaluation of judicial systems
(CEPEJ-GT-EVAL)

Pilot co-operation process / Peer review on judicial statistics
8th cycle (2016)

Visit report:

Belgrade (Serbia), 1 – 2 March 2016 (n°17)

1. The exercise of evaluating judicial systems, carried out by the European Commission for the Efficiency of Justice (CEPEJ), has the aim of progressively defining a set of core quantitative and qualitative key elements, with data collected on a regular basis and examined consistently across all member States of the Council of Europe. By focusing on these common indicators to assess the quality and efficiency of the functioning of justice within the member States of the Council of Europe, CEPEJ is able to analyse and present a unique picture of the organisation of justice in Europe.

2. This regular evaluation exercise is facilitated by meticulous and rigorously tested processes, which have been agreed with all 47 members of the CEPEJ, who have helped frame the evaluation scheme, and which has now become permanent. The CEPEJ framework is supported by a system of national delegates, enabling efficient communication with the secretariat of the CEPEJ on guidelines on collection and analysis of statistical data.

3. As part of a programme of work to develop its evaluation methodology, CEPEJ decided, at its 10th plenary meeting (Strasbourg, 5-6 December 2012), to set up a peer review co-operation process, with a primary aim of strengthening the credibility of the data collected and used to evaluate the efficiency of the European judicial systems¹. This peer review co-operation process was planned to include three peer review visits every year, with states volunteering to host a peer visit. In 2008, for the first pilot cycle of evaluation, France, Bosnia-Herzegovina and Poland welcomed the peers of the CEPEJ. In 2009, Malta and the Russian Federation were visited but this second cycle was only achieved in 2010 by means of a meeting in Oslo regrouping 5 Nordic States. The third cycle consisted of three visits: Turkey, the Netherlands and Austria. In 2012, the fourth cycle consisted of the visit to Azerbaijan and the fifth cycle, in 2013, was to Latvia. The sixth cycle, organised in 2014, included visits to Israel, Estonia and Switzerland. The seventh cycle started with a visit to Lithuania in May 2015 and with Slovakia in October 2015.

4. Peers are members or observers of the Working Group on Evaluation of the CEPEJ (CEPEJ-GT-EVAL), who have the task to prepare, every two years, the report on evaluation of the European judicial systems. As a rule, the peers' visits are organised by the CEPEJ member and the national correspondent responsible for the collection of CEPEJ data. As a way of facilitating co-operation, establishing best practice and promoting exchanges, the host CEPEJ member may be asked to assist the peers in another visit within the same evaluation cycle.

5. The main objectives of this co-operation are as follows :

- Supporting Council of Europe member States in:
 - improving the quality of their judicial statistics,
 - developing their statistics system so that judicial statistics, at national level, are in line with the key indicators defined through the CEPEJ's Evaluation Scheme.
- Facilitating the exchange of experiences between national judicial statistics systems, sharing good practices, identifying benchmarks and facilitating the transfer of information.
- Contributing to the transparency and accountability of the CEPEJ process for evaluating European judicial systems and helping to improve the process.

6. The reports of the peer visits can be consulted in the following documents: CEPEJ-GT-EVAL(2008)1 (1st cycle), CEPEJ-GT-EVAL(2010)5 (2nd cycle), CEPEJ-GT-EVAL(2011)2Rev3 (3rd cycle), CEPEJ-GT-EVAL(2012)8(4th cycle), CEPEJ-GT-EVAL(2013)9Rev (5th cycle), CEPEJ-GT-EVAL(2014)2 (6th cycle), CEPEJ-GT-EVAL(2015)8 and CEPEJ-GT-EVAL(2015)23 (7th cycle).

¹ This process has been initiated by France; the Working Group on evaluation of judicial systems (CEPEJ-GT-EVAL) is entrusted with its implementation and its follow-up.

EVALUATION MISSION No.16 (BELGRADE, SERBIA)

Presentation

Date: 1 – 2 March 2016

Organisers: Ministry of Justice, Serbia

Participants:

For Serbia:

Ministry of Justice

- Ms Nela KUBUROVIĆ, Assistant Minister in charge of the Sector for Judiciary, CEPEJ Member;
- Mr Čedomir BACKOVIĆ, Assistant Minister in charge of the Sector for European Integrations and International Projects, President of Negotiating Group for Chapter 23;
- Ms Slavica JELAČA, Assistant Minister in charge of the Sector for Material and Financial Affairs;
- Mr Mario MALETIĆ, Advisor, Department for Information - Communication Technologies;
- Mr Vladimir PEJČIĆ, Junior Adviser, Department for Information - Communication Technologies;
- Ms Vesna KOVAČEVIĆ, Senior Advisor, Department of Justice, Head of the Department of Personnel and analytical work;
- Ms Zorana ILIĆ-TERZIĆ, Advisor, Department of Justice, Department of Personnel and analytical work;
- Ms Jelena IVKOVIĆ, Junior Advisor, Department of Justice, Department of the judicial profession;
- Ms Ivana NINČIĆ, Consultant, National Correspondent, Deputy Member of the CEPEJ;
- Ms Darja KOTUROVIC, Consultant;

Supreme Court of Cassation

- Mr Dragomir MILOJEVIĆ, Judge, President of SCC;
- Ms Snežana ANDREJEVIĆ, Vice-President, Judge, SCC;
- Ms Radmila DRAGIČEVIĆ-DIČIĆ, Judge, SCC;
- Ms Gordana AJNŠPILER-POPOVIĆ, Judge, SCC;
- Ms Mirjana PUZOVIĆ, Head of the Office of the President of the Court;
- Ms Ljupka GOGIĆ, advisor;
- Ms Svetlana JOVANOVIĆ, advisor;
- Ms Vanja RODIĆ, Senior Legal Adviser for European Integrations and International Projects;
- Ms Sonja PROSTRAN, Consultant;

High Judicial Council

- Mr Dragomir MILOJEVIĆ, President
- Majda KRŠIKAPA, Secretary;
- Ms Branka TOMAŠEVIĆ, Assistant Secretary;

State Prosecutorial Council, Republic Public Prosecutors Office

- Mr Branko STAMENKOVIĆ, Special Public Prosecutor for High-Tech Crime, Elected Member of State Prosecutorial Council;

Notary Chamber of Serbia

- Ms Natalija ADŽIĆ, Member of the Executive Board;

Chamber of Enforcement Agents of Serbia

- Aleksandra TREŠNJEV, President;
- Damir ŠITE, enforcement agent;

For CEPEJ:

- Mr Georg Stawa (President of CEPEJ)
- Mr Jaša Vrabec (Member of the GT-EVAL)
- Ms Munira Dossaji (expert for the GT-EVAL)
- Ms Christel Schurrer (Council of Europe), Secretary of the Evaluation Group of the CEPEJ)

- Ms Lidija Naumovska (Council of Europe), CEPEJ Statistician.

CoE interpreters:

- Ms Biljana OBRADOVIĆ, 1-2 March;
- Ms Dušica LISJAK, 1. March;

Programme:

Tuesday 1 March, 2016

Meetings at the Supreme Court of Cassation

- 9.15-9.45**
- Welcome speech (*D. Milojević*),
 - Introductory remarks by CEPEJ experts,
 - Short overview of the judicial reform in the Republic of Serbia (*Č. Backović*)
- 9.45-10.25**
- Overview of the procedure and experiences in filling out the Scheme for Evaluating Judicial Systems, 2014-2016 Cycle (*I. Ninčić*)
 - Presentation on organization of the court system, overview of role of High Judicial Council, status of judges, performance and evaluation (*M. Kršikapa*)
 - Non-judicial staff, judicial network (*N. Kuburović*)
- 10.25-10.45**
- Budgetary issues in the judiciary - competences, data collection, including problems in gathering data for CEPEJ Evaluation Scheme (*B. Tomašević, B. Stamenković*)
 - Presentation on organization of the prosecution system, overview of the role of State Prosecutorial Council, status of public prosecutors, performance and evaluation (*B. Stamenković*)
 - Discussion
- 10.45-11.00** Coffee break
- 11.00-12.30**
- Courts' information system and electronic services provided by courts – (*M. Maletić*)
 - Court statistics - overall way of collecting and processing of judicial data, contentious cases, calculation methods of length of proceedings, reports which are not generated from existing systems, difficulties with collection of data requested by the CEPEJ (*D. Milojević et al.*)
 - Discussion regarding existing sent data, answering of CEPEJ scheme for evaluation of judicial systems and way forward
- 12.30-13.30** Lunch
- 13.30-15.30**
- On- field visit to the Supreme Court of Cassation ("SAPS")
 - On- field visit to the Administrative Court
 - On- field visit to the Commercial Court of Appeal

Wednesday 2 March, 2016

9.00-10.00 On- field visit to the Third Basic Court in Belgrade, (tracking the case, from its arrival to its arrival to the judge – “AVP”)

Meeting at the Ministry of Justice

- 10.30-10.45**
- Access to justice, discussion (*D. Kuturović*)
 - Meeting of the President of the CEPEJ and the Minister of Justice
- 10.45-11.30**
- Budgetary issues in the judiciary – competences of the MoJ, problems in gathering data for CEPEJ Evaluation Scheme (*S. Jelača*)
 - Judicial professions and envisioned reforms (lawyers (*organisation of registers of bar associations and problems in collecting requested data*), mediators – alternative dispute resolution, enforcement agents – enforcement of court decisions, notaries, judicial experts, court interpreters (*I. Ninčić*))
- 11.30-12.00** Discussion
- *Collection of data requested by the CEPEJ and difficulties: practical experience with the data collection and filing in the CEPEJ scheme for evaluation of judicial systems*
 - *Possible future cooperation activities*
- 12.00-13.30** Lunch

Peer Visit Report

1. Welcome meeting

The delegation was welcomed by the President of the Supreme Court of Cassation (SCC) Mr Dragomir Milojević, who stressed the importance of collecting quality statistical data that serves both national and international needs of the country. He emphasised how important it is for Serbia to improve its reporting system in order to harmonise its judiciary with the EU member states. It is evident that negotiation process with EU under Chapter 23 is highest priority for Serbia judicial system.

He further explained how different courts in Serbia supply the SCC with statistical data in different ways. While the SCC, Appellation Courts, Administrative Court and the Sremska Mitrovica Basic Court use the SAPS system, which allows easy access to pre-defined reports, most other courts use the AVP system which has limited number of pre-defined reports available. Data for some additional reports requested by the SCC is collected in Excel format by these basic and higher courts. Additionally, there is one more system that is used by the misdemeanour (specialized) courts. These heterogeneous environments make it difficult to have integrated information system so as to follow all cases through different instances, assess case throughout and actively plan case management.

For that reason, collection of data for the CEPEJ Evaluation Scheme is a difficult task as some courts require additional manual effort in order to identify and compile the data.

Mr Milojević recognised the importance of the CEPEJ visit for the improvement of the correct interpretation of the CEPEJ questions and presentation of better quality statistical data for the judicial system of Serbia.

The President of CEPEJ Mr George Stawa, expressed his gratitude for the invitation for the peer review and organisation of the mission. He also presented the role of CEPEJ and explained how background information, with details of how the statistical data is collected is very important and peer review visits are the only way to gain this valuable knowledge from different countries. He stressed that the mission of CEPEJ is not an inspection of the judicial system of a country in any respect but only an exchange of experiences and best practices between the CEPEJ delegation and the beneficiary experts. This allows CEPEJ to understand what is possible to compare and what is not because of differences and sensitivities of data from different systems.

2. General presentation of the different aspects of the judicial system of Serbia

The welcome meeting was followed by a series of presentations and meetings with respective leads from the SCC, Ministry of Justice, HJC, and Prosecution Office.

The presentation was chaired by Mr Milojević, who opened the session by first outlining the importance of statistics to facilitate the effective management of each court, as well as superior courts, to provide evidence of how to improve the efficiency and quality of the performance of the courts and enable better planning of future activities.

He stressed the importance of the role of the judicial IT system in the democratisation of a society, especially in:

- Improving the efficiency of procedures
- Minimising delays in case processing
- Having, readily available, good quality statistical data

The President of SCC presented the participants from the Supreme Court of Cassation and the Ministry of justice. The participant of the Public Prosecution Office joined later to present the activities of prosecution. Mr Georg Stawa, President of CEPEJ presented the CEPEJ Team.

Short presentation of the judicial reform of Serbia was given by the Mr Čedomir Backović, Assistant Minister of Justice responsible for European Integration and International Projects and President of the Negotiation Group for Chapter 23. Mr Backović focused on the role of the Ministry of justice that could be summarised in:

- Working on general strategies, and developing plans; Drafting laws and bylaws;
- Defining quality standards;
- Harmonisation with European and international standards

Mr Backović mentioned the importance of the National Judicial Reform Strategy and implementing action plan from 2013 as well as the Action Plan for Chapter 23 in the process of EU integration.

Ms Ivana Ninčić, Serbian National Correspondent for CEPEJ, then gave details on how the data was collected for the CEPEJ questionnaire in the past and the efforts made to improve the present cycle. Ms Ninčić gave details of the challenges faced, which included:

- Inaccurate or misleading translation into Serbian of the Questionnaire sent to relevant institutions;
- Questionnaire Explanatory Note was not presented to relevant institutions in the previous evaluation cycles, leading to different interpretations of certain questions;
- Questionnaire Explanatory Note has not been translated to Serbian;
- Non existing track of the previous cycle sources and methods of data compilation.

Ms Ninčić outlined how, as the Serbian National Correspondent, she established a more sustainable system for gathering and compiling data for the CEPEJ Evaluation scheme, which included documentation on where data should be collected, how it should be compiled and who is responsible for this task in different institutions.

Mr Jaša Vrabec, CEPEJ Expert and National Correspondent from Slovenia supported this initiative, sharing Slovenia's experience, where they have an extensive guidance document (approx. 50 pages) for the CEPEJ Evaluation exercise, updated regularly, which includes details of:

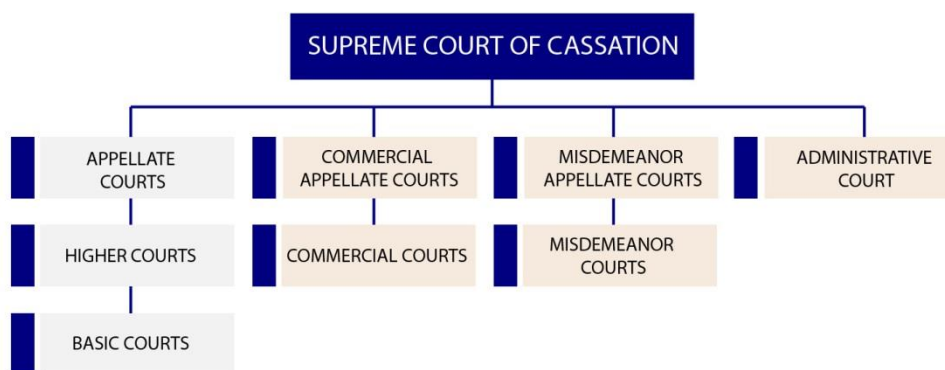
- Who has provided data for each question
- How data has been compiled
- Which categories were included or excluded from the numbers provided and what they contain
- When series were changed and why

Mr Vrabec pointed out that in this way everyone can follow the process in the next cycle. Even in case of a change of National Correspondent the institutional memory is secured enabling an efficient and sustainable engagement of all stakeholders. Likewise, it is useful that there is a continuity of performing the task of national correspondent.

This was then followed by a presentation of the organisation of the court system and role of the Judicial Council, focusing on:

- institutional framework
- Legislative responsibility of the Ministry of justice
- independence of the judicial system
- Role and competencies of the High Judicial Council
- Guarantees for impartiality, professionalism and ethical standards
- Professional education and training of judges and prosecutors
- Performance evaluation and disciplinary procedures
- Quality standards for the judicial system

Diagram of Courts in the Republic of Serbia



Ms Nela Kuburović, the CEPEJ Member for Serbia, presented information on the Court and Public Prosecution Staff. She presented the:

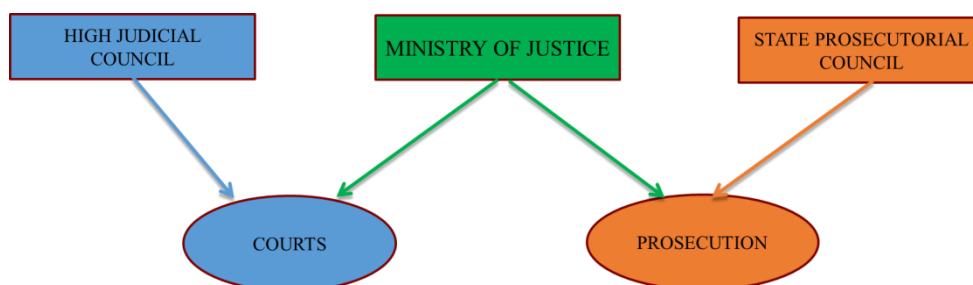
- Legal framework that regulates all non-judge staff in the courts
- Types of non-judge staff, requirements responsibilities and number
- Legal framework that regulates all staff in the prosecution offices
- Types of prosecution staff, requirements responsibilities and number

Interesting specific is that in Serbia court and in public prosecutors staff are public servants and every reform of public servants affects also directly the judiciary. Furthermore even though the Presidents of the courts are responsible to define the number and organisation of the courts they have to respect the planned reduction of number of public servants imposed by the public servant reform of the Government. In that respect both courts and public prosecution offices are faced with cuts of budgets and cuts in personnel.

Changes that are planned for near future is to reduce the number of appellate courts from 4 to 1, to drive forward a programme of reform of unification of the court practice and rationalisation of court resources. An analysis/feasibility study will be made to evaluate this option.

In respect of future reforms SCC President Mr Milojević pointed out that according his opinion further professionalisation of the post of Judicial Advisors/Assistants could stop the high turnover of personnel. Requirements for these posts are almost the same as for judge (law faculty and judiciary examination) and in future more weight could be given to this post to enhance the will of young professionals to stay.

This was followed by a presentation on the financial operations of the judiciary by Ms Branka Tomašević, providing very valuable background details of how the judicial system is financially divided between the High Judicial Council, State Prosecutorial Council and Ministry of Justice.



This division of responsibilities affects the efficiency and effectiveness of the management of the budgets of courts and prosecutors' offices and also creates difficulties in material and financial operations of courts and prosecutor's offices. This highlighted why answering CEPEJ questions on budgetary items will require additional efforts to combine these budgets and provide correct information.

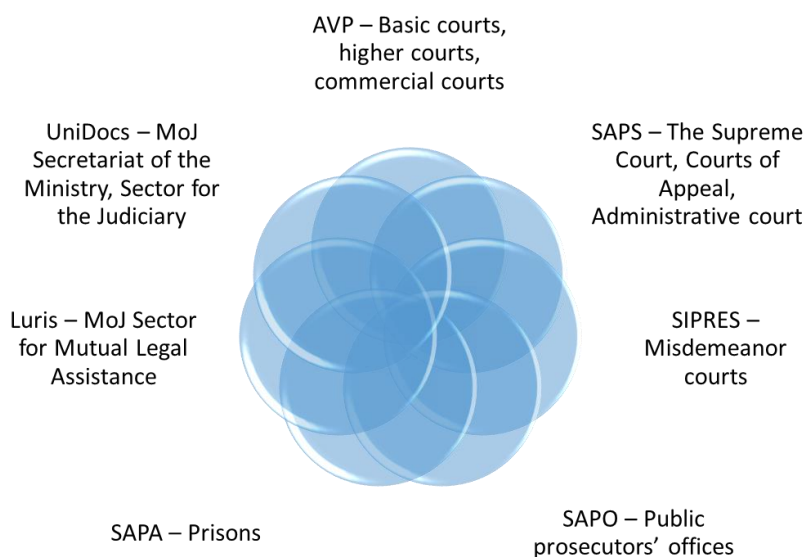
This was followed by a presentation of activities of Public Prosecution Office by Mr Branko Stamenković, Special Public Prosecutor for High-Tech Crime, Elected Member of State Prosecutorial Council. He explained how the Public Prosecution Office as an autonomous institution with 90 different offices organised in 4 levels. Each Public Prosecution Office has one public prosecutor, equivalent to a President of that office, and a number of deputy public prosecutors (equivalent of prosecutors). According to the organisation of these offices there are 741 posts but not all the posts are filled. Due to the budgetary restrictions there are between 635 and 640 (deputy) prosecutors in post currently.

There have been some changes in responsibility; in 2013 the investigation responsibility was transferred to the Public Prosecution offices.

Mr Stamenković explained the responsibility of the State Prosecution Council, which includes:

- Nomination and election of prosecutors
- Preparation of budget
- Disciplinary procedures against prosecutors

The ICT infrastructure used in judiciary was presented by Mr Mario Maletić, Advisor, Department for ICT at the Ministry of Justice. He focused on the ICT infrastructure, human resources, outsourcing and other IT related aspects. He confirmed that outsourcing is the strategy followed in this sector and the personnel working in different institutions are only responsible for daily maintenance of equipment and applications. All application development, updates and services are outsourced to professional companies. He also stressed the diversity of the applications used for the Case Management System of different courts and difficulty this causes for the daily management, reporting and planning of the whole system. The systems used are all slightly different and sometimes, even within one system, there may be differences between courts as a result of the different ways in which the system is used.



- The AVP system was designed in 2007 and is used in majority of the courts. However, due to the “old” application software, it does not provide all the necessary pre-defined reports the different users like SCC and Ministry of Justice require. The data sent to SCC is in Excel format and consolidation with data from other courts requires manual integration and consolidation at each reporting cycle (monthly, quarterly, semi-annually and annually). Mr Mario Maletić explained how the lack of system control enabled users of AVP system to allow entry of a lot of “dirty” data as a result of omitting the controls or/and obligation to fill some information in the system.
- The SAPS system, introduced in 2012, is more up-to-date and meets the needs of the courts, however is used in a limited number of courts.
- SIPRES is used only at the misdemeanour courts.

In respect of hardware there is no proper overview of the number and age of available and functional personal computers and consequently the defining PCs replacement policy cannot be easily determined.

Future plans include provision of Business Intelligence (BI) software to integrate all information available already in the existing CMS and provide information for business management decisions.

The Role of the Supreme Court of Cassation (SCC) in collection and data processing was presented by Ms Ljupka Gogić, advisor in the SCC. She pointed out several type of reporting responsibilities of the SCC:

- Regular reports are produced by SCC
- Reports deriving from the Unified Backlog Reduction Program
- Reports deriving from the Action Plan for Chapter 23
- Ad hoc reports (domestic and international)

The Annual Report of the Supreme Court of Cassation for the work of all courts includes a 'Key elements and structure', 'Data collection methodology' and 'Analysis' part. The information for the statistical reports is obtained from:

- AVP – 2004/2005; in most courts since 2010 for Basic Courts; Higher Courts and Commercial Courts
- SAPS – 2009/2010 for Supreme Court of Cassation; Administrative Court and Appellate Courts
- SIPRES – 2015 for all misdemeanour Courts

The combination of these sources creates difficulties and the data comes in Excel format which is inserted manually by the users of AVP system.

The data for the CEPEJ questionnaire is also compiled from these sources. Categories of the CEPEJ Questionnaire that are not available because of different categorisation of cases or non-availability of information are:

- Number of proceedings *in absentia* (Q84: not-followed)
- The number of granted recusal requests (Q85: not-followed)
- Severe or minor/misdemeanour criminal cases (Q101 and Q102: There is a separate court for misdemeanour cases but they are not considered criminal cases in Serbia)
- Employment dismissal case (only all employment cases available)
- Litigious divorce cases (only all family cases available)
- Robbery (non-existing as separate category)
- Intentional homicide (maybe possible to be extracted in the next cycles)

The number of appeals cases, unresolved cases and case duration in days for all categories above are difficult to obtain because there is no link between the same case on different instance level.

Following this presentation, Ms Gordana Ajnšpiler-Popović, judge of the Supreme Court of Cassation explained that sometimes it is not clear how to categorise some types of commercial litigious and bankruptcy cases. She also explained why it was not possible to calculate the duration of cases, expressing concern that duration of case does not necessarily equate to the duration of court proceedings, as is the case for execution cases, explaining how in Serbia bankruptcy cases are not easy to finalise due to many factors outside the jurisdiction of the court.

She has also pointed out that it is also not clear in which category of the CEPEJ questionnaire one has to classify cases for reasonable duration of court procedure.

This followed a discussion by CEPEJ experts explaining various approaches adopted by different countries on the inclusion/exclusion of execution cases.

The Vice-President of the SCC, Ms Snežana Andrejević informed that the intention of the SCC is that rulebooks for cases to become responsibility of SCC and not the Ministry of Justice. This is still not reality but they are working in the direction of more independence from the Government.

Ms Andrejević also explained the reasons behind the large number of incoming cases that appeared in 2014 and they are constantly decreasing. When the new judicial network was introduced in 2014, it was not possible to automatically divide the cases in the existing Case Management Systems (CMS) between different courts and the same database was simply copied multiple times. With time, these cases have been distributed to the relevant court and for that reason it seems like the number of incoming cases is reducing dramatically, which is not the case, as it is an artificial decrease due to technical change.

3. Site visit in registry of the SCC, Administrative Court and the Commercial Court of Appeal

After the general presentation meetings, the delegation was given a tour in the building of the Supreme Court of Cassation and the following parts were visited:

- Registry office of the SCC where the registration process was presented and SAPS application was presented in action. The Head of Registry showed the different levels of reports available and case level details within the system. This also included a visit to the IT support department.
- In the Administrative court the President Ms Jelena Ivanović gave an overview of the single instance institution, which includes 39 judges and has a caseload of 26,000 cases per year. In addition to handling administrative disputes, this court is also responsible for election complaints. They also prepare regular reports (monthly, quarterly, semi-annual and annual) with information on their performance and average duration of resolved and non-resolved cases.
- In the Commercial Appellation court, the President Mr Miroslav Nikolić proudly presented the Commercial court as the champion of judiciary. He expressed great satisfaction with their CMS in use, which is a copy of established best practice of a California court. This system produces daily warnings and information to judges.

4. Site visit to the Third Basic Court of Belgrade

During this visit the President of the court Mr Dušan Agatonović presented the work of this institution with jurisdiction over three municipalities of Belgrade. He pointed four fronts of activities worth stressing as:

- Action plan for financial management
- Harmonisation of procedures by preparing procedures catalogue
- Public awareness and confidence raising
- Programme for backlog resolving

A tour to the registry of this court was also provided where the number of paper cases was impressive to see. The procedure of registration of case and random selection of judge was presented. The system used is AVP and for the moment they believe it satisfies their needs. Some creativity and manual work is sometimes needed to produce report that does not exist in the pre-defined report offered by the system.

5. Visit to Ministry of Justice

During the visit to the Ministry of Justice the President of CEPEJ, Mr Georg Stawa, had a separate meeting with the Serbian Minister of Justice Mr Selaković. Minister Selaković underlined the importance of CoE and CEPEJ especially to support the reform Serbian judiciary towards their EU-integration.

Biggest problems according Minister Selaković the Serbian judiciary is facing are:

- the allocation and reduction of personnel according to workload
- fighting the backlog and
- reducing the timeframes of proceedings.

Mr Stawa referred to the different CEPEJ working groups (GTs) and made special reference to the Croatian/Norwegian project to set and improve timeframes in Karlovac court. Minister Selaković expressed his interest in such a similar project, keeping Croatia as an example.

At the Ministry of Justice, the Peers also had the opportunity to have an in depth discussion about the questionnaire, focusing specifically on data collection and better understanding of the answers to CEPEJ questions about the legal professions, access to justice, as well as about budgetary issues.

6. Quality control on caseload data

CEPEJ statistician had a separate meeting with the statisticians Ms Svetlana Ivković and Ms Jasmina Ljubičić of the Supreme Court of cassation and Ms .Vanja Rodić, responsible for international cooperation to clarify the answers on the caseload questions (Q91 to Q102).

During the discussion the following clarifications were made:

- The statistical system offers two numbers of incoming cases: 1. "New incoming cases" = Cases submitted to the court for the first time and 2. "All incoming cases" = cases of category 1 and also cases returned to the court for review.
- Comments included in the Serbian version of the CEPEJ questionnaire were identified as relevant to be included in the final English version of the answers.
- Misdemeanour cases were not previously included in Q94 because they were not considered criminal cases.
- The reason for the technical mistakes for Q97 and Q99 was identified;

7. Follow-up

Serbia participated in 2016 CEPEJ evaluation and submitted the data through the electronic scheme at the end of 2015. After this submission, the Secretariat sent to Ms Ivana Nincic, the CEPEJ National Correspondent for Serbia, a list of questions or requests for clarifications in order to ensure the quality and the consistency of the data provided.

Many thanks to Ivana Nincic, for this very well organised peer review. It has facilitated a very productive engagement and exchange of information between the CEPEJ Secretariat and the Serbian team to enable the necessary finalisation of the quality control. The findings of the peer review mission are essential for improvement of the statistical data from Serbia and some revisions will be necessary both for 2014 as well as data on previous cycles. As a result of these findings the CEPEJ Secretariat will update the quality control questions and resend to Serbia.

The missing data as well as corrections for cycle 2014 will be prepared by Serbia and sent to CEPEJ. The process of quality control and the final update of data should be over in 2-3 weeks.

There may be further communication from CEPEJ Secretariat, in respect of data quality, during the data analysis phase when some further data discrepancies become visible.

With respect to the difficulties of the Serbian judicial authorities with the consolidation of the different IT infrastructures existing in different courts the experts proposed to analyse some best practices from different countries that could be important for the integration of the Serbian system. Some of these best practices were already presented in the CEPEJ Crystal Scale competition as, for example, the Estonian best practice presented in 2014 competition on “E-file Central Database” used by all justice authorities, easing access and collection of Justice MI for individual/cases across various authorities (police, prosecutors, courts, bailiffs, prisons and probations:

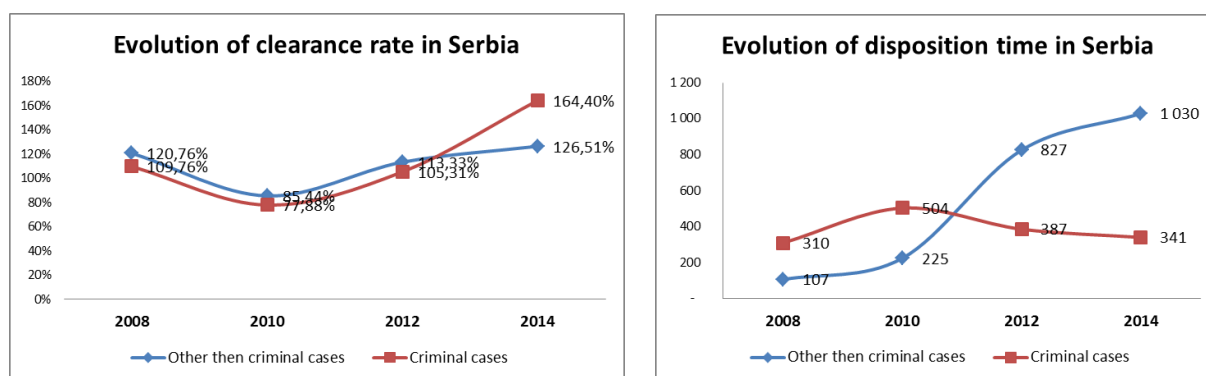
http://www.coe.int/t/dghl/cooperation/cepej/events/EDCJ/Cristal/Cristal2014_en.asp

8. Pre mission data review for Serbia

Before the mission, an analysis of the statistical data for Serbia was done, this gave the expert team an overview of the Serbian justice system, helping them to scope questions to the Serbian authorities and to facilitate the discussion in general. In addition, the Secretariat prepared a list of questions following their assessment of the quality of the data submitted at the end of 2015 so that they could take this opportunity to clarify inconsistent data with Serbian authorities on site.

As the graph below shows, the clearance rate of both criminal and other than criminal cases in the first instance court varies through years. The Disposition Time for other than criminal cases rises dramatically as a result of a large number of pending cases in execution especially for payment of communal bills.

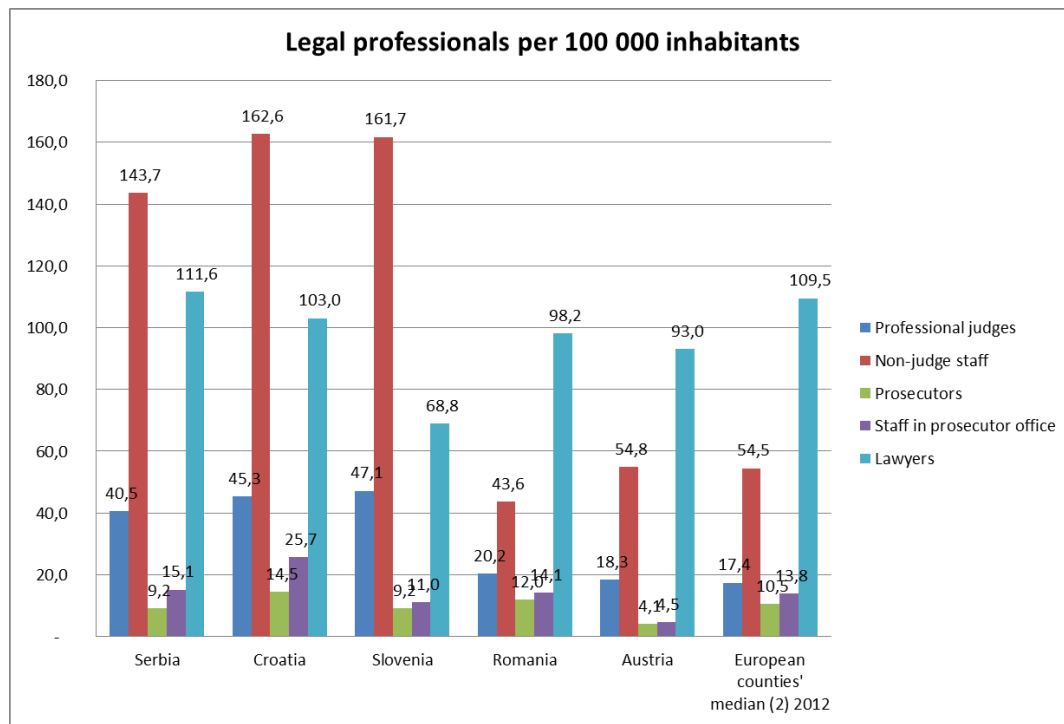
However, for 2014 data, the clearance rate showed a significant increase, which was investigated during the mission and will be recalculated after the change to the data is made.



Number of legal professionals

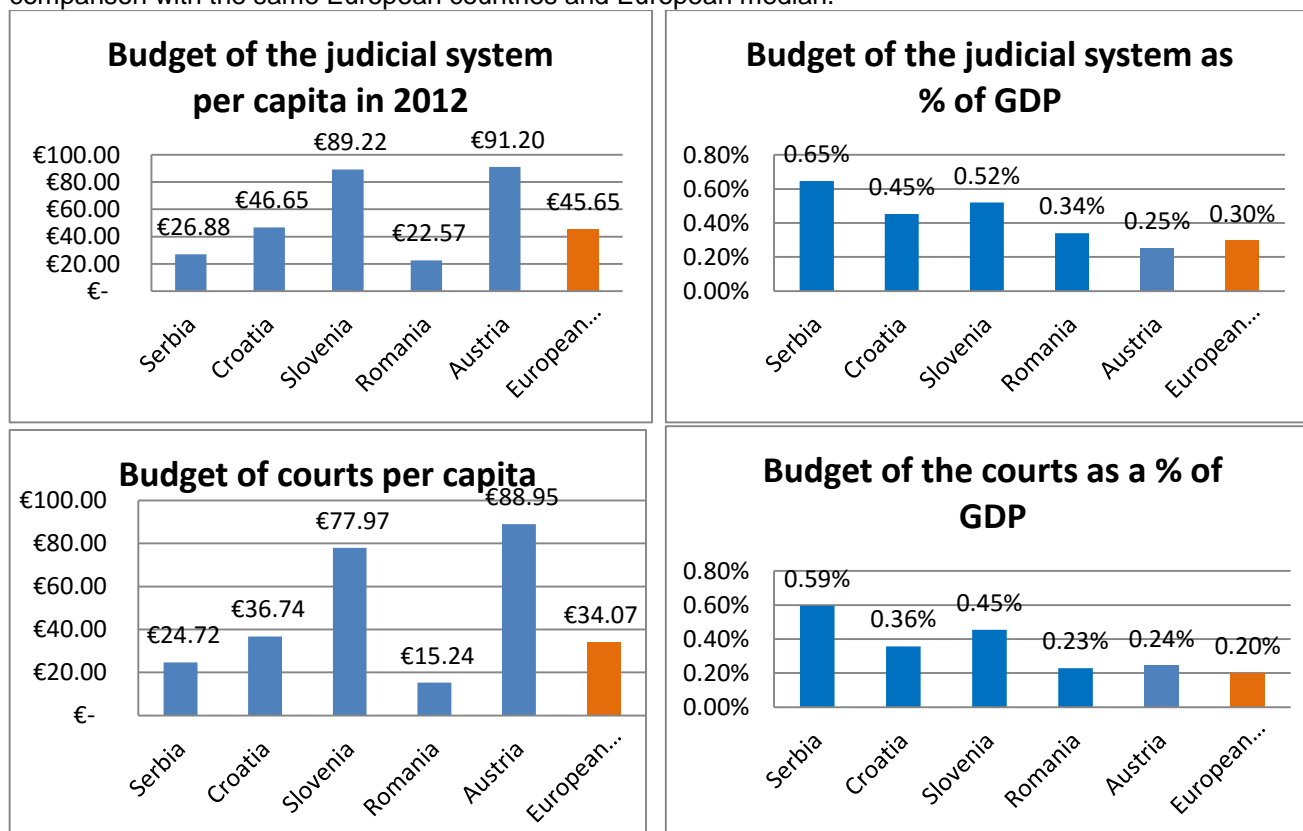
The number of different legal professionals per 100 000 inhabitants was analysed and compared with the numbers of some neighbouring and/or similar countries to have the first impression of the Serbian resources in comparison

with European median. Serbia, like all former countries of Yugoslavia, has a large number of judges and non-judge staff per 100 000 inhabitant. The number of prosecutors and prosecution staff is more similar with other countries.



Budgetary data

The funds granted to the judicial system of Serbia per capita and as a percentage of GDP was also viewed in comparison with the same European countries and European median.



Availability and comparability of financial data was discussed throughout the whole mission and it seems that data for Q6 on court budget needs to be composed from several different sources but the Serbian authorities will make the effort and the data will be made available.

Data not available (NA)

In some cases, Serbian data is NA in CEPEJ Evaluation Scheme due to the present classification of cases per law article only. This does not allow division of cases as requested by CEPEJ and for that reason the following categories are not available for Serbia:

- Number of proceedings in absentia (Q84)
- The number of granted recusal requests (Q85)
- Severe or minor/misdemeanour criminal cases (Q101 and Q102)
- Employment dismissal case
- Litigious divorce cases
- Robbery
- Intentional homicide

The Serbian counterparts are investigating to see if and how some of this data could be provided for the next cycles.