



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

**REPORT 3/2017 ON IMPLEMENTATION OF  
THE ACTION PLAN FOR CHAPTER 23**

**Belgrade, November 2017**



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

## **REPORT 3/2017 ON IMPLEMENTATION OF THE ACTION PLAN FOR CHAPTER 23**

**(for activities due for III 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 11<sup>th</sup> 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 27<sup>th</sup> 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 1<sup>st</sup> 2016.

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

The third cycle of reporting was performed in the period from 21<sup>st</sup>. November until 12<sup>th</sup> 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 22<sup>nd</sup> 2016.

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

The fifth cycle of reporting was performed in the period from 12<sup>th</sup> June until 30<sup>th</sup> June 2017.

The sixth cycle of reporting was performed in the period from 11<sup>th</sup> September until 2<sup>nd</sup> October 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.

**Update, September 2017:** The Office for Cooperation with Civil Society, in cooperation with the Ministry of Justice, has continued to collect civil society proposals within the consultative process regarding amendments to the Constitutional provisions related to the judiciary. Within the first call for submitting proposals and suggestions, during May and June 2017, 14 proposals were submitted by 16 civil society organizations (CSOs) and networks of organizations. Round table with CSOs was organized on 21<sup>st</sup> of July in Belgrade. Afterwards, CSOs continued to submit their proposals, so in the second round of collecting 13 proposals submitted by 10 CSOs, 2 lawyers associations and individuals from lawyers profession were collected. In order to ensure transparency and inclusiveness of the process, all gathered proposals and suggestions are published on the web pages of the Office and the Ministry. Furthermore, CSOs are invited to send continuously their additional comments and proposals.

Based on key issues identified in the proposals of the CSO, the MoJ organized cycle of public discussion that includes 5 round tables organized in Belgrade (2 times), Kragujevac, Novi Sad and Niš in the period September 7<sup>th</sup> to November 15<sup>th</sup> 2017. The main topics to be discussed during the public debate are as follows:

- Competences of the HJC and SPC;
- Composition of the HJC and SPC;
- Professionalism of judges and public prosecutors- the role of the Judicial Academy;
- Appointment, promotion and accountability of judges and public prosecutors;
- The role of court practice in rendering decisions and legal predictability.

**Update, June 2017:** The MoJ announced the public call for submitting suggestions and proposals related to constitutional amendments during the May 2016. 15 CSOs or CSO networks submitted their proposals as of June 30<sup>th</sup> 2017. All proposals are publicly available [on line](#) . The MoJ requested additional comments from CSOs who answered on public call and held the round table on constitutional amendments on July 21<sup>st</sup> 2017.

**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.**

**Update, September 2017:** At the session held on June 29<sup>th</sup> 2017, High Judicial Council made an announcement for the election of the President for the Higher Court in Pirot, the First Basic Court in Belgrade, the Basic Court in Sjenica, the Misdemeanor Court in Loznica and the Misdemeanor Court in Negotin.

At a session held on September 19<sup>th</sup>, 2017, an announcement was made for the election of the president for the Appelate Misdemeanor Court.

The procedure for the election of the president of the court is in the following courts:

- Commercial appellate court
- Commercial Court in Belgrade
- High Court in Prokuplje
- Second Basic Court in Belgrade
- Basic court in Kruševac
- Basic court in Surdulica
- High Court in Pirot
- First Basic Court in Belgrade
- Basic court in Sjenica
- Misdemeanor court in Loznica
- Misdemeanor court in Negotin
- Misdemeanor Court of Appeal

According to Article 18 of the Rules on criteria and standards for evaluation of qualification, competence and worthiness for election of judges and court presidents, on 29 May 2017, the High Judicial Council, on the website of the High Judicial Council, [www.vss.sud.rs](http://www.vss.sud.rs), the previous list of candidates for the President of the Court - the Commercial Appellate Court, the Commercial Court in Belgrade and the Higher Court in Prokuplje, were published, and on 3<sup>rd</sup> July 2017, the previous list of candidates for the President of the Court of the Second Basic Court in Belgrade, the Basic Court in Kruševac and the Basic Court in Surdulica were published.

**Update, June 2017:** At the National Assembly session held on May 15<sup>th</sup> 2017, the President of the Higher Court in Vranje, the Basic Court in Valjevo, the Commercial Court in Čačak, the Misdemeanor Court in Jagodina and the Misdemeanor Court in Kruševac, were elected (Official Gazette of RS, No. 47/17 of May 15<sup>th</sup> 2017)

At the session held on June 20<sup>th</sup> 2017, the High Judicial Council announced the election of the Presidents of Higher Court in Pirot, First Basic Court in Belgrade, Basic Court in Sjenica, Misdemeanor Court in Loznica, and Misdemeanor Court in Negotin. (Official Gazette of RS, No. 63/17 of 28<sup>th</sup> June 2017)

*Earlier activities:* 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 28<sup>th</sup> 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 Kruševac, the President of the Basic Court in Surdulica and President of the Misdemeanor court in Loznica.

On National Assembly session held on November 4<sup>th</sup> 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 14<sup>th</sup> and 15<sup>th</sup> 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.**

**Update, September 2017:** On May31th 2017, according to Article 18th of the 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 High Judicial Council Commission has published at the website of the High Judicial Council [www.vss.sud.rs](http://www.vss.sud.rs), a list of candidates with a preliminary assessment for the Supreme Court of Cassation, a list of candidates with a preliminary assessment for the Commercial Appellate Court and a list of candidates with a preliminary assessment for the Appellate courts.

- On 13 June 2017 according the articles 20th. nd 25th. Of the 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 High Judicial Council Commission has published at the website of the High Judicial Council [www.vss.sud.rs](http://www.vss.sud.rs), the previous and finall list of candidates for the Supreme Court of Cassation, the Commercial Appellate Court, , the Appellate Court in Belgrade, the Appellate Court in Kragujevac, the Appellate Court in Nis, the Appellate Court in Novi Sad.

- On September 14th, 2017, according to Article 8th 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 Commission has published at the website of the High Judicial Council [www.vss.sud.rs](http://www.vss.sud.rs), the previous list of candidates for permanent judicial position for the another or higher Court, - Appellate Court in Novi Sad, previous list of candidates for permanent judicial position for the another or higher Court,- Appellate Court in Niš, previous list of candidates for permanent judicial position for the another or higher Court,- Appellate Court in Belgrade and the previous list of candidates for permanent judicial position for the another or higher Court- Commercial Appellate Court.



- According to Article 18th of the 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. , on September 15th 2017, the High Judicial Council Commission has published a list of candidates with a preliminary assessment in a written test , for Higher courts
- On September 19th, 2017, according to Article 18th of the 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, on the website of the High Judicial Council [www.vss.sud.rs](http://www.vss.sud.rs), a list of candidates with a preliminary assessment from a written test for commercial courts was published.

Interviews with candidates for higher and commercial courts are in progress.

**Update, June 2017:** The procedure for the election of judges under the new rules for the selection of judges for the first time and the judge in permanent judicial office who are elected to another or higher court and candidates for court presidents, is in progress.

The test for candidates outside the court, for the election of judges for the Supreme Court of Cassation was held on May 29th, for the Appellate court on May 30th and for the Commercial Appellate Court on 31st May 2017. Commission of the The High Judicial Council conducted interviews with candidates on June 12, 2017. In the upcoming period, the High Judicial Council will organize a test for candidates for the election of judges for the Commercial and Higher court.

*Earlier activities:* 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](http://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.**

#### **Update, September 2017:**

A) See 1.1.2.1. and 1.1.3.1.

B) Unchanged

C) The Committee of the The High Judicial Council for evaluation of the work of judges and court presidents, at a session held on July 6, 2017 decided to start the procedure for the extraordinary evaluation of the work of 105 judges who filed applications for election for judges of commercial courts and higher courts on the announcement published on 03.04. 2017. in the "Official Gazette of the Republic of Serbia" No. 31.

At a session held on August 22, 2017, the High Judicial Council in accordance with Article 44 of the the Rules on criteria and standards for evaluation of qualification, competence and worthiness for election of judges and court presidents ("Official Gazette of the Republic of Serbia", No. 81/14, 142/14 , 41/15 and 7/16) made a decision on the extraordinary evaluation of the work of judges who submitted applications for court presidents on the announcement published in the "Official Gazette of RS" No. 63 published on June 28<sup>th</sup>2017. (the announcement was for the election of the president in five courts: the High Court in Pirot, the First Basic Court in Belgrade, the Basic Court in Sjenica, the Misdemeanor Court in Negotin and the Misdemeanor Court in Loznica)

The High Judicial Council Committee for evaluating the work of judges and court presidents at a session held on August 22<sup>th</sup> 2017 decided to open the procedure for the extraordinary evaluation of the work of 6 judges who submitted applications to that advertisement.

At the same session, the Commission decided to start the process of evaluating the work of 11 judges elected to the post of office in 2014, and in 2017 they will be given a three-year mandate.

#### **Update, June 2017:**

A) The Committee of The High Judicial Council checked the completeness, permissibility and timeliness of submitted applications to the announcement of the election of the president of the courts and interviewed all applicants.

B) Unchanged

C) The Committee of the The High Judicial Council for evaluation of the work of judges and court presidents at the sessions held on 22 and 23 February 2017 made decisions on starting the evaluation of the work of six judges elected to the office, and in 2017, the three-year mandate . The High Judicial Council, at its session held on 10 and 24 May 2017, ruled that these judges were elected as permanent judges.

At a session held on March 30, the High Judicial Council was, in accordance with Article 44 of the Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents ("Official Gazette of the Republic of Serbia" No. 81/14, 142/14, 41 / 15 and 7/16),made a decision on the extraordinary evaluation of the work of judges and court presidents on the occasion of the announcement for the election of the president of the courts, published on March 2, 2017. In the "Official Gazette of the Republic of Serbia".

The High Judicial Council of the judiciary to evaluate the work of judges and court presidents at a session held on April 11, 2017 made decisions to start an extraordinary evaluation of the work of thirteen judges who submitted applications to the advertisement.

The Committee of the The High Judicial Council for evaluation of the work of judges and court presidents at a session held on May 8, 2017 made decisions on starting the evaluation of the work of a total of fifty two judges who entered the post in 2015. The evaluation period is from 1 July 2015 to 1 July 2016.

On April 3, 2017. In the "Official Gazette of the Republic of Serbia", an announcement for judges for the Supreme Court of Cassation, the Appellate Court in Belgrade, the Appellate Court in Kragujevac, the Appellate Court in Nis, the Appellate Court in Novi Sad, the High Court in Belgrade, the High Court in Kragujevac, The High Court in Kruševac, the High Court in Leskovac, the High Court in Niš, the High Court in Novi Sad, the High Court in Prokuplje, the Higher Court in Zaječar, the High Court in Zrenjanin, the High Court in Pirot, the Commercial Appeals Court, the Commercial Court in Belgrade, The Commercial Court in Zrenjanin, the Commercial Court in Leskovac and the Commercial Court in Kragujevac was published.

At a session held on May 10, 2017, the High Judicial Council made a Decision on the Extraordinary Evaluation of the Work of the Judges Who Filed the Application to the announcement mentioned. The Committee of the The High Judicial Council for evaluation of the work of judges and court presidents at a session held on May 12, 2017 decided to initiate an extraordinary evaluation of the work of a total of three hundred and eighty-five judges(385) who filed an application for announcement.

**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 18<sup>th</sup> 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 1<sup>st</sup> 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 22<sup>th</sup> and 23<sup>th</sup> 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](http://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.**

**Update, September 2017:** On 17th of July 2017 the State Prosecutorial Council submitted to the National Assembly the Proposal of the Decision for the election of 18 deputies public prosecutors in Basic Public Prosecution Offices for which the election was announced on 2nd of March 2017 (“Official Gazette of the Republic of Serbia”, No. 16/17), except for the High and the Basic Public Prosecution Offices in Novi Pazar, for which the proposal had not been submitted to the National Assembly. On 19th of July 2017 the Constitutional Court passed the Decision No. Iuo-254/2016 from 20th of July 2017 on initiation of the proceedings for determination of illegality of the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates when proposing deputy public prosecutors elected for the first time (“Official gazette of the Republic of Serbia”, No. 80/16) with suspension of enforcement of individual acts or activities conducted based on the Rulebook. Respecting the arguments of the pending Constitutional Court's decision, at the session held on 17th of September 2017 the State Prosecutorial Council withdrew the abovementioned Proposal of the Decision on election of 18 deputies public prosecutors in Basic Public Prosecution Offices, and the SPC 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 (“Official gazette of the Republic of Serbia”, No. 82/17 from 8th of September 2017).

Having in mind that based on the announcement from 2nd of March 2017 the State Prosecutorial Council did not propose the candidates for the High and the Basic Public Prosecution Offices in Novi Pazar, and that based on the announcement for deputies of the War Crimes Prosecutor the election procedure was not conducted, and that the Constitutional Court issued the Decision under the stated number, at the session held on 28th of August 2017 the State Prosecutorial Council decided to annul the announcement for the High Public Prosecution Office in Novi Pazar, the Basic Public Prosecution Office in Novi Pazar and the War Crimes Prosecution Office.

On 4th of September 2017 the State Prosecutorial Council submitted to the National Assembly of the Republic of Serbia the Proposal of the Decision on election of deputy prosecutors of the War Crimes Prosecutor. On 15th of September 2017 the Board for judiciary, state government and local self-government of the National Assembly of the Republic of Serbia adopted the Proposal.

At the session held on 18th of September 2017 the State Prosecutorial Council made a decision to announce election for 57 positions in public prosecution offices in the Republic of Serbia, which was published in the “Official Gazette of the Republic of Serbia”, No. 86/17 from 22nd of September 2017. The stated announcement was issued for two positions of deputies of the War Crimes Prosecutor, for two positions in the High Public Prosecution Office in Belgrade, for one

position of deputy public prosecutor in the High Public Prosecution Office in Cacak, as well as for 52 basic public prosecution offices in the Republic of Serbia.

With reference to promotion of importance of performance evaluation of public prosecutors and deputy public prosecutors and its impact to promotion in career, the State Prosecutorial Council is posting at its web page every decision on election of public prosecutors and deputy public prosecutors elected for the first time or promoted into a higher public prosecution office, based on the decision on performance evaluation and interview with the State Prosecutorial Council commission.

**Update, June 2017:** The State Prosecutorial Council is making decisions based on the Rulebook on criteria and standards for evaluation of work of public prosecutors and deputy public prosecutors (“Official gazette of the Republic of Serbia”, No. 58/14), 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, corr. 80/16), as well as based on the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates when proposing deputy public prosecutors elected for the first time (“Official gazette of the Republic of Serbia”, No. 80/16).

On 8th of April 2016 the State Prosecutorial Council has published an announcement for election of 2 deputies of the Republic Public Prosecutor, 2 deputies of the Prosecutor for Organized Crime and 1 deputy of the War Crime Prosecutor (“Official gazette of the Republic of Serbia”, No. 36/16). On 12th of October was published an announcement for deputy public prosecutors at the High Public Prosecution Office in Valjevo – 1 position, the High Public Prosecution Office in Kraljevo – 1 position, the High Public Prosecution Office in Novi Pazar - the High Public Prosecution Office in Uzice – 1 position, the High Public Prosecution Office in Nis – 1 position and the High Public Prosecution Office in Prokuplje – 1 position, and the announcement was published on 2nd of March 2017 (“Official gazette of the Republic of Serbia”, No. 16/17). In addition to that, the announcement was published on 31st of March 2017 for three positions of deputy public prosecutors at the High Public Prosecution Office in Belgrade (“Official gazette of the Republic of Serbia”, No. 30/17). Procedure for election of deputy public prosecutors for high public prosecution offices is in course based on these announcements.

At the session held on 15th of May 2017, based on the determined list of candidates submitted to the Government by the State Prosecutorial Council, the National Assembly elected two public prosecutors for the High Public Prosecution Office in Pancevo and the High Public Prosecution Office in Pirot. At the same session were also elected 15 public prosecutors at basic public prosecution offices, as follows: the Basic Public Prosecution Office in Mionica, the Basic Public Prosecution Office in Valjevo, the Basic Public Prosecution Office in Sombor, the Basic Public Prosecution Office in Ruma, the Basic Public Prosecution Office in Kursumlija, the Basic Public Prosecution Office in Negotin, the Basic Public Prosecution Office in Despotovac, the Basic Public Prosecution Office in Aleksinac, the Basic Public Prosecution Office in Zajecar, the Basic Public

Prosecution Office in Novi Pazar, the Basic Public Prosecution Office in Velika Plana, the Basic Public Prosecution Office in Stara Pazova, the Basic Public Prosecution Office in Vrbas, the Basic Public Prosecution Office in Mladenovac, the Basic Public Prosecution Office in Nis. The stated decision of the National Assembly was published at the “Official gazette of the Republic of Serbia”, No. 47/17.

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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 at 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 12<sup>th</sup> 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 2<sup>nd</sup> 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 25<sup>th</sup> 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 2<sup>nd</sup> 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 30<sup>th</sup> 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 25<sup>th</sup> 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 2<sup>nd</sup> 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 3<sup>rd</sup> 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 2<sup>nd</sup> of March 2017.

As already reported, at the session held on 20<sup>th</sup> 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 2<sup>nd</sup> 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 21<sup>st</sup> 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 23<sup>rd</sup> 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 30<sup>th</sup> 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.

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**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 14<sup>th</sup> 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 20<sup>th</sup> 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 9<sup>th</sup> 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 21<sup>st</sup> 2015.

Commencing from January 1<sup>st</sup> 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 2<sup>nd</sup> 2016 it has been conducted written test of candidates. On Jun 10<sup>th</sup> 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 29<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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 2<sup>nd</sup> 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, September 2017:** In line with the provisions of the new Regulation on work of the State Prosecutorial Council (“Official gazette of the Republic of Serbia”, No. 29/17) it is in the course establishment of a work group for monitoring of judicial laws. The work group for monitoring of judicial laws shall have status of an ad-hoc work body, in charge of providing professional assistance to the Council when: providing opinion on amendments of the existing or passing new laws regulating position and proceeding of public prosecutors and deputy public prosecutors, organization of public prosecution office, as well as other laws implemented by public prosecution offices; monitoring of implementation of judicial laws in effect, and analyzing drafts of judicial laws with a view to provide opinions and suggestions. Competence, composition and duration of tenure of the working group members are stipulated by Article 20 of the Regulation, and this was reported in detail during the previous quarters.

**Update, June 2017:** In line with the provisions of the new Regulation on work of the State Prosecutorial Council (“Official gazette of the Republic of Serbia”, No. 29/17) it is in the course establishment of a work group for monitoring of judicial laws, with status of a temporary work body, in charge of providing professional assistance to the Council when: providing opinion on amendments of the existing or passing new laws regulating position and proceeding of public prosecutors and deputy public prosecutors, organization of public prosecution office, as well as other laws implemented by public prosecution offices; monitoring of implementation of judicial laws in effect, and analyzing drafts of judicial laws with a view to provide opinions and suggestions. Competence, composition and duration of tenure of the working group members are stipulated by Article 20 of the Regulation, and this was reported in detail during the previous quarter.

**Update, March 2017:** At the session held on 23<sup>rd</sup> 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.

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At the session held on 2<sup>nd</sup> 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 18<sup>th</sup> 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 18<sup>th</sup> 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 54<sup>th</sup> 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. The budgetary transfer is postponed due the procedure for determining the unconstitutionality of the provisions of Article 32 of the Law on Amendments to the Law on the Organization of Courts and the provisions of Article 70 of the Law on the Organization of Courts, initiated before the Constitutional Court whose final decision is still pending.

#### **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, September 2017:** In the period from September 25<sup>th</sup> to September 29<sup>th</sup>, the employees of the Administrative Office of the High Judicial Council participated in ISO certification training in different areas, as well as in the training in the domain of the Information Security Law, beginning in October 2017.

**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)

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**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 1<sup>st</sup> January 2018, 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 the 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 18<sup>th</sup> 2015.

**Update, March 2017:** After establishment of the work group for drafting amendments to the Regulation of work of the State Prosecutorial Council on 16<sup>th</sup> 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 23<sup>rd</sup> of March 2017, and then published in the "Official gazette of the Republic of Serbia", No. 29/17 on 24<sup>th</sup> 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 1<sup>st</sup> 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, September 2017:** Based on Article 47 of the Law on the State Prosecutorial Council (“Official Gazette of the Republic of Serbia”, Nos. 116/08, 101/10, 88/11 and 106/15) and Article 10 paragraph 4 of the Law on the System of Salaries of the Public Sector Employees (“official Gazette of the Republic of Serbia”, Nos. 18/16 and 108/16) the State Prosecutorial Council President issued the Decision on the Special Catalogue of ranks and positions within the State Prosecutorial Council Administrative Office.

The Special Catalogue of ranks and positions within the State Prosecutorial Council Administrative Office contains lists of tanks and positions within the Administrative Office, general/typical description of jobs performed by the relevant rank, i.e. at the relevant position and requirements for earning the rank, i.e. performing of tasks at the position, as well as salary groups and salary classes within which are ranks and positions being distributed in line with the law.

The Special Catalogue of ranks and positions is posted at the State Prosecutorial Council web page and submitted to the Ministry of Public Government and Local Self-government, in order to enable drafting and publishing of the General catalogue at the Ministry web page.

During the third quarter of 2017 the State Prosecutorial Council continued to negotiate with the World Bank on purchase of the software for personal sheets and software for budget and finances that would enable electronic processing and analysis of data. Meetings with representatives of the World Bank were held to that end, in order to precise needs of the State Prosecutorial Council.

**Update, June 2017:** During the reporting period, the State Prosecutorial Council submitted to the Ministry of Finance the proposal of the State Prosecutorial Council Human Resources Plan for 2017, with elaboration. The Human resources plan proposal foresees capacity building at human resources aspect, within the Group for budget planning and execution of public prosecution offices and the Group for financial-accounting matters. Within the upcoming period it is expected from the Ministry of Finance to agree to the State Prosecutorial Council Human Resources Plan for

2017 in order to continue further activity realization related to the Council capacity building in the area of human resources.

During the second quarter of 2017 it is continued with the IPA 2013 project implementation: “Capacity building of the High Court Council and the State Prosecutorial Council”, and within the project the State Prosecutorial Council representatives had education on public relations”.

During the reporting period it is continued work on preparation of the IPA 2017 project, having as objective further capacity building of the State Prosecutorial Council in the area of analytics, statistics and managing capacities.

Moreover, during the second quarter of 2017, the State Prosecutorial Council addressed the World Bank with request to purchase software for personal sheets and software for budget and finances, based upon model of software used by the High Court Council, in line with recommendations from expert analysis drafted within the IPA 2013 project: “Capacity building of the High Court Council and the State Prosecutorial Council”.

During cooperation with the World Bank, the State Prosecutorial Council drafted and submitted to the World Bank a list of the State Prosecutorial Council representatives interested in the offered thematic education, that are to be delivered during the upcoming period, with the World Bank support.

**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 4<sup>th</sup> 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 30<sup>th</sup> of October and 4<sup>th</sup> 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 9<sup>th</sup> 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 26<sup>th</sup> 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 26<sup>th</sup> 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.**

**Update, September 2017:** After instituting the Commissioner for autonomy based on Article 9 of the Regulation on work of the State Prosecutorial Council (“Official gazette of the Republic of Serbia”, No. 29/17) and regulating with the Decision A No. 393/17 manner of actions of the Commissioner in cases of political and other forbidden influence to work of public prosecution office, the Deputy of the President of State Prosecutorial Council started to perform duties of the Commissioner for autonomy.

Having in mind that on 10th of April 2017 the Commissioner sent a letter to all public prosecution offices in the Republic of Serbia and informed them on establishment of the institute of the Commissioner for autonomy, as well as on procedures for informing the State Prosecutorial Council on forbidden influence to work of the public prosecution office, some prosecutorial position holders pointed out to the Commissioner to proceedings, where, in their opinion, were endangered independence of the public prosecution office and professional integrity of prosecutorial position holders. With reference to that, the Commissioner for autonomy is proceeding in several cases.

**Update, June 2017:** In previous reporting period, on 23.03.2017. the State Prosecutorial Council adopted the Regulation on work of the State Prosecutorial Council (“Official gazette of the Republic of Serbia”, No. 29/17), which established the institute of the Commissioner for autonomy, stipulated that this function will be performed by the Deputy President of State Prosecutorial Council and prescribed the procedure of the State Prosecutorial Council public reactions in cases of political influence to work of public prosecution office, and regularly (once in a year) and extraordinary (if needed).

With reference to that, on 7th of April 2017 the State Prosecutorial Council issued the Decision A No. 393/17, regulating in detail manner of actions of the Commissioner for autonomy in cases of political and other forbidden influence to work of public prosecution office, in line with Article 9 of the Regulation on work of the State Prosecutorial Council (“Official gazette of the Republic of Serbia”, No. 29/17).

On 10th April 2017, the Commissioner for autonomy sent a notification to all Public Prosecutors Offices in the Republic of Serbia, informing them on establishing the Commissioner for autonomy and procedure for informing State Prosecutorial Council on improper influence on the work of public prosecution. By this notification, all holders of public prosecutorial function were informed that they can point out to the Commissioner for autonomy the acts that in their opinion endanger autonomy of public prosecution and professional integrity of holders of public prosecutorial function. It was also stated that, upon the need, the cases of endangering autonomy and integrity can be registered as classified cases, depending on possible degree of endangering or character of possible improper influence upon work of public prosecution.

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 23<sup>rd</sup> 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 fully implemented.** Code of conduct for members of Parliament (MPs) relating to restrictions on commenting on judicial decisions and proceedings is adopted on July 20, 2017, and published in "Official Gazette RS No 71/17".

**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 being implemented successfully.** 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.**

**Update, June 2017:** Results of the previous conferences with topic: "Prevention of information leaking with a view to enhance quality of prosecutorial investigation and professionalization of information sharing with the public", organized during the fourth quarter of 2016 by the Republic Public Prosecution Office and the State Prosecutorial Council, in cooperation with the Judicial Academy and with support of the EU project "Judicial efficiency project", were analyzed at the fifth final conference, which was held on 20th of June 2017 in Belgrade. At the conference the manual containing joint recommendations and concrete suggestions related to actions to be taken in the upcoming period towards prevention of information leaking was presented.

*Earlier activities:* 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, June 2017:** The fifth final conference was held on 20th of June 2017 in Belgrade, at which the results of the previous conferences on the topic “Prevention of information leaking with a view to enhance quality of prosecutorial investigation and professionalization of information sharing with the public”, organized during the fourth quarter of 2016 by the Republic Public Prosecution Office and the State Prosecutorial Council, in cooperation with the Judicial Academy and with support of the EU project “Judicial efficiency project”, funded by the EU, were analyzed. At the final conference, the manual containing joint recommendations and concrete suggestions related to actions to be taken in the upcoming period towards prevention of information leaking, such as education and establishment of professional and partner relations between the journalists and the prosecutors, with a view of achieving high level standards in the area of reporting, was presented.

**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, September 2017:** Implementation is in progress. Public prosecutors exercise their constitutional and legal powers regarding the initiation of misdemeanor proceedings.

In the period from 01.07.2017 until 01.09.2017 (reporting period for the Sixth Report), no second instance proceedings were instituted before the Misdemeanor Court of Appeal for the commission of the offenses under Article 73 of the Law on Public Information and Media.

Before the first-instance misdemeanor courts, three (3) misdemeanor proceedings were terminated for the committed violation, and two new ones were launched before the Misdemeanor Court in Belgrade, while other misdemeanor courts, as well as in the previous period, do not have cases in the course of execution of the violation of Article 73 of the Law on Public Information and Media.

**Update, June 2017:** On the basis of data submitted by the Misdemeanor Court of Appeal on 23 June 2017, in the period from 01.01.2017 to 01.06.2017, only one second instance proceedings for the purpose of committing the offense under Article 73 of the Law on Public Information and Media was initiated before that court and also completed.

On the other hand, before the first instance misdemeanor courts in the mentioned period eight (8) misdemeanor proceedings were initiated for the purpose of executing the aforementioned

misdemeanor offence, all before the Misdemeanor Court in Belgrade, while other misdemeanor courts do not have pending cases of the violation under Article 73 of the Law on Public Information and Media.

Due to the small number of initiated and conducted proceedings, misdemeanor courts did not identify specific challenges in prosecuting these violations.

**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.

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*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), enablđ (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.**

**Update, September 2017:** The Office for Cooperation with Civil Society, in cooperation with the Ministry of Justice, has continued to collect civil society proposals within the consultative process regarding amendments to the Constitutional provisions related to the judiciary. Within the first call for submitting proposals and suggestions, during May and June 2017, 14 proposals were submitted by 16 civil society organizations (CSOs) and networks of organizations. Round table with CSOs was organized on 21<sup>st</sup> of July in Belgrade. Afterwards, CSOs continued to submit their proposals, so in the second round of collecting 13 proposals submitted by 10 CSOs, 2 lawyers associations and individuals from lawyers profession were collected. The second round table was organized on 7<sup>th</sup> of September 2017 in Belgrade. In order to ensure transparency and inclusiveness of the process, all gathered proposals and suggestions are published on the web pages of the Office and the Ministry. Furthermore, CSOs are invited to send continuously their additional comments and proposals.

**Update, June 2017:** The Office for Cooperation with Civil Society, together with the Ministry of Justice, published in May 2017 public call for civil society organizations (CSOs) for contribution to the consultative process regarding potential changes in the segment of the Constitution of the Republic of Serbia related to the judiciary. The public call is open until June 30, 2017. The aim was to organize wide consultative process on changes of the most important legal act and to include all relevant stakeholders. The first phase of the consultative process is based on gathering suggestions for identifying Constitutional provisions related to the judiciary that have to be changed, as well as on collecting concrete and clearly explained proposals for changes. In the second phase of consultative process, the Ministry and the Office will organize round table with civil society, in order to discuss gathered comments. The Office for Human and Minority Rights organized in June 2017 a round table on the role of civil society organizations in reporting on the implementation of the Action Plan for the realisation of National Minority Rights. Round table presented opportunity to exchange experiences and to discuss various possible mechanisms for

future cooperation in order to further improve the monitoring system and reporting on the implementation of the Action Plan for the realisation of National Minority Rights.

*Earlier activities:* 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 1<sup>st</sup> 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 14<sup>th</sup> .

Representatives of the NKEU also took part in the meeting of the NG Ch.23 and Council Ch.23 with the EU integration Committie 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 22<sup>nd</sup> 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.**

**Update, September 2017:** Within the consultative process regarding amendments to the provisions of the Constitution of the Republic of Serbia related to the judiciary, the Office for Cooperation with Civil Society and the Ministry of Justice so far have organized three Round Tables dedicated to discussing proposals for amendments submitted by civil society and other actors. Beside civil society organizations, participants of those round tables were also representatives of judicial institutions, Negotiating Team for Serbia's Accession Negotiations with the EU, National Assembly, as well as representatives of embassies and international organizations. The first Round Table was organized on 21<sup>st</sup> of July 2017 in the Palace of Serbia, in Belgrade. The meeting was opened by the Minister of Justice Ms. Nela Kuburovic, the Chief Negotiator for Serbia's accession negotiations with the EU Ms. Tanja Miscevic, Acting Director of the Office for Cooperation with Civil Society Mr. Zarko Stepanovic and Mr. Cedimir Backovic, Assistant Minister in the Ministry of Justice. Topics of discussion were current Constitutional framework and the review of the submitted proposals for amending the Constitution.

The second Round Table was organized on 7<sup>th</sup> of September 2017 in the Palace of Serbia, in Belgrade. Main topic of the second round table was *"The Competence of the Holders of the*

*Judicial Functions*”, while the meeting was opened by the Chief Negotiator for Serbia’s accession negotiations with the EU Ms. Tanja Miscevic, Acting Director of the Office for Cooperation with Civil Society Mr. Zarko Stepanovic and Mr. Cedomir Backovic, Assistant Minister in the Ministry of Justice.

The first two round tables gathered primarily CSOs which submitted their proposals for amending Constitutional provisions. Aiming to ensure greater inclusiveness of the process and including local level in this important debate, three round tables at the local level are envisaged – in Kragujevac, Nis, Novi Sad – as well as the final round table discussion in Belgrade. The Office published public call for all interested CSOs for participation in the local meetings. Round table in Kragujevac was organized on 26<sup>th</sup> of September 2017, with the main topic “*Jurisdiction of the High Judicial Council and the State Prosecutorial Council*”. The meeting was opened by Mr. Mirko Cikiriz, State Secretary in the Ministry of Justice, Acting Director of the Office for Cooperation with Civil Society Mr. Zarko Stepanovic and Mr. Cedomir Backovic, Assistant Minister in the Ministry of Justice.

Forthcoming round tables will be organized on 13<sup>th</sup> of October in Nis, 30<sup>th</sup> of October in Novi Sad and 15<sup>th</sup> of November in Belgrade.

**Update, June 2017:** It is planned to organize round table with CSOs, in order to discuss their suggestions for changes of the Constitutional provisions that were gathered during the consultative process (See 1.1.1.1).

*Earlier activities:* 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 20<sup>th</sup> 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 fully implemented.**

**Update, September 2017:** Analysis of current ICT systems in terms of hardware and software has been handed over to the MoJ, as part of JIA project.

**Update, June 2017:** Analysis of the current data quality in case management system has been conducted by the IPA 2012 Justice Efficiency project (JEP).

**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 13<sup>th</sup> 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, September 2017:** No particular progress on this activity.

**Update, June 2017:** The forth session of the Sectoral Council for Information and Communication Technology was held on 12th June 2017. At this meeting, a decision on the strategic orientation for the selection and implementation of a case management systems in PPO and Prison Administration was rendered, in accordance with the proposed solution described in the document "Overall sustainability of the current SAPO and SAPA systems", 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.

**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 13<sup>th</sup> 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 Sectorial 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 fully implemented.**

**Update, September 2017:** JEP expert's team developed and proposed over 80 tickets for the AVP application to stop the bad and invalid data entry into the AVP database. Current implementation of developed methodology cover more than 75% of tickets within the AVP application, and the remaining less than 25% will be implemented during 2017 and beginning of 2018. Those tickets are concerned a various type of common mistakes during data entry, harmonization with current Court rules book and Criminal procedure code and missing registries in electronic form.

**Update, June 2017:** JEP prepared methodological data cleaning instructions, custom tailored for each of the 30 partner courts, as well as Excel spreadsheets pinpointing case numbers where specific data integrity problems were identified using previously developed diagnostic SQL scripts. JEP data integrity experts visited every partner courts and provided technical assistance to court staff in rectifying data quality issues. Simultaneously, JEP trained court IT Administrators in using diagnostic scripts to periodically screen their CMS databases for data quality issues, and extract numbers of affected pending cases. Paired with on-the-job trainings and significantly improved software validations on the data entry forms, this approach should drastically decrease the number of invalid data in the court databases.



**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.

**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 partially implemented.**

**Update, September 2017:** Based on created tickets (activity 1.2.1.4), MoJ will monitor of implementation of remaining tickets during 2017 and beginning of 2018. through service level agreement for AVP application.

**Update, June 2017:** Data integrity and training experts invested significant effort in educating court staff of the importance of clean and accurate data in the CMS system, providing practical examples of negative impacts of invalid and incomplete information to the performance of the court, its business processes and statistical reporting. Methodological instructions have been drafted, custom tailored for each partner court, providing instructions how to best apply data cleaning techniques in order to rectify data quality issues identified in the court. Simultaneously, data entry clerks are educated how to avoid repeating the same mistakes that led to data integrity issues in the past, while JEP experts are identifying opportunities for strengthening data entry validations in the AVP case management system.

**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.

**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 fully implemented.**

**Update, September 2017:** Delivery of 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 is almost finished, but still project is still open and final acceptance is expected during late October and early November of 2017. Ministry signed several protocols on cooperation regarding data exchange between state institutions, i.e.: Ministry of Internal Affairs, Central register of compulsory social security, Serbian Business Registers Agency and document regarding the method and formats for data exchange on the movement of immovable property with Republic Geodetic Authority. Furthermore, on the basis of drawn protocols, implementation of PIS (justice information system) was done with benefit of portal application which can present important information from Serbian Business Registry Agency, Central Registry of Social Security, but also from all judiciary applications. Access to this registry is limited to civil servants who work with the cases.

The central statistics pilot system which includes the reports on the work of the courts in the order to increase the efficiency of the judiciary in the process of collecting reports on the work of the courts and their analysis has been developed and established in cooperation of Supreme Court of Cassation, High Judicial Council and Ministry of Justice. A tool for data reporting have been developed from the Court's work for the courts of general jurisdiction (basic, higher, appellate and Supreme Court of Cassation). Training of statisticians of the Ministry of Justice, the Supreme Court of Cassation and the High Judicial Council for the use of tools is planned to be carried out. The further plan is automatic daily publication of certain data on the work of the courts of general jurisdiction on the portal of courts and should be available to general public of the Republic of Serbia, and then the inclusion within the system of all courts of general and special jurisdiction in the Republic of Serbia, as well as all relevant reports on the work of the courts.

Training plan for the use of qualified electronic signatures (hardware and software installation, installation of certificates, configuration of an application for electronic signing, electronic signing, legal significance of digitization operations, authentication of qualified electronic signature of digitized document, method of exchange of electronic documents and possibilities of use in court proceedings) was created and should be sent to all involved parties.

During the reporting period, the Supreme Court of Cassation, with the help of the MDTF, conducted an analysis of the needs of application users for the management of court cases (SAPS, AVP and SIPRES) for training in the work in these applications. For the sake of this, the comprehensive (and also the only) training for work in AVP (used by all basic, higher and commercial courts) was carried out in 2010; for work in SAPS 2012, and for work in SIPRES in 2015. The analysis was conducted on the basis of questionnaires submitted to all courts in the Republic. On the basis of the obtained data, the Supreme Court of Cassation has determined the number of potential participants in each training, as well as the form, ie the manner of conducting training (classroom training + training at the workplace), as well as the segregation of the participants in the groups according to the work places or the jobs they perform. Trainings for work in SAPS and AVP (given the number of users) are a priority for both the Supreme Court of Cassation and the MDTF, and in this regard it is planned that their implementation will take place in the fourth quarter of 2017.

In this reporting period, the Supreme Court of Cassation, as announced in the previous report, in cooperation with the MDTF, organized trainings in the field of the Standard: management of ICT services, business continuity management, risk management and project management (ISO 20000, ISO 22301, ISO 31000, ISO 21500), and in the next quarter, basic and advanced computer literacy training for all courts of general and special jurisdiction in the field of appellate courts in Kragujevac, Niš and Novi Sad will also be planned.

**Update, June 2017:** Ministry of Justice and JEP are closely cooperating in improvements of AVP system, by specifying more than 80 of additional data validations and updates to the application, with the goal to align it with the latest changes in the legal framework and prevent entering of invalid/unclean data. Concurrently with AVP system updates, JEP is drafting data entry protocols that should help in strengthening and harmonizing data entry processes between courts, which are currently very diverse. The protocol will be agreed with the Ministry of Justice and the Supreme Court of Cassation.

In the organization of the Supreme Court of Cassation, with the support of the MDTF, a total of nine (9) trainings for judges and court staff, as well as personnel employed in ICT affairs, were held until June 2, 2017, not only the Supreme Court of Cassation, but also the state-level courts, the Appellate Court in Belgrade, the Appellate Court in Novi Sad, the Commercial Court in Belgrade, the High Judicial Council, the State Prosecutorial Council and the Ministry of Justice. The above 9 trainings include four (4) types of training:

- Informatics literacy (basic and advanced level - ECDL)
- Standards: ICT services management, business continuity management, risk management and project management (ISO 20000, ISO 22301, ISO 31000, ISO 21500)
- Windows Server Administration
- SQL database.

Through this training, 200 participants have passed. In co-operation with the MDTF, the Supreme Court of Cassation plans to organize the training for all other courts of general and special jurisdiction in the area of the Appellate Court in Niš, the Appellate Court in Novi Sad, the Appellate Court in Kragujevac and Departments of Administrative and Misdemeanor Appellate Court by the end of 2017.

The session of the Sectoral Council for Information and Communication Technology was held on June 12, 2017. At this meeting, the proposal of the Decision of the Sectoral Council on the strategic determination for selection of central information systems in Public Prosecutor's Offices and institutions of the Administration for the Execution of Criminal Sanctions, financed by the EU Program "IPA 2015" was adopted. In addition, the need to draft a General Act on the security of information and communication systems in the judiciary was discussed, and it was decided to establish a working group with regard to information security. The first task of this body would be the adoption of the Information Security Act.

**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 then 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 partially implemented.**

**Update, September 2017:** The software development of new and improved case-law database was finalized by JEP project in August 2017. The system, based on free and open-source technologies will be a technology-neutral database with support for case-law decisions from all

second and third instance courts in Serbia, as well as international courts: ECHR, CJEU, Inter-American Court, Court of Justice of the UN etc. It will support cross-referencing of decisions and advanced key-word categorization of content, enabling sophisticated and much more effective searching and filtering of decisions than it is the case with existing case-law database of the SCC. The JEP project is currently working with the Supreme Court of Cassation and the Ministry of Justice on installing and configuring the production instance of the system in the judicial data centre in Nemanjina 9 (building of the Supreme Court of Cassation) and migration of SCC decisions from legacy case law database to new one.

After Annual Judges Conference in Vrnjačka Banja, Judicial Academy and JEP will organize trainings in four appellate courts for managing and using new case-law database. After these initial trainings, the new system will formally enter the production use.

E-CASE, so-called Serbian HUDOC, as a base of judgments that are significant from the aspect of human rights protection. For now, it contains the judgments of the European Court of Human Rights in Strasbourg, which have been translated into the Serbian language. In the near future is planned the introduction of relevant national court practices, thus the application will significantly gain on relevance and quality.

**Update, June 2017:** JEP project is developing e-learning course for the most important data entry steps in the AVP case management system, in order to provide sustainable refresher training tool for current court staff, as well as initial training tool for newly employed data entry clerks. The e-learning course will be an interactive simulator of AVP data entry forms that will measure and score data entry skills, in order to identify whether person successfully demonstrated required data entry skills or needs further training. The E-learning course will be closely related to data entry procedures that will be developed jointly with the Ministry of Justice and the Supreme Court of Cassation.

In addition to this JA reported that E-learning courses are under way, with the support of IPA project within the Ministry of Justice, Advancement of the judiciary efficiency (Judicial Efficiency Project), and they should be completed by September 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, September 2017:** During the reporting period, the Supreme Court of Cassation held two meetings with representatives of the Ministry of Justice, whose aim was to eliminate all legal and

informational-technical concerns regarding the implementation of technical solutions for recording held, unscheduled and delayed hearings, as well as obtaining reports from case management applications in courts in these indicators, in certain categories of cases (family and labor disputes, old cases, etc.). The Supreme Court of Cassation was assured at both meetings by the Ministry of Justice that applications for case management would be upgraded in this regard by the end of October 2017.

**Update, June 2017:** Implementation of electronic scheduling of the hearings, with all corresponding information about hearings in Administrative Court will be conducted after pilot project of e-court is successfully implemented by the MOJ project, financed through national budget.

The Supreme Court of Cassation held a meeting with CEPID representatives in June, which, together with E-SMART, upgraded case management systems in basic and higher (AVP) and misdemeanor courts (SIPRES), during which it was established that electronic hearing scheduling options as well as recordings of held, unsettled and delayed hearings in AVP will be improved by the end of October 2017, and that all courts that use AVP will have the possibility to make uniform reports containing information on hearings in pending cases.

The IPA 2012 project "Improving the efficiency of the judiciary" continued with the implementation of 80 recommendations for improving the process in 30 partner courts and 10 prosecutors' offices, many of which relate to ICT.

**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 4<sup>th</sup> 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 fully implemented.**

**Update, September 2017:** MoJ through national public procurement has selected the vendor for the implementation of centralized registry system, which presents the basis for the future use of centralized master data in the applications in whole judiciary. First pilot phase of the project is successfully finished and it's foreseen that future full usage of centralized registry should commence during first half of 2018. Based on developed Interoperability Roadmap for Judiciary and data protocols, implementation of PIS (justice information system) was done with benefit of portal application which can present important information from Serbian Business Registry Agency, Central Registry of Social Security, but also from all judiciary applications. Access to this registry is limited to civil servants who work with the cases.

**Update, June 2017:** JEP project developed an Interoperability Roadmap for Judiciary which provides strategic directions and preconditions for implementing proper and sustainable interoperability between different judicial information systems, and between judicial information systems and external systems such as Police, Business Registers Agency, Social Insurance Registry, National Bank, Tax Administration etc. Jointly with Ministry of Justice and different judicial institutions, JEP developed a judicial data dictionary and standardized XSD schemes for specific data exchanges, as well as specifications for web services that implement such data exchanges via Integration Platform - Enterprise Service Bus. The first phase of the systems integration involves systems which are built on modern software technologies, such as Misdemeanor courts' system, Social Insurance Registry, Prisons, Business Registers Agency, Birth/Marriage/Death records etc. By the end of 2017, it is expected that at least 5 or 6 services will be available to users on Enterprise Service Bus, while the Ministry of Justice will seek financial and technical assistance from donors in further implementation of judicial systems interoperability.

**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.**

**Update, September 2017:** The meeting of the Working Group for drafting and adoption of the Program for weighting of cases., organized in cooperation with the IPA 2012 "Improving the Efficiency of Justice" EU project, was held on September 27, 2017 in the Basic Court in Zrenjanin. The meeting was also attended by IT administrators and registry office head of departments in

the pilot courts , and the meeting discussed concrete results of the implementation of the formula, as well as the next steps to use the formula for the Program for weighting of cases.

**Update, June 2017:** At its session held on March 30, 2017, the High Council established a Working Group for drafting and adoption of the Program for weighting of cases.

The Working Group met on 21 April and 10 May 2017 to familiarize itself with a proposal for a methodology for evaluating subjects by weight and making comments and suggestions for its improvement, which, within the framework of the IPA 2012 "Improving the Efficiency of Justice" project, John Čereto, expert on the project, and presented it to the members of the working group.

At its meeting on May 10, 2017, the working group adopted the proposed methodology, so that the project will make necessary changes in the algorithm of the AVP program in the coming period and approach the application of the formula in 20 pilot courts.

*Earlier activities:* 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.** The activity will be implemented together with the amendments to the Law on the Organization of Courts, and upon receiving the final decision of the Constitutional Court in the procedure for determining the unconstitutionality of the provisions of the Law on Amendments to the Law on the Organization of Courts and the provisions of the Article on the Law on the Organization of Courts.

#### **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 not implemented.**

**Update, September 2017:** There is no progress regarding this activity in last 4 Qs.

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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.** The application of the Law was postponed due to the initiation of a procedure for determining the unconstitutionality of the provisions of Article 32 of the Law on Amendments to the Law on the Organization of Courts and the provisions of Article 70 of the Law on the Organization of Courts.

**1.2.1.20. Coherent implementation of amended rules on random allocation of cases in courts with regular supervision of their implementation by the High Judicial Council. (Continuously, commencing from II quarter of 2017)**

**Activity is being successfully implemented.**

**Update, September 2017:** During the reporting period in twenty courts of general jurisdiction (basic and higher), the methodology of weighting the case by weight was tested, with the primary aim of achieving uniform burden on the cases of judges of these courts. According to the decision of the High Judicial Council of 24 May 2017, adopting the methodology proposed by the working group of the VSS, whose work is supported by the IPA 2012 "Improving the efficiency of the judiciary", the following 20 courts were designated to test the methodology:

1. Higher Court in Niš
2. Higher Court in Novi Sad
3. Higher Court in Kragujevac
4. Higher Court in Subotica
5. Third Basic Court in Belgrade
6. Basic court in Novi Sad
7. Basic court in Kragujevac
8. Basic court in Nis
9. Basic court in Zrenjanin
10. Basic court in Valjevo
11. Basic Court in Cacak
12. Basic court in Leskovac
13. Basic court in Kraljevo

14. Basic court in Sombor
15. Basic court in Vranje
16. Basic court in Sremska Mitrovica
17. Basic court in Pozarevac
18. Basic Court in Sabac
19. Basic court in Negotin and
20. Basic court in Uzice.

Parallel implementation of the methodology started in the period from June 12 to July 5, 2017, and the period of testing ended on August 31, 2017.

Representatives of pilot courts presented the test results to the members of the Working Group and judges of the Supreme Court of Cassation on September 27, 2017.

The implementation of the methodology in all courts is under the jurisdiction of the High Judicial Council and will depend on the possible support of the donor community.

**Update, June 2017:** The Supreme Court of Cassation ended on May 30, 2017, the procedure of the delegation of second instance civil cases of the Higher Court in Belgrade to other higher courts in the territory of the Republic of Serbia, disposing the Second Instance Civil Section of the Higher Court in Belgrade of 5000 cases.

These cases were delegated to the following courts by decisions of the Supreme Court of Cassation:

Higher court in Valjevo -	199 cases
Higher court in Jagodina -	601 cases
Higher court in Kraljevo -	300 cases
Higher court in Negotin -	300 cases
Higher court in Novi Pazar -	498 cases

Higher court in Pancevo -	402 cases
Higher court in Pozarevac -	600 cases
Higher court in Smederevo -	300 cases
Higher court in Sombor -	300 cases
Higher court in Subotica -	300 cases
Higher court in Uzice -	300 cases
Higher court in Šabac -	300 cases
Higher court in Pirot -	300 cases
Higher court in Sremska Mitrovica -	300 cases.

The Supreme Court of Cassation has taken into account this distribution of the total number of cases in the mentioned courts, the number of cases in the second instance civil departments of these courts, the average burden of judges in these courts, the average inflow per judge, and the total influx of second instance civil cases in these courts in 2017.

*Earlier activities:* 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.

**1.2.1.21. Coherent implementation of amended rules on random allocation of cases in public prosecutors' offices with regular supervision of their implementation by the State Prosecutorial Council. (Continuously, commencing from II quarter of 2017)**

**Activity is not impemented.**

**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 not impemented.** 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, Septemebr 2017:** In the Register of officials there are currently 3.648 judges (out of which 2.671 are active) and 925 public prosecutors (out of which 684 are active).

Acting upon requests of judges for discharging another job, as of June 1 until September 20, 2017 the Anti-Corruption Agency finalized one proceedings by notifying acting president of the court that there were no objections to discharging another job as per the Article 30 of the Law on the Anti-Corruption Agency. Acting upon requests of public prosecutors the Anti-Corruption Agency finalized two proceedings by notifying deputy public prosecutors that there were no objections to discharging another job as per the Article 30 of the Law on the Anti-Corruption Agency.

As for the proceedings initiated ex officio or upon report, state of play is the same as in the previous reporting period.

**Update, June 2017:** In the Register of officials there are currently 3.663 judges (out of which 2.686 are active) and 896 public prosecutors (out of which 675 are active).

In the period March-May 30, 2017, the Anti-Corruption Agency finalized three proceedings acting upon requests of judges by notifying them that there were no objections to their discharge of other job, i.e. activity, as per the Law on the Anti-Corruption Agency.

In proceedings initiated ex officio, i.e. upon report, the Anti-Corruption Agency issued one warning measure to the judge due to violation of the Law on the Anti-Corruption Agency, in a conflict of interest situation.

**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](http://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, September 2017:** Total of 5.258 Reports of judges and 1.682 Reports of public prosecutors have been processed and published to date. The meeting of the representatives of the Anti-Corruption Agency, High Judicial Council and State Prosecutorial Council was held in 27<sup>th</sup> September, 2017.

**Update, June 2017:** A regular, quarter meeting of the State Prosecutorial Council representatives and the Anti-corruption Agency representatives was delivered during this reporting period as well,

with a view to enhance cooperation and in order to review current problems. With reference to that, the State Prosecutorial Council Administrative Office regularly, monthly, or more often if needed, is submitting information to the Anti-corruption Agency on persons entering into the prosecutorial position, as well as on cessation of the position, and that the list of all prosecutorial position holders should be regularly updated on the State Prosecutorial Council website, [www.dvt.jt.rs](http://www.dvt.jt.rs). Cooperation of the Council with the Anti-corruption Agency is also being realized in form of drafting and implementing the Integrity plan.

Total of 5.209 Reports of judges and 1.610 Reports of public prosecutors have been processed and published to date.

The meeting of representatives of the Anti-Corruption Agency, High Judicial Council and State Prosecutorial Council was held on March 21, 2017. It touched upon topics related to notification on entry/termination of office for court presidents as well as complaints acted upon by the Anti-Corruption Agency, which indicate corruption in executive proceedings. The representatives of the High Judicial Council and State Prosecutorial Council have been informed that the annual verification plan for 2017 also encompassed judges of Appellate Court in Belgrade as well as prosecutors and deputy prosecutors of Appellate Public Prosecutor's Office in Belgrade, whose names have been published at the website of the Anti-Corruption Agency.

**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 21<sup>st</sup> 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 16<sup>th</sup> 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 15<sup>th</sup> of March, 15<sup>th</sup> of June, 15<sup>th</sup> of September and 15<sup>th</sup> 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.**

**Septemeber 2017:** Given that functions of majority of the members of the working group, on the basis of which they were appointed, ceased to exist, on 05.09.2017. the Minister of Justice has issued a new decision by which new members of the working group were appointed. The meeting of the working group was held on 19.09.2017. and it is agreed on the meeting that comparative analysis should be drafted with respect all necessary information in relation with the regulation of the disciplinary proceedings in other countries to be provided.

**March, 2017:** Since there is no progress regarding this activity in last 6Q 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.**

**September 2017:** See 1.2.2.6.

**March, 2017:** Since there is no progress regarding this activity in last 6Q 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.**

**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.**

**Update, Septemehr 2017:** On 25th of October 2017, within the IPA 2013 project: “Capacity building of the High Court Council and the State Prosecutorial Council”, it was held a meeting with international experts where it was presented final version of the report on the Code of Ethics, when the State Prosecutorial Council representatives stated their comments. After submitting integrated final version of the report, recommendations from the report shall be reviewed. In addition to this, in the period between 26th and 29th of September 2017 meetings were held between the expert mission representatives and prosecutorial position holders working on territories of all four appellate public prosecution offices related to the Code of Ethics.

**Update, June 2017:** During the reporting period, within the IPA 2013 project: “Capacity building of the High Court Council and the State Prosecutorial Council” has been conducted analysis of the Code of Ethics and organized an expert mission of international experts with the Ethical Board members and representatives of disciplinary bodies, which conducted review of the first draft of

the report on the Code of Ethics, containing comments of representatives of the Ethical Board and disciplinary bodies.

*Earlier activities:* 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, Septemebr 2017:** During the reporting period, two workshops for holders of judicial functions were organized and there were a total of 40 participants. The workshops were held according to the regular program titled Ethics and Integrity in the Judiciary, one for judges and the other for prosecutors, from Nis Appellation Territory within the IPA 2013 project: “Capacity building of the High Court Council and the State Prosecutorial Council”, in the period between 26th and 29th of September 2017. These workshops considered the international and domestic legal framework for judicial and prosecutorial ethics, disciplinary proceedings in cases of violations of the ethical codes of judges and prosecutors, as well as the conflict of interest and ethics on the Internet.

**Update, June 2017:** Representatives of the Ethical Board are continuously participating as lecturers at the whole cycle of seminars devoted to ethics for judicial office holders, which was adopted as part of the Judicial Academy regular educational program – a baseline for education for judges and public prosecutors and deputy public prosecutors.



JA reported that in the period from 25-28th April 2017 were conducted workshops for judges, prosecutors, and the sixth generation of the trainees, beneficiaries of the initial training of the Judicial Academy, which started realization of training on topic „Ethics and integrity in the judiciary.“ This training has been supported by the EU „Strengthening Capacities of the High Judicial Council“ Twinning Project and the „Judicial Efficiency Project“, which is implemented by a consortium of the British Council.

In total, four workshops for 100 participants were conducted, according to the following schedule: 1) 25 April, Judges Ethics (for the judges from the territory of the Belgrade appellate jurisdiction); 2) 26 April, Prosecutors Ethics (for the public prosecutors from the territory of the Belgrade appellate jurisdiction); 3) 27 April, Judges Ethics (for the sixth generation of the trainees of the Academy); 4) 28 April, Prosecutors Ethics (for the sixth generation of the trainees of the Academy).

Within the above workshops, the international and domestic legal frameworks for the judges; and prosecutors ethics will be reviewed, the disciplinary procedure in cases of violation of codes of ethics of judges and prosecutors, as well as conflict of interest and ethics on the Internet. The practical work within the workshops will take place through the work in smaller groups in an interactive discussion on numerous hypothetical issues.

Within education on implementation of the Communication Strategy for public prosecution offices have been conducted two one-day workshops in May – “Advanced communication skills for PR’s of public prosecution offices” – Module one. Covered topics were: analysis of press articles, writing of announcements for the public and public performance in front of cameras. Practical work at the workshops covered prevention of domestic violence. PR’s had practice related to writing of announcements for the public and gave short statements for TV, while the main topic was reporting to the media on implementation of the Law on prevention of domestic violence and reporting on these cases. There were total 20 participants.

In addition to that, four one-day workshops were conducted for PR’s of public prosecution offices at all four appellate territories – “Advanced communication skills for PR’s of public prosecution offices” – Module two. At those workshops PR’s were trained to use techniques of interviewing and successful presentation at the media. Practical work was related to simulation of being hosted at TV studio and having a conversation on implementation of the Law on prevention of domestic violence. There were total 80 PR’s participating at those workshops.

Two one-day workshops were conducted for PR’s working at Nis and Kragujevac appellate territories – “Advancement of media skills for court PR’s” – Module two, where PR’s had as practical exercises to write announcements for the public and to have simulations of the press

conferences. Implementation of the Law on prevention of domestic violence and reporting on these cases were covered as topics. There were total 40 participants.

Four one-day workshops were organized for court PR's at all four appellate territories – "Advancement of media skills for court PR's" – Module three. At workshops were discussed crisis PR, nature of crisis, crisis team, communication in crisis situations. There were total 78 participants.

**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 10<sup>th</sup>-19<sup>th</sup> 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 2<sup>nd</sup> 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 29<sup>th</sup> 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 29<sup>th</sup> 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 13<sup>th</sup> 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.**

**Update, Septemebr 2017:** Within the project IPA 2013 - "Strengthening the strategic and administrative capacity of the High Judicial Council and State Prosecutorial Council" in September 2017, the Code of Ethics for Judges was prepared as a brochure to be presented and distributed in four Appellate Courts, by the end of September 2017.

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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.

Beyon 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.**

**Update, Septemebr 2017:** Within the IPA 2013 project: "Capacity building of the High Court Council and the State Prosecutorial Council", in the reporting period the brochures about the Code of Ethics have been printed, which have been distributed to the public prosecutors and deputy public prosecutors, for increasing awareness on rules of ethics.

The State Prosecutorial Council regularly publishes decisions of disciplinary bodies of the Council at the Council website at the address [www.dvt.jt.rs](http://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](http://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, Septemebr 2017:** During the reporting period, within the IPA 2013 project: “Capacity building of the High Court Council and the State Prosecutorial Council”, was finalized the report on the Code of Ethics, which shall also be subject of analysis of the work group for analysis of recommendations from the reports submitted within the project, related to disciplinary liability and disciplinary proceedings.

**Update, June 2017:** During the reporting period, within the IPA 2013 project “Capacity building of the High Court Council and the State Prosecutorial Council” was established and started to work a work group for analysis of recommendations from the report submitted during the project, including recommendations from the report on disciplinary responsibility and disciplinary procedure.

Moreover, in June 2017 within the same project was realized an expert mission for strategic planning, which made a draft, in cooperation with the State Prosecutorial Council representatives, for the operational plan for achieving strategic goals of the State Prosecutorial Council, including specifying activities, deadlines and responsible persons for realization of amendments to the Rulebook on disciplinary proceedings and disciplinary responsibility of public prosecutors and deputy public prosecutors.

**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 18<sup>th</sup> 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 6<sup>th</sup> 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 24<sup>th</sup> 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 12<sup>th</sup> 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 the 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, June 2017:** During the reporting period have been closed three proceedings initiated for determining disciplinary liability against a prosecutorial position holder, and disciplinary sanctions

were pronounced, namely fines with various amounts and during certain timeframe. In addition to that, two proceedings were closed upon appeal lodged to the State Prosecutorial Council against the Disciplinary Commission decision.

**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 26<sup>th</sup> 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 22<sup>nd</sup> 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 1<sup>st</sup> of January until 31<sup>st</sup> 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 6Q 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.**

**Update, June 2017:** Implementation will start after adoption of the HR Strategy.

**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, September 2017:** During the third quarter of 2017, representatives of the State Prosecutorial Council have continued to participate at the previously initiated IPA project “Enhancement of educational activities and organizational capacities of the Judicial Academy”. In addition to that, in line with Article 21 of the new Regulation of work of the State Prosecutorial Council (“Official gazette of the Republic of Serbia”, No. 29/17), it is in the course establishment of the work group for educational program. The work group for educational program shall have the status of a temporary work body, which shall have capacity to define number of initial education candidates, as well as to provide professional assistance to the Council. Competence, composition and tenure of members of the work group are stipulated by the Rulebook, and it was reported on that in detail during the previous quarters.

**Update, June 2017:** *Judicial Academy* reported that the following systems have been developed within USAID's Judicial Academy support program: a system for the selection and improvement of mentors and lecturers and a system of new evaluations of mentors' work as well as initial training beneficiaries.

For mentors, within the IPA Project' s Judicial Academy support, was organized a study visit to the Judicial Academy in Utrecht and Barcelona.

The seminar for improving mentoring was organized on June 19-20th where the lecturers were judges and prosecutors from the Netherlands.

*The State Prosecutorial Council* reported that during the fourth quarter 2017, representatives of the State Prosecutorial Council have continued to participate at meetings with the experts engaged at the previously initiated IPA project “Enhancement of educational activities and organizational capacities of the Judicial Academy”. During the reporting period, focus of work of both local and international experts was orientated towards the Project component No. 3.3 – “Enhancement of functioning of new structures within the Judicial Academy capacities” and towards drafting of advanced versions of the drafts “Protocol on mentorship” and “Guidelines for selection and evaluation of mentors”, internal acts of the Judicial Academy, regulating in detail the stated portion of the Academy work. With reference to that, the experts had in mind the analysis of the drafts “Protocol on mentorship” and “Guidelines for selection and evaluation of mentors”, the acts developed by the State Prosecutorial Council representatives and some of the suggestions given in relation to provisions of drafts of the stated Protocol and Guidelines were adopted, and their final versions are expected during the upcoming period.

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), it is in the course establishment of the work group for educational program, with status of a temporary work body, which shall have, in addition to defining number of initial education candidates, capacity to provide professional assistance to the

Council when: determining program for initial education; agreeing with continuous program for public prosecutors and deputy public prosecutors and educational programs for prosecutorial staff; determining special educational program for prosecutorial assistants and interns, agreeing with appointment of permanent lecturers coming from prosecutorial position holders; deciding on compulsory continuous education in cases of election for a public prosecution office with higher rank, change of specialization, significant changes of regulations, introduction of new techniques of work or eliminating faults noticed in work during performance evaluations. Competence, composition and tenure of members of the work group are stipulated by Article 21 of the Rulebook, and it was reported on that in detail during the previous quarter.

**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 25<sup>th</sup> 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 22<sup>nd</sup> 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, September 2017:** PATeM application for managing and monitoring continuous training. The part of the application that is used for entering the Continuing Training Program is designed so that each realization within the Program is individually entered into the database, which enables simple modification and updating of the Program. The application also allows export of the Program in pdf or doc format. The second part of the application serves for the input of specific seminars with a simple choice of realization that was previously entered into the Program. Data from this application, including a calendar of activities for three months, will be pre-available on the Judicial Academy website. Link for the Continuing Training Program <http://www.pars.rs/sekcija/78/stalna-obuka.php>

In addition, pilot use of the new evaluation questionnaire is in progress, which should better reflect the efficiency of the lecture and better evaluate success. Also, it has been developed a way to assess the success of the lectures, in the medium and long term, after the training.

During the third quarter of 2017, representatives of the State Prosecutorial Council have continued to participate at the previously initiated IPA project “Enhancement of educational activities and organizational capacities of the Judicial Academy”. In addition to that, in line with Article 21 of the new Regulation of work of the State Prosecutorial Council (“Official gazette of the Republic of Serbia”, No. 29/17), it is in the course establishment of the work group for educational program. The work group for educational program shall have the status of a temporary work body, which shall have capacity to define number of initial education candidates, as well as to provide professional assistance to the Council. Competence, composition and tenure of members of the work group are stipulated by the Rulebook, and it was reported on that in detail during the previous quarters.

**Update, June 2017:** Judicial Academy reported that an information system for planning and monitoring the implementation of training was developed, in order to develop and improve the quality of continuous training. Also, initial training is done on a similar system.



The State Prosecutorial Council reported that during the second quarter 2017, representatives of the State Prosecutorial Council have continued to participate at meetings with the experts engaged at the previously initiated IPA project “Enhancement of educational activities and organizational capacities of the Judicial Academy”. During the reporting period, focus of work of both local and international experts was orientated towards the Project component No. 3.3 – “Enhancement of functioning of new structures within the Judicial Academy capacities” and towards drafting of advanced versions of the drafts “Protocol on mentorship” and “Guidelines for selection and evaluation of mentors”, internal acts of the Judicial Academy, regulating in detail the stated portion of the Academy work. With reference to that, the experts had in mind the analysis of the drafts “Protocol on mentorship” and “Guidelines for selection and evaluation of mentors”, the acts developed by the State Prosecutorial Council representatives and some of the suggestions given in relation to provisions of drafts of the stated Protocol and Guidelines were adopted, and their final versions are expected during the upcoming period.

This activity shall be realized also through acting of the work group for educational program, with status of the Council temporary work body, establishment of which is in the course, 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). Competence of the work group for educational program, composition as well as tenure of its members are stipulated by Article 21 of the Rulebook, and it was reported on that in detail during the previous quarter.

**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 (esspecialy 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, September 2017:** During the reporting period public procurement of high value for the engagement of the contractor was announced.

**Update, June 2017:** The invitation for hiring consultants for the preparation of tender documentation for public procurement for the contractors was successfully completed in mid-June, and the consulting company, which will conduct public procurement in the upcoming period, was also selected.

**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.**

**Update, June 2017:** Since there is no progress regarding this activity in last 6Q 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.**

**Update, June 2017:** During the reporting period, the Judicial Academy has established more intensive cooperation with the EJTN regarding the exchange of experiences in the field of continuous training, primarily through the adoption of the latest transfer methodologies. This type of cooperation is supported through the IPA Project Support to the Judicial Academy.

*Earlier activities:* 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.**

**Update, June 2017:** This activity shall be realized through acting of the work group for educational program, with status of the Council temporary work body, establishment of which is in the course, 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). Competence of the work group for educational program, composition as well as tenure of its members are stipulated by Article 21 of the Rulebook, and it was reported on that in detail during the previous quarter.

*Earlier activities:* 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.

*Earlier activities:* 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.**

**Update, June 2017:** 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, shall be realized through acting of the work group for educational program, the ad hoc Council work body, establishment of which is in course, 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). Competence of the work group for educational

program, composition as well as tenure of its members are stipulated by Article 21 of the Rulebook, and it was reported on that in detail during the previous quarter.

*Earlier activities:* 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 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.

## **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.**

**Update, June 2017:** The session of the Sectorial Council for Information and Communication Technology was held on June 12, 2017. At this meeting, the proposal of the Decision of the Sectorial Council on the strategic determination for selection of central information systems in Public Prosecutor's Offices and institutions of the Administration for the Execution of Criminal Sanctions, financed by the EU Program "IPA 2015" was adopted. In addition, the need to draft a General Act on the security of information and communication systems in the judiciary was discussed, and it was decided to establish a working group with regard to information security. The first task of this body would be the adoption of the Information Security Act.

The Department for Investments, within the Ministry of Justice, has undertaken, as in previous periods, necessary activities to improve accommodation and material technical conditions for the work of judicial authorities within the available funds envisaged by the Laws on the Budget of the Republic of Serbia for current years. Funds for investments and procurement of equipment for judicial authorities were provided partly from own income by collection from court fees (source 04), as well as from budget funds (source 01) and loan funds (source 11) for the most part.

The allocation of funds was done in accordance with the financial plans for current years and priorities for investment maintenance and equipment. In this regard, the funds were planned and implemented both for the commencement of new and for the continuation of earlier investments in capital maintenance of facilities (position **511 - Buildings and construction facilities**) in order to improve accommodation conditions of judicial authorities and to create necessary conditions for efficient functioning of the new network of courts and prosecutors' offices.

Procurement of necessary (computer, security, office, etc.) equipment was carried out in order to improve technical conditions of work, on the basis of submitted requests from judicial authorities, monitoring and comparison of existing equipment.

The modernization of computer systems and equipment of judicial authorities was continuously monitored and, to that end, procurement of necessary equipment (position **512 - Machines and equipment**) was carried out in the facilities of courts and prosecutors' offices.

Among the more significant planned and implemented investments are the following:

## CONSTRUCTION WORKS

- **Commercial and Misdemeanor Courts in Užice** - in accordance with the needs of the Commercial and Misdemeanor Courts in Užice, a newly designed building was constructed with one floor partially below ground, ground floor, and 4 storeys above ground, the total gross area of **3216.32 m<sup>2</sup>**, and *the investment value of approximately 210,000,000 RSD*;
- **Misdemeanor Court in Požarevac** - A brand new facility was built in accordance with the needs of the Misdemeanor Court in Požarevac, with a ground floor and two storeys above ground, and the total gross area of 703.01 m<sup>2</sup>.  
*The investment value amounts to approximately 61,000,000 RSD*;
- **Basic Court in Kraljevo** - earlier reconstruction and upgrading of the building of the Basic Court in Kraljevo was completed.  
*The investment value amounts to approximately 200,000,000 RSD*;
- **Misdemeanor Court in Pančevo** – construction of a new facility is underway, designed in accordance with the needs of the Misdemeanor Court in Pančevo. The building will have a ground floor and one storey above ground, and the total gross area of 1.043,17 m<sup>2</sup>. The completion of the construction works is planned by the end of 2017.  
*The investment value amounts to approximately 100,000,000 RSD*;
- **Judicial authorities building "PALATA PRAVDE" in Belgrade** - a complete reconstruction and adaptation of the building commenced, with the total gross area of 28.764,59 m<sup>2</sup>. Deadline for completion is the 2<sup>nd</sup> quarter of 2019.  
*The investment value amounts to approximately 2.100.000.000 RSD*;
- **Judicial authorities building in Prijepolje** – works on the reconstruction and adaptation of the judicial authorities building in Prijepolje are underway. Deadline for completion is end of August 2017.  
*The investment value amounts to approximately 40,000,000 RSD*;
- **Misdemeanor Court in Novi Sad** - works on the reconstruction of the roof of the Court building and replacement of lighting in the building are underway. Deadline for completion is August 2017.  
*The investment value amounts to approximately 8,000,000 RSD*;
- **Higher Court in Valjevo** - completion of works on the repair of the roof is underway.

*The investment value amounts to approximately 3,000,000 RSD;*

- **Higher Court in Smederevo** - completion of works on the replacement of the facade carpentry is underway. The works are unique, considering that the building is under the protection of the Institute, therefore all the windows were crafted individually in a workshop.

*The investment value amounts to approximately 6,000,000 RSD;*

- **Judicial authorities building in Sremska Mitrovica** - works on the reconstruction of sanitary facilities are underway.

*The investment value amounts to approximately 5,000,000 RSD;*

- **Basic Court in Zaječar** - works on the rehabilitation of sanitary facilities and the whole facade (with carpentry) are underway.

*The investment value amounts to approximately 9,000,000 RSD;*

- **Basic Court in Paraćin** - works on the adaptation of sanitary facilities and the interior of the Court building are underway.

*The investment value amounts to approximately 6,000,000 RSD.*

### **PROJECTS IN PREPARATION**

Preparation is **underway** for the commencement of construction works on several projects, of which the following are considered significant:

- **Basic Court in Lazarevac** - tender procedure is completed and preparations are underway for the commencement of works on the reconstruction and upgrade of the Court building.

*The investment value amounts to approximately 45,000,000 RSD;*

- **Basic Court in Arandelovac** - activities are underway on the preparation of a tender for the works on the upgrade and adaptation of the Court building.

*The investment value amounts to approximately 35,000,000 RSD;*

- **Higher Court in Sremska Mitrovica** - activities are underway on the preparation of a tender for the works on the reconstruction of the flat roof and facade of the Court building.

*The investment value amounts to approximately 30,000,000 RSD.*

## EQUIPMENT

In addition to the aforementioned, the procurement of necessary (computer, office, security, etc.) **equipment** for the work of judicial authorities was continuously being carried out, to which end an approximate amount of **75,000,000 RSD** was spent so far (during 2017), as well as the **investments in software solutions - applications** for the work of judicial authorities in the approximate amount of **290,000,000 RSD**.

In addition to this, the Supreme Court of Cassation taking comprehensive measures in order to improve workload balance within judicial network (See 1.2.1.20.)

*Earlier activities:* 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 m<sup>2</sup>.

**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 not 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 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.

- 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.**

**Update, June 2017:** Supreme Court of Cassation taking comprehensive measures in order to improve workload balance within judicial network (See 1.2.1.20).

*Earlier activities:* 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.** **Update, September 2017:** The working group for the drafting of the Law on Amendments to the Civil Procedure Code held one meeting during the reporting period. The Supreme Court of Cassation participates in this activity through one member of the Working Group, Judge Predrag Trifunović, president of the Civil Department of the Court. The working text of the Law on Amendments and Amendments to the CPC should be drafted by the Working Group by the end of December 2017, and apart from the provisions on service of process, procedural discipline and trial audio recording, amendments should include conditions for postponing hearings, applying methods of alternative dispute resolution, rules on collective and consumer disputes and revision.

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By the decision of 21 April 2017, the Minister of Justice of the Republic of Serbia established a working group to draft a working text of the Law on Amendments to the Civil Procedure Law. Judge Predrag Trifunovic, President of the Civil Department of the Supreme Court of Cassation is a member of this working group, and precisely through his work in the working group, the Court participates in this activity. The first meeting of the working group was held on June 1, 2017. Although, according to the decision of the Minister of Justice, the task of the Working Group is limited to changes in the provisions related to the delivery of court documents, trial recording and procedural discipline of participants in the proceedings, a larger number of members of the Working Group advocates wider changes and alignment with other regulations. The next Working Group meeting is scheduled for September 2017.

**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, September 2017:** The table lays out the statistics on the implementation of Article 547 of the LoES:

Type of court	Number of (“I” and “IV”) cases which have been resolved by suspension in the period until 25 September 2017	Number of (“I” and “IV”) cases which have been resolved (LoES for EA’s) in the period: until 25 September 2017	Number of (“I” and “IV”) cases which have been resolved with a motion to the EA in the period: until 25 September 2017	Number (“I” and “IV”) of cases which have not been resolved, to be terminated	Number of (“I” and “IV”) cases to be transferred to an Enforcement Agent	Number of (“I” and “IV”) cases for the court
Basic Court	1.543.312	34.602	38.511	539.439	18.355	501.272
Commercial Court	123.787	3.353	3.082	28.411	75	8.356

In the period from 01.07.2017. until 27.09.2017, the number of suspended cases in the basic courts in the enforcement matter pursuant to the provision of Article 547 of the Law is to 5.607, while the number of suspended cases in commercial courts is 251.

IPA 2012 Judicial Efficiency Project (JEP) continues to provide support with supplementary staff to assist in the processing of enforcement cases, and assisted with the transfer of a large number of these matters to the 2nd and 3rd Basic Courts, which are the proper legal forum for resolution. The project plans to deliver the following outputs in the last quarter of 2017:

- Best Practices paper for Enforcement cases;
- SCC official guidance on disputed legal issues related to the new Law on Enforcement and Security.

In the reporting period, the **USAID Rule of Law project** started work, which will provide further support in the reform of the enforcement system and enforcement agents. Therefore, all stakeholders were involved in the process of planning of future activities during the period.

As stated in previous reports, the Republic of Serbia implemented systemic measures from a special program for solving old cases of execution, by enacting a new Law on Enforcement and

Security enabled the comprehensive solution of old cases in the matter of enforcement, as the cases from this area prevented the normal functioning of the judiciary .

The Supreme Court of Cassation, the Ministry of Justice and the High Judicial Council jointly drafted and adopted the Instructions for the implementation of the new Law on Enforcement and Security containing measures determining the jurisdiction of the court and public enforcement officers in enforcement and security procedures and prescribing the obligations of executive creditors, the court, and public enforcement officers in executive cases in which there is a change of jurisdiction pursuant to this new Law, sanctioned the failure to comply with the mandatory conduct of the executive creditors and the conduct in individual cases enforcement under the new Law, as well as on ongoing cases.

Implementation of this Instruction in basic courts was supported by the European Union through its project from the pre-accession funds "Improving the efficiency of the judiciary". By applying these measures and with this support, exceptional results were achieved and the number of executive cases decreased only by 811,322 cases in 2016 alone.

According to the results of the work of the courts published in the [Report on the work of all courts for the period January-June 2017](#) in the first half of this year, the cases of execution are settled at regular intervals, without systemic legal impediments, but due to electronic migration of cases between Belgrade courts, JKP "Infostan" and other public companies in Belgrade so that a large number of solved items from this material can be expected in the second half of this calendar year.

According to the above table, in all courts in the Republic, during the reporting period, 64,808 old enforcement cases were resolved.

	2016		01/01 – 06/30/2017	
<b>OVERVIEW OF THE NUMBER OF DISPOSED BACKLOG CASES IN COURTS IN THE REPUBLIC OF SERBIA</b>				
	Number of judges	Total number of disposed backlog cases	Number of judges	Total number of disposed backlog cases
TOTAL AT THE LEVEL OF SERBIA – ALL CASES	2.569	1.068.063	2.615	163.613
TOTAL AT THE LEVEL OF SERBIA – WITHOUT ENFORCEMENT	2.299	172.879	2.360	98.805
Basic Courts – I + Iv	205	878.576	220	60.431
Commercial Courts – all enforcement	65	16.608	35	4.377

As there were 636,576 unresolved old "I" cases in the judicial enforcement system, and 102,212 old "I" cases, of which 128,133 "Iv" cases are older than 10 years, as 6,357 "I" cases, the Backlog Reduction Working Group of the Supreme Court of Cassation, at a meeting held on 22-24. In August 2017, proposed new systemic measures, in the light of further changes to the Law on Enforcement and Security that would allow the suspension of the so-called "bargain" enforcement and taking individual measures in all courts to identify, in particular, the enforcement of low value enforcement cases, and to take measures for possible alternative resolution of these cases.

**Update, June 2017:** The Ministry of Justice continues to monitor the implementation of the Law on Enforcement and Security and to determine measures for its smoother application. The courts have continued to implement the transitional and final provisions of the new Law on Enforcement and Security, i.e. the Joint Instructions of the Supreme Court of Cassation, the High Judicial Council and the Ministry of Justice, supported the IPA 2012 project "Judicial Efficiency". The largest number of activities in the reporting period took place in the First Basic Court in Belgrade, where, according to the report on the work of that court for 2016, on December 31, there were 480,919 unresolved enforcement cases based on the authentic document ("Iv") remaining, of which 477,761 were old (older than two years from the date of filing the initial act). The Supreme Court of Cassation oversaw the division of precisely these cases between the First, Second and Third Basic Courts in Belgrade in accordance with the Law on Seats and Territories of Courts and Public Prosecutor's Offices, which these courts carried out according to the previously developed joint action plan supported by the IPA 2012 project "Judicial Efficiency". The Ministry of Justice electronically migrated these cases from the First to the Second and the Third Basic Court upon a formal request filed by the Supreme Court of Cassation, on behalf of these courts. By the end of the reporting period, all cases of enforcement based on the authentic document of the First Basic Court in Belgrade were prepared for migration, both electronically and physically.

The table lays out the statistics on the implementation of Article 547 of the LoES for the period 30 April to 30 June 2017 in basic and commercial courts:

Type of court	Number of ("I" and "IV") cases which have been resolved by suspension in the period 30.04.2017 - 30.06.2017	Number of ("I" and "IV") cases which have been resolved (LoES for EA's) in the period: 30.04.2017-30.06.2017	Number of ("I" and "IV") cases which have been resolved with a motion to the EA in the period: 30.04.2017 - 30.06.2017	Number ("I" and "IV") of cases which have not been resolved, to be terminated	Number of ("I" and "IV") cases to be transferred to an Enforcement Agent	Number of ("I" and "IV") cases for the court



<b>Basic Court</b>	<b>1.532.434</b>	<b>32.153</b>	<b>36.037</b>	<b>732.013</b>	<b>20.751</b>	<b>510.106</b>
<b>Commercial Court</b>	<b>124.938</b>	<b>3.245</b>	<b>3.036</b>	<b>30.419</b>	<b>103</b>	<b>8.762</b>

**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)<sup>1</sup>, 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**

<sup>1</sup> [http://www.parlament.gov.rs/upload/archive/files/lat/pdf/ostala\\_akta/2016/RS77-16%20lat.pdf](http://www.parlament.gov.rs/upload/archive/files/lat/pdf/ostala_akta/2016/RS77-16%20lat.pdf), accessed on 19.03.2017.

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 on December 30<sup>th</sup>, 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**.<sup>2</sup>

**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 2<sup>nd</sup> and 3<sup>rd</sup> 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:

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

- 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);
- 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, September 2017:** The SCC's Backlog Reduction Working Group discussed the effects of implementation of the Amended Unified Backlog Reduction Program in the first six months of 2017 at a meeting held from 22 to 24 August 2017.

The most important conclusions of the analysis of the Working Group were found in the [Report on the work of all courts in the Republic of Serbia for the period January-June 2017](#).

In 2017 all courts in Serbia entered with 2,043,944 unresolved cases. During the first six months they received 937,017 cases, which is about 70,000 less than in the same period last year.

However, the higher courts have seen a significant increase in inflows: in the first half of 2016, all higher courts received 75,950 cases, and in the same period this year they received 101,997 cases, or 26,047 cases more.

The structure and number of newly registered cases in the higher courts are conditioned by changes in the legal competence of these courts: in the matter "P" in the period 01.01-30.6.2016. In the same period this year, the higher courts received a total of 2,124 cases, while in the same period this year 22,068 cases, in matter "P1" in the period 01.01-30.06.2016. In 2006, the higher courts received 304 cases, and in the same period this year, 2,567 cases.

In the second-instance civil society, in the first half of 2016, the higher courts received a total of 27,504 "GJ" cases, and in the same period of 2017. 40,307 "GJ" cases (this number includes 5,000 cases of the High Court delegation in Belgrade, see the Fifth Report under 1.2.1.20).

In all higher courts in the territory of the Republic, 30 judges were continuously unpolished: 368 were systematized and 335 were filled and 322 judges worked effectively in the observed period. However, the inflow would not be overcome or that all the judges' seats were filled (given the average number of resolved cases per judge). These circumstances indicate that apart from the election of judges, it is necessary to undertake other systemic measures for resolving this problem, and that a comprehensive analysis of the effects of changing the jurisdiction of the higher courts in relation to the basic courts in civil matters should be made.

The large increase in inflows in the first six months of this year is also recorded by commercial courts: they received 50,800 cases (in the same period in 2016, 37,056 cases), but despite a significant increase, they managed to overcome the inflow and reduced the number of unresolved cases to 58,614, which makes them absolute champions of the first semester and this trend should be continued.

Basic and misdemeanor courts recorded a decline in inflows in the first six months of 2017, which allowed them to reduce the number of outstanding cases at the end of this reporting period, and this trend should continue.

Although statistics show that the overall efficiency of all courts in Serbia is continuously improving - in the first six months of this year, more cases were resolved than in the first six months of the previous one, regardless of the slightly reduced inflow - data on the number and structure of old cases show that there are categories cases in which systemic intervention is necessary in order to reduce their number.

In the first six months of 2017, the courts solved (only) 163,613 old cases, out of a total of 1,095,602 cases resolved.

About 65,000 are old enforcement cases, and 98,805 are in judgments.

A large number of old executive cases remained in the courts - only in the basic 754,280. Particularly worrying is the structure of these cases: in basic courts of executive cases over ten years old there are close to 135,000, and those older than five years 481,434.

A large number of unresolved old executive cases and their age structure indicate the necessity of taking extraordinary systemic measures and supporting the court system of enforcement, since the court execution procedure does not have the same logistic and other support as the one used by public enforcement officers.

In order to improve the court system of enforcement, analysis of the cost of dealing with old cases should be done individually and compared to the amount of claims whose enforced collection is requested in the court enforcement proceedings. Based on this analysis, it would be possible to propose a revision of the ZIO and termination of enforcement procedures for the amount of claims amount (RSD 100.00 - RSD 500.00), especially if the creditors in these cases are state-controlled public enterprises, legal entities founded by the state or Republic of Serbia.

The Supreme Court of Cassation has obtained data on the amounts of claims in the cases of enforcement based on a credible document - and there are not many of those in which these heights have been recorded, only in about 30,000 cases - and found that there are claims in the amount of 0.02 RSD for which the enforced execution Search.

If for the other types of cases, we take the basic courts as an example, since they are the most numerous, the number of cases older than three years (that is, the "youngest" old cases) is decreasing, while the number of cases older than ten years stagnates in a relationship at the end of 2016, and this is a worrying trend that is common to all types of courts.

Having reached this conclusion, the SCC's Backlog Reduction Working Group recommended to the presidents of the appellate courts to set up special teams to provide advisory and other assistance to the regional courts to effectively and efficiently finish all cases in which the proceedings last longer than ten years.

**Update, June 2017:** The initiative of the Second Basic Court in Belgrade for the establishment of an info-service to support alternative dispute resolution was followed, with the support of the Supreme Court of Cassation, by the Basic Court in Kragujevac. During the reporting period, both initiatives began to enjoy the support of the IPA 2012 "Judicial Efficiency" project. During June, the Supreme Court of Cassation, the High Judicial Council and the Ministry of Justice jointly drafted the Instructions for the Improvement of Mediation in the Republic of Serbia. The Supreme Court of Cassation, in the drafting of this Instruction, proceeded from the measures prescribed by the Amended Unified Backlog Reduction Program, both from those intended to reduce the number of old cases and those intended to prevent their occurrence. A joint instruction was issued on June 28, 2017, and a wider professional community will be introduced to it at a meeting of all presidents of courts to be held on July 7, 2017.

**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	УКУПИНО TOTAL PENDING BACKLOG CASES on Dec. 31, 2013	Number of judges	УКУПИНО НЕРЕШЕННЫХ СТАРИХ ПРЕДМЕТА на 31.12.2014.	Number of judges	TOTAL PENDING BACKLOG CASES on Dec 31, 2015	Number of judges	УКУПИНО 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 fully 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 fully 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 partially 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 fully 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 partially 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 fully 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. Amendmends to the Rules of Procedure on internal organization and systematization of jobs in Ministry of Justice will be prepared in September 2017.

#### **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 Governments decision, as earlier.

Relying to the Government's Decision, as well as the sited 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 an 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.**

**Update, September 2017:** See under 1.3.6.5 and: The SCC's Backlog Reduction Working Group held a meeting on August 22-24 2017, and it issued a recommendation to appellate courts to establish teams that will provide expert and technical assistance to the regional basic and higher courts in solving the oldest old cases, i.e. items older than ten years. President of the Supreme Court of Cassation conveyed this conclusion to the presidents of all courts at a meeting held on August 29, 2017.

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, September 2017:** At the SCC's Backlog Reduction Working Group meeting held on August 22-24, 2017, members of the Working Group and the representatives of the IPA 2012 "Judicial Efficiency Project" have identified courts with good practices when it comes to cooperation with external institutions: Basic Court in Novi Sad, which concluded agreements with institutions from which the enforcement process requires data (cadastre, tax administration, police, etc.) on electronic communication between the court and these institutions; the Third Basic Court in Belgrade, which concluded agreements with educational institutions from its area, and others. These examples of good practice were also discussed at the meeting of the President of the Supreme Court of Cassation with the presidents of all courts in the Republic, and other courts were recommended to follow these good examples.

**Update, June 2017:** The next Working Group meeting will be held in the first half of July 2017. This meeting will consider the effects of the implementation of the Amended Unified Backlog Reduction Program, and not only the enforcement cases, to which the Supreme Court of Cassation and members of the Working Group for the implementation of the Unified Program dealt with the most in the first half of 2017.

During March 2017, the members of the Working Group, with the support of the MDTF, held a series of workshops with court staff of courts whose work in the context of the Amended Unified Program they oversee. During these workshops the topics related to reporting on old cases were dealt with, as well as measures taken by the staff in the registry offices, the court administration and judicial assistants in order to prevent the occurrence of backlog cases in the courts.

**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, September 2017:** During the reporting period, the Ministry of Justice continued to participate in the analysis of appropriate solutions for improving the registration process in the real estate cadastre, i.e. for the improvement of the legal framework for cooperation of notaries, courts and enforcement officers with the Republic Geodetic Authority, as well as concrete normative solutions for the **new Draft Law on Registration in the Real Estate Cadastre**. On this topic, representatives of the Ministry of Justice and the Notary Chamber held several meetings with representatives of the Ministry of Construction, Traffic and Infrastructure, the Republic Geodetic Authority and NALED, and finalised the text of the draft law.

Further, the Ministry of Justice continued work on the drafting of normative solutions related to the competence of notaries envisaged by the **Law on Electronic Document, Electronic Identification and Trusted Services in Electronic Commerce** as well as the **Draft Supplement to the Law on Certification of Signatures, Manuscripts and Transcripts** ("Official Gazette of RS", No. 93/14 and 22/15).

In the following period, provisions of the **Law on Real Estate Conveyance** which regulate the registry of real estate conveyance and the competences of the courts thereto related, as well as the duty of notaries to inform the Tax Authority of the contracts must be redrafted in order to complete the real estate cadastre reform and enable the notaries to offer the most efficient, high quality service.

Finally, the following two quarters will be dedicated to sequencing further legislative activities, having in mind the recommendations in the Report on the Implementation of the Notariat in the Republic of Serbia (OSCE, Dejan Đurđević, Ph.D., Natalija Adžić) as well as the need to harmonise with EU law and other legislative activities in Serbia.

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.

<b>No. of cases entrusted to notaries in the period 15.06.2017 to 22.09.2017</b>	
<b>No. of cases entrusted to notaries for drafting of death certificates</b>	<b>No. of cases entrusted to notaries for conducting inheritance procedure</b>
<b>16.152</b>	<b>15.371</b>

Regarding the transferal of non-judicial non-contentious cases to notaries, it can be concluded that in the period from 15 July 2016 to 1 October 2017, almost 50.000 cases have been transferred to notaries, and the positive trend is continuous.

**Update, June 2017:** In the first two quarters of 2017, supported by the OSCE Mission in Serbia, a Report on the Implementation of the Notariat in the Republic of Serbia was drafted by Dejan Đurđević, Ph.D., Full Professor of the Faculty of Law of the University in Belgrade, and Natalija Adžić, Notary and a member of the Executive Board of the Notary Chamber of Serbia, which contains various recommendations for future improvements of the notary system. The Report was presented on 29 June 2017.

During the reporting period, the Ministry of Justice continued to participate in the analysis of appropriate solutions for improving the registration process in the real estate cadaster, i.e. for the improvement of the legal framework for cooperation of notaries, courts and enforcement officers with the Republic Geodetic Authority, as well as concrete normative solutions for the new Draft Law on the Procedure for Registration in the Real Estate Cadastre. On this topic, representatives of the Ministry of Justice and the Notary Chamber participated in 7 meetings, as well as on one round table, held on May 19, 2017, organized by the Ministry of Construction, Traffic and Infrastructure, the Republic Geodetic Authority and NALED.

During the reporting period, the Ministry of Justice participated in the drafting of normative solutions related to the competence of notaries envisaged by the Law on Electronic Document, Electronic Identification and Trusted Services in Electronic Commerce which, among other things, regulates the digitization of a non-electronic document, as well as the verification of the digitized document, which confirms the identity of the digitized document with the original document. In

order to complete the reform, the Ministry of Justice prepared a Draft Supplement to the Law on Certification of Signatures, Manuscripts and Transcripts ("Official Gazette of RS", No. 93/14 and 22/15), during the reporting period, i.e. supplemented Article 26 with paragraph 3 in order to standardize the method of authentication of the digitized document.

**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,

<b>No. of cases entrusted to notaries in 2016</b>		
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
<b>20.713</b>	<b>501</b>	<b>13.900</b>

Regarding the transferral 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 2<sup>nd</sup> 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".

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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, September 2017:** After having obtained the approval from the Ministry of Justice, the adopted acts of the Chamber came into force, specifically:

- The **Rulebook on the Method of Supervision over the Work of Notaries** came into force on **29 July 2017**. The Rulebook has been posted on the Web site of the Notary Chamber, and insight into the text of the Rulebook is possible by going to the following link [http://beleznik.org/images/pdf/zakon/pravilnik\\_o\\_nacinu\\_nadzora\\_nad\\_radom\\_jb\\_br\\_i-1-4433-2017.pdf](http://beleznik.org/images/pdf/zakon/pravilnik_o_nacinu_nadzora_nad_radom_jb_br_i-1-4433-2017.pdf)
- The **Amendments and Supplements to the Notary Rules of Procedure**, which were published in the *Official Gazette of the Republic of Serbia* No. 66/2017, came into force on **13 July 2017**. The amendments address the improvement of the organisation of notary offices and in order to enhance the service delivered by notaries. The consolidated text of the Notary Rules of Procedure has been posted on the Web site of the Notary Chamber, and it is available to the public by going the following link:

[http://beleznik.org/images/pdf/zakon/javnobelesnicki\\_poslovnik\\_sl\\_glasnik\\_rs\\_br\\_62-2016\\_i\\_66-2017\\_preciscen\\_tekst.pdf](http://beleznik.org/images/pdf/zakon/javnobelesnicki_poslovnik_sl_glasnik_rs_br_62-2016_i_66-2017_preciscen_tekst.pdf)

**Update, June 2017:** The Minister of Justice, after receiving the Opinion of the Notary Chamber, enacted the supplement to the Notary Tariff, which refers to the drafting of a notary document for the visually impaired party and a party unable to hear or speak, i.e., which provides that the notary shall not be entitled to an increased award for the participation of invited witnesses and interpreters in drafting a notary document for the parties concerned (number: 740-07-313 / 2017-05 of 30 June 2017, published in the "Official Gazette of the Republic of Serbia" ", No. 67 of 7 July 2017).

During the reporting period, the Ministry also participated with the Chamber in drafting of Programme of Training of Notaries, Bylaw on Oversight and Control and the amendments to the Rules of Procedure of Notaries. At the session of the Executive Board of the Notary Chamber of Serbia, held on 5 June 2017, the Programme of Training of Notaries was adopted, which has been submitted to the ministry in charge of the judiciary affairs for approval.

By the end of the second quarter of 2017, at the Third Regular Session of the Assembly of the Notary Chamber of Serbia, which was held on 10 June 2017, the following acts of the Chamber were adopted: the Rulebook on the Method of Supervision over the Work of Notaries and the Amendments and Supplements to the Notary Rules of Procedure. The amendments of the latter have been published in the "Official Gazette of RS" no. 66 from 5 July 2017.

**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.

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*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 of 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, September 2017:** On 26 September 2017, **163 notaries** were engaged in the activity in the territory of the Republic of Serbia, and **37 notary assistants** were registered in the Directory of Notary Assistants, kept by the Executive Board of the Chamber.

In the reporting period, **two notaries started being engaged in the notary activity**, specifically the notaries appointed for the territory of jurisdiction of the Basic Court in Bujanovac, the Municipalities of Bujanovac and Preševo.

In the reporting period, the Notary Chamber of Serbia announced **one public call for appointment of 13 notaries**, which was published in the *Official Gazette of the RS* No. 82/2017, dated 8 September 2017. The procedure further to the announced competition is under way. Appointment of notaries is due for the territory of Basic Courts in Brus, Velika Plana, Dimitrovgrad, Knjazevac, Majdanpek, Raška, Sjenica, Surdulica, Trstenik, Mionica, Novi Sad, Sombor and Kruševac was passed.

In the reporting period, the Notary Chamber of Serbia announced **one public call for appointment of 8 notary assistants**, which was published in the Official Gazette of the RS No. 63/2017, dated 28 June 2017, and according to which competition, by the decision of the Minister of Justice of the RS, **7 notary assistants were appointed** while, according to the public competition for appointment of notary assistants, which was published in the Official Gazette of the RS No. 48/2017, dated 19 May 2017, by the decision of the Minister of Justice of the RS, **3 notary assistants were appointed**.

In the reporting period, decisions were issued on the registration of **55 notary trainees** in the Directory, which is kept by the Chamber.

On 26 September 2017, **589 notaries, notary assistants, and notary interns were authorized to certify signatures, manuscripts, and transcripts, out of that number, 163 notaries, 37 notary assistants, and 389 notary trainees**.

A notice for the candidates applying to take the notary examination in the regular exam period in October was announced.

Complaints against the decisions on the appointment of the first notaries were addressed in fourteen cases submitted to the Administrative Court.

Furthermore, following the decisions of the Administrative Court, nine decisions on the appointment of notaries were made in retrial.

**Update, June 2017:** On 28 June 2017, 161 notaries perform notarial activities on the territory of the Republic of Serbia and 27 notary assistants are registered in the Directory of Notary Assistants, which is kept by the Executive Board of the Chamber.

During the reporting period, the Minister of Justice made decisions on the appointment of 11 notaries for the territory of the Basic Courts in Bor, Veliko Gradište, Petrovac na Mlavi, Priboj, Ub, Bujanovac ( for both municipalities- Preševo and Bujanovac), Zrenjanin, Novi Sad, Šid and Kruševac. Up to the date of submitting of the report, out of 11 appointed notaries, 8 have started being engaged in the notary activity. The Minister also made decision on the appointment of 2 notary assistants for the territory of the Basic Court in Užice and the Basic Court in Novi Sad. The decision on determining the open competition for the appointment of 3 notary assistants for the territory of the First Basic Courts in Belgrade and also the decision on determining the open competition for the appointment of 8 notary assistants for the territory of the First Basic Court in Belgrade, the Third Basic Court in Belgrade and basic courts in Niš, Novi Sad and Šabac were passed.

Within the reporting period, based on the decision of the Ministry of Justice of the Republic of Serbia, one notary terminated the engagement in the notary activity, specifically by a notice of dismissal.

Within the reporting period, decisions were handed down on the registration of 71 notary trainees in the Directory, which is kept by the Chamber.

In the regular March examination, 6 candidates passed the examination in its entirety. In the regular May examination, 15 candidates passed the examination in its entirety. The total number of candidates who have passed the notary exam is 350.

Within the reporting period, the Notary Chamber of Serbia announced one public call for appointment of 3 notary assistants, which was published in the Official Gazette of the RS, No. 48/2017, dated 19 May 2017. The procedure further to the announced competition is under way. On 28 June 2017, 533 notaries, notary assistants, and notary trainees are authorized to certify signatures, manuscripts, and transcripts, out of that number, 161 notaries, 27 notary assistants, and 345 notary trainees.

**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.**

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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 22/07/2016. for the territory of the Basic Court in Užice, the Basic Court in Aranđelovac, 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, September 2017:** The following activities were carried out within the action framework of the Department for Judicial Professions, related to monitoring of notarial activities, in the period July - September 2017:

- **Supervision** with the aim of verification of compliance with the conditions in terms of premises and equipment of notaries was carried out in **twelve notarial offices**, after registration of changes of head office addresses or office extensions (in Belgrade, Kuršumlija, Plandište, Ruma, Novi Sad and Sremska Mitrovica).
- The **technical reception of the notarial offices** appointed on the basis of the public competition published in the "Official Gazette of the Republic of Serbia" No. 11/2017 (for the territory of the Basic Court in Bujanovac-the territory of the municipality of Bujanovac and Preševo) was also carried out.
- Complaints, petitions and letters from government agencies and organizations and citizens were addressed in thirty-six cases; in addition to complaints in written and in electronic form, verbal complaints over the phone were addressed as well.
- The Commission of the Ministry of Justice for deciding on appeals against the decisions of the Notary Chamber Disciplinary Committee acted in one case on the appeal filed against the decision of the Notary Chamber Disciplinary Committee (the appeal was rejected).

The Ministry of Justice in cooperation with the OSCE Mission on **18.08.2017** organized a one-day training for consular agents and other employees in the Ministry of Foreign Affairs, regarding the compilation of notarial documents and related international legal assistance activities.

**Update, June 2017:** 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 34 notary offices.

Three cases were filed on the request for access to information of public importance. Two cases were filed on the lawsuit to the Administrative Court on the decision of the Commission of the Ministry of Justice which decides on appeals; in one case on the lawsuit to the Administrative Court on the decision on the dismissal of a notary and in 15 cases on the lawsuit to the Administrative Court on the decision on the appointment of a notary. 30 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.

The MoJ Commission which decides on appeals has made decisions in two disciplinary cases (both appeals were denied).

Representatives of the Ministry of Justice participated in the regional conference "Empowering Women through Access to Land" held in Albania (in the period of 9 -10 March 2017) as well as in the international conference „ Digitization in Company Law“ held in Austria (in the period of

20 -21 April 2017). Employees of the Ministry of Justice, Department for Judicial Professions, participated in the course “Electronic keeping of the notary book- Joint alphabetical directory“.

**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, Aranđelovac, 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.

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*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 has made decisions in three disciplinary cases.

**During the 3<sup>rd</sup> 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, September 2017:** During the reporting period, the **Chamber of Notaries published the answers of the Expert Council of the Chamber dated 3 August 2017 on issues that are contentious in practice.** Publication of the Opinion of the Expert Council greatly influences the harmonization of the notary practice and the familiarisation with the same of citizens and lawyers.

Please see: [http://beleznik.org/images/pdf/obavestenje/misljenja\\_strucnog\\_saveta\\_jks\\_od\\_03\\_08\\_2017.pdf](http://beleznik.org/images/pdf/obavestenje/misljenja_strucnog_saveta_jks_od_03_08_2017.pdf)

Information on previous activities has been made available to the public:

- <http://beleznik.org/index.php/sr/karijera/98-predstavljen-izvestaj-o-implementaciji-javnog-beleznistva-u-srbiji>;
- <http://beleznik.org/index.php/sr/studenti-prava-iz-hong-konga-posetili-javnobeleznicku-komoru-srbije>
- <http://beleznik.org/index.php/sr/karijera/99-predstavnici-jks-prisustvovali-medjunarodnoj-konferenciji-u-minsku>

On 14 September 2017, in cooperation with the **City Organization of the Deaf of Belgrade**, the Notary Chamber of Serbia organized a lecture for the members of the Organization on the topic of the Notary Fees Tariff when, in a procedure before a notary, deaf persons and persons having impaired hearing participate.

Representatives of the Ministry of Justice and the Chamber of Notaries participated in the **II Conference of Court Interpreters and Translators** on Saturday, September 30 2017 in Novi Sad, during which they explained procedures before notaries and reasoning behind existing legal institutes.

Based on the **Protocol on Mutual Cooperation, concluded in May 2017**, between the Notary Chamber of Serbia and the **Faculty of Law of the University in Niš**, which regulates conducting of research necessary for the preparation of study and research works and master papers, or for the preparation of scientific and expert papers or publications of monograph character, for students of master and doctoral academic studies in law, in the reporting period, the cooperation was realized between the notary offices in Niš, Prokuplje, Aleksinac, and Vranje and candidates for doctor's degree and students of master studies of the Faculty of Law of the University in Niš.

**Update, June 2017:** The Ministry of Justice has developed the Address Book for Verification of Signatures, Copies and Manuscripts, <http://www.mpravde.gov.rs/vest/15607/adresar-za-overu-potpisa-prepisa-i-rukopisa-za-brze-i-lakse-informisanje-gradjana-.php>, which will enable citizens of Serbia to get information in a quick and efficient way regarding which a notary, court or municipal administration can authenticate signatures, copies and manuscripts. The address book allows citizens to enter the name of the city or municipality by Cyrillic letter by the name, addresses and phone numbers of the authorities in which they can verify the signature, transcript or manuscript. The address book can be accessed on the website of the Ministry of Justice and on the official page of the Ministry on the social network Facebook.

In the period of 19 - 22 April 2017, the Austrian Chamber of Civil Law Notaries organized the 29th Conference of European Civil-Law Notaries in Salzburg, Austria, on the topic: „Digitalization in Company Law“ in which the representatives of the Ministry of Justice of Austria, the representatives of the European Commission, the European Court of Justice, the Austrian Chamber of Civil Law Notaries, the Ministry of Justice of the RS, and the Serbian Chamber of Notaries participated. The main topics of the Conference were the digitalization, introduction of electronic signature, foundation of companies via the Internet, the issues of legal security on the Internet and data protection, cooperation and assistance to the member states in the building of the electronic system. In the course of the Conference, the impact of digitalization on everyday work of notaries was reviewed.

The representatives of the Chamber delivered the lecture on the notariat at the Belgrade Conference of Jurists, which was held, in the organization of the students of the Faculty of Law of the University in Belgrade, in the period of 12 – 14 May 2017. During the Conference, the

representatives of the Chamber also took part in the work of the Training Fair, which was, within the Conference, held on 13 and 14 May.

Within the reporting period, specifically from 8 to 19 May 2017, the cooperation was established with the European Law Students' Association – the ELSA, for the purpose of enabling the law students of the final years to have professional practice in notary public offices in Belgrade and Niš.

In the period from 7 to 11 June 2017, the representatives of the Serbian Chamber of Notaries participated in the International Notary Conference in Minsk, Belarus, organized by the Belarusian Chamber of Notaries, on which occasion they presented the notary system in Serbia, specifically through the presentation on the topic: „Development of notariat in the Republic of Serbia and competences of notaries“. One topic of the Conference was also the issue of legal and ethical obligations of notaries.

On 8 June 2017, the Notary Chamber of Serbia was visited by a group of 14 students of the basic and postgraduate studies of the Faculty of Law of the University in Hong Kong. The visit to the Chamber was organized as a part of the study visit to the Faculty of Law of the University in Belgrade. The main topics of the meeting between the representatives of the Chamber and the students from Hong Kong were the notary solemnization, the role of notaries in the trade in real estate, conducting of proceedings in the capacity of a commissioner of court, the notary public deposit, and the Notary Tariff.

At the meeting of the General Assembly of the Council of the Notariats of the European Union (CNUE), which was attended by the representatives the Notary Chamber of Serbia, and which was held in Madrid from 15 to 17 June 2017, the decision was upheld to admit the Notary Chamber of Serbia to the membership of the Council of the Notariats of the European Union, in the capacity of a member - observer.

The Ministry of Justice participated and supported the Presentation of the “Report on the Implementation of the Notary System in the Republic of Serbia”, the authors of which are Dejan Đurđević, Ph.D., Full Professor of the Faculty of Law of the University in Belgrade, and Natalija Adžić, Notary and a member of the Executive Board of the Notary Chamber of Serbia, organised on 29 June 2017 by the Notary Chamber of Serbia, in cooperation with the OSCE Mission to Serbia. The Presentation of the Report was attended by the representatives of the government authorities, courts, public institutions, and the civil society organizations, international organizations, and diplomatic missions.

**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 28<sup>th</sup> 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.

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*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/obavestjenje/12641/predstavnici-ministarstva-pravde-i->

[javno-beleznicke-komore-srbije-ucestvovali-na-28-konferenciji-evropskih-javnih-beleznika.php](http://javno-beleznicke-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/javno-beleznicka-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](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, September 2017:** For the purpose of implementation of the **Programme of Training of Notaries**, which has been submitted for approval to the Ministry of Justice and is being considered, the **Executive Board of the Chamber has drafted the Plan of Implementation of the Programme of Training of Notaries for 2018**, which establishes the overall schedule of the Programme implementation, all aimed at establishing continuous professional improvement of notaries, notary assistants, notary associates, and notary interns, and the standardization of the notary practice.

Please see: <http://beležnik.org/index.php/sr/trodnevna-obuka-za-javne-beležnike-javnobeležnicke-pomocnike-i-javnobeležnicke-pripravnike-odrzana-u-klubu-poslanika>

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 and, through its representative, it also participates in the work of the Programme Council of the Judicial Academy.

Prior to the commencement of engaging in their activity, notaries also attend the **mandatory training for the work in the Central IT System**.

In the reporting period, the Chamber and the Judicial Academy, with the support of the OSCE Mission to Serbia, organized 4 trainings for notaries, which were attended by 30 representatives of diplomatic-consular missions (DCM) who perform works in this field. The themes in these trainings were international legal assistance in civil matters, the role and competence of the DCM in carrying out notarial works, as well as the form of legal work and the rules of procedure.

**Update, June 2017:** The Notary Chamber of Serbia continuously provides the initial training courses for the appointed notaries, prior to the commencement of their engaging in the activity, with the participation of the members of the Expert Council of the Serbian Chamber of Notaries from the ranks of notaries and, through its representative, it also participates in the work of the Programme Council of the Judicial Academy. During the reporting period, the Academy, in Cooperation with the Chamber, organized a training course for notaries in this field, which was attended by 10 participants.

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

In the period from 24 to 26 April 2017, the Notary Chamber of Serbia, with the support of the OSCE Mission to Serbia, organized the training courses for notaries, notary assistants and notary trainees on the topic: „Notary as a commissioner of court in the probate proceedings“ and „The role and powers of notary trainees in administering notary affairs“.

On 19 May 2017, in cooperation with the High Council of French Notaries, the training was provided for notaries on the topic: Access to public registers.

**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.

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*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, September 2017:** By September 27, 2017, **nine organizations** have received licenses for conducting training for mediators, but so far only **six organizations have conducted training**, with the total number of trainees being **1.063**.

In the period from 28.06.2017. until 27.09.2017. Basic training was held 4 times by 2 organizations, namely Partners for Democratic Change Serbia and Center for Constructive Resolution of Conflict Serbia, and a total of 70 persons completed basic training.

Regarding specialized training, **training for trainers for mediators** was held once, 11 participants, organized by the Center for Constructive Conflict Resolution in Serbia.

**Conducted trainings from the beginning of the implementation of the Law, separated by the organizations that conduct trainings:**

Name of the authority, organization or legal entity issuing the certificate	Number of issued certificates
<b>"JP Službeni glasnik" PUBLIC COMPANY "OFFICIAL GAZETTE"</b>	<b>79</b>
Basic training	47
Specialized training for mediators in resolving individual and collective labor disputes	18
Specialized training of mediators - the abuse at work (mobbing)	14
<b>"Partneri za demokratske promene Srbija" PARTNERS FOR DEMOCRATIC CHANGE SERBIA</b>	<b>566</b>
Basic training	440
Specialized training - family mediation	42
Specialized training of mediators - the abuse at work (mobbing)	84
<b>"Fakultet političkih nauka" FACULTY OF POLITICAL SCIENCE - UNIVERSITY OF BELGRADE</b>	<b>30</b>
Basic training	24
Specialized training - family mediation	6
<b>"Centar za konstruktivno rešavanje sukoba Srbije" CENTER FOR CONSTRUCTIVE CONFLICT SETTLEMENT OF SERBIA</b>	<b>269</b>
Basic training	174
Specialized training - economy	43
Specialized training - the settlement of consumer disputes in tourism	20
Specialized training training for trainers	32
<b>"Privredna komora Srbije, Beograd" CHAMBER OF COMMERCE</b>	<b>34</b>
Specialized training for mediators: consensual financial restructuring (advanced level)	13
Specialized training for mediators: consensual financial restructuring	21
<b>"Nacionalno udruženje merijatora" NATIONAL ASSOCIATION OF SERBIAN MEDIATORS</b>	<b>85</b>
Specialized training - case management in mediation	33
Specialized training - advanced mediation skills	52
<b>IN TOTAL</b>	<b>1063</b>

**Update, June 2017:** In the period from 10.03.2017 until 28.06.2017 basic training was held **3 times by 3 organizations**, namely Partners for Democratic Change Serbia, Official Gazette and Center for Constructive Conflicts of Conflict in Serbia, with for a total of **49 persons** completing basic training.

By June 28, 2017, **nine organizations** have received licenses for conducting training for mediators, but so far, **only six organizations have conducted training**, with the total number of participants being **963**.

In the period from 10.03.2017. until 28.06.2017. Basic training was held 3 times by 3 organizations, namely Partners for Democratic Change Serbia, Official Gazette and Center for Constructive Conflicts of Conflict in Serbia, and a total of 49 persons completed basic training at that time.

Regarding specialized training, **Family Mediation was held twice**, for a total of 34 participants, organized by the Partner for Democratic Change Serbia and the Faculty of Political Science; **Mediation in cases of abuse at work-mobbing** was held twice, for a total of 37 participants, organized by the Partner for Democratic Change Serbia and the Official Gazette; **Training for trainers for mediators** was held once, with 21 participants, organized by the Center for Constructive Conflict Resolution in Serbia.

**Table view of conducted trainings from the beginning of the implementation of the Law, ordered according to the organizations that conduct trainings:**

<b>Name of the authority, organization or legal entity issuing the certificate</b>	<b>Number of issued certificates</b>
<b>“JP Službeni glasnik“ PUBLIC COMPANY "OFFICIAL GAZETTE”</b>	<b>66</b>
Basic training	40
Specialized training for mediators in resolving individual and collective labor disputes	18
Specialized training of mediators - the abuse at work (mobbing)	8
<b>“Partneri za demokratske promene Srbija“ PARTNERS FOR DEMOCRATIC CHANGE SERBIA</b>	<b>517</b>
Basic training	391
Specialized training - family mediation	42
Specialized training of mediators - the abuse at work (mobbing)	84
<b>“Fakultet političkih nauka“ FACULTY OF POLITICAL SCIENCE - UNIVERSITY OF BELGRADE</b>	<b>23</b>
Basic training	17
Specialized training - family mediation	6
<b>“Centar za konstruktivno rešavanje sukoba Srbije“ CENTER FOR CONSTRUCTIVE CONFLICT SETTLEMENT OF SERBIA</b>	<b>238</b>
Basic training	154
Specialized training – economy	43
Specialized training - the settlement of consumer disputes in tourism	20
Specialized training training for trainers	21
<b>“Privredna komora Srbije, Beograd” CHAMBER OF COMMERCE</b>	<b>34</b>
Specialized training for mediators: consensual financial restructuring (advanced level)	13
Specialized training for mediators: consensual financial restructuring	21
<b>“Nacionalno udruženje merijatora“ NATIONAL ASSOCIATION OF SERBIAN MEDIATORS</b>	<b>85</b>
Specialized training - case management in mediation	33
Specialized training - advanced mediation skills	52
<b>IN TOTAL</b>	<b>963</b>

One decision was revoked by the Ministry of Justice, which gave consent to the program of specialized training for mediators - mediation in bankruptcy proceedings and consensual financial restructuring, and a new decision was issued granting permission to conduct specialized training for mediation in bankruptcy proceedings to the Center for Constructive Resolution of Conflicts of Serbia, for reasons of change of the law, i.e. the adoption of a new Law on Consensual Financial Restructuring.



On April 27, 2017, the Conference on the topic "**Mediation as a Means of Preventing and Resolving Disputes in the Economy**" was held in the framework of the EBRD project "Mediation in Commercial Disputes in Serbia", attended by presidents of the Basic and Commercial Courts, judges, lawyers, mediators and representatives of commerce and chambers of commerce. On June 17, 2017 Partners Serbia submitted to the Ministry of Justice a list of mediators, participants of the conference, who will receive approval of four hours of continuous training.

On 30 and 31 May 2017, a **Sub-regional Workshop on Mediation in Intellectual Property Disputes** was organized by the Serbian Intellectual Property Office, in cooperation with "WIPO" – World Intellectual Property Office. The Serbian IP Office, in cooperation with the Ministry of Justice invited judges – representatives of the Higher and Commercial Court in Belgrade as well as the respective appellate courts to participate in the workshop; almost 10 judges attended. More on the workshop can be found on the following link: <http://www.zis.gov.rs/pocetna.281.html?newsId=1850>.

A five-day basic mediation training was held, in cooperation with the **European Bank for Reconstruction and Development (EBRD)**, from **June 20-24<sup>th</sup>, 2017**, as a basic training for mediators for 6 judges and 14 judicial assistants of the Commercial Court in Belgrade in order to revive the Mediation Center at the Commercial Court in Belgrade.

Judicial academy reported that in total, 10 info-sessions regarding the topic "Promotion and enforcement of the mediation, submitting court cases to mediation before commercial courts" were realized from April to June 2017, with participation of 250 participants. Also, a five-day training was held, in cooperation with the European Bank for Reconstruction and Development (EBRD), from June 20-24<sup>th</sup>, 2017, as a basic training for intermediaries-mediators for 6 judges and 14 judicial assistants of the Commercial Court in Belgrade in order to revive the Mediation Center at the Commercial Court in Belgrade.

**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.

<b>Trainings conducted during 2016</b>	<b>Number of issued certificates</b>
<b>“JP Službeni glasnik“ PUBLIC COMPANY "OFFICIAL GAZETTE”</b>	<b>39</b>
Basic training	21
Specialized training for mediators in resolving individual and collective labor disputes	18
<b>“Partneri za demokratske promene Srbija“ PARTNERS FOR DEMOCRATIC CHANGE SERBIA</b>	<b>290</b>
Basic training	246
Specialized training - family mediation	14
Specialized training of mediators - abuse at work (mobbing)	30
<b>“Fakultet političkih nauka“ FACULTY OF POLITICAL SCIENCE - UNIVERSITY OF BELGRADE</b>	<b>17</b>
Basic training	17
<b>“Centar za konstruktivno rešavanje sukoba Srbije“ CENTER FOR CONSTRUCTIVE CONFLICT SETTLEMENT OF SERBIA</b>	<b>137</b>
Basic training	74
Specialized training - economy	43
Specialized training - the settlement of consumer disputes in tourism	20
<b>“Privredna komora Srbije, Beograd” CHAMBER OF COMMERCE</b>	<b>34</b>
Specialized training for mediators: consensual financial restructuring (advanced level)	13
Specialized training for mediators: consensual financial restructuring	21
<b>“Nacionalno udruženje merijatora“ NATIONAL ASSOCIATION OF SERBIAN MEDIATORS</b>	<b>85</b>
Specialized training - case management in mediation	33
Specialized training - advanced mediation skills	52
<b>IN TOTAL</b>	<b>602</b>

**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 5<sup>th</sup> to 9<sup>th</sup>, 2016, and the other from November 30<sup>th</sup> December 4<sup>th</sup>, 2016, with a total of 49 participants trained.

On November 29<sup>th</sup>, 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 6<sup>th</sup>, 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.

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*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, September 2017:** On September 27, 2017, **560 mediators** were registered. Licenses are issued continuously, and the registry is regularly updated.

In the reporting period, the work on the development of the Registry of Mediators has continued, and the presentation of improved functions is expected in the 4th quarter of 2017.

**Update, June 2017:** A total number of 517 mediators have been registered by June 28, 2017. Licences are granted on a continuous basis and the register is continuously updated. In the reporting period, who meetings were held regarding the further development of the Mediator Registry, with respect to the necessary functionalities and data.

**Update, March 2017:** A total number of **449 mediators have been registered by March 12<sup>th</sup>, 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, September 2017:** In the reporting period, **Joint Guidelines for Enhancing the Use of Mediation** have been uploaded on the MoJ website, along with other useful information on mediation: <https://www.mpravde.gov.rs/tekst/16729/uputstvo-za-unapredjenje-medijacije-u-republici-srbiji-po-zakonu-o-posredovanju-u-resavanju-sporova.php>. The Ministry continued throughout the reporting period to promote the Joint Guidelines, which were also **well received by the mediation community and NGO sector** (see: <http://www.partners-serbia.org/en/?p=5190>).

During the **Meeting of Court Presidents** which took place on 29 August 2017, a part of the meeting was dedicated to mediation and presentation of the Guidelines. Although the Minister of Justice was prevented to attend the meeting and participate in the presentation of the Guidelines, promotion of the Guidelines and mediation are envisaged as a part of the Minister's keynote speech in the upcoming **Annual Conference of Judges of RS** in Vrnjačka Banja in October.

The message was strongly endorsed also on 6 September 2017 by the Minister of Justice in her keynote speech delivered to the presidents and judges of commercial courts at the **Annual Conference of Commercial Courts** organised by the Commercial Appellate Court in Zlatibor. Please see:

- <https://www.mpravde.gov.rs/vest/16502/ministarka-kuburovic-rad-privrednih-sudova-vazan-za-unapredjenje-poslovne-klime-.php>;
- <http://www.blic.rs/vesti/drustvo/kuburovic-medijacijom-u-privredi-do-bolje-poslovne-klime/8s60zq2>;
- <http://www.rts.rs/page/stories/sr/story/125/drustvo/2859951/kuburovic-medijacijom-u-privredi-do-bolje-poslovne-klime.html>.

Throughout the reporting period, MoJ cooperated with the two pilot courts – Second Basic Court in Belgrade and Basic Court in Kragujevac and Judicial Efficiency Project (JEP) in order to **design and prepare activities for the Mediation Week**, to be held in the week of **25 October 2017**.

The **Judicial Academy** is continuing its work on organising info-sessions. One was held in the reporting period on the topic "**Promotion and use of mediation, submitting court cases to mediation before commercial courts**" in July 2017, with participation of 20 participants – associates and judges of the Commercial Court in Belgrade.

In the period from 12th to 15th September, the IPA 2012 **JEP organised a study visit to Italy** for the delegation from Serbian judiciary and institutions to gain **insight in the mediation system of Italy**, in order to enhance the use of mediation in the Republic of Serbia. The representatives of Serbian delegation were the president of Supreme Court of Cassation, judges from Supreme Court of Cassation, representative of the High Judicial Council, the judges from the Second Basic Court in Belgrade, a representative of MoJ and of the State Attorney's Office.

Meetings were held at Supreme Court of Cassation, ADR Center at Bar Association in Rome, High School of the Judiciary- Sector in Rome, ADR Center, Civil Court in Rome and Ministry of Justice. In the Italian mediation system, the success was recognized at decreasing the number of new cases in courts, by introducing the model of required initial mediation session in a limited number of civil and commercial matters (8%), when a party must first file a request for mediation with a mediation provider and attend an initial mediation session with the accredited mediator, as well as in the presence of a lawyer before recourse to the courts may be had. After that, the parties could decide to proceed with the full mediation procedure. The activities of the Ministry of Justice, considering the formation of the digital registry of the mediation providers, mediators, mediation training providers and mediation trainers and its review and supervision that is undertaken by the MoJ, could be significantly useful for improving the Registry of Ministry of Justice in Serbia. Please see: <https://europa.rs/italian-mediation-laboratory-inspired-serbian-judicial-delegation/?lang=en>. Shortly thereafter, the Minister of Justice held a meeting with the EU Delegation and IPA 2012 JEP representatives to further discuss the strategic issues: <https://www.mpravde.gov.rs/en/vest/16429/discussion-about-strategic-approach-to-mediation.php>.

Associations of mediators continue to be active in the promotion of mediation through newspaper articles and participating in news shows. In the reporting period, the EU Delegation likewise participated in raising of public awareness of mediation: <https://europa.rs/mediation-an-alternative-way-for-a-faster-judicial-process-in-serbia/?lang=en>; translated into Serbian: <http://www.euractiv.rs/srbija-i-eu/11611-medijacija-alternativni-nain-za-ubrzanje-sudskih-postupaka-u-srbiji>.

Partners for Democratic Change Serbia published the Report "**Mediation in Law Schools in Serbia**", a part of the Commercial Mediation in Serbia project, implemented with support of the European Bank for Reconstruction and Development (EBRD) and UK Investment Climate and Governance Fund: <http://www.partners-serbia.org/en/?p=5216>, in order to **raise awareness on the need to provide more training and education on this topic in law schools**.

**Update, June 2017:** The Second Basic Court in Belgrade, pursuant to the decision of the acting president of that Court of March 9<sup>th</sup>, 2017, formed the info-service to support alternative dispute resolution, i.e. to provide information to citizens on the possibilities of achieving amicable dispute resolution. 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 in Dispute Resolution. The court was supported in this activity by the project "**Serbia Pilot Court Mediation i.e. Support to Implementation of Mediation in Serbia**", implemented by the Partners for Democratic Change Serbia (Partners Serbia), with the support of the Royal Netherlands Embassy in Serbia.

Having in mind the existing legal framework as well as the applicable best practice for the development of court-connected mediation, during June, the Supreme Court of Cassation, the High Judicial Council and the Ministry of Justice jointly drafted the **Joint Guidelines for the Improvement of Mediation in the Republic of Serbia**, intended to reduce the number of old cases and those intended to prevent their occurrence. The guidelines were issued on June 28, 2017, and will be introduced to the wider professional community at a meeting of all presidents of courts to be held in August 2017.

On April 24, 2017, the **Centre for Mediation in the Bar Association of Čačak** was ceremoniously opened. At the gathering on the occasion of the opening of the Centre, lawyers, presidents of courts, judges and representatives of local self-government, were greeted by Jasmina Milutinovic, president of the Bar Association of Čačak, Ivana Ninčić, MDTF R/AFU Judicial Reform Consultant at the Ministry of Justice and Judge Miloš Pavlović, President of the Higher Court in Čačak. In the end, Blažo Nedić, program director of the Partner Serbia, presented the envisioned role and functioning of the Mediation Centre.

The Center for Mediation in AK Čačak was formed within the project "Supporting the Implementation of Mediation in the Judiciary", which Partners for Democratic Change Serbia are implementing with the support of the Kingdom of the Netherlands Embassy in Serbia, with the active participation of the Basic and Higher Courts in Čačak, the Bar Association of Serbia and the Judicial Academy and the support of the Supreme Court of Cassation and the Ministry of Justice. More information about the Center and about this promotional activity can be found at the following link: <http://advokatskakomoracacak.rs/otvoren-centar-za-medijaciju-advokatske-komore-cacka/>.

Within the aforementioned project, a publication entitled "Supporting Mediation within Courts and Legal Profession in Serbia" was published, <http://www.partners-serbia.org/wp-content/uploads/2017/06/Podrska-primeni-medijacije.pdf>.

On April 27, 2017, within the framework of the EBRD project "Mediation in Commercial Disputes in Serbia", the Conference on the topic "Mediation as a means of preventing and resolving Commercial Disputes" was held in the Chamber of Commerce of Serbia, attended by the presidents



of the Basic and Commercial Courts, lawyers, mediators and representatives of commerce and regional chambers of commerce. The Ministry of Justice supported the holding of the conference, and a representative of the Ministry, the Judicial Reform Consultant on the MDTF R/AFU project addressed the participants in the introductory speech. For more information on the conference, see the section "Commercial Mediation - Needed but Under-represented" at the Ministry of Justice website <http://www.mpravde.gov.rs/actual.php>. After the conference was concluded, a meeting was held between representatives of the EBRD, Project Leaders, the Ministry of Justice, the Judicial Academy, the Commercial Appellate Court and the Serbian Chamber of Commerce, in order to streamline the further course of the project.

In order to better inform citizens about this procedure and its advantages, the Ministry of Justice has outlined more extensive information on mediation, including comparison with court proceedings, on the Ministry's website: <http://www.mpravde.gov.rs/sekcija/15851/medijacija.php>, while infographics also appear on the profile of the ministry on social networks, starting from the second quarter of 2017.

During the reporting period, the Ministry continued to hold regular meetings in order to plan the development of the system and take concrete steps: a meeting with representatives of the Supreme Court of Cassation and the project "Judicial Efficiency" regarding future project activities, as well as monthly meetings of members of the working group for Improvement of mediation, in wider and narrower composition, by sections, and separate meetings with new members of the working group, such as representatives of the Republic Agency for Peaceful Settlement of labor disputes and the Ministry of Trade , Tourism and Telecommunications. Two meetings of the Working Group for establishing an efficient and sustainable mediation system in full composition were held in the form of workshops on the topic "Strategic Approach to Improving the Use of Mediation in the Republic of Serbia" on May 31, 2017 and 30.06.2017. Workshops were organized at the Zira Hotel, supported by the IPA 2012 Judicial Efficiency Project and mediation expert Leonardo D'Urso, who presented the previous experience of European countries in the introduction of mediation, after which the applicability of the solutions as well as the key issues and steps towards further development of the system in Serbia were discussed. At the second workshop, recommendations for the development of mediation in the territory of the Second Basic Court in Belgrade and the Basic Court in Kragujevac (D'Urso) were presented, as well as the report "Financial Incentives for the Application of Mediation in the Republic of Serbia" (Blažo Nedić).

The Ministry of Justice also held a meeting with representatives of the "Association of Mediators of Serbia" in order to get acquainted with the goals of this association, as well as to present the strategic goals of the Ministry. On May 4, 2007, the Judicial Reform Consultant held a meeting with the Secretary of the "Groupement european des magistrats pour la médiation", association of European judges advocating mediation, in relation to the possibility that some of the subsequent meetings of the Board of Directors of "GEMME" will be held in the Republic of Serbia, and be followed by an international mediation conference.

The Ministry of Justice, with the support of the MDTF, collected and processed annual reports of the dispute mediators in the reporting period, and produced a consolidated report indicating the scope of the application of mediation.

The Ministry, with the support of the MDTF, also developed an analysis of the personnel and infrastructure capacities of the courts for the application of mediation, as well as the interest of the presidents of courts, judges and employees to improve the application of mediation.

During the reporting period, representatives of the Commercial Appellate Court had worked on developing the preconditions for implementation of the first **pilot commercial Mediation Center within the Commercial Court in Belgrade**. In the reporting period, they have presented their plans to representatives of WB MDTF, and have agreed with them on support in the development of the Mediation Center (promotional material, etc.), which is supposed to be established in the last two quarters of 2017. Support from the EBRD project „Commercial Mediation in Serbia“ is expected in the following two quarters in development of a curriculum and training of mediation case managers in commercial courts, delivery of the Case Management Trainings and development of case management forms and procedures for commercial courts and providing coaching and mentoring to case managers in commercial courts.

In total, Judicial Academy has organized 10 info-sessions regarding the topic "**Promotion and enforcement of mediation, submitting court cases to mediation before commercial courts**" were realized from April to June 2017, with participation of **250 participants**.

**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 15<sup>th</sup>, 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 27<sup>th</sup> 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 28<sup>th</sup>, 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 3<sup>rd</sup>, 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 22<sup>nd</sup>, 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 28<sup>th</sup>, 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](https://www.youtube.com/watch?v=awnAlIBv_rs&feature=youtu.be).

On November 29<sup>th</sup>, 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.

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*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 18<sup>th</sup> 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, September 2017:** In the third quarter of 2017, Serbian Chamber of Enforcement Agents enacted the following bylaws: Rulebook on Judicial Officers Enrolment and Membership Fees; Rulebook on Initial Training for Enforcement Agents; Rules of Procedure of the Assembly; Ordinance on compensation for work and compensation of expenses of members of bodies and members of working bodies of the Chamber; Rulebook on acting on the request of the executive creditor to Serbian Chamber of Enforcement Agents for determining a judicial officer to whom shall submit motions to enforce pecuniary claims arising from rendered utility services and related activities that are based on authentic documents. The Budget of Serbian Chamber of Enforcement Agents is enacted too, approved by the Ministry of Justice. Due to denial of approval to the originally enacted Rulebook on Enforcement Agent Enrolment and Membership Fees from the second quarter of 2017, the Chamber adopted a new Rulebook and submitted it to the Ministry of Justice for approval. The Executive Board of Serbian Chamber of Enforcement Agents works on the adoption of other by-laws, according to the established activity plan.

**Once changes are effected in the Rulebook on Initial Training for Enforcement Agents as per suggestions of the MoJ, the Chamber and Judicial Academy may begin organising initial training.**

The only bylaw which remains outstanding to be enacted by the MoJ is the By-law on **Standards of Professional Conduct of Enforcement Agents**. This act is not one which is *per se* necessary for the implementation of LoES and is not an essential part of the monitoring and control system. It should be enacted upon additional assessment of the work of EA's and how such the act could best improve their work. Drafting of the bylaw was supplied by RoLE but the draft subsequently had to be revised substantially, which is why it has not been enacted yet. It is expected that the bylaw will be enacted in 2018.

For a **comprehensive overview of all the enacted bylaws and chamber acts** implementing the LoES please see:

<https://drive.google.com/a/nincic.eu/file/d/0B33kyTebMpi4b282cGIUODZFTU0/view?usp=sharing>.

Work on the development of **office surveillance software** is expected to be finalised in the following quarter (IV 2017).

The Judicial Academy reported that the Rulebook on training of applicants and the Rulebook on training and professional development of enforcement officers are sent to the Ministry of Justice and is awaiting their adoption in order to realize the planned training.

**Update, June 2017:** During the reporting period, four meetings were held to complete the preparation of the bylaws on training of the Chamber of Enforcement Officers, the adoption of which is to be envisaged by the Executive Board in the next quarter.

The Ministry of Justice continues work on the development of office surveillance software.

In the second quarter of 2017, Serbian Chamber of Judicial Officers enacted the following bylaws: Executive Board Ordinance (effected upon its endorsement by the Ministry of Justice), Decision on the Chamber's Notice Board and Rulebook on Judicial Officers Enrolment and Membership Fees.

When the Statute of the Chamber of Judicial Officers was effected ("Official Gazette of the Republic of Serbia" No. 105/16) and upon the election of the Chamber's officers in accordance with the latest statutory and regulatory framework, the Chamber's Executive Board, as a body mandated to enact the majority of the Chamber's bylaws, was in a position to be constituted. The Executive Board has set its plan of activities, defining the number of bylaws that are to be enacted by the end of this year.

The Rulebook on training of applicants and the Rulebook on training and professional development of enforcement officers were completed during the reporting period. A selection of all organs of the Chamber was conducted. These activities, as well as the holding of a solemn congress on the occasion of the 5 years of the existence of enforcement officers in the Republic of Serbia, were carried out in cooperation with USAID and the IPA Project of support to the Judicial Academy.

**Update, March 2017:** The Administrative Board of the Chamber of Enforcement Agents adopted on 17<sup>th</sup> 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 **13<sup>th</sup> 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.

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*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, September 2017:** On 29 September 2017 **232 enforcement agents and 27 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 July - September 2017 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:

- **1 proposal for initiating disciplinary proceedings** against enforcement agents was submitted;
- **118 new complaints** and petitions were received in which actions are taken and in 282 cases of re-submission of complaints by parties; information about work of the enforcement agents were by telephone provided to the citizens on daily level;
- in July 2017, the decision on the dismissal of one enforcement agent at his own request was made;
- **Register of persons who passed the exam for the enforcement agents is formed;**
- one case was treated concerning the complaint to the Administrative Court on the decision on the appointment of a enforcement agent;
- one case on a request for access to information of public importance was treated as well three cases on a request from the Office of Ombudsman;

In the third quarter of 2017, total 181 complaints on the work of Enforcement Agents are submitted. In the same period, Service of the Chamber of Enforcement Agents acted regarding to 340 complaints, whereby total 150 cases were solved. The Chamber has filed 10 request for determination of disciplinary responsibility against judicial officers.

In the reporting period, the Minister of Justice held a meeting with the President of the Chamber of Enforcement Agents during which ways to improve enforcement proceedings and the work of EA's were discussed, including through the use of ICT: <https://www.mpravde.gov.rs/vest/16370/ministarka-kuburovic-u-poseti-komori-javnih-izvrsitelja-.php>.

The **USAID Rule of Law project** started work, which will provide further support in the reform of the enforcement system and enforcement agents. Therefore, all stakeholders were involved in the process of planning of future activities during the period.

**Update, June 2017:** On 27 June 2017 233 enforcement agents 27 carry out activity on in 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 January - June 2017 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:

- 1 on-field monitoring over the work of the enforcement agents;
- 5 proposals for initiating disciplinary proceedings against enforcement agents were submitted;
- 235 new complaints and petitions were received in which actions are taken and in 293 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 April 2017, the decision on the dismissal of one enforcement agent at his own request was made;

- In June 2017, the decision on the removal of one enforcement agent was made.

The new disciplinary commission endured a change in membership, as one of the members of the commission from the ranks of enforcement officers is relieved of duty, why the Chamber appointed a new member from the ranks of enforcement officers, whose mandate was established at the inaugural session at 31.05.2017.

During the reporting period, the Disciplinary Commission for conducting disciplinary procedure against enforcement officers received 6 requests for determining disciplinary responsibilities. Two request for determining disciplinary responsibility were initiated by Ministry of Justice, three by the authorized disciplinary prosecutor of the Ministry of Justice and one by the Chamber. Two procedures started in 2016. were completed during the reporting period and in both cases the Commission made a decision on financial penalties.

In the second quarter of 2017, total 189 complaints on the work of Enforcement Agents have been submitted to the Chamber. In the same period, Service of the Chamber of Enforcement Agents acted regarding to 420 complaints, whereby total 3 supervision proceedings over the acting of Enforcement Agents were initiated. In the same time, a total 228 cases were resolved.

The Chamber of Enforcement Agents and Ministry of Justice regularly submit quarterly 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, 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 three 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.

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*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 3<sup>rd</sup> 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, September 2017:** The Serbian Chamber of Judicial Officers has organized a number of trainings in cooperation with various entities.

Serbian Supreme Court of Cassation organized a two discussions in Belgrade and Kragujevac, with Supreme Court justices, judges from the enforcement divisions of the first instance and second instance courts and a number of judicial officers present, organized in order to enhance effective and harmonized implementation of the 2015 LoES.

In order to improve the financial business of enforcement agents, with the support of the USAID-Business Enabling Project, workshops were held for judicial officers in Novi Sad, Kragujevac and Niš.

**Update, June 2017:** Until the enactment of the Ordinance Judicial Officers' Ongoing Training, the Serbian Chamber of Judicial Officers has organized a number of trainings in cooperation with various entities.

With the assistance of the USAID Business Enabling Project in the second quarter of 2017, the Chamber of EA's organized five trainings, related to mediation, that were led by representatives of the Partners for Democratic Change, during which MoJ employees also participated. In April 2017 there was a training related to issues of financial management for the Officers from the Belgrade Appellate Court region. With the assistance of the same partners, in June 2017 there was a two-day training for eight judicial officers.

The Chamber of Judicial Officers organized its Third Regular Forum of Judicial Officers, March 31-April 1, 2017, with 200 enforcement officers and their deputies, judges, MOJ representatives and representatives of various legal entities present scrutinizing a number of issues related to the implementation of the enforcement procedure legal framework. The Minister of Justice opened the Forum.

In June 2017 the Supreme Court of Cassation organized three round table discussions in Belgrade, Nis and Novi Sad, with Supreme Court justices, judges from the enforcement divisions of the first instance and second instance courts and a number of judicial officers present, in order to enhance effective and harmonized implementation of the 2015 Law on Enforcement and Security.

In June 2017 there was a workshop aimed to enhance the financial management of judicial officers' bureaus, organized for judicial officers from the Belgrade Court of Appeal region.

Likewise a Congress was held in the reporting period, to mark five years from the introduction of enforcement agents and the establishing of the Chamber in Serbia.

**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.

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*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-izvrstelj-a-vedena-u-srpski-pravosudni-sistem.php>;  
<http://www.mpravde.gov.rs/files/Izvrstelji%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-izvršenju-i-obezbedjenju.php>; <http://www.mpravde.gov.rs/vest/13215/demanti-teksta-oprošteno-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, September 2017:** Based on the roundtables described in the Fifth Report, the Supreme Court of Cassation, with the support of the MDTF, identified the controversial issues of applying the new LOE in terms of the frequency of their reporting in the courts and public enforcement agents and of relevance to judicial practice. These issues (to which the SCC's Civil Department provided opinions) and the answers will be contained in a publication prepared by the Supreme Court of Cassation with the support of IPA 2012 «Judicial Efficiency Project », USAID "Business

Enabling Project" and MDTF, which will be presented at a national conference devoted to the implementation of the new Law on Enforcement and Security planned for November 2017.

**Update, June 2017:** In accordance with the previously set priority of the Judicial Academy of training of judges acting in enforcement cases, both basic and higher as well as commercial courts and the Commercial Appellate Court, the Judicial Academy, in cooperation with the British Council, continued with the realization of the training, and in the reporting period 4 two-day trainings for higher courts were conducted, as well as 7 one-day for basic courts and 4 one-day for commercial courts. The total number of participants in the trainings was about 300 judges and associates.

For more information, see activity no. 1.3.6.3.

In the organization of the Supreme Court of Cassation, in conjunction with the IPA 2012 "Judicial Efficiency" Project, USAID "Business Enabling Project" and MDTF "Justice Sector Support", round tables are held in June and July 2017 on "Challenges in Implementing the New LOE", where judges of the Basic, Higher and Commercial Courts and representatives of the Public Enforcement Chamber participate.

At the round tables, judges of the Supreme Court of Cassation and judges of the first instance and second instance courts dealing with cases of execution, the controversial issues arising in the implementation of the Law on Enforcement and Security in the period October 2016 - May 2017 are being considered, in order to contribute to the effective and uniform application of the law. So far, round tables have been held: on June 13th in Belgrade (for basic, more and commercial courts from the Belgrade Appellate Court, which have its headquarters in Belgrade - First, Second and Third Basic Courts, the High Court in Belgrade, the Commercial Court in Belgrade, and the Commercial Appeals Court), on June 20 in Nis (for basic, more and commercial courts from the Appellate Court in Nis) and on June 27 in Novi Sad (for basic, more and commercial courts from the Appellate Court in Novi Sad). Round tables were also scheduled: 4 July in Kragujevac (for basic, more commercial and commercial courts from the Appellate Court in Kragujevac) and on July 11th in Belgrade (for basic, more commercial and commercial courts from the Appellate Court in Belgrade with Based outside Belgrade)

Disputed issues raised through roundtables will be sorted, processed and systematized. Answers to questions of relevance to the case law will be presented at the Annual Conference of Judges of the Republic of Serbia, which will be held from 5 to 7 October 2017 in Vrnjacka Banja.

**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.

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*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.<sup>3</sup> The conference was organised by the Supreme Court of Cassation, High Judicial Council and 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.**

**Update, September 2017:** At the meetings held during the reporting period, the Supreme Court of Cassation and the Ministry of Justice representatives identified the key indicators whose entry into case management systems was necessary in order to monitor the statistical parameters of court efficiency. The full implementation of these indicators and categories in the application for the management of cases of basic and higher courts (AVP) is expected by the end of October 2017.

At the same time, the Supreme Court of Cassation, following the methodology of its Annual Report on the Work of All Courts in the Republic of Serbia for 2016, prepared for the first time and published a six-month report, Report on the work of all courts in the Republic of Serbia for the

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<sup>3</sup> <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>

period January-June 2017. Bearing in mind that the Court Rules of Procedure in the sense of this activity has not been changed, the Supreme Court of Cassation applies the methodology and guidelines, if and when the most important performance indicators established by CEPEJ.

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 fully 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 fully 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 partially 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 fully 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 partially 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 fully 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 almost completely implemented.**

**Update, September 2017:** The expert engaged in the IPA 2012 “Judicial Efficiency Project” from the Faculty of Law in Novi Sad has developed an analysis on the topic "Harmonization of case law - comparative legal solutions and possible directions for the development of domestic legislation", based on the Austrian model (card sentences, court cases with doctrine, etc.).

Final text of the all of three parts of the Analysis will be available on November 15<sup>th</sup> 2017.

**June, 2017:** With the support of the JEP prof. Knezevic from the University of Novi Sad has drafted the Analysis. The adoption of the Analysis by working group will be done during the 3<sup>rd</sup> Q of 2017.

*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, September 2017:** The remaining state level court - The Commercial Court of Appeal - adopted its Rule on the replacement and omission (pseudonymization and anonymization) of data in court decisions ([http://www.pa.sud.rs/j%D0%B0vnost-r%D0%B0d%20%D0%B0/policy-about-replace-and-omission \(pseudonymization-and-anonymization\) - 758.html](http://www.pa.sud.rs/j%D0%B0vnost-r%D0%B0d%20%D0%B0/policy-about-replace-and-omission%20(pseudonymization-and-anonymization)-758.html)).

**Update, June 2017:** In cooperation with the OSCE Mission to Serbia and the MDTF, the Supreme Court of Cassation presented its Rulebook on the replacement and omission (pseudonymization / anonymisation) of data in court decisions at four roundtables, specially organized for this purpose:

- March 21, 2017 for basic, higher, commercial and larger misdemeanor courts based in the area of the Appellate Court in Novi Sad,
- 10 April 2017 for basic, higher, commercial and larger misdemeanor courts based in the area of the Appellate Court in Kragujevac
- 12 May 2017 for basic, higher, commercial and larger misdemeanor courts based in the Appellate Court of Nis and

- May 25, 2017 for basic, higher, commercial and larger misdemeanor courts based in the Appellate Court in Belgrade, as well as courts of the republican rank.

The President of the Supreme Court of Cassation and judges of the Supreme Court of Cassation - the members of the working group who drafted the Rulebook, presented to the participants the contents of the Rulebook as well as the Open List of Descriptors (Key Words) which is an integral part of the Rules, the purpose of its adoption, and recommended to all courts to adopt rules on Publication of court decisions and data anonymized for this purpose. In these events, the importance of the uniformity of these rules was emphasized, as the citizens and professional public should under the same conditions and in the same way access court decisions, and in that sense it was recommended that the Rule of the Supreme Court of Cassation be used as a model.

By the date of making this report, its rules on the anonymisation of court decisions brought, in addition to the Supreme Court of Cassation, two courts of the republican rank - the Administrative Court and the Misdemeanor Court of Appeal, three appellate courts - the Appellate Court in Kragujevac, the Appellate Court in Nis and the Appellate Court in Novo Sadu, as well as 19 higher courts.

**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.

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*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](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.**

**June, 2017:** Since there is no progress regarding this activity in last 4Q 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, September 2017:** The software development of new and improved case-law database was finalized by JEP project in August 2017. The system, based on free and open-source technologies will be a technology-neutral database with support for case-law decisions from all second and third instance courts in Serbia, as well as international courts: ECHR, CJEU, Inter-American Court, Court of Justice of the UN etc. It will support cross-referencing of decisions and advanced key-word categorization of content, enabling sophisticated and much more effective searching and filtering of decisions than it is the case with existing case-law database of the SCC. The JEP project is currently working with the Supreme Court of Cassation and the Ministry of Justice on installing and configuring the production instance of the system in the judicial data centre in Nemanjina 9 (building of the Supreme Court of Cassation) and migration of SCC decisions from legacy case law database to new one.

After Annual Judges Conference in Vrnjačka Banja, Judicial Academy and JEP will organize trainings in four appellate courts for managing and using new case-law database. After these initial trainings, the new system will formally enter the production use.

E-CASE, so-called Serbian HUDOC, as a base of judgments that are significant from the aspect of human rights protection. For now, it contains the judgments of the European Court of Human Rights in Strasbourg, which have been translated into the Serbian language. In the near future is



planned the introduction of relevant national court practices, thus the application will significantly gain on relevance and quality.

Judicial database supported by IPA 2012 “Judicial Efficiency Project” has so far produced about 4000 (four thousand) decisions, which have been anonymized in accordance with the Rulebook on the anonymisation of court decisions, for publication on the SCC website, and an additional 6000 (six thousand) decisions on the websites of appeals courts.

Through the established Network for the Exchange of Information Related to the Case Law between the European Court of Human Rights and the High Courts of the Council of Europe (Superior Courts' Network), led by the Judicial Department (Jurisconsult) of the European Court of Human Rights, in the context of the XVI Protocol to the European the Convention on Human Rights and Fundamental Freedoms, the Supreme Court of Cassation receives on a weekly basis a summary of the selected jurisprudence of the ECtHR and a flash-overview of decisions in cases of special importance for the practice of the ECHR in English and French. These materials, which are of particular importance for the up-to-date monitoring of the development of the case-law of the European Court of Human Rights - are translated from the English and French languages in an internal procedure, processed and submitted to the court departments within the VKS as possible guidelines for the further course of the development of the national jurisprudence in certain controversial legal issues.

The exchange runs in both directions, as the Supreme Court of Cassation delivers, at the request of the Jurisdictional Department of Judicial Practice, the analysis of national legislation and case law (such as the questions of the legal position of persons with mental disorders according to national legislation and case law, etc.). . This national database of regulations and case law appears as an instrument that contributes cross-borderly to a more correct interpretation of national legislation and case-law by the European Convention body.

**Update, June 2017:** The Supreme Court of Cassation is actively involved in the development of a new application - a database of case law, which supports the IPA 2012 "Judicial Efficiency" project. The project plans to finalize the application by the end of August 2017, after which the existing decisions of the Supreme Court of Cassation, published in the Court Practice section of the above-mentioned presentation of the Supreme Court of Cassation, would be migrated to the new system, which will enable more precise filtering and search for decisions in accordance with Categorization that would be in line with the Open Descriptor List (an integral part of the Rules on the replacement and omission of data in court decisions).

In the case of a database that is common to the appellate courts, they would begin the introduction of their decisions in the base after September 2017, after the training has been conducted.

**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 (Iurisconsult) the European Court of Human rights in the context of 16<sup>th</sup> 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*

**Update, June 2017:** 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 decisions amending the Decision on the Number of Judges in Courts which were published in the Official Gazette of the RS, Nos. 24/17, 31/17 and 54/17. In every other aspect, the status of the activity remains unchanged compared to the previous reporting period.

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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*

**Update, September 2017:** During III quarter of 2017, 463 court decisions along with their accompanying reasonings, which had previously been published in courts' newsletters, were publicly released in the database of case law. An approval for the publication of the abovementioned decisions and their reasonings in the Legal and Information System of the Republic of Serbia was granted to the PE Official Gazette in the middle of 2017. In addition to the decisions contained in the court newsletters, the database of case law has continuously been updated with the court decisions, legal opinions and answers that were made publically available on courts' websites, as well as with the decisions of the Constitutional Court and the European Court of Human Rights that were published in the Official Gazette of the Republic of Serbia, so that the total of 826 court decisions, legal opinions, as well as questions to the courts and courts' answers, which are significant for the harmonization of court practice, were published in this reporting period. At the moment of reporting, the abovementioned database comprised the total of 21,936 court decisions.

**Update, June 2017:** During April 2017, the PE Official Gazette addressed the total of 32 letters to the courts, in particular, to: the Supreme Court of Cassation, appellate and higher courts, the Commercial Appellate Court, the Misdemeanor Appellate Court and the Administrative Court, with a request for approval to publish the contents of their newsletters as collections of court decisions and legal positions of the courts in the database of case law within the Legal and Information System of the Republic of Serbia. Publication of the contents of these newsletters in the database of case law would ensure that the court decisions and legal positions, singled out by the courts as significant for the judicial application of law, are located in one place, available to all judicial and other public authorities to which the specified database is available free of charge in accordance with the law, as well as to all the users of the Legal and Information System of the Republic of Serbia. Until the moment of reporting, the reasonings, legal opinions and answers from the latest newsletters (for 2016, i.e. for 2015 and 2014) of the courts that submitted their approval were publicly released in the database of case law. Accordingly, the database of case law now contains 2,657 court decisions and legal opinions published in courts' newsletters, which makes 12.59% compared to the total number of acts in this database.

During II quarter of 2017, about 750 new court decisions related to civil, criminal and administrative law matters (including the decisions related to electoral 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. At the moment when this Report was concluded, this database comprised about 21,100 court decisions.

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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*

**Update, September 2017:** In III reporting quarter, the Legal Acts in English database was updated with 3 translations in English of the laws of the Republic of Serbia, so that, at the moment of reporting, this database contained 143 translations of the laws of the Republic of Serbia. The database Opinions, Models, Literature was continuously updated by publishing about 425 new documents, so that, at the moment of reporting, this database contained the total of 7,388 published acts. Special attention was devoted to the publication of the documents that were the subject matter

of discussion at the round tables held with a view to amending the Constitution in the part pertaining to judiciary.

**Update, June 2017:** In II 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 in English of the laws which are of significance for the implementation of Chapter 23, and which had not been translated at the earlier stage (Law on Mutual Legal Assistance in Criminal Matters, as well as the new Law on General Administrative Procedure). Furthermore, during this reporting period, the translations in English of the laws in the field of housing law and property-law relations, which were adopted at the Sixth and Seventh Sitting of the Second Regular Session of the National Assembly in 2016 (Law on Housing and Maintenance of Buildings, Law on Immovable Property Valuers, Law on Public Property), as well as other laws which are of significance for the economic activities of legal entities (Law on Transport of Dangerous Goods, Law on General Product Safety, Deposit Insurance Law, Law on Contributions for Mandatory Social Insurance and Deposit Insurance Agency Law), were published as well. At the moment of reporting, this database contained about 140 translations of the laws of the Republic of Serbia.

In II quarter of 2017, the database Opinions, Models, Literature was continuously updated by publishing about 515 new documents. In order to follow the work of the European Court of Human Rights, new press releases of the European Court of Human Rights regarding the changes in the method of dealing with applications depending on the case priority, i.e. the launch of a new system for single judge decisions were published in this database. At the moment of reporting, this database included more than 6,965 published acts. In order to collect the data that are not publicly available, and are significant for the maintenance of the Legal and Information System of the Republic of Serbia, the agreements on business cooperation have been concluded with the Republic Agency for Peaceful Settlement of Labour Disputes and the Securities Commission on the basis of an approval granted by the Government of the Republic of Serbia.

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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*

**Update, September 2017:** One presentation of the Legal and Information System of the Republic of Serbia was organized within the Education Centre of the PE Official Gazette with regard to building legalization.

**Update, June 2017:** During this reporting period, the presentations concerning the contents and functionalities of the Legal and Information System of the Republic of Serbia were held at the round tables entitled Electronic Legal Databases which were organized at the faculties of law, University of Niš and University of Kragujevac, as well as at the Belgrade Lawyers Conference – BEKOP 2017 which was held at the National Assembly of the Republic of Serbia. The abovementioned events were attended by the representatives of public authorities, state and other organizations and institutions. Furthermore, 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 budget inspection, control of public finances, foundations of penal law and inspection supervision.

Moreover, with the approval of the Government of the Republic of Serbia, and starting from June 2017, all interested users have been given an opportunity to use the entire Legal and Information System of the Republic of Serbia (except for the database comprising legal acts in English) free of charge for a period of 30 days. At the moment when this Report was concluded, there were 300 users applied for the promo period.

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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*

**Update, June 2017:** In II reporting quarter, specifically, on May 12, 2017 the Ministry of Public Administration and Local Self-government was provided with the list of 679 laws in force from the database Register and Texts of Regulations in Force and Other Acts. The abovementioned list was included in the form of an electronic questionnaire which pertains to the implementation of the new Law on General Administrative Procedure and which was developed by this Ministry.

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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.

*Earlier activities:* 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](http://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](http://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](http://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.

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**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 4<sup>TH</sup> 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.

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**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, September 2017:** In co-operation with the Office of the Council of Europe in Belgrade, the Supreme Court of Cassation took part in a wider, multilateral regional conference on the harmonization of court practice, which was held on 27-29 September 2017 in Athens, in addition to judges from the Western Balkan countries, judges of the French Court of Cassation (Cour de Cassation) and other courts outside the region, as well as lawyers of the Judicial Department (Jurisconsult) of the ECtHR, also took part. Representatives of the VKS were the heads of the records of the case law of the Civil and Criminal Department of the Supreme Court of Cassation, Judges Vesna Popovic and Vesko Krstajic.

Having in mind the different practices of the courts in the procedures for protecting the right to trial within a reasonable time, the Supreme Court of Cassation initiated the holding of a meeting of all presidents of courts dedicated only to this topic, and it is the same with the support of the Council of Europe Office in Belgrade, the IPA 2012 «Judicial Efficiency Project» and MDTF held in Belgrade on August 29, 2017. Within the topics covered, there were: controversial issues and case-law in deciding on complaints; disputable issues and case-law in deciding on appeals against decisions on complaints; as well as the compensation procedure (controversial issues and case law of deciding on compensation for non-pecuniary damage and controversial issues and case-law of deciding on compensation for pecuniary damage).

**Update, June 2017:** In co-operation with the Office of the Council of Europe in Belgrade, the Supreme Court of Cassation contributed to the organization of a regional conference on the harmonization of court practice, held on June 26, 2017 in Belgrade, attended by judges and court staff from seven Western Balkan countries (Albania , Bosnia and Herzegovina, Kosovo \*, Macedonia, Serbia, Turkey and Montenegro). The conference was moderated by the heads of

records of the case law of the Civic and Criminal Department of the Supreme Court of Cassation, Judges Vesna Popović and Vesko Krstajić.

Having in mind the different practices of the courts in the procedures for protecting the right to trial within a reasonable time, the Supreme Court of Cassation initiated the holding of a meeting of all presidents of courts that would be dedicated only to this topic, and it will, with the support of the Council of Europe Office in Belgrade, "Improving Judicial Efficiency" and MDTF will be held in Belgrade on 7 July 2017.

With the support of the MDTF, in order to further increase the capacity of the Supreme Court of Justice's jurisprudence, the continuation of the translation of the latest jurisprudence by the selection of the European Court of Human Rights Department (Iurisconsult) within the cooperation of the highest courts of the member countries of the Council of Europe. The Supreme Court of Cassation took part in the first meeting of the network of the highest courts of the member countries of the Council of Europe, held on June 16, 2017.

Within its support activities, the Supreme Court of Cassation, in order to unify the case law, began to prepare the relevant case law of the European Court of Human Rights for each joint meeting of appellate courts with the judges of the Supreme Court of Cassation, and how they committed themselves to resolving disputable issues in the field of civil law And those dedicated to resolving disputable issues in the field of criminal law.

Since this practice came to a good reception with the judges of the appellate courts, MDTF, through the support of the Supreme Court of Cassation, began to prepare extracts from the ECHR practice and for joint meetings of appeals with higher courts (in the reporting period two were held: April 19 for several courts From the area of the Appellate Court in Novi Sad and on 19 May for several courts from the Appellate Court in Kragujevac).

**Update, Mach 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.

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*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.

**Update, September 2017:** Implementation of this activity is in progress. The Republic Public Prosecutor's Office has made a report on the implementation of the Criminal Procedure Code by the public prosecutor's offices of regular jurisdiction in the period from October 1, 2013 until July 31, 2017. This report will be presented at the next session of Commission on implementation of the Action Plan for implementation of the National Judicial Reform Strategy.

**Update, June 2017:** On 22nd of May 2017 the State Prosecutorial Council submitted to the Commission for implementation of the National judicial reform strategy for period 2013-2018 detailed report on the activities conducted within implementation of the National judicial reform

strategy for period 2013-2018 and the Action Plan, during the first quarter of 2017, as well as plan of activities for the upcoming quarter, i.e. the second quarter of 2017.

The Supreme Court of Cassation is conducting this activity regularly, by submitting a report on the conducted activities and measures to the Commission for the implementation of the National Judicial Reform Strategy once in three months.

Report for the first quarter of 2017 on implementation of measures envisaged by the Action Plan which are in the scope of the Republic Public Prosecutor's Office has been submitted to the Commission for the Implementation of the National Judicial Reform Strategy for the period 2013-2018. Corrective actions have not been proposed.

**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 Government 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, September 2017:** The Government has, at its 12<sup>th</sup> session from 25<sup>th</sup> August 2017, at the proposal of the Ministry of Justice, adopted the Decision on forming the Working Body for Monitoring the Implementation of the National Strategy for War Crimes Processing.

The OWCP continued to take over cases within its scope of competence from the prosecutions of general jurisdiction across the overall territory of Serbia. Since early 2017, a total of 420 such cases have been taken over by this Office. These cases have been entered into relevant official registries and allocated to officers in charge of their processing.

In accordance with the obligations envisaged by the National Strategy, the OWCP continued the implementation of the activities towards the improvement of its cooperation with the Protection Unit (PU) and the War Crimes Identification Service (WCIS).

On 6 July 2017, the War Crimes Prosecutor and the Minister of the Interior signed the Protocol on Cooperation in the Witness Protection Area. The purpose of the Protocol is the enhancement of cooperation, joint activities and mutual relations of the OWCP and the Protection Unit (PU) operating within the Serbian Ministry of the Interior (MUP).

The OWCP representatives have established joint investigative teams and hold regular meetings with both the WCIS and PU officials. This operational methodology was established in order to enable each of the three services to perform duties and activities within their respective scopes of competence in a more effective manner.

A working body in charge of monitoring the National Strategy implementation has been established and the War Crimes Prosecutor has been appointed as member of that body.

The OWCP is strongly committed to further development of regional cooperation. In that connection, the Serbian War Crimes Prosecutor has initiated meetings with the Croatian Chief State Prosecutor and the BH Acting Chief Prosecutor.

On 27 July 2017, the meeting with the Croatian Chief State Prosecutor was held at the seat of the Croatian State Prosecutor's Office in Zagreb, whereas the meeting with the BH Acting Chief Prosecutor has been scheduled for 2 October in Belgrade.

Likewise, the OWCP tries to respond as promptly as possible to requests for assistance from its regional counterparts. The statistical overview of requests for assistance that have been exchanged so far is as follows:

Out of 48 requests for assistance that the OWCP has received from the BH Prosecutor since the beginning of this year, 30 have been positively resolved, whereas the remaining 8 are still being processed. On the other hand, out of 37 OWCP requests for assistance sent to the BH Prosecutor, 14 have been granted and 13 have remained unresponded.

Out of 14 requests for assistance sent by the Croatian State Prosecutor, the OWCP has responded to 5, whereas the remaining 9 are still pending. The Office of the Croatian State Prosecutor has not responded to any of the 5 requests sent by the OWCP.

The OWCP has not granted requests for assistance that contained some formal irregularities, i.e. to those not submitted in compliance with the requirements prescribed by the relevant Acts on Cooperation.

**Update, June 2017:** The WCPO from the time of the previous report continued cooperation with War crimes investigation service of the Ministry of Interior. WCPO continued sending documents and requested their incorporation in the data base.

After several consultative meetings agreement was reached on the internal protocol of cooperation between WCPO and Ministry of Interior's Witness Protection Unit. Signing of the protocol is scheduled for 5 July 2017.

In line with the Republic public prosecutor mandatory instruction on 3 April 2017 the WCPO has established "Service for informing and support of witnesses and victims".

**Update, March 2017:** In previous months 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 deloping 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, September 2017:** On 22 September 2017, the State Prosecutors' Council announced a new advertisement for the election of two new Deputy War Crimes Prosecutors. Thus, alongside the advertisement announced on 8 April 2016, the election procedure for three Deputy War Crimes Prosecutors is currently under way.

The State Prosecutorial Council Decision A No. 679/17 from 28th of August 2017 annulled the announcement for two positions for deputy public prosecutors for the War Crimes Prosecution Office, published in the "Official Gazette of the Republic of Serbia", No. 51/17 from 25th of May 2017.

At the session held on 18th of September 2017 the State Prosecutorial Council made a decision to announce election for 57 positions in public prosecution offices in the Republic of Serbia, which was published in the "Official Gazette of the Republic of Serbia", No. 86/17 from 22nd of September 2017. The stated announcement was issued for two positions of deputies of the War Crimes Prosecutor, for two positions in the High Public Prosecution Office in Belgrade, for one position of deputy public prosecutor in the High Public Prosecution Office in Cacak, as well as for 52 basic public prosecution offices in the Republic of Serbia.

On 4th of September 2017 the State Prosecutorial Council submitted to the National Assembly of the Republic of Serbia the Proposal of the Decision on election of deputy prosecutors of the War Crimes Prosecutor, based on the announcement published in the "Official Gazette of the Republic of Serbia", No. 36/16 from 8th of April 2016. On 15th of September 2017 the Board for judiciary, state government and local self-government adopted the Proposal.

**Update, June 2017:** War Crime Prosecutor Snežana Stanojković was elected by the National Assembly of Republic of Serbian on 15 May 2017. War Crime Prosecutor took a solemn oath before the National Assembly on 30 May 2017 and took over the duty of the War Crime Prosecutor on 31 May 2017 (the decision was published in the "Official gazette of the Republic of Serbia", No. 47/17).

Based on the announcement for election of a deputy Prosecutor for War Crimes, published on 8th of April 2016 ("Official gazette of the Republic of Serbia", No. 36/16), it was conducted procedure of performance evaluation and evaluation of candidates and the rank list was published on 2nd of February 2017 at the Council web page.

During the second quarter of 2017, the State Prosecutorial Council published an announcement for election of two deputies of the Prosecutor for War Crimes at the "Official gazette of the Republic

of Serbia”, No. 51/17, from 25th of May 2017, and the procedure of election based on the stated announcement is in the course.

**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.

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*Earlier activities:* On Jun 10<sup>th</sup> 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 26<sup>th</sup> 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.**

**Update, September 2017:** Currently under way is the analysis of the draft Prosecution Strategy alongside its harmonization with the applicable national legislation and the determination of concrete activities, subjects responsible for their implementation and for the assessment of necessary material capacities in accordance with the Action Plan for Chapter 23 and with the National War Crimes Prosecution Strategy.

**Update, June 2017:** Since the War Crime Prosecutor was appointed in May 2017 in the upcoming weeks the work on amending the draft Strategy will continue.

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

**December 2016:** The draft of the Prosecutorial strategy is finished and after the election of the new Prosecutor for War Crimes, the new Prosecutor can review it, after which the strategy can be finally adopted.

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*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.

**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, September 2017:** In the course of the past quarter, the OWCP Liaison Officer carried on the search of the MICT databases. The information/evidence identified as relevant to the OWCP cases has subsequently been provided to this Office.

**Update, June 2017:** On 8 May 2017 the joint ICTY and EU EC project "National prosecutors in visit" was continued. This project enables the stay and work of the representatives of the WCP in ICTY (also know and liaison officer project". This liaison officer can on his own initiative or upon the request of the deputy prosecutor working on the case, search the database of the ICTY prosecutor office, gathered and send the documents relevant for the work of the ICTY.

**Update, March 2017:** After several moths 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.

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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, September 2017:** The Judicial Academy has provided a detailed questionnaire about the needs for educational and training courses. The questionnaire has been answered by all the OWCP officers in charge of the case processing, Deputy Prosecutors and Assistant Prosecutors.

**Update, June 2017:** In May 2017 representatives of the OSCE Mission to Serbia met Mr Nenad Vujić, director of the Judicial Academy in order to arrange further steps in planning and organization of the Training needs assessment, to draft curricula and to conduct trainings.

**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.

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*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, September 2017:** In order to create a new Regulations on the Internal Organization and Job Classification in the Ministry of Interior the Service, acting upon request of the Criminal Police Department, has submitted to the Department its opinion on description of typical and individual job positions, as well as the titles of the individual job positions that should to be included in the Catalog of job positions.

In accordance with the Law on Police and the Regulation on the Evaluation of Police Officers and Other Employees in the Ministry of Interior, the first cycle of the evaluation of the members of the Service has been carried out.

According to art. 237, paragraph 4 of the Law on Police ("Official Gazette of the Republic of Serbia", No. 6/2016) by which the method of appointment of members of the Complaints Resolution Commission within the Ministry of Interior is stipulated, and upon request of the

Secretariat of the Ministry, the Service has proposed two police officers for the Commission membership.

**Update, June 2017:** In the previous period the proposal for separation of the Service from its organizational unit, the Criminal Police Department, was made, due to the specific nature of its activities, with the idea to place it under the authority of the Police Directorate. However, many years of experience have shown that the Service can only successfully operate under the Criminal Police Department, through direct communication with other services/units of the Department, and direct engagement of an additional number of police officers and material resources available to the Department. These advantages foster the coordination and effective operational activities. Therefore, the opinion that the Service should not be placed under the direct authority of the Police Directorate and should not be extracted from the organizational unit to which it belongs was supported by the Service, Department and the Ministry as well.

When it comes to hiring new police officers in the Service the Regulation on Implementation of an Internal Selection of the Employees of the Ministry of Interior is being applied ("Official Gazette of the Republic of Serbia" No. 73/2016), that regulates the election procedure, the work of the Candidates Selection Committee, the manner of evaluation and ranking of candidates, and the Regulation on Competences of the Employees in the Ministry of Interior ("Official Gazette of the Republic of Serbia" No. 52/2016), both adopted on the basis of the Law on Police ("Official Gazette of the Republic of Serbia" No. 6/16 ).

With such an electoral procedure there is no possibility of working engagement in the Service of those candidates who were in any way in contact with persons, units and /or locations related to the war crimes that were committed in the territory of the former Yugoslavia, and those candidates who do not meet criteria in terms of education, work experience required for the specific work position, knowledge and skills.

According to the current employment factual situation none of the members of the Service were involved in the armed conflict that occurred in the former Yugoslavia (Croatia, Bosnia and Hercegovina, Kosovo and Metohia).

By the Bylaw on Internal Organization and Job Classification in the Ministry of Interior, determined by the Minister in accordance with the Law on Police, it is stipulated to have 54 workplaces in the Service, of which 50 are taken, including operational and management staff. 22 police officers out of the 50 conduct investigations and are assigned to perform activities in the Division for Discovering Crimes against Humanity and International Law and Search for Missing Persons, and 4 perform operational analytical tasks and are assigned to perform activities in Division for Cooperation with The Hague Tribunal, Operational Analytics, Logistics and Documenting. The cooperation with The Hague Tribunal is performed by 7 police officers. The

support services (international cooperation, crimes documenting, IT analysis and technical support) are performed by 9 police officers. The management consists of 8 police officers: the Head of the Service, Deputy Head of the Service, two heads of divisions and four heads of sections – two in each Division.

Depending on the financial capacity of the Ministry, by the Bylaw on Internal Organization and Job Classification in the Ministry of Interior will be provided more job positions in the Service.

Over 50 % out of the total number of the Service members spent more than 10 years working in the police (in the range of over 10 to 25 years), and about 6 % out of all members of the Service spent more than 25 years working in the police. Police officers possess the necessary knowledge and skills needed for discovering crimes against humanity and international law and solving missing persons cases, and operational analytics. The working skills are acquired during many years in performing police activities, as well as through the regular and periodic training courses and assessment tests that are conducted at the level of the Ministry of Interior, in accordance with the Professional Development Program of the police officers, and through the specific training courses that were being conducted in cooperation with other international organizations and agencies.

In daily work, in addition to acting upon the requests of the judicial authorities of the Republic of Serbia, police officers of the Service on their own initiative conduct activities to take information and data from witnesses and the damaged, analyze the available evidence material, and inform the War Crimes Prosecutor's Office on the results. On the basis of those information the Prosecutor decides on further steps, in accordance with the Criminal Procedure Code. Since the Service was established 128 criminal complaints and reports (in addition), which encompass 496 suspects, were filed to the War Crimes Prosecutor Office.

The work of the Service encompasses the following legislative acts:

1. The Law on Organization and Jurisdiction of Government Authorities in War Crimes Proceedings ("Official Gazette", no. 67/2003, 135/2004, 61/2005, 101/2007 and 104/2009),
2. The Criminal Code Procedure ("Official Gazette of RS", No. 72/11, 101/11, 121/12, 32/13, 45/13 and 55/14)
3. The Criminal Code ("Official Gazette of RS" No. 121/12)
4. The Law on Police ("Off. Gazette of RS", no. 6/2016)
5. The Law on Cooperation of Serbia and Montenegro with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 ("Official Gazette of the FRY" No. 18/02 ).

In accordance with the Article 2 of the Law on Organization and Jurisdiction of Government Authorities in War Crimes Proceedings, the Service is authorised for submitting the criminal complaints to the War Crimes Prosecution for the following crimes:

- The criminal offences related to the Art. 370 to 386 of the Criminal Code;
- Serious violations of international humanitarian law committed on the territory of the former Yugoslavia since January 1, 1991, in accordance with the Statute of the ICTY;
- The criminal offense related to the Art. 333 of the Criminal Code - Assisting an offender upon the offense is committed, and if related to the Items 1 and 2, of the Art. 2, of the Law on the Organization and Jurisdiction of Government Authorities in War Crimes Proceedings.

Pursuant to the National Strategy the plan is to improve the cooperation between the Prosecutor's Office and the Service, to form a mutual strategic team in order to define guidelines and directions for dealing with matters of common importance, to form mutual operational teams with the prosecutor as the procedure manager, and to organize periodically roundtables in order to exchange experiences and improve mutual activities.

**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 being implemented successfully.**

**Update, September 2017:** The Working Group for the collection of facts and evidence for the investigation of crimes committed against Serbs and other national communities in Kosovo and Metohia, within the Committee on Kosovo and Metohia of the National Assembly of the Republic of Serbia, has held several meetings during the reporting period.

One member of the Service is engaged in activities of the Analytical Team which is responsible for documents processing on war crimes committed by members of the so-called "KLA" in the territory of Kosovo and Metohia. The Analytical Team has been formed on the initiative of the Working Group of the Committee on Kosovo and Metohia and so far the Team has held several working meetings. In the addition, the Service prepared and submitted to the War Crimes Prosecutor's Office the available documents on war crimes committed in Kosovo and Metohia.

The Working Body for Monitoring the Implementation of the National War Crimes Prosecution Strategy upon the Decision of the Government of the Republic of Serbia, has adopted the Rules of Procedure that regulate the organization and work methods of the mentioned Working Body, as well as other important work issues. The first constitutive meeting of the Working Body took place on September 19, 2017.

In accordance with the request of the Sector for International Cooperation, EU Affairs and Planning, and in order to improve cooperation with the Republic of China, the Service, due to improve operational efficiency, has applied for a donation of several radio stations and hand-held cameras.

In the scope of the Universal Periodic Review - a new mechanism for monitoring of the protection of human rights in the member states of the United Nations, which was put under the authority of the Human Rights Council by the UN General Assembly Resolution 60/251 of March 15, 2006, the Service has prepared the information in order to update the working version of the Republic of Serbia's Report for the Universal Periodic Review. Also, on September 20 2017 the Service gave its opinion on the Draft Report of the Republic of Serbia for the Third Cycle of the Universal Periodic Review.

According to the Inquiry of the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence which has been submitted to the Service by the Office for Human and Minority Rights of the Government of the Republic of Serbia, the Service prepared its answers to the questions related to its competence.

According to article 23, paragraph 2 of the Law on State Administration ("Official Gazette of the Republic of Serbia" no. 79/05, 101/07, 95/10 and 99/14) and article 124 of the Regulations on Internal Organization and Job Classification in the Ministry of Interior the Decision was issued by the Minister of Interior to establish a Commission of the Ministry for performing tasks of takeover of business premises which will be used by the Service. The premises are located in a part of the building in Obilicev Venac Street 2, in Belgrade. Two members of the Service were appointed to the Commission.

**Update, June 2017:** The strategic priorities of the Service are defined by the National Strategy for War Crimes Prosecution 2016/2020, which was adopted by the Government of the Republic of Serbia on February 20, 2016, and by Draft of the War Crimes Prosecution Strategy 2016-2026. The Prosecution Strategy will facilitate to meet the recommendations from the European Commission's screening report for Chapter 23 "Judiciary and Fundamental Rights" and meeting the tasks envisaged by the National Strategy:

- significant improvement in the efficiency of the investigation and prosecution of war crimes in the Republic of Serbia, which will be reflected in the suppression of impunity for war crimes, regardless of characteristics and status of the perpetrator,
- support to the judiciary through the promotion of regional cooperation,
- unification of court practice in order to achieve proportionality in sanctions, and
- improvement of mechanisms for the protection and support to witnesses and victims

Pursuant to the initiative of the Ministry of Justice of the Republic of Serbia to establish a Temporary Working Group of twelve members for monitoring the implementation of the National Strategy for the Prosecution of War Crimes, the Service proposed two representatives who will act as a member and as a deputy member of the Working Group.

The Head of the Service, as a representative of the Ministry, participates in the following working groups:

1. Working group for drafting War Crimes Prosecution Strategy 2016/2026, prepared by the War Crimes Prosecutor Office of the Republic of Serbia.
2. Joint Operative Body - Working group for collection of facts and evidence of crimes against persons of the Serbian nationality and other national communities in Kosovo and Metohia, at the Committee for Kosovo and Metohia of the National Assembly of the Republic of Serbia. At one of the sessions of this Working group, the Head of the Service has suggested to compile the data on war crimes committed by KLA, to be supplied by The Military Intelligence Agency, Security Intelligence Agency, Military Security Agency and Ministry of Interior, in order to be integrated analytically in the War Crimes Prosecutor's Office. Also, a police officer of the Service will be engaged with work of an expert-analytical team. On the initiative of the Working Group of the Committee for Kosovo and Metohia, he/she will be in charge to unite systematized documentation on war crimes committed by members of "KLA". The resolving of this issue is pending.
3. The Commission on Missing Persons formed by the Decision of the Government of the Republic of Serbia in 2006, with the mandate to deal with issues of missing persons in the armed conflicts in the territory of former Yugoslavia.

On the initiative of the Working Group of the Assembly Committee for Kosovo and Metohia, the Service managed to systematize and process chronologically the documentation on war crimes which were committed by the members of the «Kosovo Liberation Army» in the territory of Kosovo and Metohia, until 2000.

The documentation was systematized and chronologically processed by zones of operation of the KLA (7 zones in total), and consists of the operational information, the criminal complaints, the statements of the potential witnesses and other evidence. All documentation with the available documents of the other state authorities (Security Information Agency, the Military Security Agency, the Military Intelligence Agency, the Commission on Missing Persons of the Republic of Serbia) will be submitted to the Special Court for War Crimes in Kosovo and Metohia, through the Prosecutor's Office, after the analytical processing is performed.

In the previous period the new members of the management were appointed: the Head of the Service, Deputy Head of the Service, the Head of the Division for Discovering Crimes Against Humanity and International Law and Solving Missing Persons Cases, Head of the Division of Operational Analytics, Logistics and Documenting. All of them have a long-term police experience, and the necessary knowledge and skills to carry out their functions.

The Data Secrecy Law ("Official Gazette of the Republic of Serbia", No. 104/2009) is always applied during the activities of the Service. Accordingly, the Criminal Police Department received the list of chiefs of the Service in order to obtain a clearance to access classified information, in accordance with the Law on Police and the Decree on the Manner and Procedure of Marking the Confidentiality of Data or Documents ("Official Gazette of the Republic of Serbia", No. 8/2011). Two members of the Service were appointed by the Minister to act upon requests for exercising the right of protection of personal data in accordance with the Law on Protection of Personal Data ("Official Gazette of RS", No.97/2008 104/2009, 68/2012-decision of the Constitutional Court and 107/2012), and for requests to access information of public importance - The Law on Free Access to Information of Public Importance ("Official Gazette of RS", No.120/2004, 54/2007, 104/2009, 36/2010).

In accordance with the Law on Police and the Regulation on the Evaluation of Police Officers and Other Employees in the Ministry of Interior, each year in two cycles, the evaluation of the members of the Service will be carried out. The elements of the employee evaluation system, evaluation criteria and method of evaluation are provided by the Regulation. The evaluation is the basis for monitoring and improving the results of employees' work in the Ministry, career development and promotion, in order to achieve the strategic goals and plans of the Ministry and the Service. The evaluation process will be public, the results of the process will be confidential, and the evaluation will be independent and impartial.

The Service has improved technical and material capacities thanks to the donation of IT equipment which was donated to the Ministry of Interior – the Criminal Police Department – the Service by the US Department of Justice through the ICITAP.

Within the Project "Support to the Development Capacities of the Strategic Management and European Integration in the Ministry of Interior", the Swedish Agency for International Development and Cooperation (SIDA) has donated a server for the use in the Information Management Software "ZyLab".

The Service emphasizes the great significance of the donation therefore it contributes to the implementation of the recommendations from the Screening Report 1.4.1 of the Action Plan for Chapter 23 - "Judiciary and Fundamental Rights".

In this regard the Service plans in the future an adequate maintenance and improvement of the existing ZyLab archive server system, as well as further training of its existing and new users.

The Service also plans the renewal of the driving park and improvement of office accommodation capacities. The issue will be arranged in accordance with the Plan for Equipping of the Criminal Police Department of the Ministry, and in this regard the significant progress has already been made.

**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.**

**Update, June 2017:** The report will be finalized after the adoption of the Prosecutorial Strategy.

**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 working group publish their final version of the Prosecutorial Strategy.

**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.**

**Update, September 2017:** The OWCP is fully committed to the enhancement of cooperation with the ICTY and MICT. Beside the OWCP Liaison Officers assigned to the Office of the MICT Prosecutor, the ambition is to develop more direct cooperation through the organization of periodical working meetings aimed at the determination of concrete steps in further cooperation and the harmonization of the forthcoming operational dynamics. The first such meeting was held on the premises of the ICTY Prosecutor’s Office at the Hague on 2 August 2017. The next meeting has been scheduled for 9 October and will be held at the OWCP seat in Belgrade.

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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.

**Update, June 2017:** Consultative meetings with representatives of the ICTY and MICT. Exchange of knowledge and experience on legal issues in line with legal framework of Republic of Serbia and the future activities envisaged by the Prosecutorial Strategy. The initial agreement should be made on training program in line with the needs. The first meeting is scheduled for 2 August 2017.

**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.** 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, June 2017:** The assessment or analyze is conducted in February, 2016. The results of the analysis show that the activities defined in the Action Plan are in accordance with the conclusion of the analysis and in the forthcoming period implementation of all recommendations from the conclusion will be carried out.

**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 12<sup>th</sup> 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, September 2017:** Pursuant to the Decision to establish the Support and Information Service (SIS), three members of the OWCP staff have been assigned to the newly founded Service, specifically a SIS coordinator and two members. In the course of the reporting period, the SIS members attended training programmes in the witness support area, organized by domestic and international institutions and other entities. With a view to updating interested individuals and organizations, the OWCP website offered the information about the SIS inception and activities, its members and their contact details, information to victims and witnesses, and the relevant brochure issued by the Office of the Republic's Public Prosecutor. The SIS keeps electronic records of all witnesses and victims contacted, as well as of the information/support services provided. In order to ensure smooth functioning of the Service, its coordinator and members hold periodical meetings and submit quarterly reports on their work to the War Crimes Prosecutor.

**Update, June 2017:** In line with the Republic public prosecutor mandatory instruction on 3 April 2017 the WCP has established "Service for informing and support of witnesses and victims". The methodology and the principles of the work, persons responsible for the work are prescribed by the Service "rule book" that was adopted on 29 March 2017.

Furthermore, training of representatives of the Services for informing and support to the injured parties and witnesses in the public prosecutor's offices has continued. With the support of the

OSCE Mission, on April 3-4, 2017 seminars were held in Belgrade for Services for informing and support to the injured parties and witnesses in the Higher Public Prosecutor's Offices from the territory of the Appellate Public Prosecutor's Office in Belgrade, as well as the Services of the First Basic Public Prosecutor's Office in Belgrade, The Prosecutor's Office for Organized Crime and the War Crimes Prosecutor's Office. Also, on April 24, 2017 with the support of the OSCE Mission to the Republic of Serbia, a seminar was held in Belgrade for representatives of all court and prosecutorial Services. On this occasion, posters and additional copies of brochures and communication manuals were presented to the representatives of the public prosecutor's offices. Also, representatives of the public prosecution services participated in seminar "Support to Services for informing and support to the injured parties and witnesses" organized with the support of civil society organization "ASTRA" on May 29, 2017 in Belgrade.

**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 1<sup>st</sup> 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.

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*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.**

**Update, September 2017:** In the frame of EU Grant Project WINPRO III, Co-operation in Criminal Justice: Strengthening Witness Protection in the Fight against Organized Crime, Terrorism and Corruption, two police officers of the Protection Unit of the Ministry of Interior were present in Workshop on identity change in the period 13- 14 June, 2017.

Also in the same Project WINPRO III, in the period 15-16 June, 2017 the training was held for two police officers of the Protection Unit of the MOI - Financing the Protection Program in Sarajevo, Bosnia and Herzegovina.

Also, we would like to inform you that in the period 19- 20, June 2017 was held a training "Change of Identity" for two police officers of the Protection Unit in the frame of WINPRO III Project in Skopje In Macedonia.

Also, in period of two weeks four police officers of the Protection Unit were present on Work-Shadowing Experience June-August 2017, in the frame of EU grant Project WINPRO III and in cooperation with the International Criminal Court and the victims and witness Section.

**Update, June 2017:** In the period from 30th to 31st May 2017, 3rd seminar on Witness Protection was held: "Counseling, consolidation, promotion and improvement", attended by the representatives of the Protection Unit, Ministry of Interior, R. Serbia and delegates from different countries of Europe and the world. The seminar was held at the International Criminal Court in The Hague, in the Netherlands. At the Seminar, the subject was closely related to the field of witness protection in the form of workshops through "Panel Discussion with Experts", where participants exchanged concrete experiences in order to improve work practices.

Within the EU Grant Project Cooperation in the Criminal Justice: "Strengthening Witness Protection in the Fight against Organized Crime, Terrorism and Corruption" - WINPRO 3. The

"Workshop on the Change of Indeterminacy of Protected Witnesses" was held in the period from 13 to 14 June 2017. In Sarajevo, Bosnia and Herzegovina. Also the "Training on Financing the Protection Program" took place in the period from 15th to 16th June 2017 in Sarajevo, Bosnia and Herzegovina, as well as "Training on Change of Indices" in Skopje, FYR Macedonia in the period from 19th to 20th June 2017.

**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.

*Earlier activities:* In November 2016, it was conducted IT workshop with WINPRO III.

Shooting practice with in the Ministry of Interior, in November 2016.

**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 partially implemented**

**Update, September 2017:** The concourse for the IT expert is closed; Protection Unit is waiting for a candidate.

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Approvals were obtained for amending the Ordinance on Internal Organization and Systematization of the Employment Unit's workplaces, which refers to the systematization of specific jobs: psychology and social specialists, as well as IT expert. The above mentioned posts were systematized and an internal competition for the admission of the mentioned experts was announced. For further jobs within the Protection Unit's premises, the request was sent for temporary transfer of police officers from other Ministry of Interior units to the Protection Unit.

**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 partially implemented**

**Update, September 2017:** The members of the Ministry of Interior attend the Training Course „Introduction to the Functioning of the EU“ which is being implemented within the Project "Support to Strategic Management and Development of Integration Capacities of the Ministry of Internal Affairs of the Republic of Serbia". Four members of the Service have been assigned to attend that Training Course.

In order to participate in the OSCE Special Monitoring Mission in Ukraine, the Service suggested one member for the monitoring officer.

In order to participate in the United Nations Peacekeeping Force in Cyprus, the Service suggested one member for this Mission.

In the reporting period the Service held a meeting with the representatives of the OSCE Mission to the Republic of Serbia, in order to get acquainted with the Project "Support to monitoring of national war crimes trials - Phase II. The Project plan are foreseen activities for establishing a training system in various legal areas for judges, prosecutors, police officers and other persons engaged in the work on war crimes cases. The representatives of the OSCE Mission to the Republic of Serbia are expected to submit in the upcoming period a questionnaire so that the Service could select the necessary training courses.

In September 2017, representatives of the Service held a meeting with representatives of the FBI in order to improve cooperation in the area of war crimes investigation, information exchange and assistance in the criminal prosecution of perpetrators of those crimes. On that occasion the representatives of the FBI expressed their willingness to organize professional training courses for the members of the Service in the following period.

In accordance with the request of the Sector of International Cooperation, EU Affairs and Planning of the Ministry, and the letter of the Ministry for European Integration of the Republic of Serbia, the Service is provided with a list of seminars which will be organized by the Japanese Agency for International Cooperation in 2018. The Service has suggested that its members attend the seminar "International Criminal Investigations".

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WPU reported that for June 26, 2017 the meeting is scheduled with new Prosecutor for war crimes as to agree on defining a protocol on cooperation.

WCIS reported that the members of the Service are attending training courses which are organized by the Human Resources Management Service of the Government of the Republic of Serbia. That Service is creating a General Professional Training Programs for civil servants, ministries, special organizations and services of the Government, and is organizing professional development in accordance with the Program. The Program includes the training courses related to the activities of the War Crimes Investigation Service, such as: training course for the authorized persons who provide information of public importance, training course on the classified information protection, training course on protection and improvement of human and minority rights, public relations, language courses, etc.

The members of the Service participate in webinars - the form of the professional training on various topics which are being organized by the European Union Agency for Law Enforcement

Training – CEPOL. The CEPOL organizes dozens of live webinars on annual basis that are projected for the police officers from European countries.

In accordance with the Action Plan for ch. 23 the round tables are planned for members of the Prosecutor's Office and the Service on a specific topic "Basics of Communication with Media".

In the previous period members of the Service were being attended the following training courses:

1. "Statement Analysis", organized by ICITAP, in Belgrade.
2. "Test of interrogation of suspects and witnesses", organized by ICITAP, in Belgrade.
3. "Interrogation and investigation techniques", organized by ICITAP, in Belgrade.
4. "The course on Analytical Skills in the Field of Archiving, Operational Analytics and Search Archival Material, Investigations on Violations of International Humanitarian Law and Crimes Against Humanity," took place in The Hague, Netherlands, organized by the OSCE Mission in the Republic of Serbia;
5. "International Courses for Investigators" that provide additional skills needed for the successful investigation of serious violations of international humanitarian law, including war crimes, genocide and crimes against humanity, took place in The Hague, Netherlands and in Dublin, Ireland, organized by OSCE Mission in the Republic of Serbia;
6. Courses/Programs on Terrorism and Security Studies in the European Center for Security Studies "George Marshall" in Garmisch-Partenkirchen, Germany;
7. The French language course in the National Police Training Institute in Clermont-Ferrand, France, organized by the Embassy of the French Republic in the Republic of Serbia;
8. The French language course organized by the Embassy of the French Republic, took place in Belgrade;
9. The English language course organized by the OSCE-Mission in the Republic of Serbia, held in Belgrade;
10. The Italian language course, organized by the Italian Institute of Culture in Belgrade.
11. The working visit to the ICTY in The Hague, Netherlands, for members of the Service who work on analytics, documenting, archiving and IT support in order to be acquainted with legislation and the ICTY practice, organized by the OSCE Mission in the Republic of Serbia;
12. Seminars for Investigators of War Crimes, the Crime Against Humanity and Genocide, held in Lyon, France, organized by OSCE Mission in the Republic of Serbia;
13. The International Expert Meeting on Genocide, War Crimes and Crimes Against Humanity, held in Oslo, Norway, organized by the OSCE-Mission in the Republic of Serbia;

14. Study visits to the Norwegian National Police Directorate, organized by the OSCE-Mission in the Republic of Serbia;
15. "The International Program for Leadership in the United States," organized by the USEmbassy;
16. Four meetings of the Commission Experts on Trafficking in Organs, Tissues and Cells in order to develop the Convention Against Trafficking in Organs, held in Strasbourg, France, organized by the Council of Europe and Ministry of Interior of Serbia;
17. The course "Integrated Emergency Management" in the Crisis Management Centre in Kuopio, Finland;
18. Several exercises in the Peacekeeping Operations of the European Union (COESPU Center) in Vicenza, Italy;
19. Seminar on the "Confiscation of Property From Criminal Acts", held in Belgrade, the Republic of Serbia;
20. The Training Courses for Using Information Management Software "ZyLab" - program for systematization of documentation from all available sources on war crimes, held in Belgrade, and organized by the ICITAP and the OSCE Mission in the Republic of Serbia;
21. The Training Programs for the Implementation of the new Criminal Procedure Code, held in the Republic of Serbia.

**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 not 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.

2017/2: It is expected that 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 will be amended in October 2017.

2017/3: It is expected that 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 will be amended in October 2017, upon publishing IPA 2013 „Prevention and fight against corruption“ initial assessment .

**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 not 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.

2017/2 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. Meetings will be held from October 2017 on two-month level.

2017/3 Status of activity remain unchanged.

**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.**

2017/2: No changes.

2017/2: It is expected that the Rules of Procedure of the Government will be amended in December 2017.

2017/3: No changes.

**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.

Anti-Corruption Council: The Anti-Corruption Council did not receive the annual work plan of the Government. Members of the Anti-Corruption Council were given the opportunity to take an active part in the work of the working group for the drafting of the Anti-Corruption Agency Act. Council members were not given the opportunity to take an active part in the work of other working groups in the legislative process.

**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 not 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.

2017/2: It is expected that 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 will be amended in October 2017.

2017/3: No changes.

**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.

2017/2: 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.

**2017/3:** The Republic Public Prosecutor's Office has continued to analyze reports submitted by the Anti-Corruption Council, direct them to the competent prosecutor's offices, monitor criminal proceedings initiated upon Council's reports and inform the 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 partially 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.

2017/2: No changes.

2017/2: It is expected that budgetary and staff capacities of Anti-Corruption Council will be strengthened in December 2017.

**2017/3:** The Government has, at its 5th session from 13th July 2017, at the proposal of the Ministry of Justice, adopted the Decision on the appointment of two new members of the Anti-Corruption Council.

**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 not implemented.**

This activity is performing in practice in a way that 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.

**2017/3:** There are no changes compared to the previous report.

**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.

2017/2: It is expected that the new Law on Anti Corruption Agency will be adopted by 2. quarter 2018.

2017/3: It is expected that the new Law on Anti Corruption Agency will be adopted by the end of 2017.

## **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.

2017/2: It is expected that the new Law on Anti Corruption Agency will be adopted by 2. quarter 2018.

2017/3: It is expected that the new Law on Anti Corruption Agency will be adopted by the end of 2017.

**2.2.1.3. Monitoring the implementation of new Law of Anti-Corruption Agency and acting of all state authorities in line with the new Law on Agency and identify the most important state authorities who will cooperate with the Agency and will be made software that will monitor the implementation of the new Law on Agency.**

Upgrade software in order to have timely and accurate overview on the cases initiated by the ACA (necessary data at least from the courts, prosecutor's office, MoI, Tax administration, Business Registry Agency, the Cadastre, Depo and Clearing). Data exchange will enable establishing an adequate track record and case flow re ACA cases. Would be placed at ACA website with all info related to the particular case (that are public according to the law). (Continuously)

**Activity is not implemented.** Implementation of this activity has been preconditioned by the adoption of the new Law on the Anti-Corruption Agency.

2017/3: The same state of play as in the previous reporting period.

**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.

**2017/3:** The same state of play as in the previous reporting period.

**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.

**2017/2:** Training Needs Assessment as well as Training Programme have been drafted within the Twinning project “Prevention and Fight against Corruption”. The respective documents will have been adjusted to provisions of the new Law on the Anti-Corruption Agency, once it has been adopted. Apart from the Anti-Corruption Agency’s staff, other relevant institutions will also be involved in this activity.



**2017/3:** Training Needs Assessment as well as Training Programme have been drafted within the Twinning project “Prevention and Fight against Corruption”. Trainings have been conducted in line with the respective Programme.

#### **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.

**2017/2:** Albeit the new Law on the Anti-Corruption Agency has not been adopted yet, trainings have been conducted, in accordance with defined programme within the Twinning project. In the reporting period a basic training on combating corruption for newly employed Anti-Corruption Agency's staff and advanced training on conflict of interest for Anti-Corruption Agency's staff as well as representatives of the Anti-Corruption Council, Misdemeanour Court, Appellate Misdemeanour Court, Public Prosecutor's Office and Administrative Court were held.

**2017/3:** In line with the Training Programme, developed within the Twinning project “Prevention and Fight against Corruption”, training on control of assets and income was held on September 22, 2017. Apart from the Anti-Corruption Agency's staff, representatives of High Judicial Council, State Prosecutorial Council, Republic Public Prosecutor's Office, First, Second and Third Basic Prosecutor's Office, Misdemeanour Court in Belgrade, Misdemeanour Appellate Court, Administrative Court, Ministry of Interior, Tax Administration, Administration for Prevention of Money Laundering, Republic Geodetic Authority, Business Registers Agency, Central Securities, Depository and Clearing House and Anti-Corruption Council were also invited.

#### **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.

2016/1: 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.

2016/2: 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.

2016/3: 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.

The application for reporting on implementation of the National Anti-Corruption Strategy and its Action Plan is operational, i.e. the activity has been implemented in the part related to application development.

**2017/1:** The application for reporting on implementation of the National Anti-Corruption Strategy and its Action Plan is operational, i.e. the activity has been implemented in the part related to application development.

**2017/2:** The activity has been implemented in the part related to application development.

**2017/3:** Within the Twinning project “Prevention and Fight against Corruption” preparatory activities for forthcoming upgrade of the software for reporting on the National Anti-Corruption Strategy and its Action Plan commenced. Preparatory activities include the review of the current software as well as focus group meetings with representatives of institutions using it.

**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.

The activity has been implemented in the part related to application development.

**2017/3:** Within the Twinning project “Prevention and Fight against Corruption” preparatory activities for forthcoming upgrade of the software for reporting on integrity plans commenced. Preparatory activities include the review of the current software as well as focus group meetings with representatives of institutions using it.

#### **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 being successfully implemented.**

2017/1: Implementation of this activity has been preconditioned by defined timeline of the Twinning Contract implementation, i.e. is not due in this reporting period.

2017/2: As per the Twinning contract, trainings for the Anti-Corruption Agency’s staff will also include representatives of the other relevant institutions. In the reporting period multidisciplinary, two-day advanced training on conflict of interest for the Anti-Corruption Agency’s staff as well as representatives of the Anti-Corruption Council, Misdemeanour Court, Appellate Misdemeanour Court, Public Prosecutor’s Office and Administrative Court was held. The fact that the indicator for fulfillment of this activity has been directly related to the enactment of the new Law on the Anti-Corruption Agency will also be taken into account in the course of its implementation.

**2017/3:** Within the Twinning project “Prevention and Fight against Corruption”, training on control of assets and income was held in the reporting period. Apart from the Anti-Corruption Agency's staff, representatives of High Judicial Council, State Prosecutorial Council, Republic Public Prosecutor's Office, First, Second and Third Basic Prosecutor's Office, Misdemeanour Court in Belgrade, Misdemeanour Appellate Court, Administrative Court, Ministry of Interior, Tax Administration, Administration for Prevention of Money Laundering, Republic Geodetic Authority, Business Registers Agency, Central Securities, Depository and Clearing House and Anti-Corruption Council were also invited.

#### **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.

2017/2: Implementation of this activity has been preconditioned by defined timeline of the Twinning Contract implementation, i.e. is not due in this reporting period. The fact that the indicator for fulfillment of this activity has been directly related to the enactment of the new Law on the Anti-Corruption Agency will also be taken into account in the course of its implementation.

**2017/3:** The same state of play as in the previous 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 being successfully implemented.**

2017/1: Implementation of this activity has been preconditioned by defined timeline of the Twinning Contract implementation, i.e. is not due in this reporting period. (2016/2; 2016/3; 2017/1;)

2017/2: In accordance with the Twinning contract, two-day advanced training on conflict of interest for the Anti-Corruption Agency's staff as well as representatives of the Anti-Corruption Council, Misdemeanour Court, Appellate Misdemeanour Court, Public Prosecutor's Office and Administrative Court was held in the reporting period.

**2017/3:** Within the Twinning project "Prevention and Fight against Corruption", training on control of assets and income was held in the reporting period. Apart from the Anti-Corruption Agency's staff, representatives of High Judicial Council, State Prosecutorial Council, Republic Public Prosecutor's Office, First, Second and Third Basic Prosecutor's Office, Misdemeanour Court in Belgrade, Misdemeanour Appellate Court, Administrative Court, Ministry of Interior, Tax Administration, Administration for Prevention of Money Laundering, Republic Geodetic Authority, Business Registers Agency, Central Securities, Depository and Clearing House and Anti-Corruption Council were also invited.

**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/](http://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.

**2017/3: Report of the Responsible authority was not submitted.**

**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.

**2017/3:** Activity linked to the adoption of Draft Law on Amendments to the Law on financing political activities.

**2.2.2.4. Monitoring the implementation of Law on Financing Political Activities. (Continuously, commencing from IV quarter 2016)**

**Activity is not implemented.**

ACAS: The Anti-Corruption Agency is one of the institutions involved in implementation of this activity, which should commence after amending the Law on Financing Political Activities, envisaged for IV quarter of 2016 but still not adopted. In accordance with its competences the Anti-Corruption Agency monitors the implementation of the current Law on Financing Political Activities.

**2017/2:** The same state of play as in the previous reporting period.

**2017/3:** The same state of play as in the previous reporting period.

**2.2.2.5. Adoption of bylaws which regulate criteria and deadlines for controlling reports of political subjects by introducing the plan of priority control of reports in order to enable prioritization of control of reports. (II quarter of 2017)**

**Activity is not implemented.**

**2017/2:** Implementation of this activity has been preconditioned by adoption of the amendments to the Law on Financing Political Activities.

**2017/3:** The same state of play as in the previous reporting period.

**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 partially implemented.**

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.

**2017/2:** The same state of play as in the previous reporting period.

**2017/3:** Within the Twinning project “Prevention and Fight against Corruption” the activity, related to analysis of trainings previously conducted by the ACA for political subjects and election campaign monitors on the implementation of the current Law on Financing of Political Activities, commenced. The analysis will contain corresponding recommendations aimed at improving trainings, conducted by the ACA in this area.

Judicial Academy contribution: 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).

**2017/2:** Unchanged.

**2017/3:** Unchanged.

#### **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.



**2017/2:** The Anti-Corruption Agency is currently working on upgrade of the software focused on more efficient control of financing of political activities, which would enable as follows: electronic data exchange between the Ministry of Interior and the Anti-Corruption Agency, as to overcome long-time waiting for response; update of exchanged data on a daily basis, resulting in a greater efficiency when pursuing control of financing of political activities; greater data reliability including reduction of potential lack of completeness due to manual data entry, as well as exchange of only necessary personal data as per the Law, leading to increased level of personal data protection. Upgrade will also be significant for further improvement of control of financial reports, given that only four employees pursue control of several hundreds, sometimes even more than thousand reports. In that regard it is necessary to facilitate and accelerate access to data, without which control of financing would be inefficient or even sometimes impeded.

**2017/3:** In the reporting period public procurement procedure for software was finalized, i.e. contract on software upgrade aimed at more efficient control of financing of political activities was concluded. It is envisaged that software will have been operational until the end of 2017.

#### **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.

**2017/3:** The same state of play as in the previous reporting period.

#### **2.2.2.9. Design a handbook for the implementation of the Law on financing political activities. (II quarter of 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.

**2017/3:** The same state of play as in the previous reporting period.

#### **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.

**2017/2:** In accordance with the Twinning contract, two-day advanced training on conflict of interest for the Anti-Corruption Agency's staff as well as representatives of the Anti-Corruption Council, Misdemeanour Court, Appellate Misdemeanour Court, Public Prosecutor's Office and Administrative Court was held.

**2017/3:** The same state of play as in the previous reporting period.

#### **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.

**2017/3:** The same state of play as in the previous reporting period.

#### **2.2.3.3. Develop webinars-potential conflicts of interest situations. (II quarter of 2017)**

**Activity is not implemented.** Implementation of this activity has been preconditioned by the adoption of the new Law on the Anti-Corruption Agency.

**2017/3:** The same state of play as in the previous reporting period.

#### **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.

**2017/2:** Implementation of the activities is under way. On 5 June 2017, the RESPA informed the Ministry of Government Administration and Local Self-government that, within the New Emergency Member States Facility, which was approved to the Ministry with the consent of the European Commission, it engaged 2 experts (one local and one international) with a great experience in the area of combat against corruption and conflict of interest, for the purpose of implementation of this activity, i.e. making of a study titled - „Analysis of the legal framework related to the prevention of corruption and conflict of interest of civil servants in the Republic of Serbia“. The above feasibility study is expected to be made in the period of June – July 2017.

**2017/3:** The activity is being implemented. ReSPA informed the Ministry of Public Administration and the Local Self-Government that the preparation of the analysis "Analysis of the Legal Framework related to the Prevention of Corruption and Conflict of Interest of Civil Servants in the Republic of Serbia" is in the final phase. Experts, who participated in preparing the analysis, are expected to present the mentioned analysis to representatives of the Ministry in the coming period, as well as to provide recommendations, based on which the Ministry will prepare amendments to the Law on Civil Servants as it pertains to prevention of conflicts in the work of civil servants.

#### **2.2.3.5. Normatively regulate the prevention of conflicts of interest of civil servants from item 2.2.3.4. (II quarter of 2017)**

**Activity is partially implemented.** Preparations for the implementation of the activity are under way. Namely, based on the results of the feasibility study titled: „Analysis of the legal framework related to the prevention of corruption and conflict of interest of civil servants in the Republic of Serbia“, which is expected to be made in the period of June – July 2017, the Ministry of Government Administration and Local Self-government will prepare the amendments of and supplements to the Law on Civil Servants related to the provisions that are to deal with the prevention of conflict of interest in the work of civil servants. The Work Plan of the Government of the Republic of Serbia schedules the amendments of and supplements to the Law on Civil Servants for the end of December 2017.

**2017/3** The activity is being implemented. The feasibility study titled “Analysis of the Legal Framework related to the Prevention of Corruption and Conflict of Interest of Civil Servants in the Republic of Serbia” is expected to be present in the coming period by experts, who were engaged by the Ministry of Public Administration and the Local Self-Government, with the assistance of ReSPA, and the preparation of which is in the final phase. Based on the results of this analysis, the Ministry will prepare amendments to the Law on Civil Servants as it pertains to prevention of conflicts in the work of civil servants. The Work Plan of the Government of the Republic of Serbia schedules the amendments to the Law on Civil Servants for the end of December 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` assests“ 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.

### **2017/2**

In this reporting period, training in this field was not carried out. The realization of this module is planned from September of this year.

### **2017/3**

Training on Prevention of conflicts of interest is one of the mandatory modules in the training program for managers – appointed civil servants. Implementation of this program have began on September 12, with participation of 22 participants- appointed civil servants.

**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 not 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.

2017/2: Analysis of legal and institutional framework in order to clarify ramifications of „illicit enrichment“ will be conducted within IPA 2013 „Prevention and Fight Against Corruption“ project, in line with project implementation dynamics. It is expected that activity will be done by the end of 2. quarter 2018.

2017/3: No changes.

**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 almost completely implemented.**

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.

2017/2: Drafting of the analysis is in progress. It is expected that the analysis of the current implementation of the Law on Free Access to Information of Public Importance, with special emphasis on the areas of privatization, public procurement, public expenditure and foreign donations to political subjects will be completed by the end of July 2017.

2017/3: The analysis of implementation of the Law on free access to information conducting by independent expert, is still in the phase of drafting. Mentioned analysis is strongly connected to the work dynamics of Working Group for the preparation of the text of the Draft Law Amending the Law on Free Access to Information of Public Importance. Also, this analysis should be product of general consensus among Working Group members, in order to be relevant basis for the amendments of the Law on Free Access to Information of Public Importance.

2017/2 Commissioner's Office submitted its comments on Interim Benchmarks Table defined in the first Common position on Access to Information of public importance and monitoring of the implementation of the Law on Free Access to Information of Public Importance in its correspondence No 073-19-298/2017-02, dated on 12th April 2017.

**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.

**2017/2:** Implementation of the activities is under way. Six meetings have been held of the Separate Working Group for the preparation of the text of the Draft Law Amending the Law on Free Access to Information of Public Importance. The first working version of the text of the Draft Law has been completed and the plan of further activities has been drawn up in the form meetings with the representatives of the SIGMA and the Service of the Commissioner for Free Access to Information of Public Importance and Personal Data Protection, as well as with the cooperation with the civil society. The Working Group has prepared the preliminary draft.

**2017/3:** Due to personnel changes following the new formation of the RS Government, the Minister of Public Administration and Local Self-Government passed a new Decision establishing a Separate Working Group for the preparation of the Draft Law amending the Law on Free Access to Information of Public Importance. The Separate Working Group held a meeting where it finalized the work on the text of the Draft Law and agreed to publish the document by the end of September 2017, as well as to prepare a public hearing.

**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 almost completely 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.

**2017/2** Committee on Administrative, Budgetary, Mandate and Immunity Issues of National Assembly of Republic of Serbia approved Commissioner's new Rulebook on internal organization and classification of jobs in Act 21 No 112-402/17 dated on 10th May 2017, which entered into force on 20th May 2017.

In terms of organizational structure, the Office of the Commissioner has 7 sectors:

1. Sector for Harmonization
2. Sector for Appeals and Enforcement - Access to Information
3. Sector for Appeals and Complaints – Data Protection
4. Sector of Information Technology
5. Sector for Supervision
6. Sector for Common Affairs
7. Sector for Cooperation and Reporting.

In accordance with the Rulebook on internal organization and classification of jobs dated on 4th November 2014 and the Rulebook on internal organization and classification of jobs dated on 21st February 2017, there are 94 systematized jobs for permanently employed civil servants and employees.

In accordance with the Budget Law for 2017, Commissioner is allotted with RSD 139,820,000.00 for salaries and allowances for 71 permanently employed civil servants and employees and 3 persons appointed by the National Assembly of the Republic of Serbia.

In accordance with Human resources plan dated on 15th March 2017, it is estimated that around RSD 125,000,000.00 is needed for salaries and allowances for 71 permanently employed civil servants and employees and 3 persons appointed by the National Assembly of the Republic of Serbia. Within remaining allotted assets (approximately RSD 15,000,000.00), the admission of new staff to the Commissioner's Office is possible. The dynamics of staff recruitment would take place in the last quarter of 2017, according to the amount of available assets.

Current number of the employed staff is 71.



**2017/3** In September, the Commissioner announced a vacancy for filling in executive positions in the service of the Commissioner for Information of Public Importance and Personal Data Protection for 6 employees.

Current number of the employed staff is 71.

#### **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.

<b>Initiated and finalized procedures</b>	<b>January</b>	<b>February</b>
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

## 2017/2

Data from the Commissioner's monthly reports for March, April, May and June 2017 on implementation of the Law on Free Access to Information of Public Importance.

<b>Initiated and finalized procedures</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>
Number of pending cases carried forward from previous year	3537	3559	3622	3691
Number of cases received	454	470	523	394
Number of resolved cases	432	407	454	347
Resolved complaints	255	268	277	212
- unjustified	42	25	28	28

-justified	213	243	249	184
-ordered the public authorities to comply with the requests	46	31	57	48
-overturned the decisions and ordered to provide information to the requesters	20	20	16	18
-overturned the decisions and returned the cases for repeated proceeding	13	6	9	7
-overturned decisions of public authorities	0	2	1	0
-terminated the proceedings because the public authorities in the meantime complied with the requests	134	184	166	111
Responses to complaints to the Constitutional Court	5	5	4	6
requests sent to the Government for assistance / enforcement of decisions	0	12	3	5
enforcement orders issued	11	16	22	10
resolutions on penalties issued in the process of enforcement of decisions	23	13	11	5
implementation of measures aimed at improving the transparency of public authorities	10	19	37	9

### 2017/3

Data from the Commissioner's monthly reports for July, August and September 2017 on implementation of the Law on Free Access to Information of Public Importance.

<b>Initiated and finalized procedures</b>	<b>July</b>	<b>August</b>	<b>September</b>
Number of pending cases carried forward from previous year	3738	3787	3743

Number of cases received	400	423	474
Number of resolved cases	351	467	335
Resolved complaints	229	336	237
-unjustified	22	46	27
-justified	207	290	210
-ordered the public authorities to comply with the requests	64	95	41
-overturned the decisions and ordered to provide information to the requesters	20	28	4
-overturned the decisions and returned the cases for repeated proceeding	5	14	2
-overturned decisions of public authorities	1	1	2
-terminated the proceedings because the public authorities in the meantime complied with the requests	117	152	161
Responses to complaints to the Constitutional Court	7	1	0
requests sent to the Government for assistance / enforcement of decisions	1	3	0
enforcement orders issued	11	8	10
resolutions on penalties issued in the process of enforcement of decisions	6	2	8
implementation of measures aimed at improving the transparency of public authorities	11	3	4

**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.

### **2017/2**

The training for newly registered individuals for resolving requests for free access to information of public importance was attended by 20 civil servants, on May 25, 2017.

### **2017/3**

In the this reporting period, the training "The right to access information of public importance" was not realized, and the realization is planned in October.

**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.

**2017/2** Human Resources Management Service haven't conducted any training involving Commissioner's staff in the reporting period.

Throughout 2017, as a part of his regular activities, Commissioner held the following trainings:

1. 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 2 trainings on free access to information of public importance:

a. 21.-22. 3. 2017. – Implementation of the Law on of Free Access to Information of Public Importance for for judiciary and prosecutors

b. 3.-4. 4. 2017. – Implementation of the Law on of Free Access to Information of Public Importance for judiciary and prosecutors.

**2017/3** Human Resources Management Service haven't conducted any training for officials in charge for free access to information involving Commissioner's staff in the reporting period.

Throughout III quarter 2017, Commissioner haven't conducted any training for officials in charge for free access to information in his regular and Project activities.

#### **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 statures 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.

**2017/2** The activity has been implemented with respect to the adoption of the Law on Employees in Autonomous Provinces and Local Self-government Units and ancillary bylaws, which for the first time comprehensively regulate the labour relations system in autonomous provinces and local self-government units.

The activity is being implemented related to the adoption of amendments of and supplements to the Law on Civil Servants. Namely, the opinion and comments from the SIGMA/OECD/EC have been obtained on the document, which provides basic guidelines and the framework of the policy of human resources management in the government administration, by which the main routes of further regulation of the civil servant system were proposed, with which the above document has been harmonized and its adoption by the Public Administration Reform Council is now expected. Upon the adoption of the document by the Public Administration Reform Council, the preparation of amendments of the Law on Civil Servants will commence for the purpose of improvement of the procedures of employment, promotion, and other legal institutes in compliance with the principles of transparency and competitiveness. The Work Plan of the Government of the Republic of Serbia schedules the amendments of and supplements to the Law on Civil Servants for the end of December 2017.

**2017/3:** The activity was implemented in relation to the adoption of the Law on Employees in Autonomous Provinces and Local Self-Government Units, which for the first time comprehensively regulates the employment relations system in autonomous provinces and local self-government units.

The activity is being implemented in relation to amendments to the Law on Civil Servants. Namely, a document, which sets out the main guidelines and framework for the human resource management policy in the state administration, and proposes the main directions of future regulation of the civil servant system, was aligned with the opinions and comments obtained from SIGMA/OECD/EC, and resent to the EC for opinion. After obtaining the opinion of the EU, the document is expected to be adopted by the Public Administration Reform Council. After the Public Administration Reform Council adopts the document, amendments to the Law on Civil Servants will start being drafted in order to improve the employment and promotion procedures and other legal concepts in accordance with the principles of transparency and competitiveness. The Work Plan of the Government of the Republic of Serbia schedules the amendments to the Law on Civil Servants for the end of December 2017.

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.

<b>October – December 2015</b>	<b>Number</b>	
Public competitions	63	64 finalised
Internal competitions	7	5 abolished
<b>Total</b>	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.

<b>January– May 2016</b>	<b>Number</b>	
Public competitions	66	29 finalised
Internal competitions	6	1 abolished
<b>Total</b>	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.

<b>June - September 2016</b>	<b>Number</b>	
Public competitions	51	21 finalised 34 in procedure
Internal competitions	4	
<b>Total</b>	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.

<b>October - December 2016</b>	<b>Number of competitive procedures</b>	<b>Status</b>	<b>Number of competitive procedures from the previous period</b>
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.

<b>January- March 2017</b>	Number of competitive procedures	<b>Status</b>	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).

### **2017/2**

In the reporting period, the HRMS participated in the implementation of a total of 70 competitive procedures.

<b>April- Jun 2017</b>	Number of competitive procedures	<b>Status</b>	Number of competitive procedures

			advertised in the previous period
Public competitions	66	41 finished 29 in procedure	30
Internal competitions	4		
Total:	70		

During the reporting period, the Special Working Group for creation of a framework of competencies for civil servants, formed by the decision of the Director of the Service, consisting of representatives of the Service, the Ministry of Public Administration and Local Self-Government and domestic experts in this field, continued to work on defining the competence framework Necessary for the effective work of civil servants. The creation of a framework of competencies for civil servants is based on the document Human Resources Management Policy Framework in Public Administration, whose adoption is expected by the Public Administration Reform Council. The first draft of the framework that will enable the improvement of all areas of human resources management in the state administration, especially the field of employment, was presented to the Heads of the Service and the Ministry in early June.

### **2017/3**

In the reporting period, the HRMS has advertised and participated in the implementation of a total of 89 competitive procedures for executive working posts . Procedures for 10 working posts, initiated in the previous reporting period, are still ongoing.

<b>July- September 2017</b>	Number of competitive procedures	<b>Status</b>	Number of competitive procedures advertised in the previous period
Public competitions	69	43in progress 46 finished	10
Internal competitions	20		
Total:	89		

During the reporting period, the Special Working Group for Developing the Competence Framework for Civil Servants, which was formed by the decision of the Director of the HRM Service, consisting of representatives of the HRMS, the Ministry of Public Administration and Local Self-Government and domestic experts in this field, has finished its work. The final Draft Competence Framework, which should be integrated into the legislative framework and lead to improvement of the field of employment, was presented to the Ministry of Public Administration and Local Self-Government. In the next reporting period, the process of consultations with the representatives of the state administration bodies and the wider public will be held.

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.

**2017/2** Total number of advertised vacancies for civil servants working on an appointed position in the period April 2017 – June 2017 is 11 competitive procedures of which 5 were internal



competitions and 6 public competitions. Of total number of advertised vacancies, 3 competitions were finalized: 3 internal competitions.

April 2017– June 2017

Type of competition	Announced	Finalized
Internal competition	5	3
Public competition	6	/

In the reporting period, 26 competitions announced in 2015 and 2016 are conducted in reporting period, of which 17 internal competitions and 9 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 – 91.

**2017/3:** Total number of advertised vacancies to fill appointed positions in the period from July to September 2017, is 12 competitions. 6 internal competitions and 6 public competitions have been committed. Of the total number of advertised vacancies, no competitive procedure has been completed.

July 2017– September 2017

Type of competition	Announced	Finalized
Internal competition	6	/
Public competition	6	/

During the reporting period 5 vacancies for the appointed positions which were advertised in 2016 and 2017, were implemented. There were 5 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 – 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.

**2017/2**

Total number of advertised vacancies to fill appointed positions in the period from December to March 2017, is 11 competitions. Therefore 5 internal competitions and 6 public competitions have been committed. The total number of advertised vacancies has completed 3 internal competition procedures.

	Announced	Finalized
Internal competitions	5	3
Public competitions	6	/

During the reporting period of 26 procedures for the appointed positions which were advertised in 2015 and 2016, were implemented. Out of total number, there were 17 internal competitions and 9 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 and internal competitions – 91.

**2017/3**

Total number of advertised vacancies to fill appointed positions in the period from July to September 2017, is 12 competitions. Therefore 6 internal competitions and 6 public competitions have been committed. Of the total number of advertised vacancies, no competitive procedure has been completed.

**July-September 2017**

	Announced	Finalized
Internal competitions	6	/

Public competitions	6	/
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During the reporting period 5 vacancies for the appointed positions which were advertised in 2016 and 2017, were implemented. There were 5 public competitions.

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 and 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 almost completely 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.

**2017/2** The activity related to the adoption of the Law on Employees in Autonomous Provinces and Local Self-government Units (Official Gazette of the RS, No. 21/16) has been implemented.

The Ministry of Government Administration and Local Self-government continued to intensively work on the drafting of the law that will regulate the legal employment status and salaries of employees in public services (16 meetings of the Working Group have been held and over 16 meetings with other stakeholders. The work on the alignment of the text of the law is under way.

The activity is also implemented regarding the adoption of amendments of and supplements to the Law on Civil Servants.

Namely, the opinion and comments from the SIGMA/OECD/EC have been obtained on the document, which provides basic guidelines and the framework of the policy of human resources management in the government administration, by which the main routes of further regulation of the civil servant system were proposed, with which the above document has been harmonized and its adoption by the Public Administration Reform Council is now expected. Upon the adoption of the document by the Public Administration Reform Council, the preparation of amendments of the Law on Civil Servants will commence. The Work Plan of the Government of the Republic of Serbia schedules the amendments of and supplements to the Law on Civil Servants for the end of December 2017.

**2017/3:** The activity was implemented in relation to the adoption of the Law on Employees in Autonomous Provinces and Local Self-Government Units (“Official Gazette of RS”, no. 21/16).

The Ministry of Public Administration and Local Self-Government continued to work on drafting the law that will govern the legal employment status and salaries of employees in the public

service. The Draft Law on Employees in the Public Service was established, which is compliant with the provisions of the Government's Rules of Procedure, was delivered to the competent authorities for opinion, after which it will be communicated to the Government for consideration and adoption of the Bill and then communicated to the National Assembly for adoption.

The activity is also being implemented in relation to the amendments to the Law on Civil Servants. Namely, a document, which sets out the main guidelines and framework for the human resource management policy in the state administration, and proposes the main directions of future regulation of the civil servant system, was aligned with the opinions and comments obtained from SIGMA/OECD/EC, and resent to the EC for opinion. After obtaining the opinion of the EU, the document is expected to be adopted by the Public Administration Reform Council. After the Public Administration Reform Council adopts the document, amendments to the Law on Civil Servants will start being drafted in order to improve the employment and promotion procedures and other legal concepts in accordance with the principles of transparency and competitiveness. The Work Plan of the Government of the Republic of Serbia schedules the amendments to the Law on Civil Servants for the end of December 2017.

#### **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.

**2017/2** The High Civil Service Council on the 16th session held on 31 March 2017, adopted the Report on the Implementation of the Code of Conduct for civil servants for 2016, with a proposal of measures for improving compliance with the Code. The Report on the Implementation of the Code of Conduct for civil servants for 2016 is submitted to the Ministry of State Administration and Local Self-Government and published on the website of the Human Resources Management Service. Link: [www.suk.gov.rs](http://www.suk.gov.rs).

#### **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.

**2017/2:** PIFC Strategy for the period 2017-2020 and the Action plan for period 2017-2018, adopted by the Government on 11 May 2017.

**2017/3:** The Working group for internal financial control is established, responsible for monitoring of the implementation of the PIFC Action Plan and annual reporting to the Government on the implemented activities, achieved results and possible difficulties in the implementation of objectives and measures, and proposals to eliminate such difficulties.

#### **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.

2017/2: 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.

#### **2.2.6.9. 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.

### **2017/2**

In this reporting period, four training programs "Program budget - monitoring and reporting on performance" were attended by 85 civil servants.

### **2017/3**

During the reporting period, 3 training "The preparation of the program budget," were implemented and they were attended by 49 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. Until October, within the program area "Public Finance" 8 additional modules in connection with Monitoring and Reporting were held for the same target group, and attended by 150 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 partially 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.

**2017/3:** Regulation on internal organization and job classification is adopted in August 2017 in the Ministry of Finance, by which the Sector for internal control and internal audit received three additional executive job positions.

**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 in total.

**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.

### **2017/2**

In this reporting period, a seminar "Law on the Protection of Accusers - Basic Training" was held for a total of 15 civil servants and second a second one called "Law on Protection of Accusators - Training for Authorized Persons", was attended by 15 participants.

### **2017/3**

During the reporting period, "Law on Protection of Whistleblowers - basic training" was implemented twice times and a total of 34 civil servants participated.

„Training for authorized persons" was implemented once with a total number of 15 participants.

**2017/2:** The project “Glasna pištaljka” is being implemented by the **Judicial Academy**, in cooperation with the association Eutopija (a publisher of Pištaljka), the association Alterfakt and the magazine Nedeljnik, with the financial support of the Delegation of the European Union to the Republic of Serbia.

The aim of the project is to contribute to the fight against corruption in Serbia and to improve the implementation of the National Anti-Corruption Strategy and the Action Plan for Ch. 23.

Within the project will be organized trainings for the judges of the basic and higher courts, as well as for the prosecutors from Serbia. The advanced program starts in September 2017, and until now, a pilot seminar was held on June 15th, 2017 in the premises of the Judicial Academy.

Judges of the First, Second, Third Basic Court in Belgrade, the High Court in Belgrade, as well as the sixth generation of the trainees of the Academy took part in the seminar.

**2017/3:** Three more advanced training were conducted covering the topic of implementation of the Law on the protection of whistle blowers. The participants were judges, prosecutors and candidates at the Academy initial education working at the Belgrade Appellate territory. The venue for all three seminars was conference hall of the Judicial Academy in Belgrade.

#### **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>

Second Annual on cases of acting in relation to the whistle blowers is currently under development.

#### **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.

**2.2.8.2. Conduct an analysis of the effects of implementation of all mechanisms to monitor, supervise and control public procurement and make corrections through amendments to the Law on Public Procurement in accordance with the findings and give recommendations in respect to other regulations related with this Law. Adopt the new Law on Public Procurement in order to remove obstacles to the full implementation of the measures to monitor, supervise and control the Law. (For analysis: II quarter of 2017. For the Law: IV quarter of 2017.)**

**Activity is being successfully implemented.** Analysis of the effects of the application of mechanisms for monitoring, oversight and control of public procurement was conducted using Taiex technical assistance within the deadline determined by Action Plan for PG 23.

**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.

**2017/2:** The Public Procurement Office has received a positive opinion from the Ministry of Finance on the request to increase the number of employees from 28 to 36 in the Public Procurement Office. It will be enabled by adoption of the Decision on the Maximum Number of Employees in the Systems of State Bodies, Public Services, Autonomous Province of Vojvodina, and Local Government. The adoption of Decision is in the process now.

**2017/3:** Decision on the Maximum Number of Employees in the Systems of State Bodies, Public Services, Autonomous Province of Vojvodina, and Local Government has been adopted on 1<sup>st</sup> July 2017 and published in „Official Gazette of the RS” NO. 61/17. Now, Public Procurement Office is given a opportunity to increase a number od employees from 28 to 36 in accordance with budget.

**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.

**2017/2** Activity status remained unchanged.

**2013/3** Activity status remained unchanged.

**2017/2 Republic Commission for the Protection of Rights in Public Procurement contribution:**

Republic Commission is not the main carrier of this activity. From the main carrier we are informed that we started with the implementation of the activity, and will participate in the its

implementation after obtaining specific requirements and guidance by the main carrier, in accordance with the nature of the rights protection proceedings.

#### **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.

**2017/2** The activity was implemented in 2017 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 National Assembly committee in charge of finance, within the period prescribed by the Law or, by 30 April of the current year for the previous year.

**2017/2** The activity was carried out in accordance with the action plan for PG 23. Republic Commission for Protection of Rights in Public Procurement Procedures has submitted an annual report on its activities for the year 2016 within the time prescribed by 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 appellate 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.

#### 2017/2 **Judicial Academy** contribution:

US Embassy, or its program OPDAT, and OSCE supported the holding of three three-day training for prosecutors, judges, police, representatives of the Public Procurement office and the Republic Commission for the Protection of Rights in Public Procurement Procedures, as well as representatives of the State Audit Institution and the Tax Administration on the subject of prosecution of cases of abuse in public procurement procedures. As lecturers on these trainings in Novi Sad, Vršac and Kragujevac, beside to the US prosecutorial assistants and FBI agents, the prosecutors from Serbia who had passed the training program of the trainer (finished in the previous reporting period) took part too. Approximately 95 participants attended the training.

**2017/3** Unchanged.

**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.

**2017/2:** In the previous period four trainings / workshops for representatives of police, prosecution and courts in the area of public procurement were held. Two trainings / workshops were held in Novi Sad, 10-12<sup>th</sup> April and Ruma 20-21<sup>th</sup> April, and two trainings / workshops were held in Vrsac 7-9<sup>th</sup> June and Kragujevac 26-28<sup>th</sup> June.

**2017/3:** Activity status is the same as in the previous quarter.

**2017/2 Republic Commission** contribution:

The activity is being implemented. The representative of the Republic Commission participated in a coordination meeting on abuses in public procurement 9 February 2017, jointly organized by the office of the USA Ministry of Justice and the OSCE Mission in Belgrade, as well as the follow-up meeting held in Ruma. The meeting was, among others, attended by representatives of the Ministry of Interior, the Prosecutor's Office, the Supreme Court of Cassation. Experiences from these meetings will be used as a basis for the preparation of training for police officers and prosecutors in the upcoming period.

#### **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.

**2017/2:** The Government has at its 45<sup>th</sup> session held on March 23<sup>rd</sup> 2017, at the proposal of the Ministry of Finance, adopted a Conclusion on the acceptance of the Annual Report on the Work of the budgetary inspection for 2017.

The proposer of the Conclusion is the Ministry of Finance.

**2017/3:** No changes.

**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.

## **2017/2 :**

During the adoption of the **new Law on Public Enterprises**, which entered into force on March 4<sup>th</sup> 2016, some of the initiatives of the Anti-corruption Agency were adopted i.e. in case of non-achieved projected business results, there are some additional measures that have been introduced for dismissal of the Supervisory Committee and directors, as well as punitive measures. With the introduction of penal provisions or violations, the degree of control of public enterprises 'business is being directly increased, as well as professional responsibility of the public enterprise during the fulfillment of law imposed obligations.

Given that the law is in effect little more than a year, it's implementation is being considered, as well as understanding which law articles can eventually propose a risk of corruption.

It is also planned to cooperate with the Anti-Corruption Council to do a risk assessment of corruption in the implementation of the new Law on Public Enterprises. The Anti-corruption Council is expert and advisory body whose task, among others, is to review the activities in the fight against corruption, as well as to provide initiatives for the adoption of regulations, programs and other acts and measures in this area, but also it is one of stakeholders of activities 2.2.9.2. the Action Plan for Chapter 23. The deadline to finish that analysis would be the fourth quarter of 2017, while the deadline for the adoption of amendments to the Law, if the need arises would be fourth quarter of 2018.

**The Law on Amendments to the Law on Public-Private Partnerships and Concessions** entered into force on December 31<sup>st</sup> 2016. It is planned to cooperate with Anti-Corruption Council to do risk analysis of corruption in the implementation of the Law on Public-Private Partnerships and Concessions. The planned deadline for amending the Law is IV quarter of 2017, so it is planned to do the requested analysis within the specified time.

**The new Law on Privatization** ("Official Gazette of the Republic of Serbia" number 83/14), which came into force in August 2014, as well as the amendments to this Law from 2015 ("Official Gazette of RS" No 46/15 and 112/15), after analyzing the regulations governing the field of

privatization from the aspect of risk of corruption, regulates the procedure and control of the privatization process in order to eliminate the risk of corruption.

Regarding the analysis of the implementation of the Law on Privatization from the aspect of the risk of corruption, we point out the application of the provision of Article 13 of the Law on Privatization, which stipulates that the Ministry of Economy shall obtain, from the competent anti-money laundering authority, an opinion on the absence of obstacles the buyer or strategic investor may encounter when concluding the agreement. The application of this article significantly reduced the possibility of corruption in the privatization process.

In this regard, in 2017, as of June 20 2017, the Ministry of Economy, before concluding the contract, has submitted to the Administration for the Prevention of Money Laundering a total of 2 requests for an opinion on the absence of obstacles on the buyer's side, on which the Administration for the Prevention of Money Laundering delivered a positive opinion.

In addition, the Working Group for drafting the Law on Amendments to the **Law on Bankruptcy** **has prepared the text of the Draft Law** on Amendments to the Law on Bankruptcy, which eliminates deficiencies of the existing law in order to prevent corruption.

It is expected that this material will soon be submitted, in order for it to enter the adoption procedure, and its adoption will take place in 2017.

### **2017/3:**

The Anti-Corruption Council has twice addressed to the Ministry of Economy on two occasions (August 2016 and January 2017) in order to hold a meeting related to item 2.2.9.2. Action Plan for Chapter 23

Both times, this ministry contacted (by telephone and by e-mail) the Anti-Corruption Council, in order to hold the meeting in an acceptable term for both institutions.

However, the meeting has not been held up to now, for reasons that are not on the side of this ministry.

At the request of the Ministry of Economy regarding the organization of the meeting, in May 2017 the Anti-Corruption Council asked electronically the Ministry of Economy to submit the analyses that it made, which relate to the laws covered by point 2.2.9.2. of the Action Plan for Chapter 23. The Ministry of Economy informed the Council that it did not have sufficient capacities for making risk analyses of corruption, while, on the other hand, the Anti-Corruption Council and the Anti-Corruption Agency were the ones who had adequate expertise and capacities. Namely, point 2.2.9.2. of the Action Plan for Chapter 23 includes the risk analysis of corruption in the implementation of the Bankruptcy Law, the Law on Privatization, the Law on Public Enterprises and the Law on Public-Private Partnership, while the holders of this activity are the Ministry of Economy (as the proposer of drafts of these laws), the Anti-Corruption Council and the Anti-Corruption Agency (as institutions established for the implementation of a number of anti-

corruption activities) and the National Assembly of the Republic of Serbia (as the bearer of the aforementioned laws). Bearing in mind the above, it has been suggested that risk analyses of corruption should be carried out by institutions that are responsible for this, especially since the Council has already conducted an analysis of bankruptcy legislation.

The Ministry of Economy has expressed readiness to provide the necessary data for the above analyses, as well as to actively participate in this process. On that occasion, once again, an openness was expressed for an agreement upon the meeting that would lead to fulfillment of the obligations provided for in point 2.2.9.2. of Action Plan for Chapter 23.

As there was no response, the proposal was again forwarded to the Anti-Corruption Council on 28 July, 2017, however, until now, the Ministry has received no response.

Due to all above mentioned, the Ministry of Economy will again invite the Anti-Corruption Council to hold a meeting in order to implement the joint activities provided for in point 2.2.9.2. of the Action Plan for Chapter 23.

We especially emphasize that the deadline in which the said activity will be implemented depend on the Anti-Corruption Council and the Anti-Corruption Agency.

For the aforementioned reasons, ie the passive attitude of the Anti-Corruption Council, it is possible that the deadlines for the implementation of activities 2.2.9.2, proposed in the previous quarter report, will be prolonged.

The Law on Amendments to the Law on Public-Private Partnership and Concessions, published in the Official Gazette of the Republic of Serbia No. 104/16 dated 23 December, 2016, is reflected in the need for further regulation and improvement of certain provisions of the Law (by finding more precise formulations for certain provisions, based on the previous implementation of the Law, thus achieving harmonization with other regulations, clear understanding and more efficient application in practice, and prevention of misinterpretation), of better control of financial impacts of public-private partnership projects (since such projects potentially lead to fiscal and financial risks due to the complexity of the project, its value and duration, and in accordance with this, the control is achieved through the necessary elements contained in the project proposal, that is, the elements in the public contract, which certainly go through the procedures of approval by the competent authorities, as well as the supervision over the implementation of public contracts by the ministry responsible for finance, ie the Autonomous Province authority or the local self-government unit responsible for finance affairs) and harmonization with international standards and best international practice. Also, providing a legal framework for a transparent and fair tender procedure with the equal treatment of all bidders in the process of selecting a private partner for such projects is particularly important. In this sense, the more elaborate elements contribute to the quality of the entire procedure and the security of the application of the principles on which the regulation of the conditions, the manner and the procedure for concluding public contracts is based, which are the principles of: protection of public interest, efficiency, transparency, equal and fair

treatment, free market competition, proportionality, environmental protection, autonomy of will and equality of contracting parties.

The Decree on the Manner of Granting Concessions in Phases, adopted by the Government of the Republic of Serbia, was published in the Official Gazette of the Republic of Serbia, No. 1/17 dated 6 January, 2017.

The new Law on Privatization (Official Gazette of RS, No. 83/14), which entered into force in August 2014, as well as amendments to this law in 2015 (Official Gazette of RS, No. 46/15 and 112/15), after analyzing the regulations governing the field of privatization from the aspect of risk of corruption, regulated the procedure and control of the privatization process in order to eliminate the risk of corruption.

Regarding the analysis of the implementation of the Law on Privatization, from the aspect of the risk of corruption, we point to the implementation of the provision of Article 13 of the Law on Privatization, which stipulates that the Ministry of Economy shall obtain from the competent organization for the prevention of money laundering an opinion on the absence of disturbances on a buyer's side or strategic investor to conclude a contract. The application of this article significantly reduced the possibility of corruption in the privatization process.

In this regard, in 2017, ended 20 September, 2017, before the conclusion of the contract, the Ministry of Economy submitted to the Administration for the Prevention of Money Laundering a total of 2 requests for an opinion on the absence of disturbances on the buyer's side, upon which the Administration for the Prevention of Money Laundering delivered a positive opinion.

In addition, the Working Group for drafting the **Law on Amendments to the Bankruptcy Law** has prepared the text of the draft Law on Amendments to the Bankruptcy Law, which removes the deficiencies of the existing law in order to prevent corruption.

The Ministry of Economy submitted the draft Law to the Government and the Government, at its session of 4 August 2017, established a proposal for Amendments to the Bankruptcy Law, which was, according to the procedure, further submitted to the National Assembly for consideration and adoption, and it is expected soon.

**Anti-Corruption Council:** The Anti-Corruption Council has conducted a Report on the Analysis of Bankruptcy Legislation and submitted it to the Government of the Republic of Serbia, the Anti-Corruption Agency and the Ministry of Economy on December 29, 2016.

**2017/3 Anti-Corruption Council :**

The Anti-Corruption Council has conducted a Report on the Analysis of Bankruptcy Legislation and submitted it to the Government of the Republic of Serbia, the Anti-Corruption Agency and the Ministry of Economy on December 29, 2016. The Anti-Corruption Council notes that the Ministry of Economy is the proposer of the aforementioned laws and that it is therefore necessary that the Ministry of Economy should submit its proposals to the Council and the Agency for analysis. We also note that the Council has tried to obtain feedback and comment from the Ministry of Economy on several occasions on the Report on Bankruptcy Legislation submitted since December 2016. In a letter dated 27 September 2017, the Ministry of Economy informed the Council that it did not have sufficient capacities for the implementation of point 2.2.9.2. of the Action Plan for Chapter 23, as a point carrier.

### **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 fully 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.

## 2017/2 :

Pursuant to the Law on Public Enterprises, following the proposal of the Ministry of Economy, the Government adopted the **Regulation on Criteria for Appointing the Public Company Directors**, published in the “Official Gazette of the Republic of Serbia“ number 65/16, applicable as of 5 August 2016.

This Regulation stipulates the criteria according to which, in the selection procedure, and by evaluation of professional capacity, knowledge and skills, the result is defined for candidates to be appointed as directors of public companies founded by the Republic of Serbia, an autonomous province or a local self-government unit, as well as of the for-profit corporations referred to in Article 3, paragraph 2, points 1) and 2) of the Law on Public Enterprises. Pursuant to the provisions of the Law on Public Enterprises, the decision on the implementation of public competition for the selection of the director of the public company founded by the Republic of Serbia is adopted by the Government, upon proposal of the ministry in charge of the economic affairs, and the public competition is carried out by the Committee for the implementation of the competition for the selection of directors. The Government Committee consists of five members, one of which is the chairperson. The Chairperson and two members are appointed by the Government for the period of three years, along with one member for each individual appointment of the director, and this member has to be the member of the Supervisory Board of the public company in which a director is appointed, whereas one member is appointed by the National Assembly Committee in charge of economic affairs, also for the period of three years.

In accordance to that, the Ministry of Economy announced the public competitions for the selection of 27 directors of the public companies founded by the Republic of Serbia, as well as of the for-profit corporations referred to in Article 3, paragraph 2, points 1) and 2) of this Law. Upon expiry of the deadline for the submission of applications for the public competition for the selection of directors, the Ministry submitted all received applications and submitted evidence on meeting the conditions stipulated by the law to the Committee for the implementation of the competition for the selection of directors.

In the selection procedure, by evaluating professional capacity, knowledge and skills, the Committee established the result of candidates in accordance with the criteria for appointing the public company directors stipulated by the mentioned Regulation.

As stated in the previous reports, the new Law on Public Enterprises abolishes the **Executive Board** as another (redundant) collective body, and the Law stipulates that the director selects executive directors, thus personalizing the responsibility of both directors and executive directors. The Executive Board was abolished as during the implementation of the previous Law

on Public Enterprises, abuse of competence in performing duties was observed due to the existence of two-tier management and the Executive Board as a collective body.

Regarding the Supervisory Boards, as it has already been stated, the new Law on Public Enterprises **specifies the conditions for the selection of the Supervisory Board members, making the conditions more strict**, both in terms of working experience and in terms of responsibility.

Thereby the Ministry of Economy fulfilled the obligations stipulated by the activity 2.2.9.3. of the Action Plan for the Chapter 23.

#### **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.

**2017/2** A public debate was organised regarding the Draft Law on Health Care and the Draft Law on Health Insurance in the period from 26 December – 24 January 2017, after which the delivered comments were analysed. In the forthcoming period, the procedure of referring the abovementioned laws into the assembly procedure is going to be initiated.

A public debate was organised regarding the Draft Law on Medical Devices in the period from 8 December – 28 December 2016, after which the delivered comments were analysed. In the forthcoming period, the procedure of referring the abovementioned laws into the assembly procedure is going to be initiated.

Adoption of the aforementioned laws is planned for IV quarter in 2017.

**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. (See activity 2.2.10.5.)

**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.

**2.2.10.5. Strengthen capacity of the staff in the inspection bodies in the health sector (employment of necessary personnel, providing trainings, providing necessary technical conditions and equipment) based on the results of the previously conducted analysis. (II quarter of 2017)**

**Activity is being successfully implemented.** The Ministry of Health is in the procedure of filling the inspector position vacancies by successively hiring new inspectors, in accordance with the available financial resources and the Decision on the maximum number of employees with fixed-term contracts in the system of public administration, system of public services, system of the Autonomous Province of Vojvodina and the system of local self-governments in 2017.

Employees working on the inspection control activities continuously take training courses in the field of inspection services, and recently, training courses pertaining to the implementation of the new Law on the General Administrative Procedure have been conducted, as well as other training courses organised by the Human Resources Management Service.

As for the technical conditions and equipment, inspectors are provided with suitable technical equipment, as well as with company cars and mobile phones.

#### **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 almost completely 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.

**2017/2** A public debate was organised regarding the Draft Law on Health Care and the Draft Law on Health Insurance in the period from 26 December – 24 January 2017, after which the delivered comments were analysed. In the forthcoming period, the procedure of referring the abovementioned laws into the assembly procedure is going to be initiated.

A public debate was organised regarding the Draft Law on Medical Devices in the period from 8 December – 28 December 2016, after which the delivered comments were analysed. In the forthcoming period, the procedure of referring the abovementioned laws into the assembly procedure is going to be initiated.

Adoption of the aforementioned laws is planned for IV quarter in 2017.

**2017/3:** Status of activity unchanged.

**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.

**2017/2** Draft Law on the Chambers of Health Workers and Associates is completed.

**2017/3:** Status of activity unchanged.

**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.

**2017/2:** In order to monitor the established system of corruption risk management and develop appropriate corruption indicators, in the second quarter of 2017, the Tax Administration had activities that were aimed at developing the Tax Administration Integrity Plan according to the Anti-Corruption Agency's instruction.

**2017/3:** The situation is unchanged. The Tax Administration continuously implements the planned activities.

**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 fully 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.

**2017/2:** Minister of Education, Science and Technological Development, with enactment No 119-01-174/2/16-01 as of 27th March 2017, passed a Decision on the adoption of the Anti-Corruption Action Plan in Education based on the recommendations of the OECD from 2012. The Action Plan contains 13 measures and actions, with some of them being the following: employment in the

institutions of pre-university and higher education, enrolment in higher education institutions, assessment in pre-university education, improvement of inspection control, accreditation of institutions and programmes. Period intended for realisation of this AP covers 2017-2020.

**2017/3:** Anti-Corruption Action Plan in Education, based on the recommendations of the OECD from 2012 is available at the web presentation of the Ministry - <http://www.mpn.gov.rs/javnost-rada/>

The procedure for forming the Task Force for Monitoring the Implementation of the Action Plan is started.

#### **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. New, improved standards were established and accepted by Nacional Council for Higher Education and they will be published in the National Gazette.

#### **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 being successfully 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 formed 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.

**2017/2** Activities have been realised in the function of final preparation, enforcement and monitoring of realisation of the final exam at the end of primary education for the school year 2016/2017, in accordance with the plan of activities intended for the realisation of the final exam. The final exam was organised in accordance with the *Professional Instruction for Conducting Final Exam at the End of Primary Education for the School Year 2016/2017* and with the Rulebook on the Calendar of Educational Work of Primary Schools for the School Year 2016/2017 ("*Official Gazette of the RS – Education Gazette*", No 8/16).

Students sat for the final exam in writing – by solving test assignments on 14<sup>th</sup> June 2017 – test in Serbian, i.e. mother tongue, then on 15<sup>th</sup> June 2017 – test in Math and on 16<sup>th</sup> June 2017 – mixed test (Biology, History, Geography, Physics and Chemistry).

The total of 69,306 students sat for the test, and the testing itself was conducted in accordance with the procedure and without any observed irregularities.

Republic Commission for Conducting Final Examination verified the Calendar of Enrolment Activities for the school year 2016/2017 and regarding the enrolment in secondary schools in the school year 2017/2018.

The new Rulebook on the Enrolment of Students in Secondary Schools was adopted (“*Official Gazette of the RS*”, No 38/17 and 51/17) which included all activities related to the affirmative enrolment. *Professional Instruction for Conducting Enrolment Examinations* was prepared (<http://www.mpn.gov.rs/wp-content/uploads/2017/04/STRUCNO-UPUTSTVO-UPIS-KONACNO-180517-1.pdf>).

Guidelines for adjusting enrolment examination for secondary schools was prepared for students in need of additional support in education. All of these documents were adopted with the objective of improving the procedures.

Enrolment examination was also conducted for vocational secondary school and classes.

Number of schools where sitting for enrolment exams was organised: 102

Number of students who sat for the enrolment exams: 5706

Number of students who passed the enrolment exam: 3903

SCHOOL	PASSED
Music	1032
Ballet	92
Bilingual	645
Computing/IT	280
Physics	68
Phylology	675
Mathematical	310
Art	801

In the field of secondary vocational education 19 new profiles realised by the dual model of education were adopted. Moreover, elements of dual education have been implemented in the existing 43 educational profiles in secondary education.

Draft Rulebook for the programme of general and art graduation was prepared, and work on the programme of vocational matura was initiated.

Institute for Quality of Education Evaluation is currently implementing an on-line training for teachers of general educational subjects in secondary vocational schools for implementing educational standards regarding eight school subjects for the end of secondary education. This training represents one of the steps toward the preparation of teachers for the national matura exam to be realised in the school year 2020/2021.

Representative of the Provincial Secretariat for Education, Regulations, Administration and National Minorities-Communities is actively participating in the work of the Operation Group for enrolment of students in the first grade of secondary schools, and also it is monitoring the results of final examination of primary school pupils.

**2017/3:**

Activities have been realised for realisation of the final exam at the end of primary education for the school year 2016/2017, in accordance with the plan of activities intended for the realisation of the final exam.

Competition for enrolment of pupils into secondary school has been conducted.

Activities have been conducted in accordance with the procedure and with no irregularities.

For the enrolment of the pupils into secondary school, for the school year 2017/18, 73819 places were planned, and 66526 pupils were enrolled.

LANGUAGE	PLANNED ENROLMENT QUOTA	ENROLLED PUPILS
Serbian language	69103	62599
Albanian language	1365	1127
Bosniak language	1080	1029
Bulgarian language	60	39
Hungarian language	2016	1554
Romanian language	60	24
Ruthenian language	30	16
Slovakian language	180	106
Croatian language	60	52
Bilingual	480	386

In line with the provisions in the Professional Instructions on forming classes and method of funding in secondary schools, and based on the results achieved after the third enrolment cycle, insight into the data base on enrolment, alignment with the manages of school administrations and their insight into the situation in schools, the Minister of Education, Science, and Technological Development made the decisions that, in line with the published Competition for enrolment of pupils into the first grade of secondary schools for the school year 2017/18, on the territories of the stated school administrations, certain changes should be made.

**Decision on forming classes with smaller number of pupils was made** based on the positive opinion of school administration on the explained requirements of the school.

**SA ZRENJANIN**

No	School and Place	Educational Profile	Decision
1.	School of Economics and Commerce "Dositej Obradović", Alibunar	Economic technician – Romanian language 10/30	Class is approved.
2.	Gymnasium "P. Braca", Vršac	General type – Romanian language 13/30	Class is approved.
3.	ETS "Jovan Trajković" Zrenjanin	Marketplace merchant (Hungarian language 5/30)	Class is approved.
4.	HPS, Čoka	Chemical Lab Technician – Hungarian language 0/30	Class is cancelled
5.	HPS, Čoka	Butcher 8/15 Baker 8/15 (Hungarian language)	Combined class is approved.
6.	ETS, Senta	Sales specialist (Hungarian language) 13/30	Class is approved.

#### SA SOMBOR

No	School and Place	Educational Profile	Decision
1.	Chemical and Technical School, Subotica	Technician for industrial pharmaceutical technology (Hungarian language), 7/30	Class is approved
2.	Agricultural School, Bačka Topola	Food Processing Technician (Hungarian language) 12/30	Class is approved.
3.	Secondary Technical School, "Šinković Jožef", Bačka Topola	Decorator of wall surfaces 4/15 Ceramist – terrazzo layer – stove-maker, 8/15 (Hungarian language)	Profile for Decorator of wall surfaces is cancelled, the pupils are sent to the class of Ceramist – terrazzo layer – stove-maker which is approved.
4.	Secondary Technical School "Šinković Jožef", Bačka Topola	Mechanical technician for motor vehicles 13/30 (Hungarian language)	Class is approved.
5.	Gymnasium "Veljko Petrović", Sombor	Gymnasium – general type 10/30 (Hungarian language)	Class is approved.
6.	Secondary School of Economics, Sombor	Chef 9/30 (Hungarian language)	Class is approved.



### SA NOVI SAD

No	School and Place	Educational Profile	Decision
1.	Gymnasium "Jan Kolar", Bački Petrovac	Socio-linguistic course (Slovakian language) 3/30	Class is cancelled. Pupils are sent to the general course in the same school
2.	Agricultural School with Students Dormitory Futog, Novi Sad	Agricultural Technician 2/30 (Hungarian language)	Class is cancelled and the pupils are sent to the same profile in Serbian language 39/60 or to Novi Sad to vacant places of other profiles in Hungarian language of General type Gymnasium 18/30, Electrical Technician for Computers 20/30
3.	School for Design "Bogdan Šuput"	Graphic Design Technician 7/20 (Hungarian language)	Class is approved.

### ИИY JIECKOBAИ

No	School and Place	Educational Profile	Decision
1.	Technical School "Nikola Tesla", Medveđa	Economic Technician 4/30 (Albanian language)	Class is approved
2.	Gymnasium Bosilegrad	Gymnasium – General type 9/30(Bulgarian language)	Class is approved

#### 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.

2017/2 :

**Improve the legislative framework of the education inspection sector**

By the Conclusion of the Government 05 No: 011-4504/2016 as of 17<sup>th</sup> May 2017, the Government of the Republic of Serbia established the Public Debate Programme on the Draft Law on Educational Inspection. Aside from the aforementioned Public Debate Programme, the Draft Law on Educational Inspection, Rationale of the Draft Law, as well as the form and e-mail for submitting complaints, proposals and suggestions pertaining to the subject matter of the Draft Law have been published on the official web page of the Ministry of Education, Science and Technological Development. Public debates on the Draft Law on Educational Inspection were held between 26<sup>th</sup> May and 8<sup>th</sup> June 2017 in Novi Sad, Kragujevac, Niš and Belgrade. In accordance with the Rules of Procedure of the Government of the Republic of Serbia, there is an ongoing procedure regarding preparation of documentation for obtaining the opinion of the Republic

Secretariat for Legislation, Ministry of Finance and other state bodies whose field of work is associated with the subject matter governed by the Draft Law on Educational Inspection.

### **Strengthen human resource capacities in the education inspection sector**

Draft Rulebook on the Internal Organisation and Systematisation of Job Positions in the Ministry of Education, Science and Technological Development, the adoption of which is still in the procedure, regarding the job positions of education inspector of the ministry and regarding planning and improving work of educational inspection, passed a proposal, according to the existing Rulebook, for appointing seven civil servants with the title of an independent advisor instead of two civil servants with the same title, as well as regarding the inspector's position with the proposal of appointing a civil servant with the title of an independent advisor.

In accordance with the Recommendation of the Agency for Fight against Corruption, the new legal decision proposed by the Draft Law on Educational Inspection, proposes that inspection oversight over the institutional work, as well as the appointed work load shall not be performed by the municipal, i.e. city administration as prescribed by the provisions of the existing Law on the Foundations of the Education System (*"Official Gazette of the RS", No 72/2009, 52/2011, 55/2013, 35/2015 – authentic interpretation, 68/2015 and 62/2016 – Decision of the CC*). The aforementioned provisions concern the increase of the number of republic educational inspectors from the current 30 to 170 of such inspectors.

The Draft Law on the Budget of the Republic of Serbia for 2017, as well as the Draft on Priority Funding Fields for 2018 proposed requirements for additional funds for 140 republic education inspectors whose salaries would be funded from the budget of the Republic of Serbia.

**2017/3:**

### **Improve the legislative framework of the education inspection sector**

Draft Law on Educational Inspection, with the notice of the Ministry of Education, Science, and Technological Development, number 011-00-1148/1/2017-12 as of 4<sup>th</sup> September 2017, in line with the Rulebook of the Government, was submitted to the General Secretariat of the Government for discussion and decision making, that is, of 7<sup>th</sup> September 2017, the revised text of the Draft Law on Educational Inspection was sent again, with the Explanation, which inter alia, contained the reasons for adoption the law by urgent procedure. The Work Plan of the Government for 2017 defines the adoption of this law by the end of 2017;

### **Strengthen human resource capacities in the education inspection sector**

Ministry of Finance has sent to the Ministry of Education, Science, and Technological Development a positive opinion number: 011-00-00515/2017-03 as of 5<sup>th</sup> September 2017, that is of 7<sup>th</sup> September 2017 (when the revised text of the Draft Law was sent for opinion) regarding the Draft Law on Educational Inspection with the Explanation and mandatory Form of the standard

methodology for assessment of financial effects of the act (AFE form), stating that the Ministry of Finance considered the submitted material and that, with the point of view of the authority of that ministry, it can be accepted; Explanation of the Draft Law contains the explanation, in chapter IV ASSESSMENT OF FINANCIAL FUNDS NECESSARY FOR THE LAW IMPLEMENTATION, that with the adoption of the Law on Educational Inspection, number of republic educational inspectors, whose salaries would be funded from the budget of the Republic of Serbia, would be increased by 140, which together with the existing number of 30 educational inspectors in the Sector of Inspection Operations in the Ministry of Education, Science, and Technological Development makes 170 in total. The funds for this purpose were expressed in the Budget Proposal of the Republic of Serbia for 2017, that is, in the Draft of Priority Funding Fields for 2018, i.e. expressed at the annual level in the mentioned AFE form.

Article 51 of the Draft Law on Educational Inspection defines the following:

Employees in the Provincial Educational Inspection performing the activities of educational inspectors and inspectors, shall continue performing the activities of that position to which they are appointed, until the day of adoption of an internal organisation act and the systematisation of job positions.

Employees in municipal or city administration, performing the activities of educational inspectors, shall continue performing the activities of that position to which they are appointed, until the day of adoption of an internal organisation act and the systematisation of job positions of the Ministry, or provincial administration body competent for education and teaching. With the adoption of the act on internal organisation and the systematisation of job positions, the employees in the municipal or city administration, performing the activities of educational inspectors, shall be taken over and sent to perform the activities of educational inspectors in the Educational Inspectorate, i.e. Provincial Educational Inspection.

Number of republic and provincial educational inspectors in the Educational Inspectorate, or provincial administration body competent for education and teaching shall be defined by the Minister, or the manager of the provincial administration body competent for education and teaching. The Act on defining the number of republic and provincial educational inspectors shall be published in the "Official Gazette of the Republic of Serbia".

Pursuant to the act referred to in the previous paragraph of this Article, the Ministry, i.e. the provincial body competent for education and teaching, shall align the act on the internal organisation and the systematisation of job positions.

**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.

This activity has been performed continuously and the decrease in the number of cases requiring the inspection supervision has been identified.

In terms of the education institutions whose founder was the Autonomous Province of Vojvodina, Property Administration of the AP of Vojvodina proposes to the Provincial Government issuance of consent for leasing real estate, used by the educational institutions, with the AP of Vojvodina as the holder of property rights, along with the obtained opinion of the Provincial Secretariat for Education, Regulations, Administration and National Minorities-Communities.

**2017/3:** The activity is performed continuously and it is seen that there is a reduction in the number of cases requiring inspection surveillance. In the first year of application of the Action Plan there were 16 cases of rules violation, while last year (2016) there were 2 (two) cases. In the first year of the application of the Action Plan, there were 16 cases of rules violation, while last year there were 2.

**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 not 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.

**2017/2:** 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.

**2017/3:** No changes.

**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 partially 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 asset declaration 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

### **Asset declaration and checking the changes of property of the employees in the MoI**

Following activities were undertaken:

- working version of the Rulebook on asset declaration 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 to 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 test in 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 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.

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.

**2017/2:** IAS sent in february 2017 working version of the Manual on conducting risk analysis of corruption in MoI to Anti-Corruption Agency in order to receive their opinion, bearing in mind that according to Article 230 of Police law it is prescribed that IAS together with Anti-Corruption Agency conducts risk analysis of corruption- In May 2017, Agency sent back opinion on the working version of the Manual. IAS is at the moment drafting the final version of the manual.

Ministry of Interior started activities on changing and amending Police Law, so IAS proposed ammendments of articles that define new preventive institutes in fight against corruption (risk analysis of corruption, integrity test and declaration of assets ) in order to have clear definition in the law how will they be implemented.

**2017/3:** In July 2017, Internal Affairs Sector drafted final version of the Manual on conducting risk analysis of corruption in MoI in cooperation with MoI Secretariat. MoI continued activities on ammendments of the Police Law, so after its adoption sublaws which are in the competence of Internal Affairs Sector will be adopted, since the final draft versions are already made

**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.

**2017/2:**

**Point a)**

IAS sent in february 2017 working version of the Manual on conducting risk analysis on corruption in MoI to Anti-Corruption Agency in order to receive their opinion, bearing in mind that according to Article 230 of Police law it is prescribed that IAS together with Anti-Corruption Agency conducts risk analysis of corruption- In May 2017, Agency sent back opinion on the working version of the Manual. IAS is at the moment drafting the final version of the manual.

**Point b)**

Reference to the activity 1.1.6.3. and 2.2.10.23

On 29. may 2017, Ministry of Interior adopted Rulebook on Complaints procedure according to Article 235 paragraph 12 of Police Law (Official gazette RS, number 54/17 from 31.05.2017).

**Point v)**

No changes

**2017/3:**

**Point a)**

In July 2017, Internal Affairs Sector drafted final version of the Manual on conducting risk analysis of corruption in MoI in cooperation with MoI Secretariat.

**Point b)**

Reference to the activity 1.1.6.3. and 2.2.10.23

**Point v)**

According to initiative of Human Resources Sector of MoI, Internal Affairs Sector (IAS) made a proposal of the catalog of the working positions and description of working positions in IAS in order to define clear tasks and duties of IAS employees.

**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)**

**Activity is not implemented.**

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.

**2017/2:**

In April and May 2017, IAS held several meetings with EU experts engaged in the preparation of tender documents for the procurement of equipment under IPA 2015. A proposal was made of the list of IT equipment, audio and video surveillance equipment that will be supplied in order to strengthen IAS capacities, and in the second half of 2017 it was envisaged to start the procurement procedure for the mentioned equipment.

**2017/3:** IAS completed activities in preparation of tender documentation with EU Delegation in Belgrade and EU experts who assisted in preparation of the tender dossier for the procurement of equipment under IPA 2015.

**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

Ministry 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.

### **2017/2:**

During the reporting period, IAS police officers took part in the trainings organized by the Human Resources Management Department of the Government of the Republic of Serbia on the topic of Risk Assessment of Corruption in Regulations as a Mechanism for Prevention of Corruption, Second cycle of elaboration of integrity plan and guidelines for its development in application, Protection against Discrimination And Mobbing - prevention and protection against ill-treatment at work.

In April 2017, two IAS police officers participated in a training called "Public Corruption" at the ILEA Center in Budapest, Hungary, together with police officers SBPOK organized by the US Embassy's Regional Security Office in Belgrade.

### **2017/3: Submitted report does not contain data on implementation of the activity.**

Reference to Activity 2.2.10.25.

In reporting period, IAS police officers participated in the training “Mobbing- prevention and protection of abuse at work” organized by the Human Resources Management Department of the Government of the Republic of Serbia and one police officer participated at the training in “Introduction to functioning EU” within the project “Support to strategic management and EU integration in MoI”.

### **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 26<sup>th</sup> 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.

**On 23<sup>rd</sup> November 2016, Law on Organization and Jurisdiction of State Authorities in the Suppression of Organized Crime, Terrorism and Corruption was enacted, appointing competent authorities for corruption suppression:** special departments of higher prosecutor's offices for the suppression of corruption; organizational unit of the Ministry of Interior with jurisdiction for corruption suppression and special departments of courts for corruption suppression. Stated Law shall be enacted on the eight day of the date of publishing it in the Official Gazette, and its implementation shall start from 1<sup>st</sup> March 2018.

As well, competencies of the Service for Combating Organized Crime are expanded when it comes to corruptive criminal offences, where the above mentioned Law added that Service for Combating Organized Crime, apart from nominated, selected and appointed persons by the National Parliament, Government of the Republic of Serbia, High Court Council and State Prosecutors Council, shall act also in cases of nominated, selected and appointed persons by the president of the Republic of Serbia and general session of the Supreme Cassation Court.

Article 21 of the Law envisages that in the Prosecutor's Office for Organized Crime and special departments of public prosecutor's offices for the suppression of corruption, task forces can be set up with the aim of working on detecting and prosecuting criminal offences that are subject of the task force's work.

The Law envisaged that individuals who are performing function, that is, execute work and tasks in state authorities, Service for Organized Crime and organizational unit of the Ministry of Interior with jurisdiction for corruption suppression, are obliged before taking the position, that is, their work, provide Anti Corruption Agency complete and exact data on their property and the property of their spouses or extramarital partner, as well as of minor children if they live in the same family household. As well, the Law envisaged security checks of individuals working in the Service for Combating Organized Crime and organizational unit of the Ministry of Interior with jurisdiction for corruption suppression.

**2017/2:** For the needs of the Ministry of Internal Affairs, the OSCE hired an expert (Steven David Brown) who after a detailed analysis made a report on the structural and practical aspects of forming an organizational unit for investigating corruption in Serbia, and in accordance with the Law on Organization and Jurisdiction of State Authorities in the Suppression of Organized Crime, Terrorism and Corruption. The report was made on May 17, 2017.

**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 23<sup>rd</sup> 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 1<sup>st</sup> January 2017 and 31<sup>st</sup> 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 23<sup>rd</sup> 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.

### **2017/2:**

For the needs of the Ministry of Internal Affairs, the OSCE hired an expert (Steven David Brown) who after a detailed analysis made a report on the structural and practical aspects of forming an organizational unit for investigating corruption in Serbia, and in accordance with the Law on Organization and Jurisdiction of State Authorities in the Suppression of Organized Crime, Terrorism and Corruption. The report was made on May 17, 2017.

### **2017/3:**

General Police Directorate, through project “Strengthening Capacities of Serbian police for combating corruption – Stage II“, upon the order of the Police Director, issued a telegram inviting all interested police officers, who graduated from the university and are employed in the General Police Directorate, to apply for the training that will be organized in the following period aiming at increasing knowledge and skills of police officers in the area of corruption suppression in public administration.

Regarding this, there was organized and completed testing of police officers, who apply for the training and the best candidates have the possibility to go through a specialized training on the topic of corruption suppression. The above mentioned training in cooperation with the OSCE Mission in Serbia will be organized between 2<sup>nd</sup> October 2017 and the end of 2019 in several cycles and various seminar courses. The above mentioned trainings will enable to police officers to acquire a higher level of knowledge and skills and to counter corruption more efficiently in the Republic of Serbia.

Also, in parallel with these activities, Criminal Investigations Directorate through the Act on Systematization that is under development in the Ministry of Interior, suggested setting up a Department for Combating Corruption within the Service for Combating Organized Crime, which will be a specialized organizational unit of the Ministry of Interior in combating corruption. Setting up of the above mentioned department will allow for uniting anti-corruption affairs at one place in the Ministry of Interior, which will contribute to higher efficiency and faster coordination of affairs, which relates to corruption suppression. Setting up the above mentioned department and training courses for police officers that will work in it will completely meet obligations of the Ministry of Interior arising from the Law on Organization and Systematization of Government Authorities in the Fight against Organized Crime, Terrorism and Corruption, which will be implemented from 1<sup>st</sup> March 2018.

**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 not implemented.**

Law on Organization and Jurisdiction of State Authorities in the Suppression of Organized Crime, Terrorism and Corruption was adopted 23<sup>rd</sup> 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.

**2017/2** No changes.

**2017/3:** The Republic Public Prosecutor's Office participates in the IPA 2013 project "Prevention and Fight against Corruption" aimed at improving efficiency in the fight against corruption and reducing all forms of corruption. One of the key activities of this project is development of recommendations for improving communication and cooperation between institutions. In this sense, the project will define the model of coordination and cooperation of special anti-corruption departments at the Higher Public Prosecutor's Offices with organizational units for the fight against corruption in the Police Directorate in Belgrade and Criminal Police Directorates in Novi Sad, Kragujevac, and Niš.

**2017/1 MoI:**

No changes.

**2017/2 MoI:**

No changes.

**2017/3 MoI:**

Criminal Investigations Directorate, through the Act on Systematization that is under development in the Ministry of Interior, suggested setting up a Department for Combating Corruption within the Service for Combating Organized Crime, which will be a specialized organizational unit of the Ministry of Interior in combating corruption. Setting up of the above mentioned department will allow for uniting anti-corruption affairs at one place in the Ministry of Interior, which will contribute to higher efficiency and faster coordination of affairs, which relates to corruption suppression.

When the above mentioned Department for Combating Corruption is formed in the Ministry of Interior, there will also be formed special departments for combating corruption in Higher Public Prosecutor's Offices and coordination will be initiated so that the information exchange between those units is timely.

On the occasion of more efficient implementation of the Law on Organization and Competence of Government Authorities in Combating Organized Crime, Terrorism and Corruption, Ministry of Justice of the Republic of Serbia is conducting a project financed by the European Commission "Prevention and Fight against Corruption", which will last for another 30 months. With the aim of more efficient implementation of stated project, there was set up a Project Steering Committee, the members of which are also representatives of the Ministry of Interior. One of the goals of stated project is also the coordination of work of the Government authorities with the aim of



implementing the Law on the Organization and Competence of Government Authorities in the Fight against Organized Crime, Terrorism and Corruption.

**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.

**2.2.10.31. Amend legislative framework in line with the conducted analysis of the risk for corruption in the normative framework of the system of customs referred to under item 2.2.10.30. (II quarter of 2017)**

**Activity is not implemented.**

**2017/2:** The conclusion of the Corruption Risk Analysis of the customs system legal framework has shown the necessity of broadening the customs officers' authorizations, especially by passing the Law on Customs Service, as well as amending the Criminal Procedure Code.

Legislative activity has been late.

**2017/3:** Status of activity unchanged.

**2.2.10.32. Conduct training of the staff at customs in line with new regulations referred to under item 2.2.10.31. (Continuously, commencing from III quarter of 2017)**

**Activity is not implemented.**

**2017/3:** AP for CH 23 indicates that this activity is budgeted within the activity 2.1.3.1. (IPA 2013 - Preventing and combating corruption). Project Prevention and Fight Against Corruption was launched in July 2017 and will last 30 months. The Customs Administration on 18 September 2017, was held a meeting with representatives of the project team in order to discuss the participation of the Customs Administration in project activities related primarily to the training of customs officers in the field of prevention and repression of corruption.

**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.

**2017/3:** Although there is still a ban on employment in public sector public in accordance with the Law on Budget System, starting from 1 September 2017 in accordance with the Regulation on job classification, the Department of Internal Control has systematized one more position, now a total of 16 jobs.

**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 fully 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.

**2017/2:** The activity has been finalized. The Anti-Corruption Agency drafted models of anti-corruption plans for local self-government units and territorial autonomy. Model of local anti-corruption plan for local self-government units (Serbian version) can be found at the following link: <http://www.acas.rs/wp-content/uploads/2017/04/Model-LAP-04042017.pdf>, whereas Model of anti-corruption plan for territorial autonomy Vojvodina (Serbian version) can be found here: <http://www.acas.rs/wp-content/uploads/2017/05/Model-PAP-Drugi-nacrt-30042017.pdf>. The pertinent documents have been drafted on the basis of analyses of causes and phenomena of corruption at local and territorial autonomy level, drafted by the Anti-Corruption Agency as per the Action Plan for Chapter 23.

#### **2.2.10.37. Assemblies of the autonomous provinces and local self-governments adopt local action plans and form a permanent working body for monitoring and implementation of local action plans. (II quarter of 2017)**

**Activity is partially implemented.**

**2017/2:** In the reporting period the Anti-Corruption Agency provided responses to local self-government units pertaining to content of the Model, procedure of adoption of local anti-corruption plans as well as establishment of body in charge of monitoring of their implementation.

**2017/3:** Out of total number of local self-governments (145), which were obliged to draft and adopt their local anti-corruption plans (LAP) and establish bodies for monitoring of its implementation, only one local self-government (0,69%) complied with the obligation in due time. Nonetheless, according to the information submitted to the Anti-Corruption Agency it can be concluded that the first part of the activity (LAP adoption) was fulfilled in line with LAP Model drafted by the Anti-Corruption Agency, whereas it cannot be determined whether the second part of the activity (establishing bodies for monitoring of LAP implementation) was fulfilled in line with the Model. This implies that none of the local self-governments implemented the activity 2.2.10.37 within timeframe and in a way envisaged by the Model, i.e. Action Plan for Chapter 23.

Out of 145 local self-governments, which were obliged to adopt LAP, 22 (15,17%) complied with this obligation (the first part of the activity 2.2.10.37) prior to submission of this report. Out of 22 local self-governments, which drafted and adopted LAP, 16 (11,03%) did it in line with the Model LAP, i.e. it can be concluded that the respective documents correspond to the Model in both form and substance. Out of 16 local self-governments, which drafted LAP in line with the Model, six (4,14%) adopted documents within deadline envisaged by the Action Plan for Chapter 23, i.e. until June 30, 2017.

Out of total number of local self-governments (145), which were also obliged to establish bodies for monitoring of LAP implementation (second part of the activity 2.2.10.37), only four<sup>4</sup> of them (2,76%) complied with this obligation prior to submission of this report. Out of four local self-governments, which established bodies for monitoring of implementation, three<sup>5</sup> (2,07%) complied with this obligation within envisaged deadline, i.e. until June 30, 2017.

Given that none of the local self-governments neither submitted the report on establishing body for implementation monitoring, nor decisions on establishing these bodies contain corresponding rationale, the Anti-Corruption Agency cannot draw the conclusion whether these bodies were established in line with the LAP Model.

Territorial autonomy assemblies neither adopted their anti-corruption plans nor established bodies for monitoring of its implementation.

### **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 being successfully implemented.**

The Working Group for preparation and implementation of the activities envisaged in the *Plan and Program of Campaign for Informing Public on the Mechanism of participation in the Process of Adoption of Regulations at All Levels*, was formed in 2014 and the Office for Cooperation with Civil Society is member of this body.

In 2014 the Anti-Corruption Agency, in cooperation with the Office for Cooperation with Civil Society of the Government of the Republic of Serbia, organized a coordination meeting with representatives of CSOs with the aim of establishing a system of permanent coordination with CSOs in the fight against corruption and of increasing the active participation of CSOs in fighting corruption. 24 CSOs were present at this meeting.

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

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<sup>4</sup>It should be taken into account that one local self-government, which reported on establishing body for LAP implementation monitoring, has still not drafted and adopted this document thus failing to fulfill the first part of the activity 2.2.10.37, whereas the remaining three also adopted LAP.

<sup>5</sup>Out of three local self-governments, which established body for LAP implementation monitoring in due time, until June 30, 2017, only one of them also drafted and adopted LAP in due time, i.e. until June 30, 2017.

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.

**2017/2** There were no significant activities in this field during the reporting period.

**2017/3:** The Ministry of Public Administration and Local Self-Government, in cooperation with the Office for Cooperation with Civil Society, invited civil society organizations to participate in on-line consultative process regarding proposals for amending the *Regulation on Funds for Programme Promotion or the Lacking Funds for Programmes in Public Interest Implemented by Associations*. The consultative process was carried out between 1<sup>st</sup> and 15<sup>th</sup> of September 2017, and nine civil society organizations from different parts of Serbia submitted their suggestions. Amending this Regulation is in line with the activities of the Action Plan for implementing National Strategy for Fight against Corruption in the Republic of Serbia 2013-2018, as well as of the Action Plan for Implementation of Open Government Partnership Initiative in the Republic of Serbia 2016-2017.

**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 almost completely 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.

2017/1: 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.

**2017/2:** The situation remained unchanged.

**2017/3:** The activity is currently being implemented. The Draft Law amending the Law on State Administration was established and opinions from the competent authorities were obtained. The Draft Law has been delivered to the Government for consideration and formulating the Bill, after which it is expected to be submitted to the parliamentary procedure.

2017/1 – OCCS contribution: 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.

**2017/2 – OCCS: Submitted report does not contain data on implementation of the activity.**

In the reporting period, the Office for Cooperation with Civil Society published several public calls, related to the public administration reform, aimed at including CSOs in this process:

- In cooperation with the Ministry of Public Administration and Local Self-Government, the Office published public call and conducted procedure for selection members from the civil society organisations in Special Working Group for the preparation of the Action Plan for the implementation of the Strategy of Public Administration Reform for the period 2018-2020. Although it was planned that 7 organizations are going to be selected, it was agreed to include all 12 civil society organizations that expressed interest in participating in the drafting of the Action Plan and fulfilled formal conditions and criteria defined by a public call.
- In cooperation with the Ministry of State Administration and Local Self-Government, Office has published public call for participation of CSOs in roundtables during the public debate on the Draft Law on the National Academy for vocational training in public administration, the Draft Law on Amendments to the Law on Civil servants and the Draft Law on Amendments to the Law on Employees in Autonomous Provinces and Local Self-Governments. Roundtables were organized in Belgrade, Novi Sad and Nis.
- In cooperation with the Ministry of Finance, Office published public call for CSOs to participate in the first meeting of the public finance management policy dialogue held on June 13, 2017 in Belgrade. The meeting was a discussion on the progress made in public finance management reform Policy that started in November 2015 through the adoption of the Public Finance Management Reform Program 2016-2020 by the Government of the Republic of Serbia.
- In cooperation with the Ministry of State Administration and Local Self-Government, Office also published public call for CSOs to participate in the presentation of the Report on the implementation of the Action Plan for Implementation of the Open Government Partnership Initiative for the period 2016 - 2017, for the January - June 2017 period. The meeting was held on June 27, 2017, and the Office also presented progress in implementing those activities where Office is marked as lead institution or partner.

**2013/3:** In July 2017 the Office for Cooperation with Civil Society submitted its Opinion on Draft Law on Public Administration.

**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.

**2017/2:** Methodology is in the final phase, and at the same time the Manual for implementing the Methodology is being prepared in order to provide additional support to all public administration bodies and to assure successful implementation of the Methodology. The Office has also initiated a revision of the Regulation on Funds for Programme Promotion or the Lacking Funds for Programmes in Public Interest Implemented by Associations. The Office submitted proposals for amendments to the Special Working Group for amending the Regulation. Finally, the most important provisions of the Methodology will be integrated within the provisions of the Regulation. In this way, some provisions of the Methodology will be binding for all public administration bodies in order to contribute to the system of transparent and sustainable financing of civil society organizations.

**2017/3:** Draft of the Methodology for planning, monitoring the implementation and evaluation of programs/projects financed from the budget (Methodology) was prepared based on the findings of consultations with state bodies, conducted in February 2017. Giving that it was decided to include some of the most important provisions of the Methodology within the revised *Regulation on Funds for Programme Promotion or the Lacking Funds for Programmes in Public Interest Implemented by Associations (Regulation)*, the final version of the Methodology will be published after completing process of amending this Regulation. The process of amending the Regulation is currently being carried out by the Ministry of State Administration and Local Self-Government,



in cooperation with the Office for Cooperation with Civil Society. Among other things, on-line consultations with civil society were conducted in September 2017, in order to obtain civil society suggestions for amending the Regulation.

Full realization of this activity is expected by the end of 2017, but it depends on dynamics of process of amending the Regulation and adoption of revised Regulation.

**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 being successfully 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.

2017/1 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.

**2017/2:** Public competition for allocation of grants to civil society organizations for two projects in the area of combating corruption has been finalized and the implementation of the projects commenced. In addition, competition for allocation of grants to civil society organizations for drafting alternative reports on the implementation of the Action Plan for Chapter 23 was also announced in the reporting period. Competition was announced on May 22 and project proposals were submitted until June 21, 2017. General objective of this competition is to provide alternative information on implementation of the Action Plan for Chapter 23, i.e. subchapter Fight against Corruption, five activities from subchapter Judiciary and three from the one related to Fundamental Rights. Specific goals of this competition are to enable as follows: participation of civil society organizations in the process of monitoring of the implementation of the Action Plan for Chapter 23; visibility of findings and conclusions of civil society organizations in terms of implementation of this document; support of civil society organizations in pursuing the new competence of the

Anti-Corruption Agency as well as to contribute to building capacities of civil society organizations in the area of combating corruption.

Total of 4.513.000 RSD will be allocated for two projects – 2.256.500 RSD for each. All activities which were due in 2015, 2016 and the ones which will be due in 2017 as well as continuous ones will be taken into account.

**2017/3:** Implementation of the projects of Transparency Serbia (“Integrity Plans-between Corruption Risk and Anti-Corruption Practice“) and Women Forum Prijepolje (“Media in Fight against Corruption“), which will last until May 2018, is underway.

In the reporting period the second competition for allocation of grants to civil society organizations for drafting alternative reports on the implementation of the Action Plan for Chapter 23 was finalized. Grants were allocated to Belgrade Center for Security Policy for the project “Alternative perspective in terms of the Chapter 23 – modifications of legal framework and practice” and Transparency Serbia for the project “Anti-Corruption Reforms and their effects – compliance with anti-corruption recommendations in Chapter 23”. Implementation of project activities commenced in August 2017 and will last until March 2018.

Relevant information are available at the Anti-Corruption Agency's website: <http://www.acas.rs/podrska-projektima-ocd/>.

**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.

**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.

**2017/2:** Republic Public Prosecution created annual report on work of Public Prosecutions on crime prevention and the protection of constitutionality and legality for 2016. On June 13, 2017 this report was presented to the Legislation Board of National Assembly and adopted the same day. It is published on the website of the Republic Public Prosecution, so it is available to all state authorities, institutions and public.

**2017/3:** The Public Prosecutor's Offices continued to submit reports on initiated and completed proceedings in relation to corruption cases to the Republic Public Prosecutor's Office. Accordingly, the Republic Public Prosecutor's Office monitors the prosecution's actions in this area.

**SCC:** All courts in Republic of Serbia, including the Supreme Court of Cassation submit the requested statistical data to Ministry of Justice.

**2017/2:** There are no changes to previous reports. The Supreme Court of Cassation, on request of the Ministry, submits all statistical data on certain types of criminal proceedings. The requirements are most often related to the crimes of corruption, money laundering, trafficking in human beings and other organized crime.

**2017/1 MoI:**

No changes.

**2017/2 MoI:**

No changes.

**2017/3 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 appellate 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).

**2017/3** Unchanged.

**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.

#### **2017/2 MoI:**

For the needs of the Ministry of Internal Affairs, the OSCE hired an expert (Steven David Brown) who after a detailed analysis made a report on the structural and practical aspects of forming an organizational unit for investigating corruption in Serbia, and in accordance with the Law on Organization and Jurisdiction of State Authorities in the Suppression of Organized Crime, Terrorism and Corruption. The report was made on May 17, 2017

#### **2017/3 MoI:**

Having received the analysis by an expert engaged in project "Strengthening capacity of Serbian police for combating corruption – Stage II", Criminal Investigations Directorate, through the Act on Systematization that is under development in the Ministry of Interior, suggested setting up a Department for Combating Corruption within the Service for Combating Organized Crime, which will be a specialized organizational unit of the Ministry of Interior in combating corruption. Setting up of the above mentioned department will allow for uniting anti-corruption affairs at one place in the Ministry of Interior, which will contribute to higher efficiency and faster coordination of affairs, which relates to corruption suppression and is done in the Ministry of Interior.

#### **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:

Law on organization and jurisdiction of state bodies in combating organized crime, terrorism and corruption has foreseen the possibility of forming a financial forensics department in the Prosecutor's Office for Organized Crime and special departments in Higher Public Prosecutor's Offices in Belgrade, Novi Sad, Kragujevac and Nis to combat corruption. Start of the implementation of this law has been set for March 1, 2018, after which financial forensics department will be able to start working.

2017/1: 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.

**2017/2:** No changes.

**2017/3:** No changes.

### **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.

**2017/3:** It is expected that new Financial Investigation Strategy with accompanying Action plan will be adopted in I quarter 2018.

**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.



**2017/2:** 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. In consultation with the representative of the European Commission tentatively agreed to maintain TAIEX workshop in the fourth quarter of this year. Also, continued correspondence about other details related to the maintenance workshop. 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 from 15.05. to 19.05.2017. and from 30.05. to 01.06. 2017.

**2017/3:** Financial investigation Unit has submitted the request for holding the TAIEX workshop regarding the named activity which was being approved by the Ministry of Interior representative and the European Commission. According to Agreement with the European Commission representative, TAIEX workshop will be held in the 4th quarter of this year. Also, correspondence on all other details regards to workshop holding continues. Activity referring to organization on Study visit of experts from Germany in regards to opening Property recovery office (Assets recovery office) (APO) continues. Also, there is a continuous activity on opening Property recovery office (Assets recovery office) (ARO) within the Unit for financial investigation.

**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.

**2017/2** In February 2017, the Judicial Academy, with the support of UNDP, realized a two-day workshop for public prosecutors and deputy public prosecutors of the higher prosecutor's offices from the territory of the Niš appellate jurisdiction as well as members of the Office for Combating Organized Crime, on the topic of conducting financial investigations, monitoring cash flows,

proactive approach and cooperation with relevant state bodies. This workshop was attended by around 25 participants in total.

**2017/3** The Judicial Academy, with the support of UNDP, has developed an analysis of the trainings conducted so far in order to improve the quality and adequacy of upcoming training. The above analysis also gives recommendations for achieving better training efficiency in terms of the target group of participants and modification of lecturer's presentations.

### **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).

**2017/2:** The following bylaw have been adopted:

Rules on the content of the report of the temporary representative of capital ( published in the “Official Gazette of the Republic of Serbia”, number 12/17 of February 22, 2017 , and came into force on March 2, 2017).

**2017/3** The Decree amending the Decree on Conditions, Procedure and Manner of Selling the Capital and Assets by Public Tendering Procedure (published in the Official Gazette of the RS, No. 68/2017 as of 11 July, 2017 and entered into force on 12 July 2017).

**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.

**2017/2:** Criminal proceedings initiated in connection with controversial privatizations are conducted in in the competent prosecutor's offices. A working group formed in the Republic Public Prosecutor's Office, consisting of the representatives of the Anti-Corruption Department and the Criminal Department of this Prosecutor's Office, monitors the performance in these cases and makes an annual report that is submitted to the Anti-Corruption Council in accordance with the activity 2.1.2.4.

**2017/3:** A working group formed in the Republic Public Prosecutor's Office, comprised of representatives of the Anti-Corruption Department and the Criminal Department of this Prosecutor's Office, monitors the actions of the competent public prosecutor's offices in criminal proceedings initiated in connection with controversial privatizations.

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.

**2017/2:** Unchanged.

**2017/2:** Unchanged.

Ministry of Commerce: Submitted report does not contain data on implementation of the activity. **2017/2:** Status of activity implementation unchanged. **2017/3:** Report of the Responsible authority was not submitted.

**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.

2017/2: 2017/2: Positive regulations will be amended in line with the analysis results, prescribed in activity 2.3.4.2.

**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.

2017/2: Analysis of legal and institutional framework will be conducted within the IPA 2013 project "Prevention of and Fight against Corruption". It is expected that the analysis will be conducted by the end of first quarter 2018.

2017/3: No changes.

**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.

2017/2: 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. Two bylaws have been completely drafted while others are in the final stage of drafting. They should be adopted by 1st September 2017.

**2017/3:** 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. Four bylaws have been completely drafted. They should be adopted by 1st November 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 fully 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.

2017/2: 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 new software has been developed and is currently being implemented in 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.

**2017/2:** 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 September 2017.

**2017/3:** 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 signed.

#### **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.

2017/2: 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. After the new government formation, the procedure of authorizing the negotiations on conclusion of these contracts will be initiated.

**2017/3:** 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. The procedure of concluding these contracts has been initiated.

**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 almost completely implemented.**

See under 2.3.5.4.

**2017/3:** The Directorate hires three employees for a fixed period.

**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.

**2.3.6.2. Changes in regulations so as to cover all categories of persons enjoying immunity and redefine procedures of lifting immunity in accordance with the analysis of the deficiencies in regulations and revision of regulations with regard to: persons enjoying immunity, scope of immunity and proceedings to lift immunity, referred to under item 2.3.6.1. (II quarter of 2017)**

**Activity is not implemented.** The proposal on changes in regulations so as to cover all categories of persons enjoying immunity and redefine procedures of lifting immunity in accordance with the analysis of the deficiencies in regulations and revision of regulations with regard to: - persons enjoying immunity, - scope of immunity, and -proceedings to lift immunity (referred to under item 2.3.6.1.) was not submitted to the National Assembly.

**2017/3:** No changes.



**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 partially 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.

Provision of the Article 27 of the Law on Organization and Jurisdiction of State Authorities in Combating Organized Crime, Terrorism and Corruption stipulates 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. It is also stipulated that without the permission of the competent public prosecutor, the data from the preliminary investigation and investigation cannot be publicly presented.

**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.

**2017/2:** Test changes were made to the Mandatory instruction by Working Group for harmonization of legal framework in terms of needs of Police Intelligence model. The new text of

Mandatory instruction enters the next phase of internal procedure of authorization by submitting to the Secretariat of the Ministry – Normative Legal Affairs for opinion.

**2017/3:** No changes.

**2017/2 Ministry of Justice** contribution: Regarding the Republic Prosecutor's Office initiative to amend the provisions of the Criminal Procedure Code, the planned changes of the CPC will be much broader in its scope, and will include Republic Prosecutor's Office initiative. Given the scope of necessary changes of the CPC arising from Chapters 23 and 24, as well as other negotiating chapters, it has been decided to perform comprehensive amendments to the CPC by 3. quarter 2018, as these changes require longer period for the work of the working group.

**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 partially 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.

**2017/2:** The amendment of the provisions of the Criminal Code and the Law on Public Prosecutor's Office, pursuant to the initiative of the Republic Public Prosecutor's Office, has not yet been conducted.

**2017/3:** No changes.

**MoI contribution:**

First Report: There was no activity.

**2017/2:** No changes.

**2017/3:** No changes

**2017/2 Ministry of Justice contribution:** Working group for drafting amendments to the Criminal Code took into consideration Republic Public Prosecutor's Office initiative regarding unauthorized communication of information.

**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 being successfully implemented.**

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.

**2017/2** The Republic Public Prosecutor's Office will monitor the sanctioning of violations of the regulations on preventing disclosure of confidential information, as well as the implementation of the Ideal Model for the detection of offenders and proving criminal offence of disclosing official secrets ("leaking information to the media"), upon receiving information from public prosecutors that there are grounds for suspicion that such criminal offense was committed.

**2017/3:** No kind of breaching of disciplinary or criminal code provisions with this regard were reported to the Republic Public Prosecutor's Office.

**2017/1 MoI Contribution:** Answer is the same as in count 2.3.7.3.

**2017/2 MoI Contribution:** Related to criminal offence of Disclosure of official secret (Article 36 of CC R. Serbia), for the same offence, a criminal charge may be filed only in a situation when it comes to classified data (processed type of classified data). In public-prosecutorial and police practice, in qualifying the criminal offence it is used a criminal offence of Abuse of power, in the part which is called „leak of information“. In the scheme of filed criminal charges for criminal offence Abuse of power and an Unauthorized collection of personal data, only criminal offences are listed which have features of execution of so-called „leak of information“, but not all filed criminal charges against police officers and other employees of the Ministry for the said criminal offence.

In the second quarter of 2017, one criminal charge against police officer was filed for the criminal offence of Abuse of power, and one criminal charge against police officer was filed against police officer for the criminal offence of an Unauthorized collection of personal data.

In the second quarter of 2017, disciplinary proceedings against police officers, employed at the headquarters of Ministry, regarding disclosure of confidential information, were not initiated.

**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 not 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.** In order to implement the Instructions on the treatment of detainees, the Minister of 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 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 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:

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 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 2016, in the Training Center "Mitrovo polje" on Goc mountain, 168 police officers completed the "Training for Intervention patrols".

In the fourth quarter of 2016, 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".

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".

## **2017**

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”.



The Program of the Professional Development for 2017 stipulates that within the framework of regular (compulsory) theoretical classes, the following topic will be included: "Commission for Implementation of Standards of Policing in the Field of Prevention of Torture", where the following lectures will be covered: The notion of torture; Prohibition of torture, cruel, inhuman and degrading treatment or punishment; Criminal proceedings and execution of sentences; Use of coercion by the police; Competence of the Council of Europe Committee for the Prevention of Torture, Commission of the Ministry of the Interior to monitor the implementation of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment. The target group for this topic are all lines of work, and in the second quarter, 2166 police officers attended these classes.

The Program of the Professional Development stipulates that a seminar entitled "Implementation of the Instructions on the Treatment of Detainees" be conducted by units implementing the Program. Based on the stated training needs of regional police departments, there is a plan to train 300 police officers working in first response patrols. In the period from June 12 to July 31, 2017 the first part of this training will be implemented (for 150 police officers) in the Training Center "Kula" in Kula. Out of the planned number, 30 police officers have undergone this training so far.

In 2017, 298 Intervention Patrols police officers were trained (149 Police Officers in the Training Center „Kula“ from June 12th to July 31st and 149 Police Officers working in Intervention patrols were trained in the Training Center „Mitrovo Polje“ on the mountain of Goc from July 3rd to August 21st 2017).

During June, July and August 2017, 300 policemen finished the training for intervention patrols. Up to this date, 1460 policemen finished aforementioned training, which will be continued in the next period.

**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 not 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).

According to the report of the Ministry in December 2016, 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).

Until the end of 2017, in accordance with the financial possibilities, number of police custody premises will be adapted, which was planned in the budget for 2016.

#### **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.**

According to the report in III quarter of 2017, in October 2017, representatives of the Ministry of Interior will participate in round table on the topic of improving mechanism of internal control with comparative review of the best practices in Council of Europe's member states, with the emphasis on complaints which relates to torture and ill-treatment. The round table will be organised by the Council of Europe's Office in Belgrade, as part of the project „Strengthening the protection of human rights for the detained and convicted persons in Serbia“ (Horizontal support program for the Western Balkans and Turkey).

**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](http://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 fully implemented.** The working group, composed of representatives of the Ministry of Interior Internal Control Sector and the Public Prosecutor's Office, produced a document - **Methodology for Investigation in Abuse Cases**. The methodology is intended for public prosecutors and police officers and relates to the investigation of cases of alleged abuse by police officers, but the scope of its application can be extended to investigate all other cases of abuse, when alleged perpetrators are officials. In cooperation with the OSCE Mission to Serbia, promotion of the Methodology is planned, first of all printing the document, and then organizing training for public prosecutors and police officers in order to adequately and efficiently implement the Methodology. The Republic Public Prosecutor on September 26, 2017 issued **General Mandatory Instruction on the implementation of the Methodology for Investigation in cases of abuse**, according to which all public prosecutors in cases related to abuse by police officers, especially when it comes to criminal offenses Extortion of evidence - Art. 136. CC and Abuse and Torture - Art. 137. CC, are obliged to undertake actions and measures foreseen by the Methodology for Investigation in cases of abuse.

### **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 proposal has been submitted to the commission of the Ministry of Construction for approval. For the construction of a new prison in Kragujevac, a positive opinion of the commission of the Ministry of Construction, Traffic and Infrastructure on project documentation was obtained and the procedure for obtaining a building permit continues.

**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. According to the report for I quarter of 2017, the reconstruction of one more detention block in the District Prison in Belgrade was finalized. Reconstruction of another block was initiated in May 2017. Reconstruction of the District Prison in Belgrade is carried out in accordance with the planned dynamics of the works. Completion of the reconstruction of one block is planned for the end of October 2017

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. In the Correctional Facility for juveniles in Valjevo renovation of a building to accommodate persons deprived of liberty ("School") is completed

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. A process of obtaining building permit for building three new blocks in the penitentiary in Pozarevac-Zabela is in progress. Open call for selection of bidders was announced in II quarter 2017 for building new pavilion in the penitentiary in Pozarevac-Zabela. Reconstruction of the pavilion for accommodation is in progress.

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. The reconstruction of a pavilion in the penitentiary in Sremska Mitrovica is finalized. In 2016, building permit has been obtained for construction of a new pavilion for 320 convicted persons in the penitentiary in Sremska Mitrovica. Open call for selection of bidders was announced in II quarter 2017 for building new pavilion in the penitentiary in Sremska Mitrovica. Reconstruction of the clinic for accommodating patients in the Correctional Facility in Sremska Mitrovica is in the final phase

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. According to the report for I quarter of 2017, in the Niš penitentiary, pavilion "D" for the accommodation of prisoners is renovated. In II quarter of 2017, building of new reception department for convicted persons, on call services and visiting premises in Nis penitentiary is in the final phase. The construction of a new reception department for convicted persons, duty services and premises for the visits were completed.

According to the report for I quarter of 2017, for a complete reconstruction of accommodation and construction of new capacities in the penitentiary for women in Pozarevac, contractor was elected. The works on reconstruction of accommodation and construction of new capacities have been initiated in II quarter. The construction of a new facility with accommodation is carried out in accordance with the agreed dynamics.

The Correctional Facility for juveniles in Krusevac, the renovation of the building for admissions department was completed in the first quarter of 2016. According to the report for I quarter of 2017, the renovation of the building in the part of open department is completed.

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. According to the report for I quarter of 2017, the reconstruction of one block for enforcement of security measures in the Special Prison Hospital in Belgrade is finalized. In May 2017, reconstruction of another block in the Special Prison Hospital in Belgrade was initiated. Reconstruction of the Special Prison Hospital in Belgrade is carried out in accordance with the planned dynamics of the works. Completion of the reconstruction of one block is planned for the end of October 2017

Building permit has been obtained for construction of a new pavilion for 200 convicted persons in District prison Leskovac. Open call for selection of bidders was announced in II quarter 2017 for building new pavilion in District prison Leskovac.

**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.** 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. The materials for convicted persons mentioned in this point of the report are **translated into English, Hungarian, Albanian and Romani language** in cooperation with the OSCE Mission to the Republic of Serbia, immediately after adoption (during 2014 and 2015).

**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. Contract was concluded in June 2017 with the twinning partner in the framework of the project "Capacity building for training, education and employment of prisoners" within the EU project - IPA 2013. In the framework of this project, specialized treatment programs for prisoners, as well as for particularly vulnerable categories of prisoners will be implemented, as well as training of trainers: service staff. The delay in conclusion of the contract resulted from the change of the team members of the twinning partner and implementation of necessary procedures.

Within the framework of the Twinning Project implemented by the Administration for Enforcement of Criminal Sanctions and the German Foundation for International Legal Cooperation in partnership with the Agency for Economic Cooperation and Development representing the interests of the Ministry of Justice of the Republic of Austria, three missions were undertaken to analyze the current situation and normative regulations in the system of execution of criminal sanctions. Engaged experts performed an analysis of work in the treatment services in institutions. Based on the analysis of the methodology of work and the existing programs of treatment in institutions, in cooperation with foreign experts and employees in the Administration, in the coming period, new specialized treatment programs for convicts and especially sensitive categories of convicted persons will be developed.

Within the framework of the Council of Europe Project "Strengthening the Protection of Human Rights of Persons Deprived of Liberty", a visit of the experts of the CoE to the Penal Enforcement Offices was carried out and a report was prepared on risk assessment tools and existing behavioral programs for the rehabilitation and reintegration of convicted persons.

**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. In the period from April – May

2017, two inspection surveillance activities were conducted related to the implementation of the aforementioned Rulebook. In the period from Juny – August 2017, four inspection surveillance activities were conducted related to the implementation of the aforementioned Rulebook.

### **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 through 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 though 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.

The staffing structure of the Protector of Citizens was changed **in the period 01 March – 15 June 2017**. Currently a total of 90 staff members are employed: 85 under the indefinite employment contract and 5 under the fix-term employment contract; Total of 74 employees perform tasks requiring higher education and 16 tasks requiring secondary education. Out of total of 90 - 67 employees are female and 23 are male. The hiring procedure for one civil servant on executive job positions with the indefinite contract though public competition is underway. According to the Protector of Citizens' Staffing Table, there should be a total of 90 employees, both civil servants and secondees, with the indefinite contract and 10 civil servants fix-term employment contract, by the end of 2017.

The staffing structure of the Protector of Citizens was changed **in the period 16 June – 25 September**. Currently a total of 94 staff members are employed: 88 under the indefinite employment contract and 6 under the fix-term employment contract. Total of 77 employees perform tasks requiring higher education and 17 tasks requiring secondary education, 72 employees are female and 22 men.

### **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.

Premises for adequate placement will be designated by the end of 2017.

### **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.

In I quarter of 2017, a TAIEX mission was organized in Belgrade on 28 and 29 March 2017. It addressed 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.

Report of the TAIEX Mission was sent to all the participants in the meetings with the representatives of the Mission and it will constitute one of the bases on which further work on amendments of the law will be founded. On 9 June 2017, the first meeting of the Special Working Group for the preparation of the text of the draft law was held and further plan of activities was agreed upon which will include, in addition to regular meetings of the Special Working Group, the cooperation with the Service of the Ombudsman, as well as the cooperation with the civil society organizations.

Due to personnel changes following the new formation of the RS Government, a new Decision establishing a Separate Working Group for the preparation of the Draft Law amending the Law on the Protector of Citizens (Ombudsman) was passed. An initiative was sent to the Office of the Protector of Citizens for determining changes in the legal framework regulated by the Protector of Citizens. A round table between MPALS and SIGMA was agreed to be organized, where representatives of the Office of the Protector of Citizens, all relevant institutions and the civil society, which is planned for 3 October 2017, will be invited to take part in, for discussion on the upcoming amendments to the Law.

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. TAIEX expert mission issued its Report regarding the amendments to the Law on the Protector of Citizens, which should lead to the strengthening of its mandate and independence. Independence and organizational structure of the National Mechanism for the Prevention of Torture have not been improved. The Protector of Citizens has prepared an initiative for amendments to the Rulebook on Internal Organization and Job Classification at the Secretariat of the Protector of Citizens, related to the organization of the NPM and personnel increase. That would enable an efficient work of the NPM and the full exercise of the mandate envisaged by the UN OPCAT.

The Protector of Citizens noted that in the reporting period III quarter 2017, a meeting was held with the relevant ministry regarding the preparation of changes and amendments to the Law on the Protector of Citizens. The Protector of Citizens also invited civil society organizations to contribute to this process.

#### **3.2.1.4. Adoption of the new Rulebook on Internal Organisation and Job Classification at the Secretariat of the Protector of Citizens in line with the amendments and supplements to the Law on the Protector of Citizens. (II quarter of 2017)**

**Activity is not implemented.** Since amendments to the Law on the Protector of Citizens have not been adopted yet, the new Rulebook on Internal Organisation and Job Classification at the Secretariat of the Protector of Citizens, which would be in line with the amendments to the Law on the Protector of Citizens, has not been adopted yet, as well.

#### **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, Ministry for public administration and local self-government, believes 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. The Draft Law amending the Law on Local Self-Government was established and opinions from the competent authorities were obtained. The Draft Law was communicated to the Government for consideration and decision making.

The Protector of Citizens held a meeting, in the reporting period III quarter 2017, with the local protectors of citizens and asked them to identify the key problems that have arisen in practice from the existing normative framework, as a precondition for the harmonization of regulations that determine the competence of the Protector of Citizens and the Protector of Citizens of Local Self-Governments. Amendments to the Law on Local Self-Government in this part should reflect the forthcoming changes to the Law on the Protector of Citizens.

**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	%
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Cases closed with recommendations issued as the result of oversight procedure	371	116	88	<b>75,86%</b>
Cases closed with recommendations issued as the result of expedited oversight procedure	235	235	235	<b>100,00%</b>
<b>TOTAL NUMBER OF RECOMMENDATIONS</b>	<b>606</b>	<b>351</b>	<b>323</b>	<b>92,02%</b>

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	<b>50%</b>
Motions to the Constitutional Court	0	0	0	<b>0</b>
<b>TOTAL NUMBER OF LEGISLATIVE INITIATIVES AND</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>50%</b>

MOTIONS FOR THE CONSTITUTIONAL COURT				
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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	<b>606</b>	<b>351</b>	<b>323</b>	<b>92,02%</b>
Total number of legislative initiatives and motions to the Constitutional Court	<b>4</b>	<b>2</b>	<b>1</b>	<b>50%</b>
<b>TOTAL NUMBER OF RECOMMENDATIONS LEGISLATIVE INITIATIVES AND MOTIONS TO THE CONSTITUTIONAL COURT</b>	<b>610</b>	<b>353</b>	<b>324</b>	<b>91,78%</b>

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	<b>87.23</b>
Recommendations issued in expedited inquiry procedures	151	151	151	<b>100.00</b>
<b>TOTAL RECOMMENDATIONS</b>	<b>395</b>	<b>198</b>	<b>192</b>	<b>96.97</b>

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
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Table 2

Table 3 – Total number of actions taken by public authorities on recommendations, legislative initiatives and motions to asses 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	<b>96.97</b>
Total number of legislative initiatives and motions to the Constitutional Court	2	0	0	<b>0</b>
<b>TOTAL NUMBER OF RECOMMENDATIONS, LEGISLATIVE INITIATIVES AND MOTIONS TO THE CONSTITUTIONAL COURT</b>	<b>397</b>	<b>198</b>	<b>192</b>	<b>96.97</b>

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
<b>TOTAL RECOMMENDATIONS</b>	<b>175</b>	<b>136</b>	<b>131</b>	<b>96,32</b>

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
<b>TOTAL LEGISLATIVE INITIATIVES</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

## 2017

### 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
<b>TOTAL RECOMMENDATIONS</b>	<b>271</b>	<b>198</b>	<b>193</b>	<b>97,47</b>

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
<b>TOTAL LEGISLATIVE INITIATIVES</b>	<b>1</b>	<b>0</b>	<b>0</b>

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
<b>TOTAL NUMBER OF RECOMMENDATIONS, LEGISLATIVE INITIATIVES AND MOTIONS TO THE CONSTITUTIONAL COURT</b>	<b>272</b>	<b>198</b>	<b>193</b>	<b>97,47</b>

Table 3

## II quarter of 2017

In the reporting period, in the course of its investigations, the Protector of Citizens issued 77 recommendations to public authorities. Out of 8 recommendations due for implementation in the reporting period, 6 recommendations (75%) have been implemented.

In the reporting period, the Protector of Citizens issued 201 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 15 March – 15 June 2017	Due recommendations	Implemented recommendations	%
Recommendations following the investigations	77	8	6	75
Recommendations issued in expedited oversight procedures	201	201	201	100,00
<b>TOTAL RECOMMENDATIONS</b>	<b>278</b>	<b>209</b>	<b>207</b>	<b>99,05</b>

Table 1

In the reporting period, the Protector of Citizens did not submit legislative initiatives to the Government and the National Assembly, nor 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 15 March – 15 June 2017	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
<b>TOTAL LEGISLATIVE INITIATIVES</b>	<b>0</b>	<b>0</b>	<b>0</b>

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 15 March – 15 June 2017	Received/ Reviewed	Implemented/ Accepted	%
Total number of recommendations	268	209	207	99,05
Total number of legislative initiatives and motions to the Constitutional Court	0	0	0	0
<b>TOTAL NUMBER OF RECOMMENDATIONS, LEGISLATIVE INITIATIVES AND MOTIONS TO THE CONSTITUTIONAL COURT</b>	<b>278</b>	<b>209</b>	<b>207</b>	<b>99,05</b>

Table 3

### III quarter of 2017

In the reporting period, in the course of its investigations, the Protector of Citizens issued 18 recommendations to public authorities, out of which two (2) are due for implementation in the reporting period. None of those two has been implemented.

In the reporting period, Protector of Citizens issued 182 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	Due recommendations	Implemented recommendations	%



	16 June 2017 – 25 September 2017			
Recommendations following the investigations	18	2	0	<b>0</b>
Recommendations issued in expedited oversight procedures	182	182	182	<b>100,00</b>
<b>TOTAL RECOMMENDATIONS</b>	<b>200</b>	<b>184</b>	<b>182</b>	<b>98,91</b>

Table 1

In the reporting period, the Protector of Citizens did not submit legislative initiatives to the Government and the National Assembly, nor 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 16 June 2017 – 25 September 2017	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
<b>TOTAL LEGISLATIVE INITIATIVES</b>	<b>0</b>	<b>0</b>	<b>0</b>

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 16 June 2017 – 25 September 2017	Received/ Reviewed	Implemented/ Accepted	%
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Total number of recommendations	<b>200</b>	<b>184</b>	<b>182</b>	<b>98,91</b>
Total number of legislative initiatives and motions to the Constitutional Court	0	0	0	<b>0</b>
TOTAL NUMBER OF RECOMMENDATIONS, LEGISLATIVE INITIATIVES AND MOTIONS TO THE CONSTITUTIONAL COURT	<b>200</b>	<b>184</b>	<b>182</b>	<b>98,91</b>

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	<b>97,92%</b>

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) 21 May 2016 - 15 September 2016	Recommendations issued	Due recommendations	Implemented recommendations	%
NPM recommendations	157	60	55	<b>91,66</b>

Table 4

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	%
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NPM recommendations	51	74	65	87,84
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Table 4

I quarter 2017:

In the reporting period, the Protector of Citizens issued 84 recommendations to public authorities in its statutory capacity of the National Preventive Mechanism (NPM). In that period, 54 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 66 recommendations. Out of 54 due recommendations, 38 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) 6 December 2016 – 14 March 2017	Recommendations issued	Due recommendations	Implemented recommendations	%
NPM recommendations	84	54	38	70,37

Table 4

II quarter 2017:

In the reporting period, the Protector of Citizens issued 133 recommendations to public authorities in its statutory capacity of the National Preventive Mechanism (NPM). In that period, 30 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 142 recommendations. Out of 30 due recommendations, 26 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 June – 15 June 2017	Recommendations issued	Due recommendations	Implemented recommendations	%
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NPM recommendations	133	30	26	<b>86,67</b>
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Table 4

### III quarter 2017

In the reporting period, the Protector of Citizens issued 113 recommendations to public authorities in its statutory capacity of the National Preventive Mechanism (NPM). In that period, 71 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 110 recommendations. Out of 71 due recommendations, 66 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) 16 June 2017 – 25 September 2017	Recommendations issued	Due recommendations	Implemented recommendations	%
NPM recommendations	113	71	66	<b>92,96</b>

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 not 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.

Committees on Judiciary, Public Administration and Local Self-Government and for Human and Minority Rights and Gender Equality have not yet held committee sittings where they could consider Regular Annual Report of the Ombudsman for 2016. The National Assembly has not considered the Regular Annual Report of the Ombudsman for 2016.

**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. The main project proposal for the new prison in Kragujevac has been submitted to the commission of the Ministry of Construction for approval. A positive opinion of the commission of the Ministry of Construction, Transport and Infrastructure on project documentation was obtained and the procedure for obtaining a building permit continues.

**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. According to the report for I quarter of 2017, the reconstruction of one more detention block in the District Prison in Belgrade was finalized. Reconstruction of another block initiated in May 2017. Finalization of reconstruction is planned for the end of October 2017.

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. In the Correctional Facility for juveniles in Valjevo renovation of a building to accommodate persons deprived of liberty ("School") is completed

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. A process of obtaining building permit for building three new blocks in the penitentiary in Pozarevac-Zabela is in progress. Open call for selection of bidders was announced for building new blocks in the penitentiary in Pozarevac-Zabela. Reconstruction of the pavilion for accommodation is in progress

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. The reconstruction of a pavilion in the penitentiary in Sremska Mitrovica is finalized. In 2016, building permit has been obtained for construction of a new pavilion for 320 convicted persons in the penitentiary in Sremska Mitrovica. Open call for selection of bidders was announced for building new pavilion in the penitentiary in Sremska Mitrovica. Reconstruction of the clinic for accommodating patients in the Correctional Facility in Sremska Mitrovica is in the final stage.

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. According to the report for I quarter of 2017, in the Niš penitentiary, pavilion "D" for the accommodation of prisoners is renovated. In II quarter of 2017, building of new reception department for convicted persons, on call services and visiting premises in Niš penitentiary is in the final phase. The construction of a new reception department for convicted persons, on duty services and premises for the visits were completed.

According to the report for I quarter of 2017, for a complete reconstruction of accommodation and construction of new capacities in the penitentiary for women in Pozarevac, contractor was elected. The works have started in II quarter of 2017. The construction of a new facility with accommodation is carried out in accordance with the agreed dynamics.

The Correctional Facility for juveniles in Krusevac, the renovation of the building for admissions department was completed in the first quarter of 2016. According to the report for I quarter of 2017, the renovation of the building in the part of open department is completed.

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. According to the report for I quarter of 2017, the reconstruction of one block for enforcement of security measures in the Special Prison Hospital in Belgrade is finalized. In May 2017, reconstruction of



another block in the Special Prison Hospital in Belgrade was initiated. Finalization of reconstruction of that block is planned for the end of October 2017.

Building permit has been obtained for construction of a new pavilion for 200 convicted persons in District prison Leskovac. Open call for selection of bidders was announced in II quarter 2017 for building new pavilion in District prison Leskovac.

**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 developed a draft 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 fully implemented.** In May 2017, the Government of the Republic of Serbia adopted the Strategy for Reducing Overcrowding of Accommodation Facilities in Institutions for Enforcement of Criminal Sanctions in the Republic of Serbia until 2020 ("Official Gazette of RS" No. 43/2017). The strategy was adopted after the expiration of the envisaged deadline, as it was necessary to provide financial resources for its implementation in the Budget of the Republic of Serbia for 2017, as well as to define financial resources for activities to be implemented by 2020.

The Strategy for Reducing the Overcrowding of Accommodation Facilities in Institutions for Enforcement of Criminal Sanctions in the Republic of Serbia until 2020 encompasses the areas in which it is necessary to intervene in order to solve the problem of overcrowding of accommodation capacities in institutions for enforcement of criminal sanctions, namely:

- 1) implementation of a measure to secure the presence of the defendant;
- 2) more efficient implementation of treatment programs in order to make progress in treatment;
- 3) further development of the system of alternative sanctions and measures, as well as the trust service;
- 4) conditional release;
- 5) increasing accommodation capacities and improving conditions in institutions.

In the framework of the implementation of measures to ensure the presence of the defendant, activities related to the professional development of judges are prescribed in order to use measures of detention or rare occasions, while other measures to ensure the defendant's presence would be used more often, first and foremost, bail and prohibition of leaving the residence or apartment. In

the segment of a more efficient implementation of the treatment programs in order to make progress in treatment, introduction of new specialized treatment programs, the recruitment of treatment officers, and the organization of training for employees is anticipated. Further development of the system of alternative sanctions and measures, as well as the trust service affects the reduction of short prison sentences which are completely ineffective. The activities envisaged in this area relate to the improvement of the normative framework which regulates the forms of alternative sanctions and improvement of the work of the trust service.

Reduction of prison population will also contribute to a more effective conditional release procedure and precise provisions in the Criminal Code which regulate conditional release contingent upon the fulfillment of obligations. The Strategy also determined a plan for increasing accommodation capacities and improving conditions in institutions, in order to solve the problem of overcrowding, which is most pronounced in closed departments in institutions.

**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 fully implemented.** The Action Plan for Implementation of the Strategy for Reducing Overcrowding of in Institutions for Enforcement of Criminal Sanctions by 2020 is an integral part of the Strategy adopted by the Government of RS in May 2017 (Official Gazette of the Republic of Serbia No. 43/2017).

The Action Plan specifies concrete activities within the five areas stipulated by the Strategy, which must be implemented in order to solve the problem of overcrowding in the facilities of the institutions for enforcement of criminal sanctions. In the tabular presentation of the Action Plan activities and indicators are presented in these areas, the deadlines for the completion of each activity, as well as the responsible entities and the necessary resources for their realization.

**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 being successfully implemented.** Activities prescribed by the Action Plan for Implementation of the Strategy for Reducing Overcrowding of in Institutions for Enforcement of Criminal Sanctions by 2020 are being implemented within the five areas stipulated by the Strategy. Despite the delay in the adoption of the Action plan, the planned activities are mostly being implemented in line with the dynamics.

Implementation of activities for the first area of the Action Plan - Implementation of measures to ensure the presence of the defendant is explained in part of this report, point 3.3.1.14.

Implementation of activities for another area of the Action Plan - More efficient implementation of the treatment program for the purpose of improving treatment is explained in the part of this report, sections 3.1.1.12 and 3.3.1.17.

Realization of activities for the third area of the Action Plan - Further development of the system of alternative sanctions and commissioners' services is explained in part of this report, points 3.3.1.9, 3.3.1.14 and 3.3.1.17.

Rationalization of activities for the fourth area of the Action Plan - Conditional Release

The Law on Amendments to the Criminal Code ("Official Gazette of RS" No. 94/2016), which entered into force on June 1, 2017 amends the provision of Article 46, paragraph 3, in accordance with the measure prescribed by the Action Plan to regulate the institute of conditional release with the fulfillment of obligations.

Realization of activities for the fifth area of the Action Plan - Increasing accommodation capacities and improving conditions in prisons is explained in points 3.1.1.9 and 3.1.1.10 of this report

Активности које су предвиђене Акционим планом за спровођење Стратегије смањења преоптерећености смештајних капацитета у заводима за извршење кривичних санкција у РС до 2020 године, реализују се сходно активностима које су прописане овим Акционим планом. Activities prescribed by the Action Plan for Implementation of the Strategy for Reducing Overcrowding of in Institutions for Enforcement of Criminal Sanctions by 2020 are being implemented pursuant to dynamics stipulated by this Action plan.

### **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 was 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). Development of manual for enforcement judges is finalized, whereby a seminar was organized for enforcement judges focused on the presentation of the Manual, with an aim to unify court practice. As a part of the program for initial and continuous education at the Judicial Academy, this training is being conducted annually within the human rights module. Training for the advisors of the Supreme Court of Cassation was held at the end of May 2016, where they presented the fundamental rights of detained persons (ECHR), including minors, for about 30

participants. In I quarter of 2017, 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". In II quarter of 2017, final seminar was held 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"

### **3.3.1.8. 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.** 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. The materials for convicted persons mentioned in this point of the report are **translated into English, Hungarian, Albanian and Romani language** in cooperation with the OSCE Mission to the Republic of Serbia, immediately after adoption (during 2014 and 2015).

### **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. The working group is in the process of drafting a plan for the extension of the competencies of enforcement judges, which includes the introduction of new types of alternative sanctions and measures, i.e modification of existing ones.

#### **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.** Working group composed of representatives of Administration for Enforcement of Criminal Sanctions and enforcement judges, with the support of OSCE, prepares the expansion of competences of enforcement judges in the Law on Enforcement of Criminal Sanctions, based on a comparative analysis of the legal competence of enforcement judge. The delay was caused by the fact that enforcement judge is a new institute in our legal system and the expansion of competences concurrently demands additional number of judges in this field.

#### **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. Contract was concluded in June 2017 with the twinning partner in the framework of the project "Capacity building for training, education and employment of prisoners" within the EU project - IPA 2013. Through this project, specialized treatment programs for prisoners, as well as for particularly vulnerable categories of prisoners will be implemented, as well as training of trainers: service staff. The delay in conclusion of the contract resulted from the change of the team members of the twinning partner and implementation of necessary procedures.

Within the framework of the Twinning Project implemented by the Administration for Enforcement of Criminal Sanctions and the German Foundation for International Legal Cooperation in partnership with the Agency for Economic Cooperation and Development representing the interests of the Ministry of Justice of the Republic of Austria, three missions were undertaken to analyze the current situation and normative regulations in the system of execution of criminal sanctions. Engaged experts performed an analysis of work in the treatment services in institutions. Based on the analysis of the methodology of work and the existing programs of treatment in institutions, in cooperation with foreign experts and employees in the Administration,

in the coming period, new specialized treatment programs for convicts and especially sensitive categories of convicted persons will be developed.

Within the framework of the Council of Europe Project "Strengthening the Protection of Human Rights of Persons Deprived of Liberty", a visit of the experts of the CoE to the Penal Enforcement Offices was carried out and a report was prepared on risk assessment tools and existing behavioral programs for the rehabilitation and reintegration of convicted persons.

**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.)**

**Activity is not implemented.** Administration for enforcement of criminal sanctions with the support of OECD is working on the analysis of the current legislative framework, all in line with the AP for the Strategy for reduction of overcrowding.

**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 delay refers to the decision on maximum number of employees in the public sector. The Government adopted this decision on May 20 2017, so it is expected that in III quarter of 2017 act on systematization will be adopted to regulate the organization of the department for alternative sanctions.

**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. In I quarter of 2017, 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". In II quarter of 2017, final seminar was held 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 necessary.

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).

(See the activity 3.1.1.3.)

According to the report of the Ministry of Interior in III quarter of 2017, the analysis of the current situation in the police custody premises was carried out in all regional police directorates, and according to the obtained data it was found that there are 246 police custody premises, in which can be held 346 persons. Of the total number of premises, 184 has to be completely or partially adapted. According to the priorities, in 2015 it was suggested to the Sector for finance and common affairs that in the budget for 2016 implement adaptation of certain number of police custody premises (see the third report), as well as in the budget for 2017 (see the third report). Having in mind the delay in the realisation of the aforementioned adaptations, it is needed to adapt so far planned police custody premises.

**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 not 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.** In order to implement the Instructions on the treatment of detainees, the Minister of 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 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 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:

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 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 2016, in the Training Center "Mitrovo polje" on Goc mountain, 168 police officers completed the "Training for Intervention patrols".

In the fourth quarter of 2016, 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".

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".

The Program of the Professional Development of Police Officers of the Ministry of the Interior for 2017 stipulates that within the framework of regular (compulsory) theoretical classes, the following topic will be included: "Commission for Implementation of Standards of Policing in the Field of Prevention of Torture", where the following lectures will be covered: The notion of torture; Prohibition of torture, cruel, inhuman and degrading treatment or punishment; Criminal proceedings and execution of sentences; Use of coercion by the police; Competence of the Council

of Europe Committee for the Prevention of Torture, Commission of the Ministry of the Interior to monitor the implementation of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment. The target group for this topic are all lines of work, and in the second quarter, 2166 police officers attended these classes.

The Program of the Professional Development of Police Officers of the Ministry of the Interior for 2017 stipulates that a seminar entitled "Implementation of the Instructions on the Treatment of Detainees" can be conducted by units implementing the Program. However, in the second quarter of this year, this seminar was not conducted. Based on the stated training needs of regional police departments, there is a plan to train 300 police officers working in first response patrols. In the period from June 12 to July 31, 2017 the first part of this training will be implemented (for 150 police officers) in the Training Center "Kula" in Kula. Out of the planned number, 30 police officers have undergone this training so far.

During June, July and August 2017, 300 policemen finished the training for intervention patrols. Up to this date, 1460 policemen finished aforementioned training, which will be continued in the next period. In 2017, 298 Intervention Patrols police officers were trained (149 Police Officers in the Training Center „Kula“ from June 12th to July 31st and 149 Police Officers working in Intervention patrols were trained in the Training Center „Mitrovo Polje“ on the mountain of Goc from July 3rd to August 21st 2017).

**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.** In October 2017, representatives of the Ministry of Interior will participate in round table on the topic of improving mechanism of internal control with comparative review of the best practices in Council of Europe's member states, with the emphasis on complaints which relates to torture and ill-treatment. The round table will be organised by the Council of Europe's Office in Belgrade, as part of the project „Strengthening the protection of human rights for the detained and convicted persons in Serbia“ (Horizontal support program for the Western Balkans and Turkey).

**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 fully implemented** 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. On 15 and 16 December 2016 a two-day meeting of the working group was held. The working group produced a document - **Methodology for Investigation in Abuse Cases**. The methodology is intended for public prosecutors and police officers and relates to the investigation of cases of alleged abuse by police officers, but the scope of its application can be extended to investigate all other cases of abuse, when alleged perpetrators are officials. In cooperation with the OSCE Mission to Serbia, promotion of the Methodology is planned, first of all printing the document, and then organizing training for public prosecutors and police officers in order to adequately and efficiently implement the Methodology.

The Republic Public Prosecutor on September 26, 2017 issued **General Mandatory Instruction on the implementation of the Methodology for Investigation in cases of abuse**, according to which all public prosecutors in cases related to abuse by police officers, especially when it comes to criminal offenses Extortion of evidence - Art. 136. CC and Abuse and Torture - Art. 137. CC, are obliged to undertake actions and measures foreseen by the Methodology for Investigation in cases of abuse.

### **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 finalized and is available at: <http://www.ver.gov.rs/cir/Siteview.asp?ID=4>.

**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.

The report of the Directorate for cooperation with churches and religious communities paid special attention to a practical question and level of realized recommendations related to worship services in languages of national minorities, emphasizing the fact that in Eparchies of the Serbian Orthodox church (SPC) like Vranje, Timok and Branicevo, and the Eparchy of the Romanian Orthodox church (RPC) “Dacia Felix” based in Vrsac, in parishes where there is a real need, worship services are performed in languages of national minorities, Bulgarian (10 parishes with indigenous priests), Romanian (39 parishes in Banat with 27 Romanian priests) and Vlach (parts of Liturgy in Timok Eparchy). Therefore, measures proposed by the Action plan in relation to worship services in languages of national minorities are continuously realized, and their eventual expansion can only be a result of emergence of new and real needs in the field, and in accordance with guidelines established within the interchurch dialogue (mainly SPC and RPC), confirmed by the work of SPC Synod Commission which professionally considers this issue

### **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 fully implemented.** Training was held for relevant staff regarding recommendations from the comparative analysis.

**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 fully implemented.** 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 have been provided in July 2017.

The TAIEX report provides significant review of the current situation in terms of legislative and practical issues related to the protection of journalists. The TAIEX report also provides a set of recommendations, which mainly refer to improvement of certain practices. Amendments to legislative framework are not recommended – as the provisions are evaluated as adequate. The experts suggest effective implementation of the Agreement on cooperation and measures for increasing the safety of journalists and monitoring of its implementation.

Also, public condemnation of attacks/threats against journalists is recommended, as well as additional measures of the RPPO aimed at increasing public awareness on activities undertaken by the prosecutors in relation to protection of journalists. The experts support that this would increase the transparency and suggest that RPPO should give press statements regarding their activities and decisions in cases of attacks against journalists, statistics and put this info on website. Moreover, TAIEX report suggest organization of trainings at the Judicial Academy for judges and



prosecutors to emphasize importance of these cases; as well as for the police force, which should have active role in prevention of attacks and swift reactions. The experts also proposed training of journalists themselves in order to better understand criminal proceedings. Finally, the Ministry of Culture and Media is suggested to amend the Law on Public Information to introduce penalties (not in criminal law) that would cover the cases of local political actors preventing the journalists in performance of their work.

### **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 reports that with intensive work of the Working group of the Ministry of Interior, which conducts its activities based on the recommendations of the Commission, significant progress has been achieved compared to the previous reporting period in case of resolving the murder of journalist Milan Pantic (killed in Jagodina, on June 11, 2001). Working group prepared detailed report and submitted it to the relevant Prosecutor's Office on May 15 2017. In the report, evidence is presented which unambiguously point to the motives, as well as those who ordered and directly executed the mentioned murder. Given that a long period of time had passed since the murder, which complicates proving process and gathering indirect, material evidence, Republic Public Prosecutor's Office established a team of prosecutors that will analyse this report together with competent prosecutor, followed by giving orders pertaining to further investigation. Commission points out that up till now, there were six working groups involved in this case, without any significant results. Only with the establishment of the Commission, the investigation had led to the rounded-up report which has been submitted and which represent basis for collecting evidence and bringing the indictment. Officials (or rather representatives) of the Ministry of Interior, had publicly committed themselves to use all their efforts to resolve this case. Commission expects an adequate engagement of the Prosecutor's Office, having in mind the independence of this institution.

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). After conducting super expertise in the Hague, relevant prosecutor was advised to hire agency for 3D expertise, so the review of relevance of such form of expertise is now being conducted by the competent prosecutor's office.

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.

In case of the murder of Slavko Curuvija, which is also due to the work of the Commission resolved by the police, followed by indictment, court procedure is underway against the former Chief of State Security and his associates – the hearing of the witnesses of the prosecution is in its final stage, while the commence of the hearings of the witnesses of defence is expected to take place in autumn. The Commission insisted that Interpol should intensify the quest for Miroslav Kurak, accused for direct execution of Slavko Curuvija, a man that took up business under the same name in Africa.

Commission for investigating the killing of journalists wants to point out the significance of the role of international institutions that supported initiatives such as the commission, along with spreading those initiatives within the region. Commission underlines that since the beginning of the wars in former Yugoslavia, according to the Journalistic Association of Serbia, 39 journalists and media workers got killed, while at least 13 journalists and media staffers got killed or were abducted in Kosovo (five Serbs missing, six Albanian journalists killed and two identified missing and then killed Serbs). It is crucial for the success of the Commission that the same processes should be institutionalized within the region, showing sincere devotion in preventing impunity for violence and killing of journalists. The experience of the Commission's work can also serve as the role model for making institutional resistance to the threats and violence towards journalists that did not end up tragically, i.e. with the killings. Commission truly believes that this is the most efficient way, not only in resolving the cases, but also in preventing them from happening.

**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 fully implemented.** The Republic Public Prosecutor and the Minister of Interior signed the Cooperation Agreement on 11<sup>th</sup> April 2016. The agreement is in line with the act of the Cabinet of Minister of Interior 01 No 11659/15-14 since April 13<sup>th</sup> 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.)**

**Activity is being implemented successfully.** 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.

Ministry of Interior regularly acts in line Agreement on Cooperation and Measures to Raise the Level of Safety of Journalists of 26 December 2016 and 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 of 13 April 2016.

**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.

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, 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 on amendments to 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.

Ministry of culture and information launched seven public competitions in the field of public information.

In this reporting period, the decisions of allocation of the budget means were issued regarding the all launched projects concerning the project co-financing media content for the realization of the public interest in the field of public information

On 30 March 2017 the Government of the Republic of Serbia adopted the Regulation of amendments of the Regulation on the transfer of capital free of charge from the publisher media. Having in the mind the fact that the several contracts on sale of capital were terminated and that the discontinuance of operation of these media publishers were significantly reduced the right to information in a timely manner of the citizens residing in the territory in which they publish their media, thus the amendment regarding the re-privatization will offer a new opportunity to survival of the media.

Given the fact that during the bombing of Serbia infrastructure of the public media institution, "Radio-Television of Vojvodina" was destroyed and that the current program is produced on four remote locations, which significantly hampered the functioning of the public broadcaster, the Contract is signed with the Government of the Autonomous Province of Vojvodina concerning the transfer of part of the funds in the amount of 400 million dinars for the second phase of construction of business buildings public media institutions, "Radio-television of Vojvodina".

According to the report in III quarter of 2017, continuous realization of the activities regarding monitoring of the implementation of the law, in terms of giving an opinion concerning the application of certain provisions of the law and lodging misdemeanor charges in cases of violation of the law. In accordance with the Law on public information and media, the decisions were made on allocation of the means for co-financing projects of the production of the media content and contract are concluded. After the decision on the allocation of the means, the Ministry of Culture and Media submitted relevant data regarding the amounts of resources allocated to the media publishers in accordance with call for proposals for co-financing projects in 2017 to the Registry of the media.

### **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 fully 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 up<sup>3</sup> 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“.

Ministry of Culture and Information reports in II quarter of 2017 that it has provided the WG for drafting new Strategy various reports from expert meetings and relevant conferences to be used in the development of the new Strategy. These reports contain a number of recommendations to overcome the identified shortcomings.

Ministry of Culture and Information reports in III quarter of 2017 that all the activities determined by the Action plan for implementation of the Strategy for the Development of Public Information System of the Republic of Serbia till 2016. are completely realized.

#### **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.

After establishing the Government on 29 June 2017, it was started with the process of forming the working group for preparing the Draft of the Strategy for the Development of Public Information System and in that sense the interviews were conducted with representatives which were proposed by media and journalists' associations in order to start working.

The working group is established and this group started working. It is expected that the Strategy for the Development of Public Information System in Republic of Serbia 2023 will be adopted in the first half of 2018.

#### **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.** The Action plan is integral part of Strategy for the Development of Public Information System will be adopted at the same time as Strategy

**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. The Registry of the media works, but all the deficiencies which are detected in the work of the Registry of media, will be subject of the Strategy, which will try to overcome the current situation

**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)**

**Activity is being successfully implemented.** Registry of the media ownership is operational and available at the Agency for Business Registry. <http://www.apr.gov.rs/eng/Registers/Media.aspx>

The meetings with the Serbian Business Registers Agency which maintains Media Registrar are initiated, on which meetings are targeted the problems regarding which exist in the process of registration of the data prescribed by the Law on Public Information and Media. After the decision on the allocation of the means, the Ministry of Culture and Media submitted relevant data regarding the amounts of resources which are allocated to the media publishers in accordance with call for proposals for co-financing projects in 2017 to the Registry of the media

**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.

The regulator has established a Register of media services provided solely via the global information network (Web casting, live streaming, etc.) in accordance with Article 74, paragraph 1, item 2 and Article 86 of the Law on Electronic Media. The register is available on the website of the Regulator and is regularly updated.

[http://rem.rs/sr/registar-pruzalaca-medijskih-usluga?utf8=%E2%9C%93&q%5Binternet%5D=1&q%5Bsearch%5D=&q%5Bzona\\_pokrivanja%5D=](http://rem.rs/sr/registar-pruzalaca-medijskih-usluga?utf8=%E2%9C%93&q%5Binternet%5D=1&q%5Bsearch%5D=&q%5Bzona_pokrivanja%5D=)

**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)**

**Activity is being successfully implemented.** Monitoring over the implementation of the Ethics code of Journalists of Serbia is performed by the Press Council as an independent self-regulatory body. Monitoring reports can be found at <http://www.savetzastampu.rs/>

**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. In order to prevent content that may harm physical, mental or moral development of minors or content whose delivery is not allowed during the direct transmission of the reality program, the regulator adopted a **Recommendation on the implementation of technical measures to ensure the proper editorial controls when outputting reality programming**. That recommendation is published on the website of the Regulator <http://www.rem.rs/sr/regulativa/preporuke-saveta-rem>

**Note:** Activity is rated as partially implemented, given that the submitted report indicates that the Regulatory body for electronic media undertakes relevant 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>. In order **to collect information project co-financing at the local level**, the Ministry of culture and media sent the letters to the local governments.

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 were submitted to the Business Registers Agency on May 31. The data are submitted continuously within 15 days from the date of adopting the decision on the allocation of funds.

**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).

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](http://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-). 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](http://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.

In this reported period the Ministry of culture and information in conducting the monitor of the implementation of the part of the Law on Public Information and Media regarding the determination threat to media pluralism did not initiate any proceedings concerning the threat to media pluralism

### **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) ownership<sup>6</sup>, 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 sector<sup>7</sup>

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 Klinici 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:

- 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

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<sup>6</sup> Page 3 of this Report mentions competences of the Commission and related issues.

<sup>7</sup> As on December 8, 2016



- ANTENNA STREAM T.V. LIMITED/LAKE BADE HOLDINGS LIMITED (via B92).
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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](http://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 providers' associating efforts aimed at co-production, distribution and broadcast of media content – the joint usage of a single radio frequency by several media service providers (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”.<sup>8</sup>

### 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 inquiries. 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

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

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<sup>8</sup> As per need, the Commission shall subsequently submit the case opinion.

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 was held on 22 October 2015. 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.

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.

**The third meeting of the permanent working group** was held in June 6, 2017. The current cooperation of contact points determined in accordance with the agreement was discussed at the

meeting. Also, further activities on the implementation of the agreement were agreed, namely the development of a bulletin on the performance of public prosecutions in cases of criminal offences committed against journalists, as well as the drafting of the Rules of Procedure of the permanent working group. A representative of the OSCE Mission to Serbia, who attended the meeting, expressed the readiness of the Mission to support the implementation of the agreement, in accordance with a previous proposal adopted by members of the permanent working group at the second meeting of this body. According to agreed activities, on June 23, 2017 **Republic Public Prosecutor's Office submitted to the members of the permanent working group Bulletin - information on performance of Public Prosecutions in all cases of criminal offences committed against journalists in period from January 1 to June 15, 2017.**

On 18 July 2017 the **fourth meeting of the Permanent Working Group** was held. On this meeting the current cooperation of contact points were discussed and further activities on the implementation of the agreement were agreed. For the purpose of more efficient cooperation, the Republic Public Prosecutor's Office has **appointed secondary and tertiary contact points for the area of each appellate public prosecutor's office.** Contact information on additional contact points were submitted to the members of the Permanent Working Group on 27 July 2017.

Also, on July 27, 2017 the Republic Public Prosecutor's Office submitted to the members of the Permanent Working Group a **Bulletin - information on performance of Public Prosecutions in all cases of criminal offences committed against journalists in 2016 and 2017.**

Also, representatives of the Republic Public Prosecutor's Office on September 15, 2017 held a meeting with representatives of the OSCE Mission to Serbia. On this occasion, it was agreed that two consultative meetings of the representatives of the Ministry of the Interior, newspaper associations, media associations, the Supreme Court of Cassation and the Republic Public Prosecutor's Office should be held by the end of the year. The aim of the meetings is to define the needs, as well as to discuss difficulties in implementation of the agreement and define the way to overcome them. In addition, it was agreed to start the trainings prescribed by the agreement from the beginning of 2018, in accordance with the conclusions from the meetings.

Representatives of Media Unit of the OSCE Mission informed that the completion of a survey on the effectiveness of criminal justice protection of journalists is expected in late October. The Republic Public Prosecutor's Office submitted the statistical data necessary for the research and appointed deputies of the appellate public prosecutors with whom the researchers will conduct the interviews.

**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 not 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. Draft of the Communication Strategy has been prepared. Internal procedure 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 not 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 5<sup>th</sup> 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 continued 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 12<sup>th</sup> 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. During the reporting period, a working group was established and it started to work on analysis of recommendations from the reports submitted within the project, including recommendations from the report on disciplinary liability and disciplinary proceedings.

Moreover, in June 2017, an expert mission for strategic planning was realized, which made a draft, in cooperation with SPC representatives, for the operational plan for achieving strategic goals of the SPC, including specifying activities, deadlines and responsible persons for realization of amendments to the Rulebook on disciplinary proceedings and disciplinary responsibility of public prosecutors and deputy public prosecutors. Within the IPA 2013 project: “Capacity building of the

High Court Council and the State Prosecutorial Council”, was **finalized the report on the Code of Ethics**, which shall also be subject of analysis of the work group for analysis of recommendations from the reports submitted within the project, related to disciplinary liability and disciplinary proceedings.

**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 on 3<sup>rd</sup> 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 not implemented.** 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.

Drafting of above mentioned by-law is at final stage. Concerning the Instructions on recording, classification and monitoring of the activities of organized criminal groups in the Republic of Serbia, a mixed working group works on drafting of this act.

At the end of December 2016, the work of the Working Group for the drafting of sub-legal act related to the harmonization of Mandatory Instruction on the operational work of the police with the Law on Police and other effective regulations was completed by drafting a new harmonized Mandatory Instruction act. Subsequently, in the final phase of harmonization, in accordance with the decision of the Police Directorate, amendments were made to the Mandatory Instruction by the Working Group for harmonization of the legal framework with the needs of the Police Intelligence Model. The new text of the Mandatory Instruction enters the next phase of the internal authorization procedure by its submission to the Secretariat of the Ministry - Normative Legal Matters for opinion. Currently, the Ministry of Interior is implementing the Mandatory Instruction on the operational work of the police, which came into force on 1 March 2011. and regulates criminal operations and procedures in the execution of police tasks under the competence of the Police Directorate. Furthermore, it regulates the work on the conduct of criminal investigations at the level of the Ministry of Interior. The data collected is processed, stored, or exchanged on the basis of the Database which constitutes the criminalistic analysis system, as a secure platform for the exchange of information. Such work method contributes to the rationalization of the use of material and technical resources, as well as human resources, since it reduces the risk of overlap and parallel conduct of criminal investigations.

**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 not implemented.** Development of a by – law which establishes procedures for issuing statements of police officers to the media is in progress. The first draft of the document has been made. The further work 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 2016 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).

The Department for Public Relations of the Republic Public Prosecutor's Office and the State Prosecutorial Council, with the support of the GIZ project, the Ministry of Justice and with the participation of media representatives, also produced a manual - "A Guide to Communication between the Prosecution, the Media and the Public" with recommendations for concrete activities not only for appointed persons from the prosecution, as well as for the media that are reporting on the work of the prosecution. The aforementioned manual contains a special reference to leakage of information, as well as concrete recommendations for better cooperation, explanation of the work of the prosecution, as well as rules for PR persons for better cooperation with the media. Promotion of the manual was held on February 15, 2016 in the presence of representatives of prosecutions and media.

During 2016, 12 trainings for prosecutors and deputy prosecutors were held in three training modules: implementation of Communication Strategy, Media Skills and Crisis PR. Training for each training module was attended by 120 representatives of the public prosecutor's office.

In addition, the Republic Public Prosecutor's Office with the support of the IPA 2012 project "Improvement of Judicial Efficiency", in cooperation with the Judicial Academy, State Prosecutorial Council and Radio Television of Serbia, as a media representative, held four conferences on the topic "Prevention of leakage of information in order to raise the quality of prosecutorial investigation and professionalisation in information sharing with the public " for representatives of the prosecution, media, police and health institutions. These conferences were held on November 20, 2016 in Belgrade, December 2, 2016 in Niš, December 9, 2016 in Novi Sad and December 16, 2016 in Kragujevac. About 250 representatives of the prosecution, media, police and health institutions participated in these events. Problems of leakage of information and ways

to prevent this phenomenon were discussed. In addition, joint conclusions and recommendations on interaction and cooperation were adopted, in order to prevent leakage of information. Also, the need for joint trainings was pointed out.

In addition, in 2017, in cooperation with the Judicial Academy, eight workshops were held for representatives of the public prosecutor's office for the acquisition of advanced communication skills. In these workshops, special attention was paid to the Law on the Prevention of Domestic Violence, which implementation commenced on June 1, 2017. In this regard, sessions have been organized on reporting on criminal proceedings in this area, with a special emphasis on the protection of victims and the protection of children when sharing information.

On 20<sup>th</sup> of June 2017 in Belgrade a conference was organized for representatives of prosecution offices from the whole Serbia, representatives of the police, the media and the medical institutions. It was at the same time presented a manual for PR's from prosecution offices and the media "Prevention of media leaks with a view to increase quality level of reporting of the public in criminal cases". The conference had 100 participants.

The results of previous conferences were analyzed at the fifth final conference, held on June 20, 2017 in Belgrade. At that conference, a guideline "Reporting on Criminal Proceedings and Information Leakage Prevention" was also presented, outlining recommendations and concrete proposals on further steps that need to be taken to prevent leakage of information.

### **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 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.

Pursuant to Article 29, paragraph 6 of the Law and point 7 of the Decision, the Committee at its meeting held on 28 December 2015 and on 9 September 2016, established the List of all registered candidates that met the requirements of the public competition.

At its session held on 22 January 2016 and on 6 February 2017, the Committee, pursuant to paragraph 8 of the Decision, conducted interviews with candidates who met the requirements of the public competition and who remained true to their decision to run for Council.

At a session held on 6 February 2017, the Committee established a list of 29 candidates for the Program Council members reflecting the territorial, national, religious, gender and other structure of the population, in accordance with Article 29, paragraph 3 of the Law.

The Committee decided that the list of candidates for the Program Council members, together with their biographies, was to be submitted to the Steering Board of the Public Media Institution “Radio Television of Serbia” because the conditions for the conduct of the elections provided for in Article 29 paragraph 1 of the Law were met.

The Culture and Information Committee proposed to the Steering Board of the Public Media Institution “Radio Television of Serbia” the List of 29 candidates for the members of the Program Council reflecting the territorial, national, religious, gender and other structure of the population. The Steering Board of the Public Media Institution of Radio Television of Serbia, at its ninth regular session, selected 15 members of the RTS Program Council. Mirjana Maksimović, Tijana Kasper, Želimir Gvardiol, Maja Radović, Ivona Katić, Borka Popović, Aleksandar Zagorac, Balsa Đogo, Milivoje Pavlović, Predrag Obradović, Vladan Terzić, Ivan Karl, Snežana Cvetković and Vuk Žugić and Jovanka Todorović Savović were elected as members of the RTS Program Council.

**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. Pursuant to the Article 51 of the Law on Public Media Services, the Radio Television of Serbia (RTS) submitted Annual Report for 2016 to the regulator; this report was adopted by the Board of RTS along with the report of an independent auditor, 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. The Government has, passed the Decision on approval of the Statute of public company "Broadcasting Technology and Communications" Belgrade on May 29<sup>th</sup> 2017.

**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 7<sup>th</sup> 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 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.

In the III quarter 2016, 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 2016:

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.

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 1 proceeding 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 proceeding public official has been notified on initiation of proceedings due to violation of Article 27 and 32, par. 1 of the Law on the Anti-Corruption Agency in conflict

of interest situation and 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 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;
- 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 and Article 31, par. 1 of the Law on the Anti-Corruption Agency due to failure to notify the Anti-Corruption Agency on discharging another job at the moment of entry into public office;
- 1 measure of public announcement of the decision on the violation of the Law on the Anti-Corruption Agency was issued due to violation of Article 27 and 32, par. 1 of the Law on the Anti-Corruption Agency in conflict of interest situation;
- 1 decision imposing measure of public announcement of the decision on the violation of the Law due to violation of Article 27 and 32, par. 1 of the Law on the Anti-Corruption Agency in conflict of interest situation as well as 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;
- 1 warning measure was issued 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.

As of March 1 until May 31, 2017, 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:

- 1 decision imposing termination of other public office due to discharging it 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;
- 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 and Article 33 of the Law on the Anti-Corruption Agency due to concurrent discharge of permanent public office and acting as representative in a private legal entity;

- 1 warning measure was issued due to violation of Article 31, par. 1 of the Law on the Anti-Corruption Agency due to failure to notify the Anti-Corruption Agency on discharging another job at the moment of entry into public office;
- 2 decisions imposing measure of public announcement of the decision on the violation of the Law due to violation of Article 27 and 32, par. 1 of the Law on the Anti-Corruption Agency in conflict of interest situations.

**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 27<sup>th</sup> 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.

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.

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 consultations with the competent departments were held.

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.

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.

The Third Report on monitoring the implementation of the Strategy of Prevention and Protection against Discrimination (for the period of the first and second quarter of 2016) was drafted and adopted at the Forth Session of the Government Council for monitoring the implementation of the Action Plan for implementation of the Strategy of Prevention and Protection against Discrimination, on 30 May 2017. The process of drafting the Fourth Report on monitoring the implementation of the Strategy (which covers the third and fourth quarter of 2016) started in May 2017. The departments submitted their contributions for the reporting period.

In the reporting period II quarter 2017, the Office, in collaboration with OHCHR, started analysing the results of implementation of the Strategy and the related Action Plan, with a view to preparing the basis for drafting a new strategic document. In that regard, two evaluation meetings with representatives of civil society organizations have been held in Novi Sad and Kragujevac, and meetings are scheduled to be held in Niš and Belgrade in the forthcoming period. As part of execution of the IPA 2013 project titled “Support to the advancement of human rights and zero tolerance to discrimination”, a three-day training for students of the Judicial Academy, with the topic “Implementation of anti-discrimination legislation in the Republic of Serbia”, was held on the Zlatibor mountain from 15 to 18 May 2017.

During the reporting period III quarter 2017, the Office for Human and Minority Rights completed the **Fourth Report on Monitoring the Implementation of the Action Plan to implement the Strategy of Prevention and Protection against Discrimination**, which covers Q3 and Q4 of 2016. The Report will be presented in the Council's next session.

On 1 August 2017, the Office for Human and Minority Rights sent questionnaires to the implementing agencies to compile the Fifth Report on Monitoring the Implementation of the Action Plan to implement the Strategy of Prevention and Protection against Discrimination, which will cover Q1 and Q2 of 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 2016, 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 2016, 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 2016. 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.

At the Forth Session of the Council, held on 29 May 2017, the **Second and Third Report on monitoring the implementation of the Action Plan for implementation of the Strategy of Prevention and Protection against Discrimination were adopted.** Members of the Council familiarized themselves with the process of analysis of the results and effects of the Strategy of Prevention and Protection against Discrimination for the period from 2014 to 2018 and the related Action Plan, as well as with the enforcement of decisions from the previous session of the Council. The session was also attended by contact persons and alternate contact persons with a view to improving the communication and achieving a better cooperation between departments and within the authorities themselves, by representatives of independent public authorities, civil society organizations and international organizations.

**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.

On May 11<sup>th</sup> 2017 the Government has adopted a Conclusion on the adoption of reports of the competent authorities of the Republic of Serbia, in relation to the implementation of the recommendations of the 34th and 54th United Nations Committee on the Rights of Persons with Disabilities Nation regarding the Initial Report of the Republic of Serbia on the implementation of the Convention on the Rights of Persons with Disabilities.

The Government has, at the proposal of the Ministry of Defense, adopted a Conclusion on the adoption of the National Action Plan for the implementation of UN Security Council Resolution 1325 - Women, Peace and Security in the Republic of Serbia (2017-2020) on May 19<sup>th</sup> 2017.

On 30 May 2017, the Council for Monitoring the Implementation of the Recommendations of the United Nations Mechanism for Human Rights held its Fourth Session, which was attended, in addition to the Council members, by representatives of independent bodies, civil society organizations and international organizations. The session was also, for the first time, attended by contact persons and alternate contact persons. At the session, it was noted that the country's delegations had presented the Second and Third Periodic Reports on implementation of the Convention on the Rights of the Child (CRC/C/SRB/2-3), as well as the Third Periodic Report on implementation of the International Covenant on Civil and Political Rights (CCPR/C/SRB/3), to the competent Committees. Also, in that regard, the attendees familiarized themselves with the recommendations which the Committee on the Rights of the Child (CRC/C/SRB/CO/2-3) and the Human Rights Committee (CCPR/C/SRB/CO/3) had, in their Concluding Observations, addressed to the Republic of Serbia, and which had been incorporated into the Plan for Monitoring the Implementation of the Recommendations of the United Nations Mechanism for Human Rights. At the session, it was noted that the Report on implementation of recommendations no 34 and 54 from the Concluding Observations relating to the Initial Report on implementation of the Convention on the Rights of Persons with Disabilities was submitted to the United Nations Committee on the Rights of Persons with Disabilities in May 2017. The attendees were also made aware that the Office for Human and Minority Rights had completed the Fourth Periodic Report on implementation of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and initiated the drafting of the Report for the Third Cycle of the Universal Periodic Review (UPR).

As the Council had worked in the reporting period to formalise and define the cooperation with the civil sector, the Memorandum of Cooperation was to be signed at this session. The above mentioned Memorandum was signed by seven civil society organizations, and the process of signing the Memorandum of Cooperation with the relevant civil society organizations will be continued in the further work of the Council.

From 23 to 25 May, a three-day training was held for contact persons and alternate contact persons in the Council, organized by the Office for Human and Minority Rights within the framework of the IPA 2013 Twinning project titled "Support to the advancement of human rights and zero tolerance to discrimination", with the support of OHCHR and OSCE. The topic of the training was reporting for UPR and United Nations human rights mechanisms, as well as exchange of experience with representatives of the Governments of Finland and Belgium in the reporting process. It was estimated that the work of the Council and the role of contact persons and alternate contact persons significantly affected and facilitated the reporting process.

In its session held on 27 July 2017, the Government adopted the Fourth Periodic Report on Implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

The Office of Human and Minority Rights coordinated the work on this document and its compiling involved the Parliamentary Committee on Human and Minority Rights and Gender Equality, all relevant national and provincial departments of the executive branch, as well as the city administration of the City of Belgrade. Civil society organisations also provided their input, including Amity, Secons, ...Out of Circle and Group 484.

General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 of 1992, which was adopted in the 67<sup>th</sup> session of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) in July 2017, was submitted to all competent departments (in August of the current year) and posted on the website of the Office for Human and Minority Rights (<http://www.ljudskaprava.gov.rs/sr/node/156>). This general recommendation by the Committee on the Elimination of All Forms of Discrimination against Women provides guidance to States Parties for faster elimination of violence against women, protection of victims and implementation of all necessary measures to minimise this form of human rights violation and to mitigate its consequences.

The Committee on the Elimination of Racial Discrimination has invited Serbia to form a national delegation which would present 2<sup>nd</sup> to 5<sup>th</sup> Periodic Reports on Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. In this context, the Office for Human and Minority Rights, acting within its purview, sent letters to various departments on 28 August 2017 asking them to appoint members to this delegation.

The Office for Human and Minority Rights has prepared the Draft Report of the Republic of Serbia for the third cycle of the Universal Periodic Review. Input in the compiling of the Report was provided by the contact persons appointed to the Council for Monitoring the Implementation of the Recommendations of the UN Human Rights Mechanism, as well as by the departments which were in charge of implementing the recommendations, but have no representative on the Council.

The first draft of the Report for the third UPR cycle and the Draft Annex were informally sent electronically on 31 July 2017 to the representatives of the departments which were involved in the drafting of the Report, which was followed by a consultative meeting (on 23 August 2017). This meeting was arranged to obtain input from the contact persons who participated in the compiling of the report on all outstanding issues and to reconcile the comments to shape the final version of the document.

The Draft Report was formally sent to the departments for opinion on 6 September 2017. The State has an obligation to present the report to the Human Rights Council by 20 October 2017.

The Office for Human and Minority Rights has initiated the procedure for reappointing the members of the Council for Monitoring the Implementation of the Recommendations of the UN Human Rights Mechanism, in view of the fact that the new Government of the Republic of Serbia took office on 29 June 2017 and the Law on Ministries has been amended in the meantime. In this

context, the line ministries were asked to nominate new members to the Council or to confirm they stand by their previous nominees.

The Office for Human and Minority Rights held a two-day training event in Šabac on 21 and 22 September 2017 for the contact persons on the Council for Monitoring the Implementation of the Recommendations of the UN Human Rights Mechanism and for civil society organisations with which the Council has memorandums of understanding, titled “Capacity Building of the Council for Monitoring the Implementation of the Recommendations of the UN Human Rights Mechanism: Implementation of Recommendations and Introduction to Indicators”. The trainings were organised with the support of the Office of the United Nations High Commissioner for Human Rights and the OSCE Mission to Serbia.

### ***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.

An answer to the Questionnaire of the Special Rapporteur on the human rights of internally displaced persons, requesting information on the status of internally displaced persons in Serbia, has been submitted in II quarter of 2017.

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. Answers to the questions concerning the impact of fundamentalism and extremism on the enjoyment of cultural rights by women (A/HRC/34/56), have been submitted.

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. The Office of the United Nations High Commissioner for Human Rights has been provided with information on the rights of the child to a safe, clean, healthy and sustainable environment and information on the protection of the rights of the child in humanitarian situations in accordance with the United Nations Human Rights Council Resolution 34/16.

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). The Human Rights Committee has received an answer with respect to the individual complaint of Dobrivoje Mladenović (2869/2016) filed against the Republic of Serbia on the basis of the Optional Protocol to the International Covenant on Civil and Political Rights (Article 14, paragraph 1 of the Covenant - the right to a fair trial, and Article 26 of the Covenant - non-discrimination).

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. In addition, answers to the Questionnaire of the Special Rapporteur on the human rights to safe drinking water and sanitation have also been submitted.

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. Answers to the Questionnaire concerning exercise of the right to sexual and reproductive health of women and girls (A/HRC/26/20), have been prepared in II quarter of 2017.

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 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.

In the II quarter of 2017, the United Nations Office of the High Commissioner for Human Rights received: Information relating to the Questionnaire on technical cooperation and capacity-building in the field of human rights; information on measures undertaken for full elimination of racism, in accordance with the Resolution of the United Nations General Assembly "A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action"; information on measures undertaken with respect to exercise of the rights of persons with disabilities, information on the role of Ombudsman, mediators and other national institutions in improvement and protection of human rights; information on implementation of the United Nations Human Rights Council resolution 27/12 on the World Programme for Human Rights Education; information for preparation of the report on implementation of the United Nations Human Rights Council resolution 20/2 "Conscientious objection to military service"; written contribution to the Report of the High Commissioner for Human Rights in accordance with the Human Rights Council resolution 32/31 on civil society space; information on implementation of the United Nations Human Rights Council resolution 71/197 "Globalization and its impact on the full enjoyment of all human rights"; written contribution relating to measures undertaken in combating intolerance, negative stereotypes, stigmatization, discrimination, instigation to violence and violence because of religion or belief; additional information and clarifications relating to efficiency of public extra-judicial appeal mechanisms with respect to implementation of the United Nations Human Rights Council resolution 32/10 on improving accountability and access to remedy in cases of violations of human rights by business corporations; information on human rights and cultural diversity (GS UN A/RES/70/156); information for the purpose of preparation for organization of the Expert Seminar on preventing and combating biased (racial) profiling by police officers. The United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has received an information on the implementation of the Resolution of the United Nations General Assembly titled "Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance".

The Questionnaire of experts for United Nations Special Procedures in the field of human rights, concerning allegations of violation of international standards of human rights of migrants in

Serbia, has been answered. 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. 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 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.

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 for the purpose of drafting of the thematic report on implementation of the right to housing of persons with disabilities have been submitted to the Special Rapporteur on adequate housing.

Information relating to the Questionnaire of the Special Rapporteur on the situation of human rights defenders working in the field of business and human rights have been prepared, as a contribution to the drafting of the thematic report in accordance with the Human Rights Council Resolution (A/HRC/34/5).

The organisation Child Soldiers International, which supports states in ending the military recruitment of children and implementing the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, was presented with information on the measures undertaken by the State to end the recruitment of child soldiers and the involvement of children in armed conflict.

The UN Secretariat was presented with information on the implementation of Resolution 60/2 of the Commission on the Status of Women – “Women, Girls and HIV/AIDS” for the purposes of the report compiled by the Secretary General.

#### **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.** 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 not 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.. 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.

Commissioner for the Protection of Equality 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.

Within the reporting period, Commissioner for the Protection of Equality has finished consultative process related to implementation of the Law on the Prohibition of Discrimination, initiated by this institution in previous period. Result of this consultative process is consensus of all participants regarding the final text of working version of the Law on Amendments to the Law on the Prohibition of Discrimination. **The Amendments of the Law on Prohibition of Discrimination is in the phase of determining the final version of the Draft** and subsequently will be forwarded to all the relevant stakeholders for issuing opinions.

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. At the end of May 2017 the Ministry of Labour, Employment, Veteran and Social Affairs formed a new sector anti-discrimination policy and gender equality enhancement, which took over the undertaking of the activities on further drafting of the Law on Prohibition of Discrimination. Consultations took place with Commissioner for Protection of Equality regarding the latest EC interventions, the last version of the Draft has been translated and ready to be sent to the EC.

**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 not implemented.** According to the report of the Coordination body for gender equality. The Government of the Republic of Serbia adopted Draft Law on the Equality of Women and Men on February 2<sup>nd</sup> 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 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. 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. The final Draft Law on Gender Equality, drafted in accordance with all required and obtained opinions of relevant authorities, has not yet been adopted due to the presidential elections and consequently the process of forming of the new Government, which was elected on June 29, 2017.

According to the report of the Coordination body for Gender Equality in III quarter of 2017, after the new Government was formed, the consolidated Draft Law on Gender Equality, in accordance to the prescribed procedure, has been sent to the newly appointed ministers and newly formed governmental bodies in order to get their opinions. All of them were positive (the draft has received the widest possible support), apart from the opinion given by the Ministry of Labor, Employment, Veteran and Social Affairs and minor suggestions received by the Ministry of Defense. In its opinion the Ministry of Labor asked for the process of drafting to start from the beginning, for the Ministry to form a new working group and to use the current Draft as a model. As this was not acceptable, because the draft was consolidated by all other stakeholders, the draft was sent to the Government bodies for consideration, with detailed explanation. On request of the Ministry of Labor, the Draft was not considered and it was sent back on the 7<sup>th</sup> of September to the Cabinet of the Deputy Prime Minister to consolidate the draft with the Ministry. On the 12<sup>th</sup> of September, formal request to the Ministry of Labor was sent in order to get concrete proposals for the Draft improvements, within the mandate of the Ministry, which have not been received as yet.

According to the report of the Ministry of Labour, Employment, Veteran and Social Affairs. In accordance with the scope regulated by the Article 16 of the Law on in September 2017, the Ministry of Labour, Employment, Veteran and Social Affairs, through its Sector for antidiscrimination policy and gender equality enhancement, started its work on further Drafting the Law on Gender Equality. Preparing itself for public hearing in accordance with the Article 41 of the Rules of Procedures in October 2017, the latest version of the Draft was communicated to the social partners (representative trade unions, Association of Employers of Serbia, Chamber of Commerce of Serbia), relevant departments and state institutions, Serbian Academy of Sciences and Arts for remarks.

**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. 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.

The activities aimed at strengthening and supporting of the CSO's specialized in gender-based violence and provision of services to women victims of violence, were conducted through financial grants that are supporting the work of the Safe Houses throughout Serbia, amounting to 10,000,000 dinars. Also, additional material and technical assistance was ensured by giving for permanent use one vehicle to the Safe House in Nis for users' transportation and donation of computers to all Safe Houses. Eight grants have been given to SOS phones to support women in situations of violence, with the support of UNDP.

The raising awareness activities continued and related to unacceptability of violence against women and empowering women to report violence through the regional project – Ending Violence Against Women in the Western Balkans countries and Turkey – Implementing norms, changing minds, UNWOMEN/EU Program. The examples of good practices, Women's Economic Empowerment Program that are in the situation of violence carried out by the Provincial Secretariat, has been presented to representatives of the Social Work Centers, local self-governments and women's NGOs from Kragujevac. Further trainings of teams elected by the direct and indirect budgetary beneficiaries for the introduction, implementation and monitoring of their gender-responsive budgets have been implemented from 17 to 19 May 2017, with the support of UNWOMEN, and in close cooperation with the Ministry of Finance.

Further cooperation have been established with CSO through activities aiming to raise the visibility of the position and the role of women, including members of minority groups. In the reporting period it was done through the participation in the action Europe calling-Born Europeans, initiated and organized by the Women's Platform for Development. The campaign has being organized across Europe on 9th of May and this is the first time that Serbia has joined the campaign which was widely broadcasted by the mainstream media. It also entailed involvement of all interested people across the country through social networks.

The support was provided in the implementation of gender equality policies and promotion of social and economic position of women by strengthening local mechanisms for gender equality through the promotion of examples of good practice in the local community, in the event held on the 7th of May. With the support of the EU, the Government of Switzerland and UNWOMEN, activities were conducted within 18 projects that gender equality mechanisms in municipalities of South and Southwest Serbia have been implementing, in order to improve the socio-economic position of women within their community. The initiative for economic empowerment and employment of women in rural areas has been initiated through flexible working engagement for jobs for which they have basic skills and knowledge, within the project *We bring jobs to 1000 women in rural areas*, which started on 13th of June 2017, in cooperation with NALED and Ethno-network of Serbia.

The assessment of the capacities of contact persons and local gender equality mechanisms involved in the implementation of the NAP (a questionnaire drafted) has been completed together with a training modules on gender equality, gender analysis and gender mainstreaming; the first draft NAP implementation report for 2016 is prepared together with an overview of the activities undertaken in 2017; the content of the professional exam for civil servants changed in cooperation with the Ministry of Public Administration and Local Self-Government, now it includes issues related to gender equality; with the support of UN WOMEN, the conference marking the international day of rural women was organized on 16 October 2017, which will result in a proposal consisting of measures for the improvement of these women's position and their better access to economic resources; financial assistance in the total amount of 10,000,000.00 dinars was allocated to civil society organizations (10) that provide services to women and girls victims of violence in Safe Houses, the initial reports on the implementation of planned activities by civil society organizations were submitted, and the established commission is monitoring contracts realization and planned activities fulfilment; in cooperation with UN Women, the CBGE has provided panic buttons to ensure safety of users and employees in Centers for Social Work (60) and in health centers (30).

#### 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.** According to the report of the Coordination body for Gender equality. 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 is 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 National Strategy for Preventing and Combating Violence against Women and Girls has not been adopted yet. Its adoption was initiated by the Coordination Body for Gender Equality through the submission of the Draft Conclusion for its adoption to the Government of the Republic of Serbia, after the prescribed legal procedure has been successfully completed and all the responsible authorities have been provided required positive opinions.

At the Government session on May 4, 2017, the adoption of the proposed conclusion has been postponed as the Ministry of Justice and the Ministry of Labor, Employment, Veterans' Affairs and Social Affairs, proposed additional consultations with the proposing authority for the reason of possible overlapping competencies. In the meantime, presidential elections were held and a new government was voted on, June 29, 2017. Currently, an analysis of the previous strategy and drafting of recommendations for the adoption of a new one has been conducted.

The proposed conclusion for the adoption of the strategy has been postponed as the Ministry of Justice and the Ministry of Labor, Employment, Veterans' Affairs and Social Affairs, asked for additional consultations with the proposing authority for the reason of possible overlapping competencies. The additional consultations have not been done yet due to staff changes.

According to the report of the Ministry of Labour, Employment, Veteran and Social Affairs. The progress has not been made on this matter since August 2017 when the Ministry of Labour, Employment, Veteran and Social Affairs did not approve the initiative of the Coordination body for gender equality forwarded to the Government of the RS for the Coordination body to work on the development of the National Strategy and the Action Plan for preventing violence against women and family and partner relationships.

**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 strengthen 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.

With the support of the UN Serbia and the Government of Sweden, a GREVIO Committee questionnaire was translated into Serbian and the institutions responsible for the preparation of answers to the questionnaire have been identified. Serbia is due to prepare and submit the completed questionnaire in January-October 2018.

A training program for the implementation of the recently adopted Law on the Prevention of Domestic Violence has been developed; over 40 prosecutors, police officers and social workers from the Centers for Social Work from 9 municipalities have been trained and involved in piloting of the work of Groups for Coordination and Cooperation; the documents that should enable the Law implementation have been developed and piloted.

Training for all civil servants on gender equality and gender based violence in cooperation with the Personnel Management Service was successfully completed on September 21 2017. It included overview of the domestic and international legal and strategic framework in the field of gender equality and prevention of violence against women, gender sensitive statistics and Gender Equality Index.

The two day training for the contact person on the national level in charge of gender equality and implementation of the gender equality NAP activities at their institutional level, has been completed on the 25-26 September 2017. The training also included modules on gender perspective and gender aspect of their everyday work, in order to make participants sensitive for the topic and to encourage their better mutual communication and cooperation.

**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).

On the reporting date period II quarter of 2017, the Commissioner for Protection of Equality has **34 employees** (Commissioner for the Protection of Equality is not included) and 4 persons engaged under a contract on temporary and occasional work.

For the reporting period III quarter of 2017, the Commissioner **has 35 employees**, among which 33 are employed on a permanent basis, 2 employees on the fixed term contract and 6 employees on the basis of temporary service agreement.

**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](http://www.ravnopravnost.gov.rs)

Until the September 9<sup>th</sup>, 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%. By 21 March 2017, the Commissioner received 102 cases.

During the reporting period (II quarter 2017) that ended on 21 June 2017, Commissioner has received a total of 338 cases, of which 122 complaints, given 9 opinions on draft acts, submitted 1 legislative initiative, sent 1 proposal to Constitutional Court, filed 1 lawsuit and given 204 recommendations of measures.

Concluding with 30<sup>th</sup> of September 2017, The Commissioner received 350 cases, among which 137 complaints. The Commissioner issued 14 opinions on the draft laws and 198 general recommendations of measures and also initiated one lawsuit.

**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. 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 took place. 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. Commissioner emphasizes that these are solely 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 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.

## II quarter of 2017

Employees of Commissioner for the Protection of Equality continued to actively contribute to the work of EQUINET, European Network of Equality Bodies, through participation in working groups. Representative of Commissioner attended the meeting of EQUINET working group for issues of religion and religious beliefs in Europe, held on 10 May. Working group was constituted with intention to review practice of courts and independent institutions in this area. Apart from this, representative of Commissioner participated at EQUINET meeting, where standards for equality bodies were discussed. Main goals of this meeting were to overview the progress achieved since publishing of Working Document on Standards at EQUINET level, but also at the level of single EQUINET member states, estimation and definition of possibilities for promoting standards at national, international and European level, formulation of forthcoming steps and exact short-term and middle-term results.

During the reporting period, employees of Commissioner attended seven-day training for instructors, within the twinning project "Support to improvement of human rights and zero tolerance on discrimination". The training was designed to widen the knowledge, competences and skills of employees of Commissioner and consisted of five modules: "Tools for rising of awareness", "Instructor's skills: art of facilitation", "Evidences", "Communication of basic principles" and "Lessons learned". Training was conducted in cooperation with "Ludwig Boltzmann" Institute for Human Rights from Austria, in partnership with Office for National Minorities of Republic of Slovenia, Office for Human and Minority Rights of the Government of



Republic of Serbia and Commissioner for the Protection of Equality. Training attendees received certificates for successfully completed training for instructors.

Commissioner for the Protection of Equality attended the international conference in Zagreb titled “Protection of human rights and strengthening of democracy in Europe: suppression of terrorism – freedom of speech – cohabitation”, held at the highest level, organized by Ombudsman of Republic of Croatia, on the occasion of this institution’s 25th anniversary. Topics of the conference were combating terrorism, freedom of speech, social integration processes and role of independent institution in providing highest standards of protection of human rights at both national and international level.

Commissioner for the Protection of Equality attended the regional conference “Discrimination at work and employment” in Bar, at the invitation of Ombudsman of Montenegro. Topics of the conference were international standards and quasi-judicial practice in combating discrimination, European anti-discrimination standards and role of equality bodies in combating discrimination.

Representative of the Commissioner participated in workshop titled “Strengthening inclusive strategies for peace and stability through regional exchange of knowledge” in Moldova, organized by Institute for Inclusive Security from Washington. The goal of this workshop was the introduction to latest trends in area of implementation of the Security Council Resolution 1325 as well as more efficient way of drafting, monitoring and evaluation of complementary national action plans.

Within the pilot project “Anonymous interview”, financed by German Agency for International Cooperation (GIZ), a study visit to Berlin for employees in Expert service of Commissioner was organized in May 2017. The goal of this visit was to introduce the employees with project “Anonymous interview” implementation phases and challenges, aimed to create conditions for increased chances of particularly vulnerable groups and minorities at the labor market. Representatives of Commissioner visited institutions that were included in the project and that deal with protection of human rights: Federal Anti-Discrimination Agency of Republic of Germany (FADA), Berlin State Office for Equal Treatment and against Discrimination (LADS) and Lesbian and Gay Federation in Germany (LSVD).

Commissioner for the Protection of Equality attended the Second Gender Equality Review Conference in OSCE headquarters in Vienna. Commissioner spoke at the panel „Gender mainstreaming and conflict cycles“, accenting the role of Commissioner for the Protection of Equality in creation of National Action Plan for implementation of the Resolution 1325 of UN Security Council and role of independent institutions in achieving of main goals of human safety. The goal of this conference was more active implementation of OSCE Action Plan for Promotion of Gender Equality and also activities aimed at implementation of gender policies in security sector, equal economic opportunities, women’s participation in political and public life and combating gender-based violence.

### III quarter 2017

The Commissioner for Protection of Equality had a meeting with one of the Ombudsmen from the Institution of Ombudsmen for Human Rights of Bosnia and Hercegovina. The representatives of both institutions emphasized the importance of further exchange of experiences and good practices for the purpose of advancing Equality.

The capacity building and education of the employees was continued through EQUINET's activities. In July 2017, the representative of the Commissioner participated in the meeting of the focus group on the topic "Toward the comprehensive system for protection of minorities in the EU", which was held in Brussels. The cause for the meeting organized by EQUINET and Center for European policy studies was the research conducted by CEPS, for the purpose of assessing the current system of minority protection in the states members of the EU and also for the purpose of determining ways of developing a comprehensive system for protection of minorities.

Also, representative of The Commissioner participated in a training organized by EQUINET on legal challenges of Equality bodies during the proceedings about unequal pay for the same amount and type of work. The agenda of the seminar contained a presentation of ECHR jurisprudence as well as good practice on the issue of shifting the burden of proof in the cases of discrimination on the subject of unequal pay. Special attention was dedicated to the importance of transparency of the earnings system and the gender neutral system of work evaluation and salary calculation.

The representative of The Commissioner took part in the meeting of the EQUINET Working Group for Policy Formation. The Working Group was presented with the last version of the Factsheet on experience of Equality bodies in terms of advancement of LGBTI rights. Also, there was a discussion on the similarities and differences in work and jurisdiction of Equality bodies and Ombudsman institutions, which will be the topic of the next publication.

Thanks to the membership in EQUINET, The Commissioner was given the opportunity to comment on the Draft of the Gender Equality Strategy 2018-2023 of the Council of Europe.

The Commissioner took part in the Conference "Women rights, religion and refugees: European cities between culture of hospitality and rejection", organized by FemCities network and City of Vienna.

A Conference with the topic of "Diversity as a strength – Diversity as a challenge" was held in Germany, organized by FADA in September. The Conference focused on the advancement of position of the LGBTIQ population in Germany. The results of a research conducted in Germany were presented during the panel discussion along with the experiences of NGOs dealing with the issue of protection of LGBTIQ population.

The fifth working meeting of The Platform for Economic and Social rights of COE, FRA, EQUINET and ENHRI was held in Riga, with the participation of the representative of The

Commissioner. The topic of the meeting was Article 30 of the Revised European Social Charter, i.e. the rights of workers on protection from poverty and social exclusion.

**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.

Commissioner for the Protection of Equality published and promoted „Code of Conduct – directives for creation of anti-discrimination policy of employers in Serbia“, within the twinning project „Support to improvement of human rights and zero tolerance on discrimination“. This guidebook was created as a unique tool and help for employers for improvement and strengthening of mechanisms of protection and improvement of equality, but also for employees and all citizens of Republic of Serbia who are entitled to the implementation of equal chances principle in the recruitment process and work, with aim to contribute to employment of hardly employable social groups.

\* **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.

### **3.6.1.19. Conduct media promotional campaign and organize roundtables aimed at promoting the Manual for identification and effective suppression of discrimination cases and the Manual for identification of cases of discrimination and available mechanisms for protection of rights. ( III and IV quarter of 2017).**

**Activity is partially implemented** Workshop on segregation and desegregation measures, and the presentation of the Manual "Prevention of segregation, the development of inclusive enrollment policy and the desegregation of schools and departments: international experience and suggestions for improving practice in Serbia" was held in Nis, for representatives of the Ministry of Education, teachers and representatives of the civil sector.

In cooperation with the Ministry of Public Administration and Local Self-Government and the Standing Conference of Towns and Municipalities, in March and April 2017, Commissioner for Equality will implement ten workshops (in March will be realized a total of 7 workshops), regionally designed for representatives of local authorities. The Manual for identification of cases of discrimination against public authorities was distributed to participants which was developed by the Commissioner or the Protection of Equality. Further, Commissioner for the Protection of Equality presented the publication “Media, gender and reporting in emergency situations”, published with support of the OSCE Mission in Serbia. This publication provides overview on media reporting during emergency situations from gender perspective and aims to provide guidelines to journalists on how to respect human rights and dignity when reporting, in accordance with professional standards. Also, Commissioner organized a conference “We do not discriminate” within the twinning project „Support to improvement of human rights and zero tolerance on discrimination” where the Code of equality was presented, a guidebook containing directives for creation of anti-discrimination policy of employers in Serbia (explained in detail within activities 3.6.1.18). Best practices in achievement of equality, from public and private sector, which had significant impact in further creation of quality business environment in Serbia, were presented at the conference. The conference was directly broadcasted on Radio Television of Serbia. The Code

was also presented at a seminar for activists of the Women's Section of the United Trade Unions Independence and representatives of the management of the branch unions. At the event “Stop violence against men and women at work” organized by UTU Independence in cooperation with the Pan European Council of the International Conference of Trade Unions, the Commissioner warned that women are more frequently exposed to discrimination at their workplace, and that this fact is confirmed by the data from last year's report of the Commissioner for the Protection of Equality

### **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 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.

At the end of 2016, Social Inclusion and Poverty Reduction Team organized, a training was 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.

The manuals for journalists “Fight for Equality” and “Media, Gender and Security” (closer to the previous quarterly reports) were presented in June 2017 to a large number of editors of local television stations, members of the association New Network of Serbia. At the opening of the meeting, the Commissioner for the Protection of Equality emphasized that the media have a huge influence on creating public opinion and that they are important partners of the institution in the fight against discrimination. The Ambassador of the OSCE Mission to Serbia, Andrea Orizio, pointed out at this meeting that the media play a key role in raising awareness of discrimination and strengthening of a tolerant and equitable society..

In July 2017, at an event held in Niš, these handbooks were presented to editors of regional and local media of that region, with the participation of the Commissioner and the head of the OSCE Mission to Serbia Media Unit.

In the reporting period III quarter 2017, The Commissioner had a meeting with members of the Executive board of The Press Council and The Appeals Commission. The Commissioner emphasized the important role of the media in combating discrimination and the significance of adhering to the Code of ethics of journalists during reporting on sensitive subjects like gender based violence, the difficulties of persons with disabilities and members of the LGBTI community. The meeting resulted with a agreement to continue and advance cooperation in terms of complaints submitted simultaneously to The Press Council and The Commissioner for Protection of Equality.

The representative of The Commissioner for Protection of Equality presented the work of The Institution during the training for journalists on gender sensitive reporting and affirmative media representation of vulnerable groups. The presentation referred to protection from all forms of discrimination, advancing the media content and MOs of reacting on discriminatory media content. The training was held on September 20<sup>th</sup> 2017 on Fruska gora and it was organized by The Team for Social inclusion and poverty reduction of The Government of Serbia. The purpose of the training was to broaden the knowledge of journalists in terms of terminology on discrimination and violence against women as well as to analyze the examples of good and bad practice in reporting on women, Roma population, persons with disabilities and other vulnerable groups. Also, one of the goals was to empower the journalists to present the members of vulnerable groups in a affirmative way in the future.

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.**

**2015.**

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, 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.

## **2016.**

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 "Children security Olympics" was held in 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 local action plan Police Department in Pozarevac "Together we can do better" was reviewed, which was 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.

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.

## **II quarter**

On March 20 and 21, 2017, in the hotel "Metropol", in Belgrade, organized by the OSCE Mission to the Republic of Macedonia. Serbia, a workshop "Prevention of Violent Extremism in Serbia" was held as part of the implementation of the project "Support to the Prevention of Violent Extremism and Terrorism in Serbia".

In the period from March 20 to March 25, 2017, in the hotel "Šumarice" in Kragujevac, an educational seminar was held within the project "Human Rights Defenders" organized by the Police Association "European policemen of Roma nationality". The above seminar is realized with the help of the aforementioned association and the Institute for European Affairs from Belgrade, on the subject of human and minority rights and mechanisms of their protection.

The seminar "Presentation of the German Model for the Preventive Work of the Police" was held on March 28 and 29, 2017 in Belgrade (IN Hotel) within the Baden - Wurttemberg Police Officers Police Campaign - SRB-BW-HR 2017 project.

On March 31, 2017, in the "Club of Deputies" in Belgrade, the final conference of the project "European Support for Roma Inclusion" was held, organized by the OSCE Mission to the Republic of Serbia.

In the period from 10th to 12th April 2017, the 14th Traditional International "Easter Days in Einring" International Symposium "Safety in Towns and the Wider Urban Areas" was held, organized by the Presidium of the Bavarian Police in Preparedness and The Center for the Development of the Bavarian Police in Einring, in cooperation with Hans Zajdel Foundation and the Municipality of Einring.

On April 12, 2017, in the Youth Center in Belgrade, a panel discussion was held on the topic "Women, Peace, Security: What Do You Think?", which is part of the Fund's program For social and democratic initiatives, and which promotes the advancement of the position of women in the defense and security sector, using the NAP to implement UN Security Council Resolution 1325, with particular emphasis on the role and attitudes of young people.

In the period from 18 to 20 April 2017, in the hotel "Prezident" in Sremski Karlovci, a seminar was held on the topic "Establishment of an initiative committee for the establishment of the Association / network of women in the police", within the project "Developing a gender agenda in Ministry of the Interior 2016-2018", which is being implemented in the framework of a program of bilateral cooperation between the Swedish police and the Ministry of Internal Affairs of the Republic of Serbia.

On April 20, 2017, a meeting was held in the premises of the Border Police Directorate for the consideration of the draft text of the Standard Operating Procedures of Serbia for the Prevention and Protection of Refugees and Migrants from Gender-Based Violence.

On April 26 and 27, 2017, in the hotel "88 rooms" in Belgrade, a workshop was held on the topic "Mechanisms for protection from gender based discrimination in the Ministry of Internal Affairs of the Republic of Serbia", within the project "Developing a gender agenda in the Ministry of Internal Affairs Jobs 2016-2018", which is being implemented in the framework of a program of bilateral cooperation between the Swedish police and the Ministry of Internal Affairs of the Republic of Serbia.

On April 27, 2017, a meeting of the representatives of the MIA and the OSCE Mission in Serbia was held in the Palace of Serbia, regarding the continuation of the cooperation and support provided by the Mission for the implementation of activities in the field of community policing in 2017.

During April 2017, a final report was prepared on the implementation of the Action Plan for improving the work and cooperation of the police with representatives and associations of sexually different persons, which was submitted to the Director and the Minister of the Interior.

In the period from May 22 to May 25, 2017, in Zagreb - Croatia hosted the Preventive Educational Safety Festival "Blue Carpet", organized by the Baden - Wurttemberg Police Community Police Unit - SRB-BW-HR 2017, where representatives of the Police Directorate took part.

During May 2017, with the support of the OSCE Mission to the Republic of Serbia, 1000 copies of the Community Policies Handbook were printed, which were submitted to the police administrations and organizational units at the MIA headquarters.

On May 30, 2017, in the "Serbia" Palace, a meeting of representatives of the MIA and the OSCE Mission in the Republic of Serbia was held, regarding the continuation of cooperation and support provided by the Mission, for the implementation of activities in the area of community policing and policing in 2017.

In the period from May 22nd to 24th, 2017, in Belgrade, hotel "88 rooms", a seminar was held on the topic "The Power of Effective Communication" within the project "Developing a Gender Agenda in the Ministry of the Interior 2016-2018", which is being implemented in the framework of a program of bilateral cooperation between the Swedish police and the Ministry of Internal Affairs of the Republic of Serbia.

During May 2017, a fourth report on the implementation of the AP for the implementation of the Community Police Strategy for the period July-December 2016 was compiled. Also, a complete report on the implementation of the said AP was prepared (August 2015 - December 2016), which will be submitted to the Government of the Republic of Serbia after approval by the Special Working Group.

On June 6, 2017, a press conference was held at the Metropol Hotel in Belgrade, where a Handbook for the Work of Police in the Community was presented, where the Minister of the Interior, the Director of the Police and the State Secretary took part.

### **III quarter**

The fourth report on the implementation of the Action Plan for Community Policing Strategy, for the period July – December 2016, has been submitted, as well as complete report on the implementation of the Action Plan (period August 2015 – December 2016), which ended the implementation of the Action Plan for Community Policing Strategy for 2015 and 2016. Composing the new Action Plan for the 2018 and 2019 is in final phase.

The workshop, as part of the project „Support to the prevention of violent extremism and terrorism in Serbia“, has been held in July 2017, where representatives of Uniformed Police Directorate and the Service for combating terrorism and extremism, as well as police officers from Belgrade, Novi Sad, Niš and Novi Pazar, took part.

As part of the project „Improving relationship between the police and local community“, number of workshops for the police officers from regional police directorates will be held during September.

Ministry of Interior, in cooperation with Ministry of education, science and technological development, from September 2017 in all elementary schools implement the program „The basis of child security“, within which the teachings are held in the fourths and sixths grades, in order to improve security culture. Police directorate for the City of Belgrade, in cooperation with the OSCE Mission to Serbia, implement the project „Together for the better security on rivers“.

**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 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.

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.

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.

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

## **2017**

### **I quarter**



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.

### II quarter

In the period from March 22nd to 24th, 2017, the national liaison officer with LGBTI population took part in the Regional Dialogue, as part of the project "Being LGBTI in Eastern Europe: reduction of inequality and silliness, the fight against homophobia and transphobia with which Are being tried by LGBTI people in Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Serbia ", which was organized by the United Nations Development Program (UNDR), with the support of the United States Agency for International Development (USAID) in the premises of the UN Office in Belgrade. On March 31, 2017, the national liaison officer with LGBTI population took part in the final conference titled "Consolidation of Democracy in Serbia - Integration of LGBT Citizens", within the project "From LGBT Life to Politics", which is a financial Supported by the Embassy of the United Kingdom of Great Britain and Northern Ireland, organized by the IDEAS Center for Research and Development at the Metropol Hotel in Belgrade.

On May 9, 2017, a national liaison officer with the LGBTI population took part in a workshop titled "Understanding the Economic Dimensions of LGBTI Discrimination in the Balkans" organized by the World Bank and ERA LGBTI organization at the World Bank premises , In Belgrade. On May 17, 2017, the national liaison officer with LGBTI population took part in the awarding of the "Duga" Prize for 2016/17, marking the International Day Against Homophobia and Transphobia (IDAHO), which was held in the ceremonial hall Assembly of the City of Belgrade. On May 17, 2017, the State Secretary of the Ministry of Internal Affairs and the National LGBTI People Liaison Officer attended the ceremonial hall of the Belgrade City Assembly, reading the life stories of LGBT people, marking the International Day Against Homophobia, Transphobia and Bifobia, in The organization of the Association of Citizens "Labris" and the Local Network for the Prevention of Discrimination and Support of LGBTI persons from Belgrade.

### III quarter

The Crime Police Directorate, Crime Supression Unit, Department for Prevention and Supression of Domestic violence has started training of police officers for implementing the Law on Supression of Domestic violence („Official Gazette“ 94/16). The ongoing training is for 410 police officers from 27 Regional Police Directorates and the Headquarters of the Ministry, who will act pursuant to the Law. Crime Police Academy is conducting the training in accordance with the program of the Judicial Academy.

Topic: Police acting in line with the special protocol of police acting in case of domestic violence over women and in partner relationships is intended to police officers of general jurisdiction and Crime Police – number of attendees 4711 (49% out of the total number of these two lines of work)

The Training Program „The Basics of Children’s Safety“ was adopted (number: 01-6012/17 from June 7th 2017) and it is intended for Primary school students of fourth and sixth grades in the Republic of Serbia. The training of 130 police officers was realized (coordinators) in Regional Police Directorates, which afterwards continued trainings for additional 1889 police officers which will conduct lessons at schools.

The training program „The Safety of the Youth“ was adopted (01 number: 8530/17 from August 29th 2017) in cooperation with „Tijana Juric Foundation“. After the course, volunteers/employees will be capable of performing education in schools regarding safety of the youth.

**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.

On March 27, 2017, a meeting of representatives of the Association of Citizens "To Know" with a national liaison officer with the LGBTI population was held, in order to improve the cooperation between the police and the LGBTI population.

During May 2017, activities of the Local Network for the Prevention of Discrimination and Support to LGBTI People in Belgrade, Novi Sad, Niš, Kragujevac, Subotica, Pančevo and Novi Pazar (meetings, public meetings, street actions, walks, workshops, tribunes, sharing Promotional material, etc.), marking the International Day Against Homophobia and Transphobia (IDAHO).

On June 2, 2017, a national liaison officer with the LGBTI population held a meeting with students of the fourth year of the Faculty of Political Sciences in Belgrade on the activities that the police

undertake to improve the safety of LGBTI people in Serbia in order to develop practical policies from the " Security of Serbia

Number of meetings with LGBT community have been held, with regard to public assembly „Pride Parade“ in September 2017. The conference „Together against discrimination“ was held in Belgrade in September, as part of the project „Networked for the improvement of the LGBT persons' position in Serbia“, where representatives of the police participated.

**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.** The Program of training of police intervention units was adopted on 08.25.2016. 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.

On 25 August 2016 the Minister of the Interior 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 was 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 IV quarter of 2016, in accordance with the Program of training of police intervention units in Training Centre "Mitrovo polje" at mountain Goc, and TC "Kula" in Kula, "Train the trainers in the field of police intervention units" was initiated, and conducted in the period from 5 December, 2016 - 31 May, 2017 for 120 police officers.

The Program of the Professional Development of Police Officers of the Ministry of the Interior for 2017 stipulates that a seminar entitled "Seminar for Security Managers at Sports Event" be organized for police officers of general jurisdiction by units implementing the Program.

A training for trainers was realized in the scope of Intervention units in the period from 14<sup>th</sup> November to 16<sup>th</sup> December 2016 and from 18<sup>th</sup> February to 3<sup>rd</sup> March 2017 for 226 police officers.

As part of the project „European Union Police Services Training”, the National Police of Spain organized in June 2017 in Spain the training “Improving skills for monitoring, teaching and counseling in the field of public order”, where representatives of the Serbian Police participated.

In the period from July to September 2017, 254 policemen have been trained on the topic „Monitoring and securing public gatherings, preventing and establishment of disturbed public order“.

A training for trainers was realized in the scope of Intervention units in the period from 14th November to 16th December 2016 and from 18th February to 3rd March 2017 for 226 police officers.

### **3.6.1.26. Adopt the Law aiming at protecting persons with mental disabilities in institutions of social welfare. By IV quarter of 2017.**

**Activity is being successfully implemented** Consultations have been held with OSCE, which is willing to support development of this law. Preliminary proposal of the content has been provided and the drafting is envisaged for September 2017. The OSCE Mission is willing to provide the Ministry with support in writing the law and accompanying sub-legal acts and in preparation of the new legislative framework (training of employees, instructions and manuals development, development and distribution of informational material intended for public use to familiarise the public, especially persons with mental disorder, persons residing in social protection institutions and their family members and fosters with new legislative solutions i.e. their rights, the ways how to accomplish these rights, operational rules of social protection institutions, etc.). A Working Group has been formed with a task to draft the Law on protection of persons with mental health problems in social welfare institutions.

### **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 was held, whereby among other issues, the Draft Law on Ombudsman for Children was discussed. The Government adopted on 24 January 2017, at a proposal of the Office for Human and Minority Rights, 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. On the basis of the decision made by the Council for the Child's Right on instituting an initiative for passing the new Strategy for Prevention and Protection of Children from Violence, in June 2017, the Ministry of Labour, Employment, Veteran and Social Affairs formed a Working Group for development of this Strategy. The Working Group is comprised of the representatives from the Ministry, Republic Institute for Social Protection, MOI, Ministry of Education, Science and Technological Development, Ministry of Health, Ministry of Justice, Ministry of Trade, Tourism and Telecommunications, Office for Human and Minority Rights as well as non-governmental sector and UNICEF.

The Government has adopted the Regulation on Determining Dangerous Work for Children on May 29<sup>th</sup> 2017 at the proposal of the Ministry of Labor, Employment, Veteran and Social Affairs,

The Regulation was published in the Official Gazette of the Republic of Serbia No. 53 from May 30<sup>th</sup> 2017.

Following the establishment of the new Government of the RS in June 2017, a Council for child rights, with its new composition, has been formed by the Government decision dated 27 July 2017. In the period to come the first session of the Council will be held.

**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.**

**2015.**

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.

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.

## **2016.**

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.

## 2017.

In the 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.

In the II quarter 2017, funds earmarked for designated transfers have been significantly increased during this year (RSD 701.213.000) comparing to last year (RSD 400.000.000). The Ministry issued 275 licences to social protection service providers (from state, private and civil sector). Social protection organisations (services providers) cannot provide services if they do not have licence in accordance with the Law. One organisation can have several licences at the same time, and each service is licenced separately, in a special procedure, and must fulfil conditions within entire period for which licence has been issued. Conditions and standards for provision of social protection services have been prescribed by Rulebook on Detailed Requirements and Standards for the Provision of Social Services and a procedure for issuance, renewal, suspension and withdrawal of licence has been prescribed by the Rulebook on licencing social protection organisations.

Two new social protection services have been developed: Family Outreach Worker service as socio-educational service of regional type (a new one will be introduced through the new Law on social protection) and occasional foster care being already introduced in the system through existing solutions within the Family Law and the Law on social protection. By introducing the Family Outreach Worker service in the social protection system, the state decides to support families in the first place, parents/foster parents to take care of their children. The service is developed for families with numerous and complex needs and families with children with developmental disorder. The decision on 2017 annual competition on improving the position of persons with disability (PWD) in Serbia was made on 18 April 2017, whereby 132 related projects are supported in the total value of RSD 65,994,745.00. In June the decision on IPA 2013 competition on development of community welfare services in the area of social protection and education was made, whereby 22 contracts were signed to support the projects of municipalities and civil society organization for the provision of social local level services for the most vulnerable groups, including support to the deinstitutionalization process.

In the III quarter 2017, Process of licencing all social care services providers in the RS is ongoing and it is expected in 2017 a full database on local services to be established, covering state sector services providers as well as services provided within civil and private sector, which will provide a clear picture on the number of services being provided. Based on the latest data from the MOLEVSA (it issues licences to services providers upon the check by social care inspection), 307 licenced services providers are registered in Serbia (September 2017): for supported housing service - 5, for help at home service -56, for shelter service -2, for service of daily stay for children and youth with behavioural problems -4, for personal attendant to a child service -6, for drop-in centre service – 9, for service of daily stay for children and youth with developmental disorder - 27, for personal assistant service -9, for institutional accommodation service -189.

### **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.**

### **2015.**

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.

## **2016.**

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 IV quarter of 2016, 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.

### **2017:**

During I quarter of 2017 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.

During II quarter of 2017, the proposal of standards for the “Family Outreach Worker” service has been prepared, proposal of complete documentation for monitoring service procedure has been made, five-days basic training for provision of service has been tested and prepared for accreditation, instrument for quantitative assessment of effects in the work with family has been designed, methodology for qualitative evaluation-satisfaction of users and actors with service, service cost calculated, service established with 4 providers with trained family outreach workers, managers and established internal supervision mechanism.

Concept Note of the Centre for child and family support has been prepared, as one of possible forms of transformation of children residential institutions.

“Family Outreach Worker” service is intensive and individualised support to child and his family and it is one of necessary services among spectre of various services directed towards family. By introducing the “Family Outreach Worker” service in the social protection system, the state decides to support families, parents/foster parents to take care of their children. By developing this service, social protection system intends to provide conditions to apply solutions prioritising support to family-parenthood in procedures of children protection from neglect and abuse, i.e. securing life of children with disabilities within community.

“Family Outreach Worker” service has its own standards, belongs to a group of “intensive family support services” and a special Rulebook, relating to this group, is being prepared. The initial idea was to regulate intensive family support services through changes and amendments of the law as a special service, which do not belong to advisory and therapeutic services, since advisory and therapeutic services are not intensive services and are funded at local level, and Family Outreach Worker service, as one of intensive family support service, should move to national funding. Since the entire Law on social protection should be changed, in the meantime, temporary solution should be found for intensive family support services.

A study has been made "Piloting Family Outreach Worker service and evaluation of services provision outcomes". The study is based on information gathered during piloting of this service and on direct work with families, children and professionals in period 2013-2015 in Belgrade (Centre for protection of infants, children and youth), Nis (Residential institution for children and youth “D. Radovic”), Novi Sad (SOS Children Village in Sremska Kamenica) and Kragujevac (Centre for development of local services “Kneginja Ljubica”), while Republic Institute for Social Protection is the coordinator of the service designing and piloting process.

Occasional family based care is a service piloted by the Provincial Institute for social protection within IPA 2013 Project “Development of kinship foster care, shared care for children with developmental disorder, and cultural and competent practice in social work“.

#### **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 partially implemented** Draft Law on Financial Support to Families with is submitted to the relevant authorities for obtaining an opinion. It is planned to be adopted by the end of the year

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. Through IPA 2013, the Ministry has worked with the Provincial Institute for Social Protection and the Regional fostering and adoption centres (Centri za porodični smeštaj i usvojenje) in developing Guidelines for Kinship care and Guideline for Culturally Competent practices in social work. The latter is expected to assist social workers in reaching out to Roma families in a way which is fully respectful of their cultures and identities.

**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)**

**Activity is being successfully implemented** Children's homes from Nis (Dom Dusko Radovic), Belgrade (Centar za zastitu odojčadi, dece i omladine) and Novi Sad (SOS Decja Sela) have been supported to develop Transformation Plans that include advancing the quality of care for children in residential care through greater social inclusion in the communities (in addition to developing services for the prevention of placement of children in care – that are reported on under a separate activity). The Ministry aims to expand such support to other children's homes.

**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)**

**Activity is being successfully implemented.** 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.

The assessment on utilizing residential care resources for supporting families with children at risk of placement in care was finalized. A framework for the transformation of residential care institutions was developed in close collaboration with UNICEF. A costings analysis related to costs of placing children in residential care vs. supporting families to prevent placement was

finalized by UNICEF. The assessment, together with the transformation plans of individual institutions are expected to be the basis for developing a master plan for transformation of residential institutions.

**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)

The Republican Institute for Social Protection (RISP) and the Association of Professionals in Social Welfare (APSW) have taken a lead role (in close coordination with UNICEF and IPA 2013) in developing community services that prevent the placement of children in care. The RISP have developed and held trainings, which are now fully accredited, for family outreach workers that support vulnerable families. The APSW has trained over 500 social workers from Centres for Social Work in supporting most vulnerable families with the aim of preventing the placement of children in care and has organized training related to case management for children that are placed in care. The case management training that also covered 500 social workers puts emphasis on

permanency planning, that is, finding permanent solutions for children that are temporarily in care (return home, kinship care or adoption).

**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)**

**Activity is being successfully implemented.** 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.

**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 not implemented.** Draft Law on juveniles was prepared but has not been adopted yet. The adoption is postponed due to the broad scope of forthcoming amendments to the CPC and a need to align the new Law on Juveniles with the new CPC. Therefore its adoption is planned for III quarter of 2018.

**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.** Given that new Government was recently established, there is a need to re-appoint certain members of the Council. Meanwhile, an initiative was made by the Judicial Academy to organize a meeting of the acting members of the old Council and members of the WG for drafting the Law on Juveniles in order to discuss future actions. The meeting was organized on 25 July.

**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.**

### **2015.**

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.

### **2016.**

Centres for social work, from all four locations say that **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 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.

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.

In the IV quarter of 2016, the Ministry reports that 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.

## **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.

The Conference "Improving the Rights of the Child through Strengthening the Judicial and Social Protection System in Serbia" was held on October 25-26, 2017.

**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.** 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 24<sup>th</sup> in Judicial academy in Belgrade, for judges of the basic courts. On 9 and 10 March 2017, in Belgrade, the Judicial Academy, in cooperation with the organization „Save the children“, provided the advanced training on the topic of high-tech/cybercrime and protection of children and minors on the Internet. The participants of the advanced training were the judges and deputy public prosecutors from Belgrade and Novi Sad – in total 20 participants. Seminar “Minors as offenders and as victims of offence” took place on May 12<sup>th</sup>, 2017 in the General staff in Belgrade, for 20 members of the Military Police. The seminar is scheduled to resume on Friday, June 23<sup>rd</sup>, 2017, for another 20 members of the Military Police. According to the report in III quarter of 2017, the Judicial Academy conducted two trainings for the specialization of judges of the Appellate Misdemeanor Court working in departments in Belgrade, Novi Sad, Nis and Kragujevac. A total of 55 participants attended these training sessions. The topic was Juvenile perpetrators of criminal offences and protection of juveniles in pre-trial and criminal procedure.

**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. In the part concerning the Participation of police was completed in February 2016 (materials with information and educational content were provided to all Police Directorates in the Republic of Serbia).

**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.**

**2015.**

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

**2016.**

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.

## **2017.**

In 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.

With support of the OSCE Mission to Serbia, on 3<sup>rd</sup> and 4<sup>th</sup> of April 2017 were delivered seminars in Belgrade for the Services for informing and support to the injured parties and witnesses in high public prosecution offices at the Belgrade appellate territory, the First Basic Public Prosecution Office in Belgrade, the Prosecution Office for Organized Crime and the War Crimes Prosecution Office. In addition to that, with support of the OSCE Mission to Serbia, on 24<sup>th</sup> of April 2017 was delivered a seminar in Belgrade for representatives of all court and prosecutorial services for support to the injured parties and witnesses of criminal offences, where to the representatives of prosecutorial services were given posters and additional copies of brochures and communication manual. Moreover, on 29<sup>th</sup> of May 2017, with support of the civil society organization “Astra”, it was delivered a seminar in Belgrade, “Support to services for assistance to the injured parties and witnesses”, where participated representatives of the services in public prosecution offices.

On 10.03.2017. the sixth meeting of the Project Committee of IPA Project 2013 „Strengthening Justice and Social Protection System in order to improve child protection in Serbia“ was held, and the most significant results, from the beginning of project implementation, were presented, as well as priority activities which will be performed till its end in the areas of „Strengthening child tailored justice system in the Republic of Serbia“ and „Strengthening capacity of social protection system with a focus on child protection and prevention of children separation from family“. An approval has been reached in relation to submission of a request on extension of the duration of project by the end of 2017, in order to ensure that the social protection system completes the activities which were late and to evaluate the project in those areas.

The seventh meeting of the Project Committee of IPA Project 2013 „Strengthening the justice system and Social protection system in order to improve child protection in Serbia“ was held on 13.07.2017. where the Annual Report for the third year of project realization was presented (from 31.07.2016. till 31.07.2017.), as well as planned Project’s activities from the jurisdiction of social protection and judiciary system for which the consent had been obtained regarding the extension of implementation of the Project by the end of 2017.

Judicial Academy reports that the Seminar High-tech criminal and protection of children and minors with the support of Save the children project took place on January 26<sup>th</sup> and 27<sup>th</sup> 2017. in Belgrade, and also on February 2<sup>nd</sup> and 3<sup>rd</sup> 2017. in Novi Sad, 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.

**3.6.2.18. Setting up a separate department for the enforcement of the measure of mandatory psychiatric treatment and custody imposed to minors in a special prison hospital.**

**Activity is fully implemented.** Separate accommodation conditions for this category of juveniles are provided within the Special Prison Hospital

**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 being implemented successfully.** 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. Contract was concluded in June 2017 with the twinning partner in the framework of the project "Capacity building for training, education and employment of prisoners" within the EU project - IPA 2013. In the framework of this project, specialized treatment programs for prisoners, as well as for particularly vulnerable categories of prisoners will be implemented, as well as training of trainers: service staff. The delay in conclusion of the contract resulted from the change of the team members of the twinning partner and implementation of necessary procedures.

Within the framework of the Twinning Project implemented by the Administration for Enforcement of Criminal Sanctions and the German Foundation for International Legal Cooperation in partnership with the Agency for Economic Cooperation and Development representing the interests of the Ministry of Justice of the Republic of Austria, three missions were undertaken to analyze the current situation and normative regulations in the system of execution

of criminal sanctions. Engaged experts performed an analysis of work in the treatment services in institutions. Based on the analysis of the methodology of work and the existing programs of treatment in institutions, in cooperation with foreign experts and employees in the Administration, in the coming period, new specialized treatment programs for convicts and especially sensitive categories of convicted persons will be developed.

Within the framework of the Council of Europe Project "Strengthening the Protection of Human Rights of Persons Deprived of Liberty", a visit of the experts of the CoE to the Penal Enforcement Offices was carried out and a report was prepared on risk assessment tools and existing behavioral programs for the rehabilitation and reintegration of convicted persons.

**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.)**

**Activity is being successfully implemented.** 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.

**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.

**3.6.2.23. Conduct analysis of results and identify obstacles to the implementation of the National Strategy for the Prevention and Protection of Children from Violence 2008-2015 (III quarter of 2017.)**

**Submitted report does not contain data on implementation of the activity**

**3.6.2.24. Develop new multiannual strategic framework for prevention and protection of children from violence. (By IV quarter of 2017.)**

**Activity is being successfully implemented** Council for the Child Rights, on its session held on 20 December 2016, made a decision to instigate the initiative for bringing the new Strategy for Prevention and Protection of Children from Violence. In June 2017, the Ministry of Labour, Employment, Veteran and Social Affairs established a Working Group to work on development of this strategy and its accompanying Action Plan. The Working Group is comprised of representatives from several ministries, Republic Institute for Social Protection and non-governmental organisations.

**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 not 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.

The 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 not 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.

Nevertheless, despite the fact that the Law on FLA is not yet adopted, Ministry of Justice undertakes other activities aimed at strengthening access to justice. Amendments to the Public Notary Tariff stipulate that persons with disabilities will no longer be obliged to pay an increased reward for the job of a notary public in cases where invited witnesses, other notaries, or interpreters are involved in the preparation of the notary public document. Amendments to the Public Notary Tariff were made in order to align with anti-discrimination regulations. Thus, the Ministry of Justice fulfilled the recommendation of the Commissioner for the Protection of Equality, which pointed to unequal treatment of the visually impaired in the process of compiling the document before the notary. In March this year, the Ministry of Justice has set up 17 permanent court interpreters for sign language for people with impaired sense of hearing, which is the first appointment of these court interpreters after almost a decade.

In September, the Ministry of Justice launched a wide public debate on the adoption of the Law on Free Legal Aid, in order to ensure that citizens of a low income state can increase access justice. The public debate started with a round table in Kragujevac, and will last until December 2017 in all parts of Serbia in order to communicate the solutions of this law to lawyers and civil society, but primarily citizens. At the same time, this topic is also being discussed in connection with the forthcoming amendments to the Constitution in the field of judiciary.

### **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.

**3.7.1.6. Start implementation of the FLA Law across country. (Continuously, commencing from the end of II quarter of 2017.)**

**Activity is not implemented.** Law on FLA has not been adopted yet.

**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.** The start of implementation of the Law on protection of the right to a trial in reasonable time was 1<sup>st</sup> January 2016. Relevant institutions (Supreme Court of Cassation, High Judicial Council, Constitutional Court) regularly collect data and report to the Commission for the implementation of the National Judicial Reform Strategy, including the number of legal remedies and amount of compensation.

**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. Given the scope of necessary changes of the CPC arising from Chapters 23 and 24, as well as other negotiating chapters, it has been decided to perform comprehensive amendments to the CPC by III quarter of 2018, as these changes require longer period for the work of the working group.

**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. Given the scope of necessary changes of the CPC arising from Chapters 23 and 24, as well as other negotiating chapters, it has been decided to perform comprehensive

amendments to the CPC by III quarter of 2018, as these changes require longer period for the work of the working group.

**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.

**3.7.1.14. Distribute „Letter of Rights” in all police stations and prosecutor's offices in order to enable its permanent availability in:**

- Serbian language

- language of national minorities throughout the country - English language

**Ensure translation of the letter of rights by the official court translator to a language that the suspect or accused person understands if that language differs from the ones mentioned above. (Continuously, commencing from III 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.

**3.7.1.15. Conduct training of the police officers, prosecutor’s and deputy prosecutors and judges in terms of stronger procedural safeguards. (Continuously, commencing from II 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. (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. Given the scope of necessary changes of the CPC arising from Chapters 23 and 24, as well as other negotiating chapters, it has been decided to perform comprehensive amendments to the CPC by III quarter of 2018, as these changes require longer period for the work of the working group.

**3.7.1.18. Design and distribute a brochure/ booklet containing information on victims' rights (legal aid, psychological support, protection, etc.) in line with Art. 4 of the Directive 2012/29/ EU. (Continuously, commencing from III quarter of 2017.)**

**Activity is not implemented.** This activity will be implemented within the IPA 2016 project „Support to victims and witnesses of crime“, implemented by the OSCE mission to Serbia-a, including the media campaign on the rights of victims/injured parties and witnesses..

**3.7.1.19. Conduct training for judges, prosecutors, members of judicial police, attorneys and police officers on the implementation of minimum standards regarding the rights, support and protection of victims in accordance with Article 25 of Directive 2012/29 / EU. (Continuously commencing from II quarter of 2017.)**

**Activity is not implemented.** This activity is pending the start of IPA 2016, which will provide key guidelines for future training.

**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 to the Ministry of Justice the Final Analysis on the alignment of the Serbian legal framework with the Victims Directive, as well as best comparative practices in 5 EU 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.

Based on the performed analyses, 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);

During II quarter of 2017, three draft reports that will be used for the preparation of Victim support Strategy have been submitted to the Ministry of Justice:

**1) Overview of existing victim support services in Serbia;**

**2) Comparative analysis on the experiences of Finland, France and the United Kingdom on securing funding for victim support services**

**3) Report on Finish and French experience in organizing comprehensive support services at the national level.**

In addition **Analysis of legislation, policy documents and practice guidelines relevant to the responsibilities of Serbian police when dealing with victims of crime** has also been prepared.

The necessary funds for the development of the Strategy and accompanying activities have been secured through IPA 2016. The project is implemented by the OSCE mission to Serbia.

**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.** More details on implementation are provided under 1.4.4.3.

**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 partially 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. The recommendations from the analysis shall be utilized by the working group for amendments to the Criminal Procedure Code. With the support of IPA2016, implemented by OSCE, the amendments of the normative framework 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 “Off violence”**, aimed at prevention of violence against women in the family and partner relationships.

From 1 to 30.06.2017, after the imposition of an urgent measure to prevent domestic violence by the competent police officers, the public prosecutors filed motions to the courts to extend the emergency measure in relation to 1,219 persons. The courts have adopted the proposal of the public prosecutor in relation to 1,182 persons, and decided to extend the emergency measure. The proposal of the public prosecutor to extend the urgent measure was rejected by a court decision in relation to 37 persons.

Based on data obtained from misdemeanor courts, according to the Law on the Prevention of Domestic Violence, which started implementation on June 1, 2017, until 11.7.2017, before the misdemeanor courts the following sanctions were imposed: 117 cases of imprisonment, 2 fines, 2 reprimands, and 5 decisions on release were pronounced.

**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.** 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 in 2015. 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.

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.

In the II quarter of 2017, the Judicial Academy reports it has implemented 59 training for judges and deputy public prosecutors on the implementation of the new Law on Prevention of Domestic Violence, which was attended by 2,242 participants. The Judicial Academy organizes the above training courses in cooperation with the „European Union Support to the Judicial Academy Project“, and the objective is to enhance the knowledge of judges, public prosecutors, and deputy

public prosecutors about international principles and new European standards of combat against domestic and gender-based violence, with reference to the reference jurisprudence of the European Court of Human Rights in Strasbourg, then the presentation of the recently promulgated Law on the Prevention of Domestic Violence, assessments of risks of domestic violence, and reference case studies.

In the reporting period III quarter of 2017, the Judicial Academy implemented 6 training for judges and deputy public prosecutors on the implementation of the new Law on Prevention of Domestic Violence, attended by a total of 196 participants.

Moreover, in the Appellate Court in Novi Sad, the Judicial Academy, in cooperation with the OCSE Mission, 29<sup>th</sup> September 2017 conducted the seminar on the topic „Investigational evidence gathering process at the scene of crime in case of criminal offences against sexual freedom and criminal offences with elements of violence with special reference to the criminal offence of domestic violence“. This was the fifth seminar within the two-year programme of training of public prosecutors and their respective deputies, which is focused on the competencies of a public prosecutor with respect to the police under the Criminal Procedure Code, practical examples of exercising of competencies of a public prosecutor with respect to the police with special reference to the investigational evidence gathering process at the scene of crime and enhancement of the knowledge of public prosecutors in the area of criminalistics. The participants of the seminar were the public prosecutors and their respective deputies from the high public prosecutor's offices in Novi Sad, Šabac, Zrenjanin, Sombor, Sremska Mitrovica, and Subotica as well as the beneficiaries of the initial training of the Judicial Academy.

### **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. The total amount in 2017 determined for the co-funding projects for realization of public interest in the field of public information is 263 millions dinars. The means for the projects co-financing in the field of public information for the realization of the public interest are allocated on the bases on the realized calls for proposal for co-financing projects and individual co-financing, in accordance with the rules on the allocation of state aid and competition protection, without discrimination

Concurrently, the *Regulatory Body for Electronic Media* reports on the activities as follows:

The Action Plan, item3, activities 3.8.1.3 as well as Law on Public Media Services, article 7, paragraph 1, idem 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 27<sup>th</sup> 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 25<sup>th</sup> 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:

<b>No</b>	<b>Media Service Provider</b>	<b>Media service</b>	<b>Minority languages</b>
1.	«RADIO MEDVEĎA» MedveĎa 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 Indija	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 18<sup>th</sup> March 2016, while the committee the Secretary formed passed the decision on the allocation of funds on 1<sup>st</sup> 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					

<b>1</b>	TV Pro-Media	Show "Célkeresztben"	Outlet for Television and Radio Activities – Pro Media, Ürményi Frigyes PR	Senta	100,000.00
<b>2</b>	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
<b>3</b>	Production	On two wheels through Vojvodina Vajdaság dűlőin	Media News – Television Agency - Hübsch Bodis Éva PR	Novi Sad	200,000.00
<b>4</b>	Portal Vajdaság ma	Media contribution to the cleaner and healthier Vojvodina	Honestas Agency Sebestyén Imre PR	Novi Sad	168,000.00
<b>ROMANIAN LANGUAGE</b>					
<b>5</b>	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
<b>6</b>	Newspaper Zrenjanin	Voice of Banat, pages in the Romanian language	Joint stock company for newspaper publishing activities Zrenjanin	Zrenjanin	132,000.00
<b>RUTHENIAN LANGUAGE</b>					
<b>7</b>	Q Radio	Ruthenian Youth Radio	Information and propaganda Centre KULA Doo (LLC)	Kula	100,000.00
<b>UKRANIAN LANGUAGE</b>					
<b>8</b>	Kulska Komuna (Kula)	My home	Information and propaganda Centre KULA Doo (LLC)	Kula	100,000.00

	Commune) (newspaper)				
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**NON-GOVERNMENT ORGANISATIONS IN THE LANGUAGES OF NATIONAL MINORITIES:**

Number	Media title	Project title	Media enterprise	Place	Amount
<b>HUNGARIAN LANGUAGE</b>					
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
<b>SLOVAKIAN LANGUAGE</b>					
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
<b>CROATIAN LANGUAGE</b>					

<b>6</b>	Hrvatske novine (Croatian newspaper)	Mjesečnik hrvatske novine (Monthly Croatian newspaper)	Association of Croatian independent list	Subotica	100.000,00
<b>7</b>	Production	TV programme in the Croatian language "Croatian panorama"	KRO INFO Association of Journalists	Subotica	190.000,00
<b>BUNJEVAC LANGUAGE</b>					
<b>8</b>	Bunjevac Radio	Bunjevac rič (Bunjevac word)	Association of citizens Bunjevac Youth Centre	Subotica	100.000,00
<b>ROMA LANGUAGE</b>					
<b>9</b>	Production	Programme with cultural and entertainment content for the socialization of young Roma population	Association of citizens "Fralipe"	Novi Sad	100,000.00
<b>GERMAN LANGUAGE</b>					
<b>10</b>	Fenster	Publishing two volumes of Fenster magazine	Foundation for the protection of native heritage of Danube Swabians "Native House"	Sremski Karlovci	150,000.00
<b>MACEDONIAN LANGUAGE</b>					
<b>11</b>	Production	Documentary "70 years since the migration of Macedonians in Vojvodina"	Association of citizens of the Macedonian ethnic community in Jabuka	Jabuka	100,000.00

			“Ilinden- Jabuka”		
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### **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 1<sup>st</sup> 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.

### **PRIVATE ENTERPRISES IN THE LANGUAGES OF NATIONAL MINORITIES**

#### **\*HUNGARIAN LANGUAGE**

<b>Number</b>	<b>Media title</b>	<b>Project title</b>	<b>Media enterprise</b>	<b>Amount</b>
1	Vojvodina today	Bajdašar ma (Vojvodina today): Expansion and improvement of correspondence network	Honestas Agency Impre Šećešćen PR, Novi Sad	200,000.00
2	Family circle	In search of identity	Family Circle Doo (LLC) for newspaper publishing activities	450,000.00
3	Bečej days	Incentive and support to the Vojvodina population of	Medium Doo (LLC), Bečej	150,000.00



		Hungarian nationality		
4	Express Channel	Production of the news broadcast "Híradó" and accompanying news programs in the Hungarian language	Information Centre Doo (LLC), Bačka Topola	450,000.00
5	Q Radio	Tradition Days	Information propaganda centre KULA Doo (LLC), Kula	200,000.00

**\*SLOVAKIAN LANGUAGE**

6	Zrenjanin	Voice of Banat, pages in the Slovakian language	Joint stock company for news and publishing activities Zrenjanin, Zrenjanin	100,000.00
7	Production	With you and for you (S Vami a pre Vas)	Irena Kukilo PR, Production of audio-visual products Slovmedia, Stara Pazova	150,000.00
8	Production	"Meko f (soft F)"- children's feature and educational programme in the Slovakian language, (one episode of the series)	Agency for Radio and Television Activity Antifriz - film, Siniša Bosančić PR, Maglič	100,000.00

9	Radio Petrovec	Little and big curious ones	Radio Petrovec Doo (LLC), Bački Petrovec	100,000.00
10	Radio Bačka	Na krilach noy	Radio Bačka Doo (LLC), Bač	150,000.00
11	TV Petrovec	Preserve your identity	Doo (LLC) Television Petrovec, Bački Petrovac	300,000.00

**\*ROMANIAN LANGUAGE**

12	TV Banat	Tradition of Balkan Romanians- Traditia Romanirol din Banat	TV Banat Doo (LLC), Bršac	350,000.00
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**\*UKRAINIAN LANGUAGE**

13	Radio Inđija	Horizons of culture, tradition, customs	Radio-Television Inđija doo (LLC), Inđija	150,000.00
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**\* BUNJEVAC LANGUAGE**

14	Bunjevačka rič (Bunjevac Word)	Bunjevačka rič (Bunjevac Word)	Bunjevac Media Centre Doo (LLC), Subotica	200,000.00
15	Bocko	Youth on Themselves - Information for youth in Bocko newspaper	Bunjevac Media Centre Doo (LLC), Subotica	550,000.00

**\* MULTILINGUAL PROJECTS**

16	Pančevac	South Banat Four-Language Chronicle	Pančevac Doo (LLC), Pančevo	150,000.00
17	Vršaćka Kula	Banatski vesnik, workshop for	Newspaper publishing	150,000.00

		pages in the languages of national minorities	activities Vršačka kula Doo (LLC), Vršac	
18	Production	Games of destiny	Media news – Television Activities Agency Eva Hibš PR, Novi Sad	150,000.00
19	Radio Šid	Preservation of tradition and culture of Slovaks and Ruthenians	Kopernikus radio television Šid Doo (LLC), Šid	150,000.00

**NON-GOVERNMENT ORGANISATIONS IN THE LANGUAGES OF NATIONAL MINORITIES:**

<b>Number</b>	<b>Media title</b>	<b>Project title</b>	<b>Media enterprise</b>	<b>Amount</b>
1	www.szenttamars.rs	Every day information in the Hungarian language and something more	Cultural Centre Gion Nandor, Srbobran	100,000.00
2	Tordanske novine (Torda newspaper)	Publishing Torda newspaper	Club of Torda citizens, Torda	100,000.00
3	Crnjanske novine (Crnja newspaper)	Staying and living in the countryside	Native Club of Nova Crnja citizens	100,000.00
4	Production	Kanjiža media	Association Euro media, Kanjiža	150,000.00
5	Novi Knjaževac news in the Hungarian language	Novi Knjaževac news	Association Novi Knjaževac and the surroundings, Novi Knjaževac	100,000.00
6	TV Pačir	Recordings of documentary	Association for regional	100,000.00

		show in major reformist religious communities in Vojvodina	communication Urko, Pačir	
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**\*ROMANIAN LANGUAGE**

7	Production	Editorial Board of the Romanian language	Society for intercultural dialogue Banatika, Pančevo	180,000.00
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**\*CROATIAN LANGUAGE**

8	Hrvatske novine (Croatian newspaper) News	News in the Croatian language	Association Croatian independent list	120,000.00
9	Hrvatske novine (Croatian newspaper)	Mjesečnik hrvatske novine (Monthly Croatian newspaper)	Association Croatian independent list	100,000.00
10	Production	TV programme in the Croatian language Croatian panorama	Association of journalists CRO-INFO, Subotica	180,000.00
11	Production	Radio programme in the Croatian language Naša Riječ (Our Word)	Croatian Association of journalists Cro-news, Subotica	100,000.00
12	Production	Weekly one hour news radio show Glas Hrvata (Voice of Croats)	Croatian Cultural Society Vladimir Nazor, Stanišić	150,000.00

**\*BUNJEVAC LANGUAGE**

13	Bunjevac Radio	Radio Shows Bunjevac Word	Association of citizens Bunjevac youth centre, Subotica	120,000.00
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**\*ROMA LANGUAGE**

14	Production	Opening a space for a dialogue on the revitalization of culture and cultural institutions of Roma (status and potential)	Association Intercultural theatre III/40, Novi Sad	100,000.00
15	Production	O ternipe ades	Association of Roma students, Novi Sad	100,000.00

**\*ALBANIAN LANGUAGE**

16	Journal of Matica Albanaca (Cultural institution)	Because we live together - Sepse ne jetojme se bashku	Association of Matica Albanaca (Cultural institution), Novi Sad	100,000.00
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**\*GERMAN LANGUAGE**

17	Production	Radio show in the German language Deutshes Wort	Association of Germans, Kula	100,000.00
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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 18<sup>th</sup> July 2017. The total amount of funds allocated for media contents in the languages of national minorities is 3,700,000.00 RSD, where private companies were allocated 2,200,000.00 RSD and NGO 1,500,000.00 RSD.

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 with full consideration the opinion of national minorities' councils on the method of allocating the funds.

The process of allocating funds will be carried out in the fourth quarter of 2017 and the allocation of funds is enclosed.

Economic classification	Amount of funds
4541 – current subsidies to private companies	2,200,000.00
4819 – subsidies to other non-profit institutions	1,500,000.00

Supported projects:

## PRIVATE ENTERPRISES IN THE LANGUAGES OF NATIONAL MINORITIES

### \*HUNGARIAN LANGUAGE

Number	Media enterprise	Media title	Project title	Amount
1	Joint stock company for news and publishing activities Zrenjanin, Zrenjanin	Zrenjanin	Voice of Banat, pages in the Hungarian language	100,000.00
2	Blue Network media LLC TITEL	Radio Title	News programme in the Hungarian language	100,000.00
3	Honestas Agency Imre Šećešćen PR, Novi Sad	Vajdasag ma	Vajdasag ma (Vojvodina today): Professionally improved economic section and enriched in content	100,000.00

4	LLC for broadcasting radio programme of Panda radio	Panda radio	Informing the citizens of Tisa basin region in the Hungarian language	150,000.00
5	SANTOS-COMERC LLC for radio television activities, import-export and marketing services	Radio Santos	Weekly mosaic	100,000.00
6	Medium Doo (LLC), Bečej	Bečej days	Let's communicate in two languages	100,000.00
7	Radio Srbobran LLC for news Srbobran	Vajdasagi magyar radio Szenttamas	VAJDASAGI INFO – News shos in the Hungarian language	100,000.00
8	Radio Srem LLC Ruma	Radio Srem	Život Slovakov v Srieme Life of Slovaks in Srem	100,000.00
9	Irena Kukilo PR, Production of audio-visual products Slovmedia, Stara Pazova	Production	50 years of waves of Srem Slovaks	250,000.00
10	Agency for Radio and Television Activity Antifriz - film, Siniša Bosančić PR,	Production	"Meko f (soft F)"- children's feature and educational programme in the Slovakian language, (one	100,000.00

			episode of the series)	
11	TV Banat LLC	TV Banat	Caleidoscop - Bogăția diversității Banatului de Sud - Richness of diversity of the southern Banat	200,000.00
12	Information propaganda centre KULA Doo (LLC)	Q Radio	Strings of the heart	100,000.00
13	Information propaganda centre KULA Doo (LLC)	Kula Commune	Education in multilingual environment	100,000.00
14	Radio Fruška Gora LLC	Radio Fruška Gora	Culture and identity of Croats in Srem	100,000.00
15	Bunjevac Media centre LLC	Production	News in Bunjevac dialect - Visti	100,000.00
16	Media news – Television Activities Agency Eva Hibš PR	Production	Games of Destiny - Spiele des Schicksals-A sors jatekai	100,000.00
17	LLC for marketing and services Radio Lav	TV Lav	Raising the level of information and expanding programme content in the Roma language – Open slightly	100,000.00



			the Roma treasury	
18	Radio Fruška Gora LLC	TV Fruška Gora	Better image on Roma	100,000.00
19	Company for advertising and propaganda services Wagner production LLC, Pančevo	Production	Banat sun	100,000.00
TOTAL				2,200,000.00

**NON-GOVERNMENT ORGANISATIONS IN THE LANGUAGES OF NATIONAL MINORITIES:**

<b>Number</b>	<b>Media enterprise</b>	<b>Media title</b>	<b>Project title</b>	<b>Amount</b>
<b>20</b>	Club of Torda citizens	TORDAI ÚJSÁG (Torda newspaper)	Regular publishing of Torda newspaper	100,000.00
<b>21</b>	Association Novi Knjaževac and the surroundings	Novi Knjaževac news in the Hungarian language Torokkanizsai hirmondo	Novi Knjaževac cultural mosaic	150,000.00
<b>22</b>	Journalist Association of Ruthenians NAR	www.nar.org.rs	Ruthenian cultural portal	100,000.00

<b>23</b>	Association Croatian independent list	Croatian newspapers	Mjesečnik hrvatske novine (Monthly Croatian newspaper)	100,000.00
<b>24</b>	Association of journalists CRO- INFO, Subotica	Website <a href="http://www.croinfo.rs">www.croinfo.rs</a>	CrOnline (Project in Croatian language)	150,000.00
<b>25</b>	Croatian cultural association Vladimir Nazor Stanišić	Production	Weekly one hour news radio show “Voice of Croats”	100,000.00
<b>26</b>	Cultural- information educational association Prosperitet	Internet portal: Radio song	STEP FORWARD	100,000.00
<b>27</b>	Association of Slovakian journalists	Production	We are fine, what about you?	150,000.00
<b>28</b>	Bunjevac Matica	Rič bunjevačke matice (Voice of Bunjevac Matica)	Bunjevac women in art and literature	200,000.00
<b>29</b>	Citizens’ Association Bunjevac Media Centre – Sombor	Bunjevac Radio and Radio Fortuna	News radio show in Bunjevac dialect – Sombor in Bunjevac dialect	150,000.00
<b>30</b>	Association of Matica Albanaca (Cultural institution), Novi Sad	Journal of Matica Albanaca (Cultural institution) REVISTA AMEZA E SHQIPTAREVE "MAS"	Because we live together - Sepse ne jetojme se bashku	100,000.00

<b>31</b>	Association for fighting diabetes of the City of Novi Sad	Diabetes – Novi Sad	Exercising public interest in the field of public information in AP Vojvodina on the pandemic of diabetes – for national minorities in Vojvodina....	100,000.00
<b>TOTAL</b>				1,500,000.00

**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.

**At the session of the Council for National Minorities, which was held on 23 May 2017, the Proposed Programme for allocation of funds from the Budget Fund for National Minorities was unanimously adopted**, which stipulates that the provision of information in the languages of national minorities is the priority area in which programmes and projects shall be financed from the Budget Fund for National Minorities in 2017. The funds from the Budget Fund for National Minorities, in compliance with the Decree, will be allocated through a public competition, which shall be published by the Ministry of Government Administration and Local Self-government. The right to participate at the competition shall be given to the institutions, associations, foundations, companies, and other organizations, whose founders are national councils of national minorities and the civil society organizations registered in the relevant register, and the goals of which, according to the statutory provisions, are realized in the area of protection and improvement of the rights and the position of members of national minorities, which have the seats in the territory of the Republic of Serbia, as well as to endowments, foundations, and conferences of universities and/or academies of professional studies.

On the basis of the adopted Proposal of the National Minority Council, the Minister of Public Administration and Local Self-Government passed a **Programme for Allocation of Funds from the Budget Fund for National Minorities**, which provides for that the provision of information in the languages of national minorities is the priority area in which programmes and projects shall be funded from the Budget Fund for National Minorities in 2017. In accordance with Article 5 (4) of the Regulation on Allocation of Funds from the Budget Fund for National Minorities (“Official Gazette of RS”, no. 22/16) the Minister adopted an **Instruction on the manner of establishing the composition and the number of members of the Competition Commission, which shall manage the procedure for allocating the funds from the Budget Funds for National Minorities** (“Official Gazette of RS“, 6poj 74/17). In keeping with the mentioned documents, on 6 September 2017, the Minister passed a Decision establishing the Competition Commission, which shall manage the procedure for allocating the funds from the Budget Funds for National Minorities.

Pursuant to Article 3 of this Regulation, on 8 September 2017, the Minister passed a **Decision on launching the competition for allocation of funds from the Budget Fund for National Minorities**. After that, the Competition Commission held two sessions at which it defined additional criteria, more detail measures and the specific objective for the selection of programmes and projects in the competition for allocation of funds from the Budget Fund, with prior consultations with the National Councils of National Minorities, thus creating conditions for launching the competition. The Ministry of Public Administration and Local Self-Government on 20 September 2017 launched the competition for allocation of funds from the Budget Funds for National Minorities for the implementation of programmes and projects in the field of information in national minority languages, which has been published on the official website of the Ministry, the Office for Human and Minority Rights, the Office for Cooperation with the Civil Society and the e-Government Portal. The competition is open from 20 September to 20 October 2017. After 15 years, the procedure for allocating the funds from the Budget Fund for National Minorities has been formally and substantially initiated.

### **Reports of the Ministry of Culture and Media**

According to the report, with regard to particular items of 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 Gazette RS,

no. 16/16). Taking into account the activity from 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, from 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.

<b>Language</b>	<b>Submitted projects</b>	<b>Supported projects by national councils of national minorities</b>	<b>Supported projects by the expert commission of the Ministry</b>	<b>Supported projects by the Commission and by the national councils</b>	<b>Total amount of allocated means</b>
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
<b>Укупно:</b>	<b>134</b>	<b>62</b>	<b>71</b>	<b>45</b>	<b>33.099.920,000</b>

\*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.

## 2017

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.

In regard of the call for proposals for co-financing projects in the field of public information in languages of national minorities in 2017 it was submitted 209 projects. The budget means are allocated for 87 projects. Out of said, 79 project in 16 languages and 8 multi-language projects. In accordance with the Law on public information and media, from the national councils the opinion was asked for submitted projects in languages of national minorities. The Opinion was not been sought from the National Council of the Greek national minority, considering the fact that the applicant (Mladenka Radojic PR Agency Publishing Bernar Stari Banovci) did not fulfill the conditions for participation in the Competition.

All the national councils submitted opinion, a majority opinions contained and evaluation of the quality and importance of each individual project. Members of the Commission had discussion concerning the opinions of the national councils, before the formation of the final proposal of allocation of funds.

Hereby enclosed is table with data on submitted and supported projects sorted by languages of national minorities.

<b>Language</b>	<b>Supported projects by national councils of national minorities</b>	<b>Supported projects by national councils of national minorities</b>	<b>Supported projects by the Commission and by the national councils</b>	<b>Total amount of allocated means</b>
Albanian	7	9	5	3.750.000
Bosnian	6	12	6	3.050.000
Bulgarian	3	5	3	2.000.000
Bunjevac	2	3	2	800.000



Vlach	7	8	5	2.800.000
Hungarian	13	6	6	6.100.000
Macedonian	2	3	2	800.000
German	1	-	-	400.000
Roma	21	17	7	9.950.000
Rumanian	4	3	3	1.700.000
Rusyn	2	3	2	850.000
Slovak	4	9	4	1.800.000
Ucranian	1	2	1	400.000
Croatian	1	1	-	400.000
Monteneegrian	4	4	4	1.600.000
Check	1	1	1	400.000
<b>Total:</b>	<b>79</b>	<b>86</b>	<b>51</b>	<b>36.800.000</b>

The National Council of the Romanian national minority in its the delivered opinion pointed out the need for analysis of the realized media content and suggested that the national councils and professional journalists who report on minority language be included in the evaluation process. In this regard, the Ministry of Culture and Information intends in the future to improve cooperation with the national councils and ask them for opinion about the importance of the implemented projects regarding on information for the people belonging to minorities.

### **Reports of 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)	<b>89,919,600.00</b>
-Hét nap d.o.o (LLC) (1 weekly newspaper)	<b>26,262,000.00</b>
-Hlas ljudu (1 weekly and 2 youth/children newspapers)	<b>33,930,000.00</b>
-Libertatea (1 weekly and 2 youth/children newspapers)	<b>33,498,000.00</b>
-Hrvatska riječ (1 weekly and 2 youth/children newspapers)	<b>32,670,000.00</b>
-Ruske slovo (1 weekly and 2 youth/children newspapers)	<b>31,086,000.00</b>
-Bunjevače novine (1 monthly and 1 youth/children newspaper)	<b>8,248,800.00</b>
-Makedonski informatni centar d.o.o. (LLC) (1 monthly newspaper)	<b>5,139,000.00</b>
-Ridne slovo (1 monthly and 1 youth/children newspaper)	<b>4,051,560.00</b>
<b>Total</b>	<b>RSD 264,805,000.00</b>

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 24<sup>th</sup> 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)	<b>89,919,600.00</b>
-Hét nap d.o.o (LLC) (1 weekly newspaper)	<b>26,262,000.00</b>
-Hlas ljudu (1 weekly and 2 youth/children newspapers)	<b>33,930,000.00</b>
-Libertatea (1 weekly and 2 youth/children newspapers)	<b>33,498,000.00</b>
-Hrvatska riječ (1 weekly and 2 youth/children newspapers)	<b>32,670,000.00</b>
-Ruske slovo (1 weekly and 2 youth/children newspapers)	<b>31,086,000.00</b>
-Bunjevače novine (1 monthly and 1 youth/children newspaper)	<b>8,248,800.00</b>
-Makedonski informatni centar d.o.o. (LLC) (1 monthly newspaper)	<b>5,139,000.00</b>
-Ridne slovo (1 monthly and 1 youth/children newspaper)	<b>4,051,560.00</b>
<b>Total</b>	<b>RSD 264,805,000.00</b>

Out of the funds appropriated for 2017, in the period from 1 January to 26 June 2017, the publishers and/or newspapers owned by national councils of national minorities received the monthly subsidy for the period January – September in the amount of RSD 198,603,720.00. 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 realized 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, 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 9<sup>th</sup> 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.

## **2017**

In the second quarter of 2017 implementation of the **Memorandum on Cooperation in the Field of Publishing Textbooks in National Minorities' languages** was agreed, according to the agreed deadlines. In accordance with the deadlines defined by the **Memorandums**, until the end of June 2017 the following was realised:

- **for the Albanian national minority**

Realisation of publication of textbooks in the Albanian language Was not initiated. The cease occurred due to the untimely delivery of the names of translators and editors for the Albanian language by the National Council of the Albanian National Minority. The MESTD is currently working on overcoming this issue by establishing bilateral cooperation with the origin country, along with consultations with the National Council of the Albanian National Minority.

- **For the Bosniak national minority**

The total of 12 school textbooks was rejected by the Ministry of Education, since they were given a negative expert opinion of the Institute for the Improvement of Education and they are currently in the procedure of adjustment in order to be sent for re-evaluation for obtaining approval; one textbook was printed, and in terms of one textbook, the manuscript has not been submitted.

- **for the Bulgarian national minority**

The total of 10 textbooks was printed, and 1 is in the procedure of obtaining approval by the Ministry of Education.

- **for the Hungarian national minority**

The total of 2 textbooks was printed, 2 are in the procedure of obtaining approval by the Ministry of Education, 1 manuscript is being prepared to be sent for approval and in terms of 2 textbooks manuscripts have not been submitted yet.

- **for the Romanian national minority**

All 6 textbooks were printed.

- **for the Ruthenian national minority**

The textbook was printed.

- **for the Slovak national minority**

Two textbooks were printed.

- **for the Croatian national minority**

The total of 12 textbooks was printed, and 4 are in the process of obtaining approval by the Ministry of Education.

**TABLE OVERVIEW OF TEXTBOOKS REALISATION REFERRED TO IN THE MEMORANDUM**

National minority	No of textbooks agreed by the Memorandum	Printed	In the process of obtaining approval by the MESTD	Being prepared for obtaining approval	Not submitted
<b>Albanian</b>	<b>43</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>43</b>
<b>Bosniak</b>	<b>14</b>	<b>1</b>	<b>0</b>	<b>12 (for re-evaluation)</b>	<b>1</b>
<b>Bulgarian</b>	<b>11</b>	<b>10</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>Hungarian</b>	<b>7</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>2</b>
<b>Romanian</b>	<b>6</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Ruthenian</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Slovak</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Croatian</b>	<b>16</b>	<b>12</b>	<b>4</b>	<b>0</b>	<b>0</b>
<b>TOTAL</b>	<b>100</b>	<b>34</b>	<b>7</b>	<b>13</b>	<b>46</b>

In terms of textbooks whose realisation is planned for the school year 2017/2018, **Memorandum Annexes** on cooperation in the field of textbook publishing (23<sup>rd</sup> December 2016) among the MESTD, Institute for Textbooks and National Councils of National Minorities (Bosniak, Bulgarian, Hungarian, Romanian, Ruthenian, Slovak and Croatian).

In accordance with the deadlines defined by the Annexes to the Memorandum, the following was realised by the end of June 2017:

- All national councils delivered names of translators and editors and contracts were signed with them with defined deadlines, in accordance with the Annexes to the Memorandum. Work on majority of titles was initiated and the textbook manuscripts have been received for further preparation for obtaining approval by the MESTD, in entirety in line with the deadlines defined by the Annexes to the Memorandum and contracts with the authors.
- According to the national minorities, the realisation status in the second quarter of 2017 is the following:

- **for the Bosniak national minority**

The total of 11 textbooks is in the process of obtaining approval at the IIE, 10 textbooks are being prepared for obtaining approval, and in terms of 8 CDs, the manuscripts were not submitted (they are waiting for the approval of textbooks since they are the additional material for the textbooks).

- **for the Bulgarian national minority**

Two textbooks are in the process of obtaining approval at the IIE, whereas 10 textbooks are being prepared for obtaining approval.

- **for the Hungarian national minority**

Manuscripts were not submitted for 3 textbooks.

- **for the Romanian national minority**

Manuscripts were not submitted for 3 textbooks.

- **for the Ruthenian national minority**

One textbook is in the process of obtaining approval, 1 textbook is being prepared for obtaining approval, and manuscripts were not submitted for 3 textbooks or CDs.

- **for the Slovak national minority**

Four textbooks are in the process of obtaining approval, 1 textbook is being prepared for obtaining approval, and manuscripts were not submitted for 12 textbooks or CDs.

- **for the Croatian national minority**

Five textbooks are in the process of obtaining approval, 3 textbooks are being prepared for obtaining approval, and manuscripts were not submitted for 10 textbooks.

**TABLE OVERVIEW OF TEXTBOOKS REALISATION REFERRED TO IN THE MEMORANDUM ANNEX**

National minority	No of textbooks and CDs per Annex	In the process of obtaining approval by the MESTD	Being prepared for obtaining approval	Not submitted manuscript
<b>Bosniak</b>	<b>29 (8 CDs out of the total number)</b>	<b>11</b>	<b>10</b>	<b>8</b>
<b>Bulgarian</b>	<b>12</b>	<b>2</b>	<b>10</b>	<b>0</b>
<b>Hungarian</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>
<b>Romanian</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>5</b>
<b>Ruthenian</b>	<b>5 (1 CD out of the total number)</b>	<b>1</b>	<b>1</b>	<b>3</b>



<b>Slovak</b>	<b>17 (10 CDs out of the total number)</b>	<b>4</b>	<b>1</b>	<b>12</b>
<b>Croatian</b>	<b>18</b>	<b>5</b>	<b>3</b>	<b>10</b>
<b>TOTAL</b>	<b>89</b>	<b>23</b>	<b>25</b>	<b>41</b>

Aside from the fact that national minorities are fully provided with lessons in their native language, the Institute for Textbooks also publishes textbooks for members of national minorities attending classes in the Serbian language but who have the course **Native language with the elements of the national culture** in their curricula.

- Regarding the **Macedonian language with the elements of the national culture**, so far, textbooks have been printed for the first (2014) and second grade (2015), funded by the resources of the Institute for Textbooks. The textbook for the third grade is currently in the procedure of obtaining approval by the Ministry of Education.
- Regarding the **Vlach speech with the elements of the national culture**, so far, the textbook for the first grade has been printed (2014), funded with the resources of the National Council Vlach. As for the second grade, the textbook manuscript is being prepared for obtaining approval by the Ministry of Education.
- Regarding the **Bunjevac speech with the elements of the national culture**, readers for the first and the second grades have been published so far (2014) and the grammars for the first four grades (2014). Additionally, a free handbook for teachers of this subject in the first and second grade of primary education has been provided on the website of the Institute for Textbooks. Readers for the third and fourth grades is being prepared for obtaining approval by the Ministry of Education.
- Regarding the **Roma language with the elements of the national culture**, there is an ongoing development of four textbooks for the first four grades of primary education, of which two are being prepared for obtaining approval by the Ministry of Education, and the funds have been allocated on the tender of the Centre for Education of Roma People and Ethnic Communities.
- Regarding the **Czech language with the elements of the national culture**, the textbook for the first grade has been published so far (2012), funded by the resources of the Czech National Council, and there is an ongoing preparation for obtaining approval for the textbook for the second grade or primary education.

Based on the submitted requests, the Provincial Secretariat for Education, Regulations, Administration and National Minorities – Communities passed decisions in the reporting period on the approving three textbooks written in minority languages (Workbook with the Reader in Hungarian for the sixth grade of primary education, textbook for *Art Culture* in Croatian for the first and second grades of primary education). In terms of 14 textbooks for primary education, written in minority languages, there is an ongoing procedure for providing approval for use (this

concerns seven textbooks in the Croatian language, three textbooks in the Hungarian language, two textbooks in the Slovak language and one textbook in Macedonian and Ruthenian Languages).

### III quarter 2017

In the Catalogue of Textbooks for 2016/17, 2017/18 and 2018/19 there are 1521 textbooks in total available in the languages of national minorities for preschool, primary school, and secondary school education.

Textbooks available in the languages of national minorities for primary school according to the Catalogue of Textbooks for 2016/17, 2017/18 and 2018/19 (<http://www.mpn.gov.rs/wp-content/uploads/2016/05/katalogudzbenika.pdf>).

Language	Textbooks for preschool education	Textbooks for primary education	Textbooks for Elective Subject of Mother tongue/speech with the elements of national culture
Albanian language	3	79	
Bosniak language	12	85	
Bulgarian language		56	
Hungarian language	12	242	
Romanian language		169	
Ruthenian language		194	
Slovakian language		208	
Croatian language		116	
Macedonian language			1
Bunjevac speech			8
Vlach speech			1
Ukrainian language			28
Czech language			21
<b>TOTAL</b>	<b>27</b>	<b>1149</b>	<b>59</b>

### **Textbooks available in the languages of the national minorities for secondary school according to the Textbook Catalogue**

Language	Textbooks for secondary education
Albanian language	0
Bosniak language	18
Bulgarian language	39
Hungarian language	58
Romanian language	34
Ruthenian language	43
Slovakian language	64
Croatian language	30
<b>TOTAL</b>	<b>286</b>

Realisation of the Memorandum and Annex on cooperation in the field of publishing the missing textbooks in the language and writing of the national minorities, signed by the Ministry of Education, Science, and Technological Development, Institute of Textbooks and 8 national councils of: Bosniak, Slovakian, Croatian, Bulgarian, Hungarian, Romanian, Ruthenian and Albanian national minority, is continued.

With the aim to have the most efficient realisation of the Memorandum of Cooperation in the field of publishing the missing textbooks in Bosniak language and writing, Ministry of Education, Science, and Technological Development has signed with the National Council of Bosniak national minority and the Institute of Textbooks the additional Annex 2 to the existing Memorandum and Annex 1, which facilitates the procedure of approval of supplements to textbooks with the topics of importance for the national minority. The Memorandum plans 8 unified supplements, which could not be printed in the past, since they did not receive the approval by the MESTD since they did not meet the textbook quality standards. By signing the Annex 2 to this Memorandum, we received 24 independent supplements to textbooks in Bosniak language for primary schools, out of which 4 supplements – 3 for Musical Education (for 1<sup>st</sup> and 2<sup>nd</sup> grade and 4<sup>th</sup> grade) and one supplement for Nature and Society for 3<sup>rd</sup> grade of primary school, immediately entered the process of printing. Other supplements were submitted to the MESTD for repeated approval by accelerated procedure, as independent supplements, which will accelerate the process of printing.

National Minority	Number of textbooks in line with the Memorandum (Annex 1 + Annex 2 – Bosniak language)	Printed	Approved, in the process of printing	In the process of approval	In the process of preparation for approval	Not submitted
Albanian	43	0	0	0	0	43
Bosniak	57 (out of which 8 CDs)	1	7	37	3 (for repeated evaluation, out of which 1 negative opinion of the National Council)	9 (out of which 8 CDs)
Bulgarian	23	10	0	13	0	0
Hungarian	10	3	1	0	2	4
Romanian	11	6	0	1	0	4 (waiting for curriculum)
Ruthenian	6 (out of which 1 CD)	1	0	4	1	0
Slovakian	19 (out of which 10 CDs)	3	0	3	1	12 (out of which 9

		(out of which 1 CD)				CDs)
<b>Croatian</b>	<b>34</b>	<b>21</b>	2	3	3	5 (out of which 4 are waiting for curriculum)
<b>TOTAL</b>	<b>203</b>	<b>45</b>	10	61	10	77

Pursuant to Article 39, paragraph 1, paragraph 2, and paragraph 6, in relation to Article 20, paragraph 14 of the Law on Textbooks (“Official Gazette of RS”, number 68/2015) the Pedagogical Institute of Vojvodina, in the period July-September 2017, gave the following expert opinions:

1. Expert opinion on the manuscript of the translation of the textbook Art Culture for the sixth grade of primary school in Croatian, by the author Kosta Bogdanović and Dr Rajka Bošković, submitted to the Provincial Secretariat for Education, Regulations, Administration and National Minorities – National Communities, on 17<sup>th</sup> September 2017;
2. Expert opinion on the manuscript of the translation of the textbook Art Culture for the seventh grade of primary school in Croatian, by the author Kosta Bogradnović and Rajka Bošković, submitted to the Provincial Secretariat for Education, Regulations, Administration and National Minorities – National Communities, on 17<sup>th</sup> September 2017;
3. Expert opinion on the manuscript of the translation of the textbook Art Culture for the fifth grade of primary school in Croatian, by the author Kosta Bogdanović and Dr Rajka Bošković, submitted to the Provincial Secretariat for Education, Regulations, Administration and National Minorities – National Communities, on 31<sup>st</sup> August 2017;
4. Expert opinion on the manuscript of the translation of the textbook Art Culture for the fifth grade of primary school in Croatian, by the author Kosta Bogdanović and Dr Rajka Bošković, submitted to the Provincial Secretariat for Education, Regulations, Administration and National Minorities – National Communities, on 31st August 2017;

Pursuant to Article 29, paragraph 1, item 1 and paragraph 3 of the Law on Textbooks (“Official Gazette of RS”, no 68/2015), the Pedagogical Institute of Vojvodina, in the period July-September, gave the following expert evaluation:

1. Expert evaluation of the manuscript – SUPPLEMENT FROM THE NATIONAL HISTORY OF SLOVAKS to the textbook HISTORY for the sixth grade of primary school, by the author G.G. Červení, submitted to the Provincial Secretariat for Education, Regulations, Administration and National Minorities – National Communities on 30<sup>th</sup> August 2017;
- 1) Expert evaluation of the manuscript of the textbook CHECH LANGUAGE WITH THE ELEMENTS OF THE NATIONAL CULTURE, for the second grade of primary school, in Czech language, by the author Valenina Simidžija Hoc and Tereza Stamenković, submitted to the Provincial Secretariat for Education, Regulations, Administration and National Minorities – National Communities on 26<sup>th</sup> July 2017;

- 2) Expert evaluation of the other teaching material – audio recording, i.e. CD with the textbook MUSICAL CULTURE for the third grade of primary school in Slovakian, by the authors Dr Jurij Sudi and Marjena Stanković-Krivak, submitted to the Provincial Secretariat for Education, Regulations, Administration and National Minorities – National Communities on 7<sup>th</sup> July 2017;
- 3) Expert evaluation of the manuscript of the textbook NOURISHING THE MOTHER TONGUE WITH THE ELEMENTS OF THE NATIONAL CULTURE, for the fourth grade of primary school, in Hungarian, by the author Eržebet Rokvić and Aranka Horvat submitted on 7<sup>th</sup> July 2017;
- 4) Expert evaluation of the manuscript of the textbook Glazbena škrinjica, Musical Education for the eighth grade of primary school, in Croatian, by the authors Mira Temunović, Vojislav Temunović, Tamara Štricki Seg and Margareta Uršal on 19<sup>th</sup> September 2017; and
- 5) Expert evaluation of the quality of the manuscript WORLD AROUND US 1 AND 2 – National supplement for the World Around Us for the 2<sup>st</sup> and 2<sup>nd</sup> grade of primary school in Croatian, by the authors Verica Farkaš and Margareta Uršal, submitted on 19<sup>th</sup> September 2017.

Pursuant to Article 22, paragraph 4 of the Law on Textbooks (*“Official Gazette of RS”, no 68/2015*), the Pedagogical Institute of Vojvodina returned to the Provincial Secretariat for Education, Regulations, Administration and National Minorities – National Communities, for additional correction the following:

- 1) Proposal for additional correction of the manuscript of the textbook READER for the first grade of primary school, in Slovakian, by the author Miluška Anušiakova Majerova, submitted on 30<sup>th</sup> August 2017.

Pedagogical Institute of Vojvodina, in line with its authority referred to in Article 166, paragraph 3, in relation to Article 22, paragraph 2, item 1, sub-item 1 of the Law on the Foundations of the Education System (*“Official Gazette of RS”, no 72/2009, 52/2011, 55/2013, 35/2015-authentic interpretation, 68/2015 and 62/2016-CC decision*) and Article 8, paragraph 2, item 20 of the Statute of the Pedagogical Institute of Vojvodina, submitted to the Provincial Secretariat for Education, Regulations, Administration and National Minorities – National Communities:

- 1) Proposal with expert opinion on proposed text of the Rulebook on General Standards of Achievements for the end of primary education regarding a foreign language, i.e. General Standards of Achievements for the end of primary education regarding a foreign language.

In this reporting period, the Provincial Secretariat for Education, Regulations, Administration and National Minorities – National Communities, based on the submitted applications, made the decision on approval of 10 textbooks in total written in minority languages (five textbooks in Croatian, two in Slovakian and one in Hungarian, one in Czech and one in Macedonian). For 12 textbooks, written in minority languages, for primary school, the procedure of granting approval is ongoing (four textbooks in Ruthenian, and two in Croatian and two in Roma, and two in Bunjevac speech, and one in Romanian and one in Slovakian). Also, a request was submitted to

approval of import of three textbooks from the origin country (Republic of Slovakia) for secondary vocational school, area of work – hospitality).

**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. Working Group was established in May 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. The Working group was formed within the project “Support to the Implementation of the Regulation in the field of anti-discrimination in education” (July 2016 – December 2017) actively works on the improvement of the legal regulation in the field of identification of and reaction to discrimination in educational institutions. Since the previous Law on Fundamentals of the Education System (*Official Gazette of RS*, no 72/2009, 52/2011, 55/2013, 35/2015 – authentic interpretation 68/2015 and 62/2016 – CC decision) defined the bylaw regulating the identification, but not the reaction to the cases of discrimination in educational institutions. The Working group worked on the amendments to this Law with the aim to have a clearer definition of the procedures for reaction to discrimination. The result is reflected in the amendments to the new Law on Fundamentals of the Education System, adopted in late September 2017. Under these circumstances in which the field of discrimination is additionally and more clearly defined, the Working group has decided to work on a new document, apart from the existing Rulebook on closer criteria for identification of forms of discrimination by employees, children, pupils or third persons in educational institutions (*adopted in February 2016 – “Official Gazette of RS”, number 22/16*). The new Rulebook which is being created, will contain the mechanisms for identification and for reaction to discrimination in educational institutions, as well as the levels of discrimination and steps in taking actions. This solution will significantly improve the system of action for anti-discrimination in the education system. The issue of segregation and measures for desegregation will be an integral part of the new bylaw.

**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.** Provincial Secretariat for Education, Regulations, Administration and National Minorities – Communities actively participates in the activities of the Task Force for developing the programme and outcomes of the school subject *Serbian language as a second language*, as well as the activities organised within this context (representatives of the Secretariat were present during the schools visits in Vojvodina in the period from 31<sup>st</sup> May – 2<sup>nd</sup> June 6 2017, where the course Serbian language as a second language is organized

A working group established by the Institute for the Improvement of Education, with the support of the OSCE Mission to Serbia, proposed a new outcome and teaching content for *Serbian as a Non-Mother Tongue* (for a complete pre university education), adapted to the needs of students belonging to different national communities who possess different levels of knowledge of Serbian language. The **draft of a new Teaching Programme** was made in two formats (A and B). Programme B is intended for students whose mother tongue belongs to a group of Slavic languages (or live in multinational settlements), and program A is intended for students whose mother tongue belongs to non-Slavic languages and they reside in homogeneous settlements and have no contact with the Serbian language. It is planned for the document to be presented to the Hungarian, Bosniak, Albanian, Slovak, Ruthenian, Bulgarian, Romanian and Croatian communities, and to finalise the proposal only after the reception of comments. Also, intercultural patterns are carefully introduced into the goals and outcomes of the subject.

Within the framework of the project of the Council of Europe and the European Union “The Horizontal Facility“ that supports South East Europe and Turkey in meeting European standards, as well as the approximation to EU legislation within the enlargement process - *Strengthening the Protection of National Minorities in Serbia* is currently underway. Activity will focus, among other things, on **strengthening education in minority languages**. Selection of publishers (PE Institute for Textbooks and Teaching Aids and Klett) whose textbooks will be analysed was performed. Curricula for subjects were also selected:

- Serbian Language and Literature: for the 1<sup>st</sup>-8<sup>th</sup> grades of primary school and for the 1<sup>st</sup>-4<sup>th</sup> grades of grammar school;
- History: for the 7<sup>th</sup>-8<sup>th</sup> grades of primary school and for the 3<sup>rd</sup>-4<sup>th</sup> grades of grammar school and other high schools;
- World Around Us: for the 1<sup>st</sup>- 2<sup>nd</sup> grades of primary school;
- Geography for the 6<sup>th</sup>-8<sup>th</sup> grades of primary school and for 2<sup>nd</sup>- 4<sup>th</sup> grades of grammar school;
- Nature and Society: for the 3<sup>rd</sup>-4<sup>th</sup> grades of primary school;
- Art: for the 1<sup>st</sup> – 8<sup>th</sup> grades of primary school and for the 1<sup>st</sup>-4<sup>th</sup> grades of grammar school;
- Music: for the 1<sup>st</sup> -8<sup>th</sup> grade of primary school and for the 1<sup>st</sup> -4<sup>th</sup> grades of grammar school.
- Sociology: for the 4<sup>th</sup> grades of grammar school;
- The Constitution and the Rights of Citizens: for the 4<sup>th</sup> grade of grammar school.

This subjects shall be analysed.

**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.

## **2017**

In this reporting period, the Provincial Secretariat for Education, Regulations, Administration and National Minorities – Communities passed the decisions on approving three textbooks (Workbook with the Reader in Hungarian for the sixth grade of primary education, textbook for *Art Culture* in Croatian for the first and second grades of primary education).

In terms of 14 textbooks for primary education, written in minority languages, there is an ongoing procedure for providing approval for use (this concerns seven textbooks in the Croatian language, three textbooks in the Hungarian language, two textbooks in the Slovak language and one textbook in Macedonian and Ruthenian Languages).

Decisions on the approval of textbooks publishing in national minorities' languages were issued, in terms of which the publishers delivered requests for approval in the last quarter of 2016, being the following:

- 1) in Bosnian - 7 textbooks;
- 2) in Bulgarian - 4 textbooks;
- 3) in Hungarian - 4 textbooks;
- 4) in Croatian – 6 textbooks;
- 5) in Romanian - 3 textbooks.

The total of 24 textbooks was approved – for primary education. Decisions for the Serbian as a second language were issued – for secondary schools (grammar schools and vocational secondary schools) – 3 (three) textbooks in total.

**IIE (3YOB): There were no activities in the given period related to improving the quality of the content of textbooks, curricula as well as other teaching resources.**

After the training related to preparing curricula for the course *mother tongue* for the fifth grade of primary school, with the focus on outcomes and harmonisation with the standards of achievement, at the beginning of May 2017, National Councils of National Minorities sent prepared programmes addressed for the Ministry of Education, Science and Technological Development and for the National Educational Council.

## **III quarter of 2017**

Inspection of the following textbooks is underway in the IIE:

Translated from Bulgarian:

1. Chemistry, for the 7<sup>th</sup> grade
2. History, for the 7<sup>th</sup> grade
3. Maths, for the 8<sup>th</sup> grade
4. Geography, for the 7<sup>th</sup> grade
5. History, for the 8<sup>th</sup> grade
6. Geography, for the 8<sup>th</sup> grade
7. Maths, for the 7<sup>th</sup> grade
8. Physics, for the 8<sup>th</sup> grade
9. Biology, for the 6<sup>th</sup> grade

Translated from Albanian:

1. „Happy Kindergarten“, additional teaching aid for preschoolers

Copyright textbooks:

1. Bosnian Language with Elements of National Culture, for the 1<sup>st</sup> grade
2. Bosnian Language with Elements of National Culture, for the 7<sup>th</sup> grade
3. Bosnian Language with Elements of National Culture, for the 6<sup>th</sup> grade
4. Bosnian Language with Elements of National Culture, for the 4<sup>th</sup> grade
5. Bosnian Language with Elements of National Culture, for the 5<sup>th</sup> grade
6. Bosnian Language with Elements of National Culture, for the 2<sup>nd</sup> grade
7. Reader in Bosnian, for the 4<sup>th</sup> grade
8. Reader in Bosnian, for the 8<sup>th</sup> grade
9. Bosnian Grammar, for the 4<sup>th</sup> grade
10. Workbook for the Bosnian Language, for the 4<sup>th</sup> grade
11. Workbook for the Bosnian Language, for the 3<sup>rd</sup> grade
12. Workbook for the Bosnian Language, for the 5<sup>th</sup> grade
13. Workbook for the Bosnian Language, for the 3<sup>rd</sup> grade

14. Workbook for the Bosnian Language, for the 2<sup>nd</sup> grade
15. Workbook for the Bosnian Language, for the 1<sup>st</sup> grade
16. Nature and Science in Bosnian, for the 4<sup>th</sup> grade
17. Letter book in Bosnian, for the 1<sup>st</sup> grade

**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. **According to the report for II quarter of 2017**, at the session of the Council for National Minorities, which was held on 23 May 2017, the Proposed Programme for allocation of funds from the Budget Fund for National Minorities was unanimously adopted, which stipulates that all the funds from this Fund for 2017 will be allocated for the priority area - the provision of information in the languages of national minorities. In line with this, there are no possibilities to finance this activity. (Reference: measure 3.8.1.4).

### **Reports of the Secretariat of Autonomous Province of Vojvodina for education, regulations, administration and national minorities – ethnic communities**

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.

Call for proposals for funding and co-funding of activities, programmes and projects of national councils of national minorities in the field of primary and secondary education in the territory of the APV in **2017** was open from 2<sup>nd</sup> august to 21<sup>st</sup> august 2017. The funds were allocated to 5 national minority councils and the contracts were signed. The disbursement of allocated funds is planned for the 4th quarter of 2017.

The call will be for funding and co-funding of activities, programmes 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. Eligible participants are registered national councils of national minorities based in the territory of. The amount of the call will be 1,575,000.00 rsd (primary education 1.105,000.00 rsd / secondary education 470,000.00 rsd).

**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
<b>203 participants</b>				

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, Bosniak 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 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.

**The Rulebook on the General Standards of Achievement was passed regarding the subject Serbian as the second language for the end of the first and second cycles of obligatory**



**education, general secondary education and basic adult education** (“*Official Gazette of the RS*“, No 55/17). General Standards of Achievements were published in the Rulebook on the General Standards of Achievement regarding the subject *Serbian as the second language* for the end of the first and second cycles of obligatory education, general secondary education and basic adult education „*Official Gazette of the RS*“, No 55/17 as of 2<sup>nd</sup> June 2017, with the entry into force of this Rulebook on 10<sup>th</sup> June 2017. Activities concerning handbooks printing and teacher training preparation have been started, which shall be realised in the forthcoming period.

Realisation of the project *Development of Standards of Achievement for Students regarding the Subject ‘Mother Tongue’ at the End of Secondary Education* have been initiated. Students attending classes in their mother tongue are entitled to sit for the matura exam in their mother tongue, according to the Article 9 of the Law on the Foundations of the Education System (*Official Gazette of the RS*, No 72/2009, 52/2011, 55/2013, 35/2015). For this reason, it is required to develop standards of achievement for students regarding their mother tongue by the end of the secondary education. Languages in which students attend classes are the following: Hungarian, Albanian, Romanian, Slovak, Croatian, Ruthenian, Bulgarian and Bosnian, and therefore, there are going to be developed standards for these subjects for the end of secondary education.

In cooperation with the Pedagogical Institute of Vojvodina, the Institute for Education Quality Evaluation formed eight Task Forces, for each of the languages in which lectures are provided, which are going to develop standards for native languages required to be achieved by the end of secondary education. Task Force members were proposed by the representatives of national councils of national minorities and certain faculty departments based on the criteria defined by the Institute. Task Forces started with their work and held the first meeting on 29<sup>th</sup> May 2017 at the Institute for Education Quality Evaluation.

Provincial Secretariat for Education, Regulations, Administration and National Minorities – Communities actively participates in the activities of the Task Force for developing the programme and outcomes of the school subject *Serbian language as the second language*, as well as the activities organised within this context (representatives of the Secretariat were present during the schools visits in Vojvodina where the course *Serbian language as the second language* is organised in the period from 31<sup>st</sup> May – 2<sup>nd</sup> June 6 2017).

During the school year 2016/2017, six assistants were engaged in the municipalities of Preševo and Bujanovac – in four primary schools (*Ibrahim Keljendi, Seljami Halači, Muhare Kadriu and Naim Frašeri*) for teaching the subject *Serbian language as the second language*. During the realisation of the school subject *Serbian language as the second language*, teacher and an assistant were involved in lessons presentations. At the beginning of May 2017, pupils of the aforementioned schools were tested with the aim of checking their achievements. The results were obtained, however, the TF meeting is expected so that the test authors would present the results, compare them against the result from the previous year which should serve as the ground for preparing a new project.

A teacher's handbook entitled *General Achievement Standards for the Subject Serbian as a Non-Mother Tongue for the End of the First and Second Cycle of Compulsory Education, General Secondary Education and Elementary Education for Adults* was written and printed. The handbook is available for download at <http://www.osce.org/mission-to-serbia/332536>, and printed handbooks will be distributed to teachers during training. A draft training programme was prepared and sent to the Ministry of Education, Science and Technological Development in order to receive the status of training of public importance.

A training plan that will include teachers, who teach Serbian as a non-mother tongue to students attending classes in Albanian or Hungarian, in 2017 has been prepared, for other teacher trainings will be organised in 2018.

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**Training plan for teachers on Standards for the Subject Serbian as a Non-Mother Tongue working with students who attend classes in Hungarian or Albanian.**

<b>Nov 4th, 2017</b>	<b>Subotica</b> - training for two groups of teachers from Subotica, Sombor, Novi Sad, Bečej and Srbobran.
<b>Nov 11th 2017</b>	<b>Kanjiža</b> – Training for one group of teachers from Kanjiža, Ada and Senta.
<b>Nov 18, 2017</b>	<b>Bujanovac</b> – training for two groups of teachers from Bujanovac, Preševo and Medveđa.
<b>Nov 19, 2017</b>	<b>Preševo</b> – One group of teachers

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Working groups for the development of Standards for Mother Tongues for the End of the First and Second Cycle of Compulsory Education, General Secondary Education and Elementary Education for Adults continue to work according to the planned dynamics.

A working group established by the Institute for the Advancement of Education, with the support of the OSCE Mission to Serbia, proposed a new outcome and teaching content for *Serbian as a Non-Mother Tongue* (for a complete pre university education), adapted to the needs of students belonging to different national communities who possess different levels of knowledge of Serbian language. The draft of a new Teaching Programme was made in two formats (A and B). Programme B is intended for students whose mother tongue belongs to a group of Slavic languages (or live in multinational settlements), and program A is intended for students whose mother tongue belongs to non-Slavic languages and they reside in homogeneous settlements and have no contact with the Serbian language. It is planned for the document to be presented to the Hungarian,

Bosnian, Albanian, Slovak, Ruthenian, Bulgarian, Romanian and Croatian communities, and to finalise the proposal only after the reception of comments. Also, intercultural patterns are carefully introduced into the goals and outcomes of the subject.

### **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.

From July to September 2017, the Pedagogical Institute of Vojvodina, in accordance with the Law on the Education System Foundations ("Official Gazette of the Republic of Serbia" No. 72/2009, 52/2011, 55/2013, 35/2015-authentic interpretation, 68/2015 and 62 / 2016- decision of the CC), checked realisation of 12 programmes of continuous professional development of teachers, educators and professional associates for 392 participants:

Name of the programme for professional development of teachers, educators and professional associates for school years 2016/17 and 2017/18	Catalogue number	Number of participants	Place	Language of instruction
<i>Training of teachers to use interactive white boards</i>	870	28	Subotica	Hungarian
<i>Summer Academy - education of teachers in Hungarian</i>	861	176	Subotica	Hungarian
<i>Contribution to the promotion of scientific literacy in education through simple practical examples and tests</i>	844	18	Novi Sad	Hungarian
<i>Socialisation of young people - training of teachers and classteachers in the Hungarian language</i>	935	22	Novi Sad	Hungarian
<i>History of Hungarology</i>	855	15	Novi Sad	Hungarian
<i>Professional development of professors and classteachers in the area of natural sciences "Get to know in order to show!"</i>	881	17	Novi Sad	Hungarian

<i>Motivation for learning in students from various marginalised groups</i>	893	17	Novi Sad	Hungarian
<i>Possibilities for using web 2.0 tools in the classroom (google drive documents, presentations, wordpress web sites)</i>	863	10	Novi Sad	Hungarian
<i>Language experiments - heuristic methods in the teaching of the mother tongue</i>	856	9	Novi Sad	Hungarian
<i>How to get a successful textbook</i>	949	45	Bački Petrovac	Slovakian
<i>Nurturing national tradition in preschool education</i>	866	5	Skorenovac	Hungarian
<i>Five good steps to choosing a high school</i>	926	30	Hajdukovo	Hungarian

In the period July-September 2017, within the framework of competencies, the Pedagogical Institute of Vojvodina approved and followed one expert gathering-conference with a total of 90 participants in the Hungarian language with the aim of continuous professional training and acquiring the title of teachers, educators and professional associates.

Training was attended by preschool teachers (15), nurses-educators (17), classteachers (23), subject teachers (29) and professional associates (6).

<b>Conference</b>				
Name	Organiser	Place	Number of participants	Languages
School of a man with a mission	Pedagogical Institute of Vojvodina, Pro Porta Foundation, National Council of the Hungarian National Minority	Arač, Zrenjanin, Novi Sad, Petrovaradin, Đerdap, Beograd, Fruška Gora and Sremski Karlovci	90	Hungarian

**In the Catalogue** of Continuing Professional Development of Teachers, Educators and Professional Associates organised by IIE, there are two seminars that are not subject to the authority of the Pedagogical Institute of Vojvodina:

338 Go over..., Meet the speech and culture of Vlachs

339 Us and others

Name of the programme for professional development of teachers, educators and professional associates for school years 2016/17 and 2017/18	Catalogue number	Number of participants	Place	Language of instruction
1. <u>Go over... Meet the speech and culture of Vlachs</u>	338	23	Voluj	Vlach language
2. <i>Us and others</i>	339	17	Lajkovac	Serbian
		23	Bujanovac	
Seminars that are not found in the Catalogue				
3. <i>QualiRom – support to the education in the Roma language</i>	European Centre for Modern Languages Graz	24	Faculty of Philology Belgrade	English

QualiRom seminar - support to education in the Roma language was held in support of education in Roma language at the Faculty of Philology in Belgrade in September 2017.

In order to provide professional staff for teaching in the languages of national minorities, a working meeting was held with the representatives of the National Council for Higher Education, PhD Milan Jovanović, full time professor at the Faculty of Political Sciences, University of Belgrade and Vesna Kuntić, a member of the Commission for Accreditation and Quality Assurance. Further steps were taken in implementing this measure through a working meeting of all relevant parties. Several meetings were held with representatives of the National Council for Higher Education and the Commission for Accreditation and Quality Assurance. One of the proposed solutions is to encourage the mobility of students, future teachers, to faculties in the countries of national minorities, which is in line with the Education Strategy in the Republic of Serbia until 2020, which will speed up bilateral agreements. Amended standards for accreditation of study programs, adopted and published in the *Official Gazette* 88/17 of 29.09.2017 are in line with the encouragement of student mobility.

**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.** 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. In compliance with the Training Plan and Programme for 2017, on 24 March 2017, the first in a series of training courses in 2017 was provided within the area of „Protection of human rights and data confidentiality“, and the topic of the training is familiarization of trainees with the rights of the members of national minorities.

According to reports of the **Office for Human and 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. Within this project, the Office for Human and



Minority Rights is organizing a **national media campaign titled “Together, We are Serbia”**. The goal of the campaign is promotion of respect for diversity and raising awareness of the general public about the existence of national minorities. The campaign consists of a video clip which will be broadcast by the public broadcaster (RTS) and on social networks, a radio spot and a billboard, which will be located in Subotica, Novi Pazar, Novi Sad and Niš.

Within the framework of the IPA 2013 twinning project, an e-learning tool was designed and developed for local self-government units and the national councils of national minorities. The e-learning tool has been designed as a website-based platform which will feature educational video presentations and knowledge quizzes.

The e-learning tool comprises three modules, which cover the fundamentals of the Law on Discrimination, handling of complaints and prevention of discrimination and aims to raise awareness on discrimination, provide support in understanding and identifying discrimination and improving knowledge of the available anti-discrimination mechanisms.

To improve the quality of reporting on the implemented activities under the AP on minorities and to build the capacities of local self-government staff, the Office for Human and Minority Rights held the following training events:

- On 25 September in Niš, for the representatives of 12 local self-governments in Southern Serbia, in cooperation with the City of Niš, and
- On 27 September in Novi Sad, in cooperation with the Provincial Secretariat for Education, Administration and National Minorities/National Communities, for the representatives of 40 local self-governments in the Autonomous Province of Vojvodina.

### **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.** 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. In addition, during the visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on June 6, 2017 a meeting of the representatives of the Republic Public Prosecutor's Office with members of the committee was held.

In the process of drafting the Guidelines for the Prosecution of Hate Crimes, on June 15, 2017 a meeting of members of the Working Group was held with the representatives of civil society organizations. On that occasion, representatives of civil society presented their experiences in the field of hate crime and gave suggestions that would help in drafting the Guidelines. The members of the Working Group prepared the **Draft Guidelines - Handbook for the Prosecution of Hate Crimes**. During September members of the Working Group for the Development of Guidelines for Public Prosecutors for Prosecution of Hate Crimes had consultations with representatives of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) regarding the draft Guidelines. Work on the drafting the final text of the document is ongoing.

It should also be noted that a representative of the Republic Public Prosecutor's Office participated in the International Conference on Hate Crimes and Hate Speech, held on September 15, 2017 in Belgrade, where he had a presentation on the activities of the Public Prosecutor's Offices in the improvement of criminal prosecution of hate crimes.

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 participated 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.** 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 23<sup>rd</sup> 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. In line with transitional and final provisions of the Regulation, the stated provisions are to be implemented as of 1<sup>st</sup> of September 2017; therefore, the results shall be presented in reports in the upcoming period. **As of 1<sup>st</sup> of September 2017 is initiated implementation of the Regulation on work of the State Prosecutorial Council** (“Official gazette of the Republic of Serbia”, No. 29/17), and Article 59 and Article 60 of the Regulation, regulating more clearly 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.

**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.** During the I quarter of 2016, the State Prosecutorial Council representatives have held consultations with representatives of the Ministry of Justice, the High Judicial Council and the management of the IPA 2013 project “Capacity Building of the High Judicial Council and the State Prosecutorial Council” with reference to implementing activities within the AP 23 and the Action Plan for exercising rights of national minorities and agreed about the upcoming activities in the area. The Joint working group was established in May 2016.

On 20<sup>th</sup> of July 2016, at the session of a joint work group of the SPC and the HJC for estimating access of national minorities to the judicial system, institutions, objective, methodology and deadlines of work of the work group were determined.

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 SPC and the HJC: 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.

On 20<sup>th</sup> of July 2016, at the session of a joint work group institutions, objective, methodology and deadlines of work of the work group were determined.

Joint work group 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 HJC and the SPC”, held between 26<sup>th</sup> and 28<sup>th</sup> 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, along with the management of the IPA 2013 project “Capacity building of the HJC 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, related to access of national minorities to the judicial system.

During the first quarter of 2017 the Joint work group *drafted the Review of the joint work group of the SPC and HJC 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 SPC and the HJC, and submitted the abovementioned comments to competent public authorities, in the part related to their competence.

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 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 SPC and HJC on these comments. Moreover, on 17<sup>th</sup> of March 2017, a meeting was held between the State Prosecutorial Council representatives (members of the Joint work group and the abovementioned international experts, where issues relevant for conclusion of the expert report for evaluation of access of national minorities to the judicial system were discussed. 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 started the drafting of the final report on the work of this working group

**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 Judicial Council and the management of the IPA 2013 project “Capacity Building of the High Judicial Council and the State Prosecutorial Council” with reference to implementing activities within the AP 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 SPC and the HJC for estimation of access of national minorities to the judicial system, held on 20<sup>th</sup> of July 2016, representatives of the State Prosecutorial Council and the High Court Council held a preparatory meeting in August 2016 for organizing the 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 30<sup>th</sup> of September 2016.

On 30<sup>th</sup> of September 2016 representatives of the SPC and the HJC held a **joint workshop on access of national minorities to the legal aid**, where competent public institutions, national councils of national minorities, CSOs and international organizations participated. At this workshop, representatives of the joint work group presented the Analysis on language use in estimation of 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 the courts of the Republic of Serbia and the Analysis on representation and knowledge of languages of national minorities in the prosecution offices of the Republic of Serbia. 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 13<sup>th</sup> 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 HJC and the SPC”, organized a round table for adoption of final recommendations for the component 3 of the objective 1 of the IPA 2013 project, related to access of national minorities to the judicial system. At the round table, the **expert report on estimation of access of**

**national minorities to the judicial system**, drafted by the Spanish experts within the IPA 2013 project and representatives of the HJC and the SPC was presented to the participants of the round table – competent public institutions, national councils of national minorities, CSOs and international organizations.

**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.** 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, 5 training sessions were conducted, 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. An additional two-day advanced workshop for selected eight judges who passed the training program of trainers in this field was organized on June 7-8<sup>th</sup>, 2017 in Belgrade.

In the beginning of July 2017, a two-day round table was organized in Vršac on the harmonization of court practice in the area of non-discrimination for judges of appellate courts working in departments of court practice as well as those dealing with labor law. The roundtable was attended by judges of the Supreme Court of Cassation as speakers, which raised new controversial issues that required the judges to comply at their general sessions, as well as the representative of the Office of the Commissioner for the Protection of Equality. It was concluded that it would be desirable that such meetings be attended by the judges of the Constitutional Court as well.

At the beginning of July 2017, another three-day training of trainers at an advanced level was held for future lecturers of the Academy in the area of non-discrimination. Participants were presented



the latest practice of the European Court of Human Rights and the Court of Justice of the EU, as well as the latest trends in domestic case law

**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 co-financing 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.**

### **Reports of the Ministry of Public 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.

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. In II quarter of 2017, at the session of the Council for National Minorities, which was held on 23 May 2017, the Proposed Programme for allocation of funds from the Budget Fund for National Minorities was unanimously adopted, which stipulates that all the funds from this Fund for 2017 will be allocated for the priority area - the provision of information in the languages of national minorities. In line with this, there are no possibilities to finance this activity. (Reference: measure 3.8.1.4).

### **Reports of the Provincial Secretariat for Culture, Public Information and Relations with Religious Communities**

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 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 6<sup>th</sup> 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 10<sup>th</sup> February 2017 and last until 13<sup>th</sup> March 2017. The number of supported projects depends on the number of submitted projects. Within the Call for financing and co-financing programmes, projects, events, and festivals in the field of artistic creativity and applied art as well as amateur creativity in culture in AP Vojvodina in 2017, the project "Desire Central Station 2017" was supported, which was submitted by the beneficiary: Kosztolányi Dezső Theatre in Subotica. The project is planned to include performances in Serbian and Hungarian language, and the approved amount is 400,000.00 dinars.

### **Reports 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 for II 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 3<sup>rd</sup> 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. Results are published on the web-page of the Secretariat. The contracts have been concluded with the beneficiaries to which the funds were allocated, and as far as implementation of the specified call is concerned, until the end of the 2nd quarter of 2017, the amount of 4.446.167,00 rsd per call has been disbursed. 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. Until the 01.06.2017 the ½ of the amount has been disbursed.

**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.** The Draft Law Amending the Law on Local Self-government has been developed and the opinions from competent bodies have been obtained. The Draft Law was submitted to the Government for consideration and decision making.

**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.**

### **Reports of the Ministry of Public 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.

At the session of the Council for National Minorities, which was held on 23 May 2017, the **Proposed Programme for allocation of funds from the Budget Fund for National Minorities was unanimously adopted**, which stipulates that the provision of information in the languages of national minorities is the priority area in which programmes and projects shall be financed from the Budget Fund for National Minorities in 2017. The funds from the Budget Fund for National Minorities, in compliance with the Decree, will be allocated through a public competition, which shall be published by the Ministry of Government Administration and Local Self-government. The right to participate at the competition shall be given to the institutions, associations, foundations, companies, and other organizations, whose founders are national councils of national minorities and the civil society organizations registered in the relevant register, and the goals of which, according to the statutory provisions, are realized in the area of protection and improvement of the rights and the position of members of national minorities, which have the seats in the territory of the Republic of Serbia, as well as to endowments, foundations, and conferences of universities and/or academies of professional studies.

On the basis of the adopted Proposal of the National Minority Council, the Minister of Public Administration and Local Self-Government passed a **Programme for Allocation of Funds from the Budget Fund for National Minorities**, which provides for that the provision of information in the languages of national minorities is the priority area in which programmes and projects shall be funded from the Budget Fund for National Minorities in 2017. In accordance with Article 5 (4) of the Regulation on Allocation of Funds from the Budget Fund for National Minorities (“Official Gazette of RS”, no. 22/16) the Minister adopted an **Instruction on the manner of establishing the composition and the number of members of the Competition Commission, which shall manage the procedure for allocating the funds from the Budget Funds for National Minorities** (“Official Gazette of RS“, broj 74/17). In keeping with the mentioned documents, on 6 September 2017, the Minister passed a Decision establishing the Competition Commission, which shall manage the procedure for allocating the funds from the Budget Funds for National Minorities.

Pursuant to Article 3 of this Regulation, on 8 September 2017, the Minister passed a **Decision on launching the competition for allocation of funds from the Budget Fund for National Minorities**. After that, the Competition Commission held two sessions at which it defined additional criteria, more detail measures and the specific objective for the selection of programmes and projects in the competition for allocation of funds from the Budget Fund, with prior consultations with the National Councils of National Minorities, thus creating conditions for launching the competition. The Ministry of Public Administration and Local Self-Government on 20 September 2017 launched the competition for allocation of funds from the Budget Funds for National Minorities for the implementation of programmes and projects in the field of information in national minority languages, which has been published on the official website of the Ministry, the Office for Human and Minority Rights, the Office for Cooperation with the Civil Society and the e-Government Portal. The competition is open from 20 September to 20 October 2017. After 15 years, the procedure for allocating the funds from the Budget Fund for National Minorities has been formally and substantially initiated.

### **Reports of Secretariat of Autonomous Province of Vojvodina for education, regulations, administration and national minorities – ethnic communities**

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** was announced. Eligible participants were national councils of national minorities with the registered seat in the territory of the Vojvodina. Envisaged funds for allocation were 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 were 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 was 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. The contracts have been concluded with the beneficiaries to which the funds were allocated, and as far as implementation of the first call is concerned, until the end of the 3rd quarter of 2017, the amount of 12.436.700,00rsd per call has been disbursed. The second call for proposals to co-finance the projects aimed at preservation and fostering of the interethnic tolerance in Vojvodina in 2017 was announced. The second call was open from 7th to 28th august 2017. The decision on allocation of funds in total amount of **2.150.000,00** was made. The disbursement of allocated funds is planned for the 4th quarter of 2017.

**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 **Instruction 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** was prepared and submitted to the municipal and city administrations,.

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.**

**2015.**

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. This training was also held on 2<sup>nd</sup> December 2016. in Belgrade.

**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.** 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.** 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.** Up to now, a special working group for drafting of the text of the Draft Law Amending the Law on National Councils of National Minorities has held five meetings. The Ministry, in compliance with the OSCE suggestions, for the purpose of a more efficient work on the drafting of the text of the Draft Law, also organized four meetings with the members of the working group – representatives of the government bodies within the powers of which are the areas in which national councils exercise their powers. The special working group has prepared the text of the preliminary draft of this law. Within the Strengthening the Protection of National Minorities in Serbia Project – TAPA – the Joint Project of the European Union and the Council of Europe (Horizontal Facility for Western Balkans and Turkey), for the purpose of improvement of the legal framework related to national councils of national minorities, it has been planned to produce an expert opinion on the Draft Law Amending the Law on National Councils of National Minorities. After formation of the new Government on 29 June 2017, according to personal changes, the Minister of Public Administration and Local Self-Government passed a Decision establishing a new Working Group for the preparation of the Draft Law amending the Law on National Councils of National Minorities.

In the Reporting Period, the sixth meeting of the Separate Working Group was held, where among else, comments of the members of the Working Group were discussed regarding the First Draft Law, as well as the provisions pertaining to authorizations of the national councils in the field of culture and funding of the national councils.

**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.** Law on Employees in Autonomous Provinces and Local Self-Government Units was adopted on 3<sup>rd</sup> March 2016, and published in the "Official Gazette of the Republic of Serbia", No. 21/16. The Law came into force 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). 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 neighboring 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.

**Allocation of budget funds in the territory of Autonomous Province of Vojvodina**

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 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. The contracts have been concluded with the beneficiaries to which the funds were allocated, and as far as implementation of the specified call is concerned, until the end of the 3rd quarter of 2017, the amount of 7.488.000, 00 rsd has been disbursed.

### **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.**

## **2015.**

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.

## **2016.**

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 were 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, 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 held 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.

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>. 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.

## **2017.**

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.

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.

Support has continued to be provided to national councils of national minorities in realization of their competencies, and stable funding of their work has been ensured. On the basis of the Decree on distribution of the annual quota to national councils of national minorities, funds are transferred on a regular monthly basis in the amount of 1/12 of funds provided. In the second quarter of 2017, an amount of 57,398,232 RSD was paid for funding the work of national councils of national minorities.

The Office for Human and Minority Rights, in collaboration with the Twinning project from the IPA 2013 programme titled “Support to the advancement of human rights and zero tolerance to discrimination”, conducted trainings for representatives of national councils of national minorities on 5 and 6 April. The objective of the trainings was to familiarise the representatives of the national councils of national minorities with the principles of good governance, programme planning and financial reporting.

With the support of the Twinning project from the IPA 2013 programme titled “Support to the advancement of human rights and zero tolerance to discrimination”, the Office for Human and Minority Rights conducted trainings for contact persons for reporting from nine local self-government units (Pančevo, Novi Pazar, Požarevac, Priboj, Stara Pazova, Šid, Golubac, Kučevo and Lajkovac) on 20 and 21 June 2017, and a round table with civil society organizations which are members of the National Convention on the European Union for Chapter 23 was held on 22 June 2017. On that occasion, the methodology for preparation of reports on implementation of activities prescribed in the Action Plan for exercise of the rights of national minorities was presented, and the importance of the role of contact persons and civil society organizations in transmission of written contributions to the Office for Human and Minority Rights was highlighted. Materials for participants were tailored on the basis of experiences gained during the implementation of activities in previous reporting cycles.

The Office prepared and publicly presented the Third Report on implementation of the Action Plan for the exercise of the rights of national minorities. The presentation of the report, held on 8 June, was attended by representatives of public authorities, international organizations, civil society organizations, national councils of national minorities, as well as media representatives. The Third Report includes information on activities to be implemented in the first quarter of 2017, as well as activities with the status of continuous implementation. The report is available on the website of the Office, at: <http://www.ljudskaprava.gov.rs/sr/node/21794>

OHMR has continued supporting the national councils of national minorities in the execution of their powers and provided stable funding for their work. Pursuant to the Decision on the Allocation of the National Quota to the National Councils of National Minorities, monthly transfers of 1/12 of the total allocated funding are made on a regular basis. In Q3 2017, RSD 60,292,303 was paid in funding for the national councils of national minorities.

The Office prepared and publicly presented the Fourth Report on Implementation of the Action Plan for Exercising the Rights of National Minorities on 19 September of the current year. The Fourth Report includes information on the activities scheduled for execution in Q2 2017, as well as the activities which are implemented continually. Further improvements have been made to the reporting methodology in this cycle. The Report is available on the Office's website at <http://www.ljudskaprava.gov.rs/sr/node/21794>

**3.8.1.36. Reinstatement of 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. 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, adopted the Proposal of the Decision amending the Decision on establishing the Council for national minorities on 9 November 2016, 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.

The session of the Council for National Minorities was held on 23 May 2017. The session was chaired by the newly elected President Ana Brnabić, the Minister of Government Administration and Local Self-government. At the session, in compliance with the agenda, the representatives of the Government reported on the implemented and planned activities of the government bodies in the area of improvement and protection of minority rights, the Report on the Implementation of Activities from the Action Plan for Exercising of the Rights of National Minorities was presented, the Draft Law Amending the Law on Protection of Rights and Freedoms of National Minorities was reviewed, and the Proposed Programme for allocation of funds from the Budget Fund for National Minorities was unanimously adopted, which stipulates that the provision of information in the languages of national minorities is the priority area in which programmes and projects shall be financed from the Budget Fund for National Minorities in 2017.

Bearing in mind that after the elections there were personal changes in the convocation of the Government, on the Governmental session held on 17 August 2017, a Decision was passed on amending the Decision establishing the National Minority Council ("Official Gazette of the RS", number 78/17), nominating as Chair-Lady of the Council the newly elected Prime Minister, and the Deputy Chairman of the Council shall be the newly elected Minister of Public Administration and Local Self-Government. The session of the National Minority Council was held on 4 October 2017.

**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 being successfully implemented.** On 7 June 2017, at the Government session, the **Action Plan 2017-2018 was adopted for the implementation of the Strategy for the Social Inclusion of Roma in the Republic of Serbia for the period from 2016 to 2025.** The 1st meeting of the Coordination Body for Monitoring of the Implementation of the Strategy for Roma Inclusion in the Republic of Serbia, for the period from 2016 to 2025, presided by the President of the Coordination Body PhD Zorana Mihajlović, the Deputy Prime Minister and the Minister of Construction, Transport and Infrastructure. The meeting of the Coordination Body was attended by the representatives of all relevant institutions involved in the process of Roma inclusion. Key activities implemented in the course of 2016 were presented at the meeting, in the sector of education, housing, employment, social security and health. Inter alia, activities were performed to provide an overview of the situation and implement operational conclusions, in order that IV Seminar on the social inclusion of Roma could be successfully organized and realized. A conclusion was brought that all materials stemming from the work of the Coordination Body should be translated and published in English and Romani language.

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 meeting of the Professional Group of the Coordinating Body for Monitoring of the Implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia in the period 2016-2025 was held. The attendants at the meeting of the Professional Group of the Coordinating Body were informed of the current activities related with solving of the issues of the inhabitants of the settlement *Red Star* in Nis. In the previous period, Draft Agreement for solving of the housing needs of the inhabitants of the settlement *Red Star* in Nis was prepared and it will be concluded between the Government of the Republic of Serbia, City of Nis, Company American Investment Fund and a representative of the settlement.

The activities related with signing of the Agreement on cooperation between the citizens, the City of Nis and the investor have been initiated in order to solve the situation in the settlement *Red Star* in Nis and relocation in accordance with the provisions of the Law on Housing and Building Maintenance.

The negotiations between the representatives of the City of Nis, private investor and representatives of the Roma community continued in Nis on August 30, 2017 on the topic of improvement of living conditions of the Roma community in the settlement *Red Star*. The agreement was reached that the City of Nis would officially inform about the locations the stakeholders agreed on at the meeting.

Also, the meeting was held with the Ministry of Health and UNICEF in regards to preparation of the option analysis for systematization for engagement of health mediators. There is an ongoing process of establishing of the Working group for the needs of preparation of the analysis and discussion about this topic.

### **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.** The Strategy for social inclusion of Roma was adopted by the Government of the Republic of Serbia on 3rd of March 2016. 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).

The Action Plan for the implementation of the Strategy was developed with the participation of wide network of stakeholders (governmental institutions, civil society organizations and Roma community representatives). 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. Action Plan 2017-2018 was adopted for the implementation of the Strategy for the Social Inclusion of Roma in the Republic of Serbia for the period from 2016 to 2025 was adopted on 7 June 2017.

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.

On 5 June 2017, 1st meeting of the Coordination Body for Monitoring of the Implementation of the Strategy for Roma Inclusion in the Republic of Serbia, for the period from 2016 to 2025, presided by the President of the Coordination Body PhD Zorana Mihajlović, the Deputy Prime Minister and the Minister of Construction, Transport and Infrastructure. The meeting of the

Coordination Body was attended by the representatives of all relevant institutions involved in the process of Roma inclusion. Key activities implemented in the course of 2016 were presented at the meeting, in the sector of education, housing, employment, social security and health. Inter alia, activities were performed to provide an overview of the situation and implement operational conclusions, in order that IV Seminar on the social inclusion of Roma could be successfully organized and realized. A conclusion was brought that all materials stemming from the work of the Coordination Body should be translated and published in English and Romani language.

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.

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.

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 29<sup>th</sup> 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 26<sup>th</sup> 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 8<sup>th</sup> and 9<sup>th</sup> 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 12<sup>th</sup> and 13<sup>th</sup> 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.

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 20<sup>th</sup> and 21<sup>st</sup> 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.

The Office for Human and Minority Rights, together with the Social Inclusion and Poverty Reduction Team, has initiated the process of preparation of the second annual report on the application of the Operational Conclusions from the Seminar on Social Inclusion of Roma Men and Women in the Republic of Serbia. Reporting questionnaires, in accordance with the Operational Conclusions, include seven departments - interdepartmental issues, civil registration, education, health care, social security, housing and freedom of movement, and have been submitted to the addresses of 20 public authorities / institutions and independent public authorities. The report is being prepared.

The submission of questionnaires was preceded by an interdepartmental meeting, organized by the Office for Human and Minority Rights on 18 May 2017, concerning the drafting of the second report on the application of the Operational Conclusions which had been agreed between the Government of the Republic of Serbia and the European Commission in June 2015. For the purpose of drafting the report covering the period from July 2016 to May 2017, public authorities / institutions and independent bodies have submitted information within their competences, which will allow an insight into the application of the agreed conclusions.

A conference on the Study case of the settlement Crvena zvezda in Nis was held and demonstrated the importance of citizens participation in the process of resettlement.

During August last year, SIPRU provided mentoring support to local self-governments and civil society organizations in preparation of concepts for IPA 2013 program, open call for improvement of living conditions in Roma settlement. Out of 11 applicants that received mentoring support, 7 was selected for preparation of the full application. SIPRU supported these applicants in preparation of full applications during February. Out of 7, 3 applicants will receive the grants. Also, SIPRU supported in a similar way one civil society organization in preparing its application for the IPA 2013 program, lot 2 that had focus on employment.

In April 2017 during the 4th Stabilization and Association Committee, SIPRU presented recent development in social policy with focus on fight against unemployment and social exclusion. The report on implementation of Operational conclusions for the period from June 2016 to June 2017 is currently being finalized and will be shared with European commission. 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.

Expert mission on the implementation of the AP for PG 23, with special focus on Roma inclusion, took place from 10 to 14 July 2017. The meetings were held with the Expert mission on the topic of social inclusion of Roma in the Republic of Serbia. The experts had the opportunity to meet with all relevant ministries and institutions, as well as civil society organizations and target group through organized site visit. They were also informed of the work of the Coordinating Body for Monitoring of the Implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia, Action Plan for the sated Strategy, as well as application of the Action Plan for Negotiating Chapter 23 (“Judiciary and fundamental rights“) which includes the issues referred to in the Strategy and the Operational conclusions.

The meeting was held with the representatives of the Delegation of the European Union to the Republic of Serbia, for the purpose of consideration of the possibilities for financing of the project for permanent housing solution for the inhabitants of the settlement *Red Star* in Nis. In order to solve this very complex social situation, the Ministry of Construction, Transport and Infrastructure, with the support of the United Nations High Commissioner for Human Rights and the Team for Social Inclusion and Poverty Reduction of the Government of the Republic of Serbia initiated the actions in order to establish open and constructive dialogue and consultations between all stakeholders. The Ministry of Construction, Transport and Infrastructure addressed the Delegation of EU, through the Ministry of European Integration, with the written request to consider the possibility of using non-allocated funds for centralized implementation of this project or possible extension of AD for IPA 2017 by adding an additional activity which would refer to implementation of the relevant project.

The Office for Human and Minority Rights, in collaboration with the Social Inclusion and Poverty Reduction Unit, compiled the second annual report on the implementation of the Operational Conclusions of the Seminar on Social Inclusion of Roma Men and Women in the Republic of Serbia covering the period July 2016 – September 2017.

**Fourth Seminar on Social Inclusion of Roma Men and Women in the Republic of Serbia with the European Commission**, was held on 19 October 2017.

**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.

During the process of budgeting of the Action plan, SIPRU was in intensive contact with several donor representatives (UNICEF, GTZ, SDC etc.). The Action plan for the Strategy was presented during the Sector Working Group on Human Resources in SEIO with special focus on priorities

for donor support in 2018. During III quarter 2017, SIPRU prepared an approximation of the necessary donor contribution for the implementation of the activities from the Action plan for the Strategy, planned for 2018. The coordination meeting about the projects for inclusion of Roma was organized and the above mentioned approximation was presented to the members of the donor community.

**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 **2016** 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.)**

**Activity is being successfully implemented.** The number of Roma coordinators has increased (data from June 2017 indicate that the total number is about 70), and detailed data on municipalities and the number of local coordinators are available on the website <http://www.inkluzijaroma.stat.gov.rs/>

The Office for Human and Minority Rights conducted consultative meetings with decision makers in 16 local self-government units in Serbia, with the aim of establishing a mechanism for coordination between the local and national level, as well as for coordinating inter-sectoral cooperation at the local level through the engagement of the coordinator for Roma issues. OHMR initiated the creation or revision of local action plans for the inclusion of Roma. Out of that number, 15 municipalities / cities signed Memoranda of Cooperation with the Association of the Roma Coordinators for Roma Inclusion

The Permanent Conference of Cities and Municipalities - Network for Roma Issues has drafted a model of the Rulebook on organization and job classification of workplaces in municipal administration, professional services and special organizations. The drafting of the Rulebook was supported by Office for Human and Minority Rights within the project "Technical Support of the OHMR in the implementation of the Roma Inclusion Strategy", through the organization of consultative meetings with the aim of creating a description of the work of the coordinator for Roma issues. Guide for local coordinators for Roma issues and local government officers who

monitor the inclusion of Roma at the local level-the Role of the Coordinator for Roma Issues in Local Self-Government was prepared and published.

Detailed information will be available through reports on implementation of the Action plan for Roma Inclusion Strategy.

**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.)**

**Activity is being successfully implemented.** 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. During reporting period, assessment of employability is made and individual plans for employment concluded (including audits) for 12.478 persons (5.582 women), while professional orientation services involved 236 persons (108 women). Implementation of mentioned activities and professional advisory work with unemployed persons provide all relevant pieces of information important for timely and efficient integration to the labour market.

In 2017, 125 requests were submitted for co-financing of active employment policy programmes and measures. 118 requests from local self-government unit were approved by the Decision on participation in funding active employment policy programmes and measures foreseen by local action plans for employment in 2017. 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 2017, in total amount of RSD 505.039.294,01. Out of approved 118 local action plans for employment, 115 local self-government units signed an Agreement on arrangement of mutual rights and obligations during implementation of active employment policy programmes and measures with the NES. During reporting period, active employment policy programmes and measures foreseen by local action plans for employment involved 40 persons (13 women) of Roma nationality.

**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.

**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:**

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 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. Ministry of Interior notes that in the period of 01.07.2016-12.09.2016 it 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:**

Ministry of State Administration and Local Self-Government states that according to 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. As to the report on the number of persons who, in the administrative procedure, or in court proceedings of establishing of the time and place of birth, in 2017, enforced the right to the registration in the register of births, the Ministry will have the data available upon the expiry of 2017, after the Administrative Inspectorate and/or the Ministry of Justice gather the data.

Ministry of Interior reports that 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.

In the period of 13.03.2017-16.06.2017, in cooperation with City Administration and Secretariat for Social Welfare of the City of Belgrade, Ministry of Interior has made 2 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 3 ID cards and 2

passport, but for persons displaced in Jabučki rit village, municipality of Palilula MOI has made registrations of residence for 7 persons and issued 1 ID cards and 1 passport. For 9 persons and issued 3 ID cards and 1 passport who were displaced mostly from Rakovica and Čukarica to municipality Mislodin village, municipality of Obrenovac, and issued 1 ID card for person who have dislocated to Kamendin village, Zemun Polje, municipality of Zemun

In the period of 16.06.2017-15.09.2017, in cooperation with City Administration and Secretariat for Social Welfare of the City of Belgrade, Ministry of Interior has made 2 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 1 ID card and 3 passport, and issued 1 ID card for person who has been dislocated to municipality Mislodin village, municipality of Obrenovac.

The Ministry of Interior of the Republic of Serbia has made registration of residence for 1 person displaced to Kamendin village, Zemun Polje, municipality of Zemun

The Ministry of Labour, Employment, Veteran and Social Affairs issued binding instructions for acting of guardianship authorities in cases of court proceedings initiation aimed at establishing the time and place of birth, in cases of establishing personal name and registration of residence on the address of social welfare centre i.e. social protection institution for accommodation of beneficiaries. During registration of residence procedure, it is under jurisdiction of social welfare centre to issue an approval for registration of residence as soon as competent organisational unit of the MOI establishes fulfilment of legally prescribed conditions. Social Welfare Centres on the territory of the Republic of Serbia continually act in accordance with issued instructions, initiate procedures for establishing the time and place of birth in front of competent courts, establish - within administrative procedure - personal name to children whose parents have not accomplished their parental duty in a set deadline and to adults whose personal name is not inserted in birth register. In cooperation with UNHCR for 2017, it was planned to conduct 5 training events, for employees of social welfare centres, directed towards internally displaced persons - members of Roma national minority aiming to promote tolerance, prevention of discrimination and respecting the rights of IDP trying to reach durable solutions.

**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. In the period of 13.03.2017. – 16.06.2017. 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 128 persons, of which most live in informal settlements, after which they also obtained personal identity documents. In the period of 16.06.2017. – 15.09.2017. 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 137 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 of Labor 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.

**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 fully implemented.**

## **2015.**

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.

## **2016.**

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.

The following activities in 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, Severnobanatski 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 Ombudsman 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 partially 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, rationalization 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)”.

At the University of Kragujevac, the total of 191 certificates for pedagogical assistants was awarded on 20th October 2016 (of whom 175 pedagogical assistants were also employed at preschool and primary education institutions) who passed accredited modules of training at the Centre for Lifelong Learning, University of Kragujevac. As part of the third Draft Catalogue of Job Positions in the education sector, job description was defined, but also professional qualifications - education, additional knowledge - exams and work experience required for performing activities of a pedagogical assistant. Work on the draft of the Catalogue of job position in education is continued. The position of the "pedagogical assistant" is further defined through job descriptions, vocational education, additional knowledge-exams and work experience, which are necessary for the performance of pedagogical assistant's activities.

**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.

Expansion of the network of pedagogical assistants was planned through the IPA II programme—sector budget support. General objective of the Sector Budget Support is providing support for the Government of the Republic of Serbia in enforcing reforms in the sector of education via improving quality, equality and relevance of the education system, including specific issues regarding the education needs of minority and Roma national community, with the purpose of ensuring better answers to the needs of the labour market and achieving gradual harmonisation with the EU standards. Realisation of the objective 3 - *Improving conditions for Roma children and students (girls and boys) participation in the pre-university education (including drop-out)* shall ensure improvement of pedagogical assistants network functionality, moreover, development of their work quality standards shall be improved; strengthening their capacities for implementing

quality standards and establishing the system for ensuring quality of their work in order to provide better response to the school needs and improving delivery quality. In the forthcoming period, the network of pedagogical assistants is going to be expanded and new 50 assistants are going to be employed in the school years 2017/18 and 2018/19.

The Ministry of Education, Science and Technological Development signed the memorandum of Cooperation with the international organisation Save the Children for the North-Western Balkans (SCNWB) and initiated activities on the realisation of the project "Available and quality education for Romani girls and boys" (2017-2018). The activities are going to be realised in the territory of Belgrade, Leskovac, Vlasotince, Surdulica, Bujanovac and Trgovište. **The project objective** is increasing the scope of children from vulnerable groups with quality and inclusive education in preschool institutions and primary schools in the Republic of Serbia. **The results of one of the activities shall be** preparation and accreditation of programmes for pedagogical assistants in preschool institutions and training of new 40 pedagogical assistants within the accredited programme for work in preschool facilities. The project "Available and quality education for Roma girls and boys" (2017-2018), within which the training for pedagogical assistants in preschool institutions will be accredited, is being implemented.

### **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.** The Law on the Education System Foundations was adopted at the end of September 2017 and set the legal basis for the adoption of a bylaw.

An initial meeting was held regarding the regulation of pedagogical assistance in the education system of the Republic of Serbia. The existing regulations, analyses and reports on the practice of pedagogical assistants contain data that can serve as a basis for the development of the rules on pedagogical assistance. In this context, a comprehensive analysis entitled "International Policy and Practice in Pedagogical Assistance in the Region and the World" is of particular significance, which is a product of the joint activities of the MESTD and UNICEF in Serbia, as a contribution to the contextual framework for the improvement of education policy and practice in the field of pedagogical assistance in Serbia and preparation for changes and amendments to the legislation and the adoption of bylaws.

The Ministry has begun work on forming a Working Group that will bring together all key parties in the field of pedagogical assistance, map the current situation and needs in the field of pedagogical assistance, and draft a bylaw to determine the type and level of education and training program, quality standards, rationalisation of a pedagogical assistants network and hiring 50 new assistants in school years 2017/18 and 2018/19.

Save the Children for the North-Western Balkans (SCNWB) and initiated activities on the realisation of the project “Available and quality education for Romani girls and boys” (2017-2018) where a specialised and accredited programme for pedagogical assistants in preschool facilities is going to be prepared as well as the training for new 40 pedagogical assistants as part of the accredited programme for work in preschool institutions

**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. Working Group was 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.

The Working 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 produced 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 recognizing 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 organizations.

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 recognizing and reacting on discrimination in education – intended for the teaching staff, parents and pupils. Furthermore, there will be organized 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 recognizing the forms of discrimination by the employee, child, pupil or a third party in the educational institution.

The Ministry of Education, Science and Technological Development, in partnership with the UNICEF and the Commissioner for Equality Protection, continues realisation of the project **“Support in implementation of Regulations in the Field of Anti-Discrimination in Education“** (July 2016 - December 2017). During the reporting period, a focused expert Task

Force was formed which held two meetings, and the result was development of special mechanisms for protection against discrimination in the educational institutions. A workshop was organised for the focused Task Force and representatives of the republic inspection control on 9th May 2017 regarding the procedures and actions in cases of discrimination in the education system. Scaling of discrimination was presented, then, working through the mechanisms/procedures for action in the events of discrimination, and moreover, a proposal was given for acting in the events of discrimination.

The Law on the Education System Foundations has been adopted, thus establishing a legal basis for the adoption of a bylaw that will define procedures and mechanisms for responding to discriminatory behaviour. A Working group formed within the project "Support to the Implementation of Anti-Discrimination Regulations in Education" (July 2016 - December 2017) actively worked on the improvement of legislation in the area of recognition and response to discrimination in educational institutions. The result is reflected in the amendments to the new Law on the Education System Foundations, which was adopted at the end of September 2017. In these circumstances, in which the area of anti-discrimination is further defined, the Working Group, in addition to the current Rulebook on closer criteria for recognising forms of discrimination by an employee, a child, a pupil or a third person in the institution of education (adopted in February 2016 - "*Official Gazette of the Republic of Serbia*" No. 22/16) started working on a new document. The new Rulebook, currently being drafted, will contain mechanisms for recognising and responding to discrimination in educational institutions, as well as levels of discrimination and steps in the treatment. This solution will significantly improve systemic action in the field of combating discrimination in the education system.

### **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.

The Rulebook on the Measures and Procedures for Enrolling Students – Members of Roma National Minority in Secondary Schools under More Favourable Conditions in order to Achieve

Full Equality (*"Official Gazette of the RS", No 12/2016*) was put out of force, since it has become in its entirety a part of the Rulebook on Enrolling Students in Secondary Schools (*"Official Gazette of the RS", No 38/17 and 51/17*). All primary schools received a note via their school administrations in November 2016 where they were reminded of the obligations they have pertaining to informing the pupils and their parents on the measures of affirmative action and providing required support in gathering necessary documentation.

After publishing the Rulebook on Enrolling Students in Secondary Schools (*"Official Gazette of the RS", No 38/17 and 51/17*) all primary school received information on this, as well as the required forms. According to the data we currently have at our disposal, over **2,500** students of Roma nationality have applied for enrolment under the affirmative action conditions.

Enrolment of Roma students in the first grade of secondary schools in the school year 2017/18 was performed by applying the Rulebook on the enrolment in secondary schools (*"Official Gazette of the Republic of Serbia", No. 38/2017*), in which Articles 75-81 regulate the application of measures of affirmative action of enrolment for Roma students in secondary schools. The total number of enrolled Roma students in secondary schools in the school year 2017/18 was 1969.

### **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 behavioral 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 e 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 recognized 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 pf 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 he 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 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 "Mechanisms for preventing dropouts of Roma students from the education system" deals with the response of institutions at the local level in terms of reducing the dropout of pupils from the education system and developing an improved system for early identification and response of institutions at the local level in order to prevent dropouts from the educational system.

The focus of the project include Roma students and returnees for readmission from EU member states. Prevention of dropouts from the education system has been recognised as one of the priority areas for ensuring quality education for all and in the Strategy for the Development of Education in Serbia until 2020, the Strategy for Social Inclusion of Roma and Roma in the Republic of Serbia for the period 2016-2025 and the Employment and Social Reform Programme (2016).

These are some of the key activities in this project:

- Conducting research on the functioning of existing mechanisms in local communities to prevent dropouts from the education system.
- Designing and piloting an improved system for early identification and response at the local level to prevent dropouts from the education system.
- Local level protocol design for preventing dropouts from schools that should be useful to social work centres, interdepartmental commissions, health centres, misdemeanour judges, local self-governments and other relevant mechanisms and partners at the local level (Roma coordinators, pedagogical assistants, health mediators).
- A selection of 10 examples of good practice from local governments across Serbia dealing with reduction of students' dropouts from the education system.
- Promotion of an improved early warning system model and response at the local level in order to prevent dropouts from the education system.



The project will be implemented in three local self-government units (Piroć, Prokuplje and Vladićin Han) until June 2018, with the support of the European Union through the European Instrument for Democracy and Human Rights (EIDHR).

**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 **Ministry** plans to implement with support of the World Bank loan and Novak Djokovic Foundation (The Project's estimated value: 50 million euro). Minister of finance and managing director of the World Bank signed an Agreement on Lease for realisation of the project “Inclusive Preschool Education“.

Ministry 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.

Within the Project the activities are 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.

Opportunity for active inclusion of a larger number of Roma children and parents into development programmes for assistance in early childhood is planned to be supported within the component Justice. 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 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.

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. In September, the third coordination meeting was held, with members of advisory body discussing different options for the Project implementation.

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.

There is an ongoing development of the Project Operational Handbook and Handbook for realising the component 3 – grants for local self-governments. Data have been collected from the level of local self-government units which shall provide insight into the available capacities, actual needs and possibilities in the field of realising preschool education. As part of the project realisation, activities have been initiated pertaining to the development of the Catalogue of Support Resources for Parenthood – overview of domestic resources and international examples of good practice. The intention of the Catalogue is to ensure insight into the existing good practice for the decision makers and practical activists as well as into the resources on the domestic and international levels and to motivate everyone involved for further work on improving support for new mothers and parents of children aged 0-6. For the purpose of informing professional public, preschool institutions and local self-government units, and in order to ensure their motivation to take active involvement in the forthcoming activities within the project realisation, Nordic Trust Fund and the World Bank Office in Serbia supported by the Ministry of Education, Science and Technological Development realised a conference titled “Inclusion of Children from Vulnerable Groups in the Preschool System“.

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.

### **Other projects and activities aimed at strengthening early education of children aged 3-5**

In cooperation with the Red Cross, Standing Conference of Towns and Municipalities and the Department for Preschool and Primary Education of the MESTD (Social Inclusion Group, the Group for Preschool Education and the Group for Minority Education and Human and Minority Rights in Education) a meeting was organised: "The role of various parties at the local community

level in ensuring continuity in attending preschool programmes for children that have so far been covered with the support of the Red Cross within the Joint Program".

Over the past years, within the framework of the Joint Programme for the Inclusion of Roma and Marginalised Groups through Education, the Red Cross in various ways has supported the inclusion of children from vulnerable social groups in preschool education. As the project ends, as of September 2017, the Red Cross will not be able to continue its support to the extent and to the currently practiced forms of support. At present, 32 municipalities cover 322 children, of which 30 children go to PPP, while 292 children aged 3-5.5 years should be included in the preschool education system.

In order to ensure continuity in attending the preschool programmes for children that were so far covered with the support of the Red Cross within the Joint Programme in June, a meeting was organised with representatives of school management, directors of preschool institutions and representatives of the local self-government units from the municipalities: Zaječar, Velika Plana, Sombor, Zrenjanin, Ruma, Novi Pazar, Paraćin, Kragujevac, Knjaževac, Gadžin Han, Bela Crkva, Aleksinac, Vrbas and Smederevo, Trstenik and Tutin.

It was considered how to overcome following challenges: where children can continue attending preschool programmes (include them in other groups within the PI or supplement the existing groups with children from the settlement and include them in the Network Act / Annual Work Plan of the institution); how to provide educators, subsidising children's stay in PI, support for attendance (transportation, snack, accessories ...) and plan and implement transitional activities.

According to information obtained from the Red Cross, the transition process is ongoing and the assessment is that it will be successfully implemented for almost all children.

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. The following topics were also discussed: 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.

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 participated in the 5th Working Group meeting of the Working Group on Promoting Citizenship and the Common Values of Freedom, Tolerance and Non-Discrimination through Education which took place in Brussels on 8-9 June 2017. On this occasion, SIPRU shared examples of good practices in contribution of educators to social inclusion in education, especially preschool education. SIPRU in cooperation with the Ministry for education, science, and technical development created a program for inclusion of parents in the educational system. Related to that, on 22<sup>nd</sup> of September, a conference was organized in cooperation with the Ministry for education, science, and technical development, UNICEF and other partners on the topic: “For the benefit of all children-inclusion of parents in the educational system”. The aim of the conference was to improve appreciation, cooperation and partnership among different stakeholders in education, to promote examples of good practice, identify challenges that parents of children from vulnerable groups are facing, as well as to emphasize the importance of inclusion of all parents within the educational system, so that we can contribute to education and upbringing of all children.

In addition to this, SIPRU has organized focus groups with representatives of parental councils from 14 local self-governments in Serbia with the aim to improve the participation of parents in education, with special focus on inclusive 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.

Pivoting the draft “Grounds of the preschool education programme, developing recommendations for the standards of competences of employees working in the preschool education system and standards for space and equipment“: In the reporting period, the activities were continued regarding the development of the Grounds of the Preschool Education Programme within the common initiative of the MESTD, Institute for the Improvement of Education System, Institute for the Education Quality Evaluation, UNICEF, Institute for Pedagogy and Andragogy of the Faculty of Philosophy in Belgrade Institute for Pedagogy and Andragogy of the Faculty of Philosophy in Belgrade: *Improvement of quality of preschool education via pivoting drafts, further development and finalization of new* Grounds of the preschool education programme. So far, three training sessions have been realised as part of the project (“Initial Points of the Programme Grounds“, “Support for Practical Activists in Managing Changes in the Context of Kindergartens“, “Development of the Programme Grounds“) for the representatives of preschool institutions (teachers, professional associates and principals) participating in pivoting (PI “Dr Simo Milošević“, Zemun; “Radosno detinjstvo“, Novi Sad and “Moje detinjstvo“, Čačak), representatives of the project team and educational advisors of school administrations in Novi Sad and Čačak. All trainings were presented in the List of programmes of public interest verified by the decision of the minister of education.

Establishing the Network of Practical Activists for providing support to preschool education as the joint initiative of the MoESTD, Institute for the Improvement of Education System, Institute for

the Education Quality Evaluation, UNICEF, Institute for Pedagogy and Andragogy of the Faculty of Philosophy in Belgrade; The Network of Practical Activists was established with the objective of contributing to the improvement of quality and justness in the preschool system; providing support for institutions so that they would further develop various segments of quality and justness in the preschool education system; supporting development of quality programmes and policies; supporting expansion of good innovative practice among institutions; providing support for the development of inclusive practice on the level of preschool institution/educational group, as well as on the local level.

In cooperation with the academic institutions, institutes and partners, the MoESTD is going to work on strengthening professional capacities of 50 candidates selected based on the public announcement. This entails analysis of needs for professional empowering, development and realisation of capacity building programmes for potential candidates of the Network of Practical Activists in accordance with the modern access to theory and practice in preschool education, current national and international documents of educational policy, as well as planned reform activities. The selected candidates are expected to actively and diligently participate in intensive training sessions, ensure appropriate preparation and monitoring of relevant professional literature, etc. Out of 50 candidates to be involved in the programme of strengthening professional capacities, after two years, the total of 20 members of the Network of Practical Activists is going to be selected who shall represent significant human resources for providing support in implementing various initiatives in building a quality preschool education system. In the reporting period, a draft Programme on strengthening candidates' capacities was developed, whose final version is going to be adopted after receiving comments of the representatives of partner institutions involved in the Project. The Institute for Pedagogy and Andragogy of the Faculty of Philosophy in Belgrade realised a two-day training titled "Modern concept of preschool education" for candidates in the Network of Practical Activists – professional associates, teachers and doctoral students in higher education institutions.

At the initiative of the UNICEF and in partnership with the Institute for the Improvement of Education System, Institute for the Education Quality Evaluation, UNICEF, Institute for Pedagogy and Andragogy of the Faculty of Philosophy in Belgrade, Ministry of Education, Science and Technological Development, and with the support of the Swiss Office for Development and Cooperation in Serbia, on 23 May 2017, a conference was held in Belgrade titled "Key dimensions of the development of quality in preschool education – Grounds of the programmes of preschool education" with participation of international and domestic experts, representatives of preschool institutions, partner institutions and organisations. The conference provided the chance for mutual informing and exchange of knowledge and experience in the field of improving preschool education. As the events following the Conference, there were professional gatherings where issues of monitoring and assessing quality in the field of preschool education were realised, as well as the issues of developing the framework of the curricula in preschool education and support for developing inclusive policies and practice in the international and national context, with the participation international experts.

### **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 partially 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).

Minister of Finance and the Managing Director of the World Bank signed the Agreement on Lease for realising the project “Inclusive Preschool Education”, There is an ongoing development of the Project Operational Handbook and the Handbook for realising the component 3 – Grants for Local Self-Governments. In the reporting period, the activities pertaining to the project “Inclusive Preschool Education” have been continued, Project Operational Handbook has been prepared, a Consultation Group has been established and ratification of the Agreement on Lease is expected thus making it effective.

#### **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.

In cooperation with the Standing Conference of Cities and Municipalities from local self-governments where the scope of children covered by the preparatory preschool programme and enrolment into the first grade of primary schools was below 90%, during April 2017, data were collected which were relevant for increasing this scope (local action plans whose activities are directed toward increasing the scope of children and their regular attendance, interdepartmental cooperation in mapping, sensitisation, providing assistance with enrolment, ensuring additional support for regular attendance and progress...). Operational activity plans pertaining to the increase of the scope of children coming from the vulnerable social groups covered by the preparatory preschool programme for the school year 2016/17, as well as the associated reports, were obtained from the preschool institutions from the targeted municipalities. Based on the obtained insight into the collected data, during May and June 2017, **consulting workshops entitled "Increase of the scope of children covered by the preparatory preschool programme and the first grade of primary school"** were organised with the representatives of preschool and other relevant institutions on the level of local communities where, according to the data of the Republic Statistical Office, the scope is below 90% (approximately 50% of planned municipalities was

covered). The objective of the workshops was to identify good practice, barriers and difficulties, based on the current situation and develop measures and activity plans proposals for achieving full coverage of children

**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.

#### 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. It is expected 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.

Payment of scholarship grants has been conducted from March 2017 for 456 secondary school students who met the criteria of the competition announced in cooperation of the MESTD and the

REF. As part of the Sector Budget Support, measure 3 is related to supporting Roma students, and it is envisioned by this measure that as of September 2017, additional 300 Roma students are to be provided with scholarships allocated from the budget of the Republic of Serbia who graduate from secondary school with excellent grade point average.

Terms of reference for a Direct Grant of the MESTD (IPA 2014) envisioning establishing of a system for grants and mentorship for Roma students in the Sector for Pupil and Student Standard, have been submitted to the Ministry of Finance for evaluation. It is expected that project implementation can start in 2018. MESTD opened a public call for funding pupils from socially vulnerable groups which was closed on 30<sup>th</sup> September, and the preliminary list is expected on 15 November 2017.

**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 – 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. Based on the joint activities of the Ministry of Education, Science and Technological Development and the Ministry of Justice– 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.

Annual education plan for the school year 2016/2017 was prepared, 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.

By the Decision of the Government of the Republic of Serbia, the **Annual Plan of Adult Education was adopted for 2017** ( “Official Gazette of the RS 34/2017 as of 11<sup>th</sup> April 2017), where realisation of primary education in the territory of 15 school administrations is planned, in 73 primary schools with 6,166 attendees. Supplemental secondary education is going to be realised in 255 secondary schools in 16 school administrations with 5,391 attendees older than 17.



Prequalification, additional qualification and specialisation are going to be realised in 15 school administrations in 238 secondary schools, with the planned number of attendees being 16,651. According to the unofficial information, more than 60% of attendees of elementary adult education are of Roma nationality of whom 40% are girls. There is a successful continuation of realisation of the programme of Functional Elementary Adult Education in criminal-correctional institutions in Niš, Požarevac and Valjevo. The Rulebook on the enrolment of students in secondary schools for students older than 17 and Roma students enables easier enrolment in the desired secondary school. 128 requests for accreditation of Certified Training Organizers have been filed. Ten organizers have obtained the accreditation resolutions after the finalization of the procedure.

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 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.

In school year 2016/2017, 1895 Roma students completed their primary education for adults. Enrolment of 5912 adult students attending primary education is planned to be organised in 59 Schools for Primary Education of Adults as well as in primary schools implementing the programme of primary education of adults based on the model of functional primary education of adults in 15 school administrations. The assessment is that more than 60% of attendees are members of the Romani national minority.

Part time secondary education shall be organised in 17 school administrations in 196 secondary schools.

Retraining, additional vocational training and specialization is organised in secondary schools.

Primary Education of Adults shall be organised in 5 penitentiaries with 253 attendees this year as well. The aforementioned data shall be an integral part of the Annual Education Plan for Adults for 2018.

16 Minister’s decisions were issued for the purpose of ascertaining the status of publicly recognised organisers of adult education activities (PROA).

Provincial Secretariat for Education, Regulations, Administration and National Minorities-Communities composed the situation assessment as part of the adult education and stated that the activities/delivery of elementary education for adults in the AP of Vojvodina are being provided in 20 state elementary schools, as well as in two schools for primary education of adults (SPEA)

in Sombor and Novi Sad. School for primary education of adults seated in Sombor also has separate classes in: Sonta, Doroslovo, Bogojevo, Bački Monoštor and Bezdan.

In the school year 2016/2017, lectures for adult attendees within all three cycles – from the first to the eighth grade of elementary education, were attended by the total of 1,534 adult attendees, as follows: lectures delivered in Serbian – 1,471 adult attendees, lectures delivered in Hungarian – 63 adult attendees.

In regular primary schools lectures for adults were organised in 19 regular primary schools in the territory of 17 local self-governments (Ada, Bačka Palanka, Bečej, Vrbas, Vršac, Žabalj, Zrenjanin, Kikinda, Kula, Novi Bečej, Pančevo, Plandište, Ruma, Senta, Sečanj, Subotica and Titel). The school provided with the decision of the Provincial Secretariat for Education, Regulations, Administration and National Minorities-Communities, which failed to enrol adult attendees is the PS “Dositej Obradović” from Opovo.

Lectures for adult attendees within all three cycles of primary education in regular primary schools, covering lessons from the first to the eighth grades of primary education, were attended by the total of 981 adult attendees, as follows: lectures delivered in Serbian – 934 adult attendees, lectures delivered in Hungarian – 47 adult attendees.

Lectures for adult attendees as part of the first cycle of primary education, covering lessons from the first to the fourth grades of primary education, were attended by the total of 255 adult attendees, as follows: lectures delivered in Serbian – 223 adult attendees, lectures delivered in Hungarian – 32 attendees.

Lectures for adult attendees as part of the second cycle of primary education, covering lessons from the fifth and sixth grades of primary education, were attended by the total of 338 adult attendees with lectures being delivered in the Serbian language.

Lectures for adult attendees as part of the third cycle of primary education, covering lessons from the seventh and eighth grades of primary education, were attended by the total of 388 adult attendees, as follows: lectures delivered in Serbian - 373 adult attendees, lectures delivered in Hungarian - 15 adult attendees.

In two special schools for elementary adult education in Sombor and Novi Sad attended by the total of 553 adult attendees, lectures are being delivered in the Serbian language for 537 adult attendees and in the Hungarian language in Bezdan (separate class of the SPAE in Sombor) for 16 adult attendees.

Lectures for adult attendees as part of the first cycle of primary education, covering lessons from the first to the fourth grades of primary education, is being attended by the total of **86** adult attendees.

Lectures for adult attendees as part of the second cycle of primary education, covering lessons from the fifth and sixth grades of primary education, is being attended by the total of **189** adult attendees.

Lectures for adult attendees as part of the third cycle of primary education, covering lessons from the seventh and eighth grades of primary education, is being attended by the total of **278** adult attendees.

### **Secondary schools**

In the school year 2016/17, Provincial Secretariat for Education, Regulations, Administration and National Minorities-Communities issued the total of 51 decisions on approving enrolment of students in the programmes of requalification, additional training and specialisation, with **227**

approved requalifications, **199** additional trainings and **118** specialisations, within which the total of **6,071** positions intended for requalification, additional training and specialization were ensured. Decision for requalification, additional training and specialization were given for the following areas of work: geodesy and construction; construction technician for high-rise building; economy, law and administration; electrical engineering; health and social care; personal services; mechanical engineering and metal processing; agriculture; food production and processing; traffic; textile and leather manufacturing; trade, hospitality and tourism; hospitality in tourism; chemistry, nonmetals and graphic art, forestry and wood processing.

By the Decision No 128-022-312/2016-01 as of 5<sup>th</sup> September 2016, the status of state recognised organizer of adult education activities (**SRAE**) was provided for the Polytechnic School in Subotica, for performing vocational adult training programmes for work: Installation of gypsum-cardboard boards on walls and ceilings.

**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.

It was continued with the implementation of support measures for children who were returned from Western European countries based on the agreement on readmission. In primary schools, these measures cover development of the individual educational plan (IEP) – primarily as the support in learning Serbian language and Cyrillic script - IEP-1 for the Serbian language (plan for accelerated acquisition of the Serbian language); then, Math and other subjects; providing free textbooks; work of Roma pedagogical assistants with children and families; increased cooperation with returnee families and counselling work in small groups; referring for cooperation with Roma local associations and cooperation of schools working on civil society projects; mediation of sector School Administration in the procedure of validation. Enrolment in primary school has been ensured for these children even without the required documentation (they are obliged to deliver such documentation by the end of the school year). Increase of interest of young returnee parents following readmission has been noticed in terms of enrolling their children in preschool facilities already from the earliest age, with the special emphasis on the interest of Roma women to include their female children as soon as possible in the education process. It has been observed in primary schools that the longer time parents have spent in EU countries, the greater their interest is to include their children in the education process. Most problems occur with pupils who enrol senior years of primary education, from the fifth grade onward. Support most frequently sought is organising supplementary classes in schools as well as peer learning. All primary schools have developed special plans of support for every child in need of assistance. These individual operational plans contain proposals for improving literacy, learning Cyrillic script, Serbian language and specific school subjects.

A number of local self-government units has adopted local action plans for solving the issues of refugees, internally displaced persons and returnees, and the education sector is the integral part of these plans. Local councils for managing migrations provide support in developing documents and they also cooperate with educational institutions upon enrolment in schools.

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 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.

During the school year 2016/2017, the total of 711 students was enrolled in primary schools in the territory of the Republic of Serbia, including returnees following readmission, 369 girls and 342 boys. Having regard that primary schools affirmatively decide on the matters of returnees following the readmission, they frequently do not register such students individually, but instead they apply simplified enrolment procedures, then they hire a team for previous knowledge assessment and include children in regular school lessons. Owing to the flexibility of the system and support measures, these children are quickly integrated. Therefore, children enrolled during a school year based on the Agreement on Readmission, frequently are not treated as returnees, but instead, already after a month they become regular students. Additionally, in case a child returns during the same school year, the school shall not treat the child as a newly enrolled student, and instead the child stays in the same class. This way, the child will not lose a year, unattendance shall be justified, and children shall be provided with additional support in learning and the chance to compensate for the classes they missed out.

Enrolled pupils returned based on the Agreement on Readmission categorised per grades in primary schools: 1. grade: 0; 2. grade: 101 (47 girls, 54 boys); 3. grade: 234 (122 girls, 112 boys); 4. grade: 262 (138 girls, 124 boys); 5. grade: 88 (54 girls, 34 boys); 6. grade: 13 (6 girls, 7 boys); 7. grade: 9 (2 girls, 7 boys); 8. grade: 4 (0 girls, 4 boys). Out of the total number of pupils returned to school according to the Agreement on Readmission, 497 of them, i.e. 70% (292 girls, 205 boys) were enrolled to the age-appropriate grades. The rest of them were enrolled to lower grades based on the examination results assessing knowledge and skills.

#### Reasons for enrolment to lower grades than the age of pupils would suppose:

- insufficient proficiency in Serbian i.e. the language of lectures;
- insufficient knowledge of the Cyrillic script;
- irregular attendance;
- frequent interruptions in education and going abroad several times during a school year.

#### Secondary schools

During the school year 2016/2017, the total of 15 students, including 6 girls and 9 boys, returnees following readmission, were enrolled in secondary schools in the territory of the Republic of Serbia.

The Ministry of Education, Science and Technological Development shall continue with monitoring students-returnees enrolled based on the Agreement on Readmission during the school year 2017/2018.



**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). 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. At the public call, a total of 48 program proposals of importance to the population of refugees, internally displaced persons, asylum seekers and returnees upon readmission agreement was reported. Funds were approved for 19 programs. 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. None of the approved programs included activities related to the provision 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. Although the structure of returnees has changed over the last couple of years in terms of a short stay abroad (a couple of months), the Commissariat has still planned budget funds for the smaller number of returnee children who have stayed longer periods of time abroad and who need to learn the Serbian language during summer break.

**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.

At the Faculty of Philology in Belgrade, as part of the study programme "Language, Literature and Culture" which was developed by structural integration of teaching individual languages, literatures and cultures, librarianship and informatics, general linguistics and general literature and theory of literature, students are given the opportunity to study 35 foreign languages, with Roma language being one of the options. Ever since the Roma language has been introduced, 15 students have attended this elective course. In the school year 2016/2017, as part of the Centre for Lifelong Education and Evaluation of the Faculty of Philology of the University of Belgrade, 54 new attendees acquired their certificates for teaching *Roma language with the elements of the national culture*.

**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.

In the school year 2016/17, the total of 2,264 pupils (out of whom 845 pupils in the territory of the AP of Vojvodina) attended the elective subject *Roma language with the elements of the national culture* in 72 PS in Serbia. The total of 55 teachers teaches the subject *Roma language with the elements of the national culture*. Learning this elective school course in primary schools continues followed by collecting surveys from parents/guardians for the school year 2017/2018.

The Ministry of Education, Science and Technological Development is monitoring the enrolment of pupils and students to primary and secondary schools via the information system *Dositej*. Having regard that insertion of data is still ongoing, precise data regarding the educational institutions provided in the languages of national minorities, the number of pupils/students attending classes in their own mother tongues, as well as the data on the number of pupils/students attending the elective subject *Mother tongue with the elements of the national culture*, shall be prepared for the following reporting period.

The Ministry of Education, Science and Technological Development supported participation of pedagogical assistants in informing the Roma community on the elective subject *Roma language with the elements of the national culture* during the survey distributed to parents/other legal representatives.

### **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.

On 19 April 2017, during final conference of the Project “Enabling the Flourishing and Evolution of Social Entrepreneurship for Innovative and Inclusive Societies“, presentation of the Draft Law on Social Entrepreneurship was organised and discussion was held.

In the forthcoming period adjustment of standpoints on financial incentives and support measures in the area of social entrepreneurship with the Ministry of Finance is expected and creation of final text of the Draft regulation

According to the report of the Ministry of Economy, the Law on Cooperatives was adopted on December 29, 2015 (“Official Gazette of RS”, No 112/15 of December 30, 2015) and is implemented since January 7, 2016.

The existing cooperatives and cooperative associations continued with their operations, in the manner and under the conditions under which they had been entered into the register kept by the body competent for the activities of registration of economic entities, while the existing cooperatives and cooperative associations are obliged to harmonise their organisation, operations and general acts with the provisions of this law, not later than one year after the entry into force of this document.

The Law regulates the following: legal position of cooperatives, their establishment, management, and cooperative bodies, acquisition and cessation of the status of a cooperative member, book of cooperative members, cooperative property and operations, funds, profit distribution, and loss coverage in cooperatives, termination of cooperatives, cooperative associations, complex cooperatives, cooperative registration, cooperative audit, and other issues of importance for the position and operation of cooperatives.

One of the most important issues solved by the adoption of the Law is the procedure of transferring the public property into cooperative property, and at the same time the reduced number of cooperative members necessary for the establishment of a cooperative from ten to five, for the purpose of easier and faster establishment of cooperatives. The objective of the Law, inter alia, is to change the present situation of cooperatives in Serbia, to encourage the establishment of clear and simple rules for the establishment, management and operation of cooperatives, to offer a sustainable model for meeting the basic interests of the community, fight against poverty, and social reintegration of vulnerable groups, to encourage sound competition in industries in which (with the conditions and circumstances we have) there is traditionally the monopoly, i.e. dominant position of big economic entities (housing construction, consumption, agrochemicals) and to encourage local economic development.

**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
<b>TOTAL NUMBER OF PERSONS INCLUDED</b>	<b>4.241</b>	<b>1.879</b>

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
<b>TOTAL</b>	<b>2.253</b>	<b>895</b>

*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
<b>TOTAL</b>	<b>2.870</b>	<b>1.149</b>

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.

## 2017

According to the data from the National Employment Service (on 31 May 2017) 27.170 persons (12.681 women) who declared themselves as members of Roma national minority were registered as unemployed persons.

From the *age structure* perspective, share of youth up to 30 is 31.8%, while participation of Roma men/women over 50 is 18.7%.

From the aspect of *educational level*, the highest participation is of unemployed persons without qualifications/with low level of qualification (89.4), persons who completed medium level of education 10.1%, while persons with college and high level of education participate with 0.5%.

### *Characteristics of registered unemployment of Roma men/women*

Unemployed persons - Roma	May 2017	Participation
Women	12.681	46,67%
Youth up to 30	8.630	31,76%
Older up to 50	5.068	18,65%
Persons with no qualifications/low level of qualifications	24.301	89,44%
Persons with secondary school	2.734	10,06%
Persons with college and high school (faculty)	135	0,50%
Long-term employees	17.873	65,78%

Source: NES

Between January and May 2017, 1.595 members of Roma nationality were employed from the register of unemployed persons at the NES, whereof:

- 36.2% are women;
- share of youth up to 30 is 42.4%, while share of persons over 50 is 11.8%;
- persons with secondary school participate with 37.4%, persons with no qualifications /low qualified with 58.3%, while persons with college and faculty participate in employment with 4.3%;
- share of long-term employees in employment from the NES is 46.1%.

Active employment policy measures and programmes in 2017 have been implemented in accordance with the National Action Plan for Employment for 2017 (*"Official Gazette of the RS", no. 92/16*), which foresees intensifying activities directed towards activation of hard-to-employ categories on the labour market, including Roma and working-age financial social assistance beneficiaries. Public invitations for implementation of active employment policy measures and programmes were announced on February 7, 2017 and June 2, 2017 (Public invitation for organisation of public works implementation engaging unemployed persons and unemployed persons with disabilities – within the IPA 2012 Project).

***Involvement of Roma men/women in active employment policy measures in period January-May 2017***

ACTIVE EMPLOYMENT POLICY SERVICE/MEASURE	Roma	
	Total	Women
Employment Fair	837	340
Job Search Club	8	3
Active job-search training for qualified persons	97	42
Motivation-activation training for persons with no qualifications and low qualified	680	347
Obtaining information on career development possibilities	49	26
Counselling on career development possibilities	63	31
Selection	147	65
Self-efficacy training	15	5
Workshop for coping with stress due to loss of a job	1	0
Informational and advisory services in Business Centre	177	74
Educational services in Business Centre	138	53
Internship programme	1	0
Gaining practical knowledge for non-qualified persons	3	2
Labour market training	3	3
Subsidy for employment of unemployed persons from hard-to-employ category	99	48
Public works	418	146
Self-employment subsidies	23	9
Wage subsidies to persons with disability without working experience	1	0
Gaining practical knowledge for surplus of employed persons and long-term unemployed persons	1	1
<b>TOTAL</b>	<b>2.761</b>	<b>1.195</b>

Source: NES

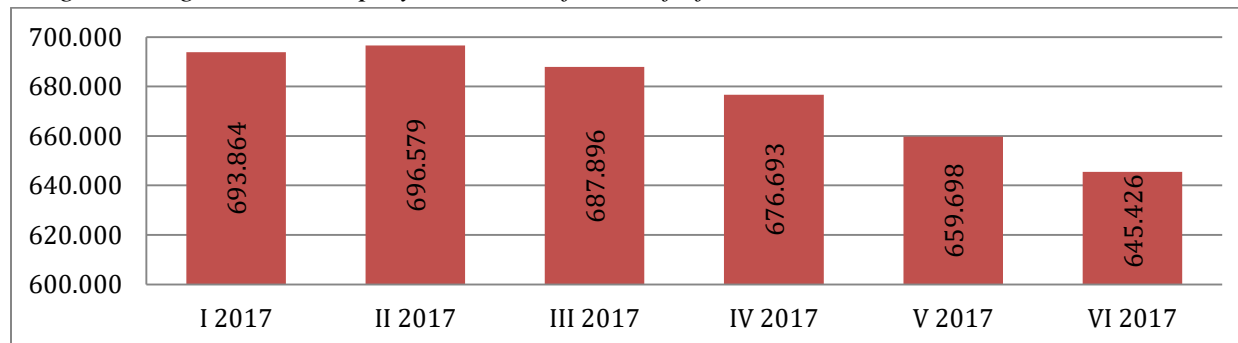
During reporting period, labour market training (IPA 2012 Project) involved 107 persons, whereof 64 women.

During reporting period, active employment policy measures and programmes, foreseen by local employment action plans, involved 40 persons (13 women) of Roma nationality.

### 3/2017

Based on the data from the National Employment Service (NES), number of unemployed persons registered at the NES in June 2017 was **645.426** persons (**337,008** and/or **52.2%** women). Comparing to the previous month the number of employees is decreased by 14,272 persons or by 2.16%, and comparing to June 2016 it is decreased by 61,185 persons, and/or by 8.66%.

Image 1 – Registered unemployment in the first half of 2017



Source: NES, Report on work for the period I-VI 2017

If registered unemployment is viewed from *educational perspective*, in June 2017, share of unemployed persons with III - VIII degree of education in total unemployment is 67.11%, and share of persons with I - II degree of education is 32.89%. Share of persons with secondary school education (III -V degree of education) in total unemployment is 52.82%.

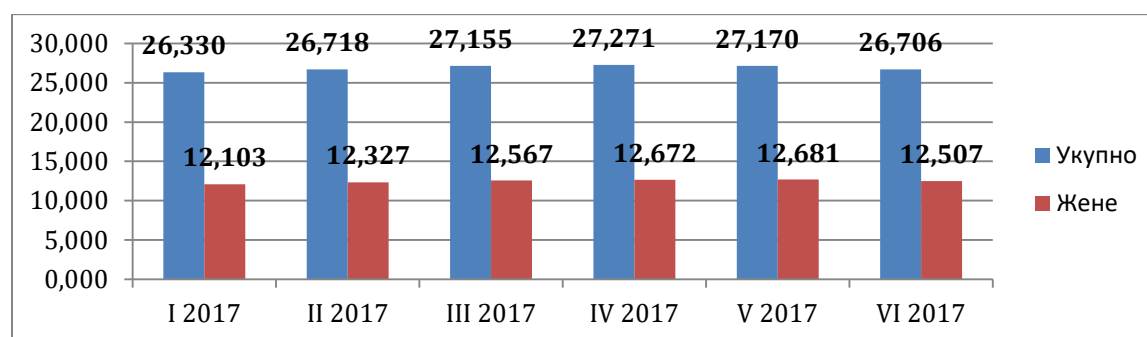
*Age structure* of unemployed persons is unfavourable. Average age of unemployed persons is 41 years, whereof the number of unemployed above 50 is 195,513 persons or 30.29% of total number of persons who were in the registry in June 2017. Youth up to 30 is 22.75% (or 146,843 persons), which is less comparing to the previous year by 24,673 persons or 14.4%.

If we look at the *period of unemployment*, longer than 12 months (long-term unemployment), out of the total number registered at the NES, 68.96% or 445,121 persons are job seekers and/or average period of unemployment for persons at the registry in June 2017 is 4 years and 5 months.

With regard to registered unemployment of Roma men and women, as a reminder registration of persons at the NES and/or the way of keeping records and content of data on a person is defined by the Law on Employment and Unemployment Insurance (*“Official Gazette of*

the RS“, no. 36/09, 88/10 and 38/15) and Rulebook on more detailed content of data and the way of maintaining records in the employment area (“Official Gazette of the RS“, no. 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.

Image 2 – Registered unemployment of Roma men/women in the first half of 2017



Source: NES, Report on work for the period I-VI 2017

Based on the data from the NES, on 30 June 2017, **26,706** persons were registered as unemployed persons and they declared themselves as Roma national minority members, which is share of 4.14% in total number of registered unemployed persons.

If viewed from *educational perspective*, share of persons with no qualifications and/or with low level of qualifications (I - II degree of education) is 89.5% of registered unemployment of Roma men and women which is a complicating factor for their competitive appearance on the labour market influencing the low level of employers’ interest for their employment/work engagement.

Looking at *age structure*, category of young people (up to 30) is represented with 31.8%, while category of older persons, above 50, is represented with 18.74%.

*Long-term unemployed persons’* category includes 66.75% of unemployed Roma men and women registered at the NES.

Between January and June 2017 active employment policy measures involved 95,614 unemployed persons, whereof 2,938 Roma (1,285 Roma women), which represents share of 3.07% in total number of unemployed persons involved in active employment policy measures.

Table 1 – Involvement of Roma men and women in active employment policy measures in the first half of 2017

ACTIVE EMPLOYMENT POLICY SERVICE/MEASURE	Roma	
	Total	Women
Employment Fair	990	400

Job Search Club	15	9
Active job-search training for qualified persons	130	54
Motivation-activation training for persons with no qualifications and low qualified	854	429
Self-efficacy training	24	6
Workshop for coping with stress due to loss of a job	1	0
Educational services in Business Centre	154	56
Internship programme	1	0
Gaining practical knowledge for redundant workers and long-term unemployed	1	1
Gaining practical knowledge for non-qualified persons	4	2
Labour market training	3	3
Subsidy for employment of unemployed persons from hard-to-employ category	127	71
Public works	429	152
Self-employment subsidies	79	30
Subsidy for PWD without work experience	4	1
Labour market training IPA 2012	122	71
<b>TOTAL NUMBER OF PERSONS</b>	<b>2.938</b>	<b>1.285</b>

*Source: NES, Report on implementation of the NES Performance Agreement for period January-June 2017*

In the reference period 2,013 Roma national minority members from the NES registry were employed.

**3.8.2.31. Launch concrete projects linking education (vocational, university) to concrete employment. (Continuously, commencing from II quarter of 2016.)**

**Activity is being successfully 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.

It has been continued with improving the capacities of representatives of the MESTD engaged on these activities through participation in the project "Integration of Roma People 2020", implemented by the Regional Cooperation Council - Sarajevo, Action Team for Roma integration, with the partner being the Ministry of Labour, Employment, Veteran and Social Affairs. There was a workshop organised by the Regional Cooperation Council regarding funding public policies for representatives of institutions and civil society working on realisation of the Action Plan for implementing the Strategy for Social Inclusion of Roma Men and Women (2017-18).

Coordination Body for Monitoring Realisation of the Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for the period from 2016 to 2025 held its first working meeting and prepared its agenda.

Expert Group of the Coordination Body for monitoring realisation of the Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for the period 2016-2025, has held a single working session so far, on 21<sup>st</sup> September 2017, with the participation of the representatives of the Ministry of Education, Science and Technological Development. In the session of the Expert Group of the Coordination Body, participants were familiarized with the current activities pertaining to resolving the issues of the Roma settlement "Crvena zvezda" in Niš, as well as on the forthcoming activities reflected in harmonising the text of the Draft Agreement on resolving residential needs of the "Crvena zvezda" settlement in Niš, to be concluded between the Government of the RS, City of Niš, company "American Investment Fund" and the settlement representatives

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.

Project “*Youth employment promotion*”, is being implemented in cooperation with GIZ. It should involve 100 young unemployed Roma men/women through short training events in 5 profiles for which there is a need on the labour market, with an impact on employment/self-employment of 60%.

Within the Project of Swiss Agency for Development and Cooperation “*From Education to Employment: Youth Skills Development and Private-Public Partnership in Serbia*”, aimed at piloting of mediation model between employers’ needs and informal education system in five towns in Serbia (Kragujevac, Kruševac, Pirot, Novi Pazar and Knjaževac) in order to improve employability of hard-to-employ categories on the labour market and develop skills in accordance with the employers’ needs. One of the activities within the second project component, which is implemented in cooperation with the NES, implies establishment of cooperation between public institutions and private sector for piloting of informal education model. Models of support to specific vulnerable groups will be piloted in all above mentioned towns in order to facilitate their inclusion in all programmes (for example, in Pirot, priority for inclusion in training programmes will be given to young unemployed Roma population members).

Project “*Economic empowerment of Roma women: increased capacity for employment and self-employment*” is finalised. It is funded by the EU within the programme EU Support to inclusive society, the objective of the project was increasing the level of Roma men/women employability through courses and acquiring new skills for various professions as well as enhancing civil society capacity for the work in the area of employment and self-employment. The Project took 18 months, and project activities were implemented on the territory of the City of Belgrade, in municipalities Lazarevac, Zvezdara, Rakovica, Čukarica and Novi Beograd, then on the territory of Novi Becej, Zrenjanin and Pancevo.

Project foreseen 100, and covered 109 persons of Roma nationality, 15 men and 94 women, who attended training events for hairdressers, manicurists, pedicurists, waiters, bakers, cooks, florists, lift truck operators, car bodyworkers, welders, etc.

In March 2017, Agreement on Cooperation was signed between the Ministry of Labour, Employment, Veteran and Social Affairs, Roma Education Fund and the NES on the Project “*Improved Education and Integration Opportunities for Roma in Serbia*”, funded by the Federal Ministry for Economic Cooperation and Development (BMZ) of the Federal Republic of Germany, in amount of EUR 2,373,950, aimed at linking graduation from secondary school with skills training for Roma entering the Serbian labour market. *Research on employers’ needs and profiles of graduated secondary school students is ongoing aimed at increase of employability of young Roma members.*

**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.

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).

## **2017:**

In the course of 2017, the National Employment Service branch offices continually provided support to creation of local action plans for employment

In 2017, 125 requests were submitted for co-financing of active employment policy programmes and measures. 118 requests from local self-government unit were approved by the Decision on participation in funding active employment policy programmes and measures foreseen by local action plans for employment in 2017 number: 401-00-00367/2017-24 dated 29 March 2017. 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 2017, in total amount of RSD 505.039.294,01.

Out of approved 118 local action plans for employment, 115 local self-government units signed an Agreement on arrangement of mutual rights and obligations during implementation of active employment policy programmes and measures with the NES.

During reporting period, active employment policy programmes and measures foreseen by local action plans for employment involved 40 persons (13 women) of Roma nationality.

## **3/2017**

Between January-June 2017, the NES concluded 25 technical cooperation agreements with local governments for implementation of local action plans for employment (active employment policy measures implementation foreseen by local action plans for employment is funded solely from local budget funds).

For the purpose of exchanging experience between local government units and local councils for employment on implementation of local action plans for employment, obtaining information on potential problems and obstacles they face, which can be resolved by implementing National Action Plan for Employment for 2018, as well as on potential support to local government units and local councils for employment, which are supposed to enhance local action plan development process and quality as a response to the needs and possibilities of local trade market, MOLEVSA and NES, between May and July 2017, with support from the Social Inclusion and Poverty Reduction Unit, technical support project from IPA 2012 programme cycle and GIZ, held four regional meetings on the subject *“Role of local government units in accomplishing employment policy objectives“*, which were attended by 166 representatives of 70 local government units, the NES and its branches, the Ministry of Labour, Employment, Veteran and Social Affairs, other institutions and social partners, donors and experts.

During the meetings, which were in a form of *peer-review*, state of affairs and challenges on the local labour markets were presented, including the information and good practice examples in implementing local action plans for employment, novelties in employment policy area, active employment policy measures implementation in 2016 and 2017, projects *“Youth Employment Promotion“* and *“Support to implementation of the Employment and Social Reform Programme, focussing at employment policy and youth employment increase“*, as well as results of the analysis *“Assessment of area, scope and effects of AEPM in period 2010-2016“*. The meetings resulted with joint conclusions, which are in a form of guidelines for creation of employment policy on the basis of local trade market needs, including proposals for further cooperation development with and among local government units.

**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**

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.

In accordance with the National Action Plan for Employment for 2017 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 RSD 180,000.00 i.e. RSD 200.000,00 in case of self-employment of redundant workers and subsidy for self-employment of persons with disabilities amounts RSD 220.000,00 per an user. Public invitations for submission of requests for granting self-employment subsidy were announced in

period between February 07 and April 10, 2017 by the NES, including special public invitation for granting funds for self-employment of Roma men/women.

Based on data from the NES, in reporting period, 138 unemployed Roma (53 Roma women) successfully finalised the *Training for development of entrepreneurship*, while subsidy for self-employment was granted to 23 Roma, whereof 9 Roma women. Decision-making process on submitted requests is ongoing

Support in the form of grants is not realised within employment policy system and/or support to entrepreneurship development is provided through **self-employment subsidies** and accompanying support services.

Based on data from the NES, between January and June 2017, 154 unemployed Roma (56 Roma women) attended educational events in the NES business centres, while self-employment subsidy is provided for 79 Roma, whereof 30 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**

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)<sup>9</sup>, 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.

During reporting period, assessment of employability is made and individual plans for employment concluded (including audits) for 12,478 persons (5,582 women), while professional orientation services involved 236 persons (108 women). Implementation of mentioned activities and professional advisory work with unemployed persons provide all relevant pieces of information important for timely and efficient integration to the labour market

### **3/2017**

Between January and August 2017, assessment of employability was carried out and individual employment plans were concluded (including audits) for 17,365 Roma (7,749 Roma women), while professional orientation services at the NES were used by 376 Roma (176 Roma women). Information on involvement of unemployed Roma national minority members in active employment policy measures and programmes, carried out by the NES in accordance with the National Action Plan for Employment for 2017 is provided within information for previous quarters.

### **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**

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<sup>9</sup> 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.

**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)**

**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.

Several bylaws were adopted based on the Law on Housing and Building Maintenance, which are in compliance with International Covenant on Economic, Social and Cultural Rights, in respect of suitable apartments and protection from and during forced evictions, as follows:

- Rulebook on the form of the report in regards to the housing needs, living conditions and housing support programs in a unit of local self-government;
- Rulebook on contents and method for records keeping about procedures of eviction and relocation;

- Rulebook on the parameters for establishing the order of priority for allocation of housing support;
- Rulebook on conditions and normatives for planning and designing of residential buildings and apartments in housing support programs;
- Rulebook on the conditions to be met by a certain facility for appropriate accommodation;
- Rulebook on uniform methodology for calculation of non-profit lease.

Several competent authorities have addressed the Ministry of Construction, Transport and Infrastructure in regards to implementation of the Law on Housing and Building Maintenance, in part which refers to implementation of the procedure of eviction and relocation from informal settlements, in order to obtain opinion about correct application of this law, but so far there has been no need to implement procedures in line with this law but with the Law on Expropriation

**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.

On 10 and 11 May 2017, the Ministry of Construction, Transport and Infrastructure, the City of Niš and the Faculty of Law in Niš organized the case conference regarding Roma settlement “Crvena Zvezda” in Niš, with the help of the Office of the United Nations High Commissioner for Human Rights.

Roma settlement Crvena Zvezda draw the attention of organizations for the protection of human rights and public and independent institutions starting from 2014 due to

- the reasons of discontinuing energy supply for several months (in 2014 and 2016) which was caused by debts for the consumption of electricity made, inter alia, by the fact that the settlement has been connected to two collective energy meters since 2011 so that their energy consumption is accounted according to the much higher tariff and creates an obligation to pay collective bills without the possibility of accessing one’s own consumption.
- Threats from forced evictions and denial of the security of property guaranteed by the provisions of the international law of human rights, particularly by Article 11 of the International Covenant on Economic, Social and Cultural Rights. These threats have become particularly visible after the privatisation of company Čele Kula and the conversion of land on which the settlement is located into the ownership of private investor “American Investment Fund”.
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The Report of the Special Rapporteur on adequate housing who visited Serbia by the end of 2016 notes that it necessary to establish legal procedures for the legalization and improvement of conditions of life of the inhabitants of informal settlements as well as to pay full attention to find alternative solutions before the depopulation and resettlement with the cooperation, consultation and full participation of the community at which these processes are aimed.

In this connection, the Ministry of Construction, Transport and Infrastructure, the City of Niš and the Faculty of Law in Niš organized a case conference regarding Crvena Zvezda in Niš, on 10 and 11 May 2017.

The conference gathered in one place the representatives and members of settlement Crvena Zvezda, representatives of the City of Niš, representatives of the private investor, representatives of relevant ministries, public and independent institutions, international organizations, NGO sector, independent experts from various fields and law students from the Anti-discriminatory Legal Clinic in Niš.

- On the first day of the conference, through an open and constructive dialogue between the above mentioned actors, the existing findings of fact were presented and explained in detail and the reasons which led to them. Then, each of the stakeholders presented their view of the issue and their interests.

On this occasion it was quite clear that the inhabitants of the settlement, on one side, and the private investor, on the other side, have specific rights guaranteed both by the international law of human rights and by national regulations and that neither of the sides “in dispute” would

benefit from long court proceedings with an uncertain outcome. In this connection, all the stakeholders showed interest to solve the issue through agreement.

- The second day of the conference was closed for wider public with a view to enable the stakeholders to freely propose and consider viable solutions to solve the existing issue and to get to the solution (one or more) through a guided constructive dialogue which could be acceptable for all the three sides.
- Among several options, one option stood out which was the topic of most discussions led both in the course and after the second day of the conference. Namely, the private investor offered a plot of land of the size of 1.26 ha located in the same street, at the distance of about 900 meters from Crvena Zvezda settlement.

The conference was positively assessed by all participants as well as by wider expert public as a very serious effort of the Republic of Serbia to establish an open dialogue and gather at the same table all stakeholders, all in order to solve this complex issue, to respect internationally recognized commitments regarding human rights and to find best solutions for the inhabitants of this settlement.

Several bylaws were adopted based on the Law on Housing and Building Maintenance, which are in compliance with International Covenant on Economic, Social and Cultural Rights, in respect of suitable apartments and protection from and during forced evictions, as follows:

- Rulebook on the form of the report in regards to the housing needs, living conditions and housing support programs in a unit of local self-government;
- Rulebook on contents and method for records keeping about procedures of eviction and relocation;
- Rulebook on the parameters for establishing the order of priority for allocation of housing support;
- Rulebook on conditions and normatives for planning and designing of residential buildings and apartments in housing support programs;
- Rulebook on the conditions to be met by a certain facility for appropriate accommodation;
- Rulebook on uniform methodology for calculation of non-profit lease.

Several competent authorities have addressed the Ministry of Construction, Transport and Infrastructure in regards to implementation of the Law on Housing and Building Maintenance, in part which refers to implementation of the procedure of eviction and relocation from informal settlements, in order to obtain opinion about correct application of this law, but so far there has been no need to implement procedures in line with this law but with the Law on Expropriation

### **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 fully implemented.** 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. Within the process of preparations for implementation of the Law on Housing and Building Maintenance, in part which refers to obligations of key participants for implementation of measures of housing policy, the Ministry of Construction, Transport and Infrastructure sent the units of local self-government the Form of the report regarding housing needs, living conditions and housing support programs in the units of local self-government, as well as the instructions for filling out of that form. This form also contains the questions which refer to monitoring of the living conditions in sub-standard settlements, and the source of baseline data on the number of housing units with unsatisfactory characteristics in those settlements is Geographic Information System on Sub-Standard Roma Settlements (GISRN). By comparison of baseline data and the reports of units of self-government on implemented of housing support programs in those settlements, which presents the obligations of units of local self-government defined by Article 121 of the Law, GISRN will continuously

**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 5<sup>th</sup>, 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 13<sup>th</sup> -15<sup>th</sup>, 2016 in Belgrade, Novi Sad and Nis. The deadline for the submission of proposals, which was originally intended for September 9<sup>th</sup>, 2016, has been extended until September 23<sup>rd</sup>, 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 9<sup>th</sup>, 2016. The deadline for submission was September 8<sup>th</sup>, 2016 the evaluation of submitted applications being in progress. The evaluation procedure for the shortlisted selection of bidders (70 bids arrived at CFCU) started on 18 October 2016 and ended on 25 November 2016 when CFCU submitted a Report regarding the assessment of bids for the approval by the EU Delegation. The EU Delegation adopted the Report of the Assessment Commission on 30 December 2016.

## **2017**

### **I quarter**

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.

There were 34 bidders shortlisted who received a Call for complete proposals (full applications) with a deadline for delivery by 14 March 2017.

### **II quarter 2017**

The tender procedure for Technical Assistance Project “The Improvement of Conditions of Life of Roma Currently Living in Informal Settlements” was implemented in two stages. After the completion of the shortlisted selection of bidders, 8 applicants entered the second round out of which, after the completion of the second round with an official end date on 25 May 2017, the best bidder was selected.

On 6 June 2017, the Ministry of Finance (CFCU) signed a contract with company KPMG d.o.o. with a total value of 1,370,200 euros. The project implementation started on 19 June 2017 with a planned duration of 27 months.

The second round of the evaluation procedure started on 15 March 2017 and ended on 26 April 2017 when CFCU submitted a Report regarding the assessment of bids for the approval by the EU Delegation. The EU Delegation officially approved the Report on 28 April 2017.

Bidders who successfully entered the second round of the evaluation procedure were obliged to deliver a proof of the possession of construction permits, by 20 May 2017. Contracts were signed with bidders fulfilling all terms and conditions of the tender procedure.

On 6 June 2017, the Ministry of Finance (CFCU) signed 11 contracts on locations in 13 municipalities, with a total value of 7,550,000 euros.

On June 6, 2015, the Contract for the project Technical assistance for improvement of living and housing conditions among the Roma population presently residing in informal settlements worth 1,370,200 EUR was signed with the consortium KPMG doo (Republic of Serbia), Hilswerk Austria International (Republic of Austria) and NIRAS yoo (Republic of Poland). The consultant officially started with the activities on June 19 after receiving approval from the Ministry of Finance (CFCU). At the beginning of the initial phase, the Managing Board and Working Group were established.

The meetings of the Managing Board and the Working Group were held and the Initial report was adopted, including report on the status of each of 11 individual projects from the Grant Scheme. Simultaneously with the activities on implementation of the Grant Scheme, there are ongoing preparatory activities for selection of 20 new municipalities where mobile teams will be formed, as well as the team of experts which will be in charge of preparation of technical documentation and urban plans for 20 new sub-leasing settlements.

On June 6, 2017, the agreement was signed for the project Implementation of permanent solutions for housing and improvement of physical infrastructure in Roma settlements with 9 municipalities and 2 non-governmental organizations. The project will be realized on the territory of the following 13 municipalities in Serbia: Cacak, Prokuplje, Stara Pazova, Smederevo, Novi Pazar, Loznica, Opovo, Boljevac, Nis, Lebane, Svilajnac, Ub and Odzaci.

Support for implementation of the projects from the Grant Scheme is provided by the consultant KPMG d.o.o. Belgrade.

**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. A meeting has been scheduled for 3 July 2017 with the beneficiaries of Result 2 (strengthening mobile teams on the local level), Ministry of Labour, Employment, Veteran and Social Policy and the Office for human and minority rights in order that rights and obligations could be defined between the institutions in the course of the tender procedure.

**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. A meeting has been scheduled for 3 July 2017 with the beneficiaries of Result 2 (strengthening mobile teams on the local level), Ministry of Labour, Employment, Veteran and Social Policy and the Office for human and minority rights in order that rights and obligations could be defined between the institutions in the course of the tender procedure. Project assignment has been prepared with assistance of the Team for Social Inclusion and Poverty Reduction and it will be sent to the Ministry of Finance for approval by the end of September 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)**

**Activity is partially implemented** Sustainable funding of services in community is secured by the Regulation on designated transfers (2016), which enables transferring of funds from Republic to local level to those local self-governments, which are under republic level of development and recognise the problem on its territory and want to develop necessary social protection services for its own citizens.

In May 2017, Government adopted a Regulation defining the list of dangerous jobs for children and the worst forms of child labour and protocols have been brought, accordingly, on acting of social welfare centres to protect children from the worst forms of child labour as well as Protocol on acting of Labour Inspection regarding abuse of children and child labour.

**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.)**

**Activity is being successfully implemented** Capacities for implementation of PIT programme for “children from the street” have been expanded from 6 to 20 beds by putting into use a new facility in which this programme is implemented at the moment. It is planned to expand this programme to additional 6 towns in Serbia. Training programme “*Street children-development of foster care for children living and/or working on the street*” is accredited in the Republic Institute for Social Protection. Programme is intended for professionals working in social welfare centres as case managers for children, foster care counsellors, supervisors, experts employed in shelters for children and NGOs providing support to street children, foster carers and future foster carers. Internal teams of experts have been formed in 115 social welfare centres working on a daily basis on caring and protecting children living and working on the street

**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)**

**Activity is being successfully implemented** Advisory-therapeutic and socio-educational services developed in municipalities are equally available to Roma and non-Roma population and are free of charge for users. The problem is that only small number of municipalities has financial possibilities to fund provision of these services in an appropriate volume and in accordance with the needs of population and according to the Law on Social Protection, all mentioned groups of services are funded mostly from local self-government resources. This shortage is partially solved by applying Regulation on designated transfers in order to establish these services on a certain territory. A number of local self-governments has specialised institutions for mediation in family relations-Marriage and family counsellors, developmental counselling, etc. Services in these institutions are free of charge for citizens. The final goal is to develop infrastructure of support, in all municipalities, for independent life of citizens.

In addition, two new services intended for families with children at risk of separation have been developed: Family Outreach Worker service as socio-educational service of regional type and occasional foster care intended primarily to families with a child with developmental disorder. By doing this, the state wants to support families in the first place, parents/foster parents to take care of their children. The Family Outreach Worker service is developed for families with numerous and complex needs and difficulties, and it proved, to the great extent, to correspond to the needs of Roma families, so 37% of families that used this service are Roma families.

**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)**

**Activity is not implemented.** According to the report of the Ministry of Construction, Transport and Infrastructure, a meeting was held with the Ministry of Health and UNICEF to develop an analysis of the options for systematizing the engagement of health mediators. The Working Group is in the process of forming the needs of the analysis and considers the topic.

**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.)**

**Activity is not implemented.** In accordance with the Action Plan for Roma Inclusion Strategy (activity 4.4.1.3), funds for engagement of health mediators will be provided in the budget of the Republic of Serbia in IV quarter of 2018.

**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:**

The Law on Prevention of Domestic Violence was adopted in November 2016. This law enables temporary removal of perpetrator from family house and temporary prohibition of contact and approach to the victim. The Law came into effect as of 1 June 2017. According to this Law, prevention of domestic violence and provision of protection and support to the victims are under jurisdiction of Police, Public Prosecutor's Office, courts (general jurisdiction and offence) as state authorities and social welfare centres as institutions. Government of the RS has the responsibility to establish Council for prevention of domestic violence, which monitors the application of this

law and improves coordination and effectiveness of domestic violence prevention and domestic violence protection (Article 35). Members of the Council are representatives of state authorities and institutions responsible for application of this law.

Several training programmes have been accredited within the Republic Institute for Social Protection, with subject on domestic violence, intended for professional workers in social protection institutions (social welfare centres and residential institutions).

The supervision has been carried out and professional help has been provided to around 50 social welfare centres in the areas of domestic violence and protection of children from abuse and neglect, in procedures of deprivation from parental rights and protection of child rights. In December 2016, the Assembly of the City of Belgrade made a decision for women and children victims of violence to receive financial aid and/or “funds for personal needs” during their stay in safe houses. This is a new social protection service in Belgrade, and funds are secured as a percentage, i.e. 5.5% from average Belgrade salary for children and 3.5% for adults. Training for 410 police officers from police administrations and headquarters of the Ministry in the area of preventing and combating domestic violence was performed.

A **Working Group for suppression of violence against women** was established at the level of the Ministry of Interior on 20.07.2017 which actively cooperates with representatives of civil society organizations.

The second cycle of training for 450 police officers, who are in charge for cases of family violence protection and suppression, will start on 25.09.2017.

### **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.**

The Government has, at its 9th session from 4<sup>th</sup> August 2017, at the proposal of the Ministry of the Interior, adopted the **Strategy for the Prevention and Suppression of Trafficking in Persons, especially Women and Children and Protection of Victims 2017-2022 and the accompanying Action plan for 2017-2018** („Official Gazette RS“, No.77/2017).

In order to ensure implementation of the adopted Strategy and Action Plan, within the General Police Directorate HQ was established the **Office for coordination of activities in combating human trafficking** on the national level with a multidisciplinary approach. In compliance with



the General Police Directorate Decision of 19 July 2017 was appointed acting manager of the Office. At present the Office employs four police officers and is provided office space and equipment. The Office has undertaken activities pertaining to creation of preconditions for implementation of the Strategy and Action Plan. The Office is tasked to follow, coordinate, monitor and align implementation of new national Strategy on the Prevention and Suppression of Human Trafficking, in particular women and children in the Republic of Serbia for period 2017-2022 along with accompanying Action Plan and to prepare sessions of the Council for combating human trafficking and execute the decisions of the Council on operational level.

On operational level, a reform of the MOI R Serbia organizational units dealing with suppression of human trafficking is underway as well as the job classification, namely improvement of organizational capacities of the Criminal Police Directorate in combating human trafficking. Reform processes are carried out in conformity with the adopted Strategy on the Prevention and Suppression of Human Trafficking, in particular women and children in the Republic of Serbia for period 2017-2022, National Action Plan for Chapter 24, recommendations of the EU experts and Serious and Organized Crime Threat Assessment (SOCTA). Support to the reform of the units combating human trafficking is provided by EU through IPA 2013, education of criminal police officers and IPA 2014, which will ensure procurement of equipment for specialized units of the criminal police that deal with combating human trafficking.

Implementation of the International Center for Migration Policy Development (ICMPD) Project «Trafficking of Human Beings along the Migrant Route (TPAM): Identification and integration of the human trafficking victims among sensitive categories and unaccompanied minors». The goal of the Project is to support and enable integration of the human trafficking victims among endangered migrants and refugees, including unaccompanied children, by establishing a multidisciplinary and transnational approach for early identification of the human trafficking victims, referral, provision of services and protection in the context of current assessment of migration and asylum in transit and destined countries along the migration route, in particular Austria, Bulgaria, Finland, Germany, Greece and Sweden

With the purpose of enhancing the prevention of human trafficking, 80 experts from 17 school administrations from whole Serbia were elected by the Ministry of Education, Science and Technological Development on the basis of Memorandum of understanding "Prevention and Education of Children and Youth about Trafficking in Human Beings", signed with the Unitas Fund and Ministry of Education, Science and Technological Development and the Center for Human trafficking victims protection in 2015. The experts were educated about this topic in 2016. After attending this workshop, 80 experts continued to expand their acquired knowledge and shared it with 6,273 of their colleagues across Serbia from 598 schools, who then shared the newly acquired knowledge with more than 53,526 pupils and 4190 parents from primary and secondary schools in Serbia, by holding organizing informative workshops about the topic of human

trafficking. Beside these 80 educated experts, during 2017, through 4 seminars (Belgrade-one seminar, Novi Sad-two seminars and Nis one seminar) 200 PE teachers were educated, who are considered target groups who can recognize potential human trafficking victims more easily in their environment.

An Integral part of prevention and education program is the "**Manual for the Educational System for the Protection of trafficking in human beings**", which has been translated into Serbian and English language and whose samples have been sent to all schools in Serbia, and which can be used as a material in educating teachers and youth about human trafficking. We also created a practicum which is intended only for experts who finished the education-prevention program (80 experts will receive the practicum).

Within the project "Prevention of the risks of trafficking of children and young people in Serbia", 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.

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 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.

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.

Within the first component of the project “*CLEAR project International labour Organization "Engagement and support at the national level for reduction of occurrence of child labor"*” aiming to harmonize Serbia’s legal instruments with international standards concerning child labour, the Regulation on hazardous work for children proposed by CLEAR in consultations with stakeholders and social partners was adopted by the Government of Serbia at a session on May 29, 2017. By adopting the Regulation, Serbia has fulfilled the obligation assumed by ratifying the ILO Worst Forms of Child Labour Convention. The Regulation was published in the Official Gazette of the Republic of Serbia and entered into force 8 days later, however, its implementation will start as of January 1, 2018. Furthermore, CLEAR project has developed amendments to three other regulations, namely the Labour Law, Law on Public Order and Peace and General Protocol on Protection of Children from Abuse and Neglect.

As a part of enhancement of conditions for reintegration of victims, a **protocol is signed between the Ministry of Labour and the National Employment Service as well as between the National Employment Service and Centre for Human Trafficking Victims' Protection** on cooperation in activities related to assistance and support to the victims of violence. This protocol enhances the possibilities for employment of human trafficking victims as especially vulnerable group of hard-to-employ category of users. The National Employment Service will, in cooperation with the Ministry and Social Welfare Centres, work on the training and preparation of the most vulnerable categories for inclusion to the labour market.

Activities of the Centre for Human Trafficking Victims' Protection on integration of the victims will be enhanced by creating spatial conditions for implementation of activities for support to the victims. Preparations for adjustment of business premises of the Centre for Human Trafficking Victims' Protection are ongoing.

Activities are ongoing on coordination of support in community through connection of institutional capacities and capacities of CSO. One of these activities is related to enhancement of cooperation between the Centre for Human Trafficking Victims' Protection as a system institution that is a holder of coordination and SCO. Until now, Memorandum of Understanding is signed with NGO ASTRA and Agreement of Cooperation with Tijana Juric Foundation.

During 2016 and 2017, the Centre for foster care and adoption Belgrade implemented project of development of foster care for children refugees/migrants, which includes care of children who are human trafficking victims. The existing capacities in children shelters and in residential care for children mostly satisfy the needs for accommodation of children who are human trafficking victims. Trained professionals work in these shelters, providing appropriate support for children and having developed cooperation with institutions and experts securing treatment, organisation of free time and support programmes and children integration, as well as education. Within the Centre for Human Trafficking Victims' Protection, in addition to business premises being secured, there will be a space for an Organisational unit of the Centre, Emergency

shelter for human trafficking victims. The shelter will provide conditions for accommodation and support for 6 female human trafficking victims, including girls of age of 16.

**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 fully 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. There is an ongoing procedure of recording the collection of data by the Commissioner for Information of Public Importance and personal data protection. The collection of data is going to be additionally amended in multiple stages.

Database for monitoring measures for inclusion of Roma people <http://www.inkluzijaroma.stat.gov.rs/sr> has been established within the project “European support for Roma inclusion“ funded by the European Union and implemented by the Mission of OSCE to Serbia and the Statistical Office of the Republic of Serbia, whereby the ownership of the Database shall be transferred to the Statistical Office of the Republic of Serbia by the end of the project implementation (April 2017). Database is an important tool for efficient implementation of policies at both national and local levels. This database ensures storing, keeping and reading data in a single place. The Database contains data of the Ministry of Education, Science and Technological Development, Ministry of Construction, Transportation and Infrastructure, Ministry of Health, National Employment Service, Statistical Office of the Republic of Serbia and data of the local self-governments. The database contains no personal data, but instead statistical and textual data on the Roma inclusion measures. Data on education are populated by the pedagogical assistants by using the results and achievements of pupils they were providing support to in preschool facilities and primary schools, as well as the data regarding the provided support upon enrolment to an educational facility.

### **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 41 construction of apartments is planned and the LSGs provided land and infrastructure. In the course of beneficiary selection a total of 144 commissions

were set up for each model of housing solutions in particular. Over 1,500 qualified employees have been involved in the implementation of the Regional Housing Programme. 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 and delivery of material is in ongoing, 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 design and construction of prefabricated houses for all is ongoing. The Republic of Serbia through a contribution is provided 105 packages of construction materials and 198 village houses. Within the third sub-project, which is implemented on the territory of Belgrade, beneficiaries were selected for the allocation of 49 prefabricated houses and contracts with the contractor and technical supervision have been signed and the development of the conceptual solution is in progress. Beneficiaries for the allocation of aid for the purchase of 69 households were selected and houses were purchased and moved in. Successful construction of 235 housing units for which users were elected in February 2016 is going according to the planned 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 tender for works for the construction of 270 housing units in Kamendin was announced on 19 June 2017 and the start of construction works is expected in October. 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. 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. The procedure for selection of beneficiaries for the allocation of 202 packages of building materials packages and 200 village households from these funds is also in the final stage. A final list was published for 42 selected beneficiaries for the provision of prefabricated houses under the second and fourth subprojects for which there were insufficient funds in the previous subprojects. Preparation of contracts for these beneficiaries is in progress. 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 procedure for signing a grant agreement for this subproject was launched. The Commissariat for Refugees and Migration as the leading institution implementing the Regional Housing Programme in the Republic of Serbia, also submitted the eighth project proposal for approval to the CEB, worth 20 million euros, which should provide additional 938 housing solutions. On 26 June Republic of Serbia hosted the most important event within the Regional Housing Programme, Assembly of Donors, which approved the new project proposal for the Republic of Serbia. On this occasion a field visit was organized to the construction site in Ovča, in Belgrade, where construction of 235 residential units is under way. Second part of the site visit in question was the

handing over ceremony of the thousandth housing solutions to the beneficiary family in Pancevo, which was provided with a prefabricated house under the second subproject.

Following public calls from February 2017 - The Republic of Serbia through a contribution is provided minimum 105 packages of construction materials in 24 LSGs and 48 village houses in 25 LSGs.

**At the Regional Housing Program Assembly of Donors of, held on 26 June 2017 in Belgrade, the Republic of Serbia was granted the eighth subproject** worth 19.9 million euros, which will finance the allocation of 938 housing solutions. So far, a total of 1,082 housing solutions have been delivered: 548 packages of building materials, 440 village households and 94 prefabricated houses. The construction of 235 flats in Ovča, as part of the third subproject, is in the final phase - the completion of construction is expected by the end of 2017. The selection of beneficiaries for the allocation of village households and building materials packages within the fifth and the extension of the fourth subproject is in progress, 16 LSGs has made a Decision on the selection of beneficiaries for assistance, and it is planned that the beneficiary selection in other LSGs will be completed by the end of the year.

On 5 July 2017, the Commissariat issued a Public call to the LSG units in the Republic of Serbia for the allocation of funds intended for creating and improving the living conditions of families of refugees and internally displaced persons in their territory through the purchase of village households. Under this Public Call – village households for refugees and internally displaced persons financed by the supplementary postage stamp, 6 LSGs were selected for the allocation of 10 village households.

**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.

Within the project "Promotion and protection of property rights of internally displaced persons, refugees and returnees under the readmission agreements", whose implementation started in November 2016, the following activities were carried out by II quarter of 2017: 6 offices were opened at locations relevant for final users with the main office in Belgrade, the website was activated: [www.pravnapomoc.org](http://www.pravnapomoc.org), a free number available for users was provided: 0800 108 208, which received 1747 calls from users and potential users, 862 meetings with clients were held, the legal team has compiled 204 written submissions to relevant institutions and represented clients in 124 cases before the institutions in Kosovo and Metohija, 1061 new cases were opened and 139 cases closed.

A new database is being created to provide a clear picture of the number of cases received from the previous project, the status and type of cases, the jurisdiction of the courts, the number of users and will be continuously updated. Data from this database will be available for the next reporting period. In December, the first conference was held, bringing together a large number of local and foreign experts in the field of protection and promotion of property and human rights, representatives of relevant institutions and associations in contact with project beneficiaries. In December training of trainers was also held in order to strengthen the capacities of the legal teams of the project, held by experienced international experts, including the Ombudsman in KiM, Marek Nowicki.

In February 2017, a survey was conducted to determine the extent to which end-users were informed about the existence of the project and the possibilities of exercising their rights. At the invitation of Commissioner for Refugees and Migration, the project was presented at the 12th annual meeting of city and municipal commissioners at the end of February in Novi Sad, when an initiative was started to establish mobile teams in order to increase access to as many end users as possible who are in extremely difficult material or health situation. So far, the mobile teams have visited Jagodina, Krusevac, Knjazevac and Kragujevac and started forming cases upon user's requests. A Roma language leaflet was prepared for returnees under readmission agreements, meetings were held with relevant Roma associations, and an event was organized in the receiving office for returnees at the airport "Nikola Tesla". Returnees are provided information on rights based on the Reintegration Strategy of Returnees in line with readmission agreements, as well as legal advices and expert support in the process of obtaining personal documents

### **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. Supreme Court of Cassation has so far not been informed of the existence of challenges in the implementation of this activity.

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).

**2015.**

In 2015, 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).

**2016.**

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 - 11VH 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. 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.

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 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.

**2017:**

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. 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.

The tender documents for the design of the Programme IPA 2014 for the renovation and reconstruction buildings for asylum seekers is in preparation.

In the reporting period for II 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 adopted on March 17, 2017. Through the public calls from April 2017, the Republic of Serbia is provided minimum 120 packages of construction materials in 24 LSGs, 73 village houses in 24 LSGs and 225 packages of economic empowerment in 26 LSGs.

**IPA 2014** – Call for proposal for provision to the improvement of living conditions of IDPs and returnees from readmission process in Serbia is completed in April 2017. Further procedures are ongoing and beneficiary institution is completely omitted from it.

In the reporting period for III quarter of 2017:

Under the Public call from July 2017 for granting the village households for refugees and internally displaced persons financed by the supplementary postage stamp, certain number of village households that have been selected in 6 LSGs will be delivered to internally displaced persons.

**IPA 2014** - On 20 July 2017, the EU Delegation sent a notice to the Commissariat that within the activities "Improvement of the Living Conditions of the IDPs and Returnees under the

Readmission Agreement", it selected the NGOs /LSGs that were shortlisted and that their deadline is till the end of August to submit a complete project proposal.

**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. 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. According to a public call from February 2017, the Republic of Serbia is provided 116 packages of economic empowerment in 27 LSGs for refugees. The maximum amount of funds to help LSGs for the economic empowerment of refugees, together with the participation of LSG, is 2 million RSD per LSG. The amount of funds for economic empowerment is 200,000 RSD per family household. During the reporting period there were no public calls for the allocation of funds intended for the economic empowerment of refugees on their territory. Monitoring of the implementation of the allocated funds from previous 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 being successfully implemented** Coordination body for social inclusion of Roma was established in March 2017 and it will be responsible for this activity.

**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 was announced in September 2016. 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. At the public call from March 2017, a total of 48 program proposals of importance to the population of refugees, internally displaced persons, asylum seekers and returnees upon readmission agreement was reported. Funds were approved for 19 programs. Of these 19 programs, 7 programs are aimed to raising awareness of refugees and internally displaced persons to ensure their social integration and awareness on the mechanisms available for the exercise of rights.

There is an ongoing Public call (published on 21 September) for the financing of civil society programs of relevance to the population of refugees, internally displaced persons, asylum seekers and returnees under the readmission agreement. The priority for funding will have the programs aimed at raising awareness of the beneficiary population in the process of integration and reintegration and in achieving sustainable return, as well as programs focused on research relevant for determining the situation and needs and rights at the place of origin. The total amount of allocated funds is 6,074,000.00 RSD.

### **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.** 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 2016 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. The eighth coordination meeting with representatives of competent public institutions and civil sector organizations was held on April 10<sup>th</sup>, 2017 in Belgrade, which was 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. Realized activities are presented, most of which relate to training for the judiciary, conducted in cooperation with the Academy. Also, the working group (Tamara Mirović, Jasmina Kiurski and Milan Antonijević) has begun drafting the **Guidelines on the prosecution of hate crimes**, and the Guidelines will be finalized in June. The Guidelines are planned to be shared on seminars as a working material.

**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. The eighth Coordination Meeting of representatives of competent public authorities and civil society organizations was held (on 10 April 2017) with a view to establishing mechanisms for combating hate crimes in the Republic of Serbia.

### **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 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. European Commission against Racism and Intolerance adopted the report on Serbia on 22 March 2017 at its 72nd plenary session, and the report was published on 16 May 2017. Comments of the country to the report, which were submitted to ECRI during the consultation process, constitute an integral part of the report. ECRI has expressed its positions in 21 recommendations addressed to Serbia, out of which two recommendations require priority implementation, and ECRI will supervise their implementation within two years:

- The National Assembly and the Government of the Republic of Serbia should adopt a code of conduct prohibiting hate speech;
- Serbian authorities should give priority to hiring a proportionate number of Roma and members of other minorities to the civil service.

**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.)**

**Activity is not implemented.**

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.

Regarding to adoption of the Decision on founding Action team for the composing and implementation of the Strategy and Action Plan for the fight against violence and misbehavior at sports events, the police has submitted its members of the new action team.

Also, in accordance with the Law on Sport, Ministry of Youth and Sport has composed the draft Decision on founding National council for the prevention of negative occurrences in sport, which task is, among others, to control the implementation of the National Strategy for the fight against violence and misbehavior at sports events and its Action Plan. The Government has **adopted the Decision on establishment of the National Council for the Prevention of Negative Sports Events**, on 22 August 2017.

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. 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, on 28 March 2013, at the proposal of the Legal system and Public Administration Committee, has 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, on 12 July 2013, at a proposal from the Legal System and Public Administration Committee, has 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. 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.

**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 partially implemented.** The 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. with the following tasks:

- 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 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.

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.

Within the activity „Developing multiagency cooperation for the fight against violence and misbehavior at sports events“, representatives of the Ministry of Interior took part in various international working groups, round tables and conferences which are dealing with the prevention of violence at sports events.

### **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.)**

**Activity is not implemented.** As the new Government was recently established, there is a need to designate new members of the Action team who shall determine the dynamics of the work on the new Action plan.

## **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.

The Working Group of the Ministry of Justice has **prepared the Draft Law on Personal Data Protection**. The draft has been translated into English and submitted to the EUROJUST expert in order to assess the level of compliance with EU acquis, including Regulation 2016/679 and the Directive 2016/680.

Consultations with the expert will last until the end of October. After that, the translation shall be updated and the final text in English will be sent to the European Commission for opinion. Adoption of the law is planned by the end of the year.

As the Commissioner reports, the Commissioner presented the Government with the Model Law on Personal Data Protection (August 28. 2017), as previously the same text of the Model law has been submitted on July 6. 2017.

**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.

In September 2017, the Commissioner announced a vacancy for filling in executive positions in the service of the Commissioner for Information of Public Importance and Personal Data Protection for 6 employees.

Committee on Administrative, Budgetary, Mandate and Immunity Issues of National Assembly of Republic of Serbia approved Commissioner's new Rulebook on internal organization and classification of jobs in Act 21 No 112-402/17 dated on 10th May 2017, which entered into force on 20th May 2017.

In accordance with the Rulebook on internal organization and classification of jobs dated on 4th November 2014 and the Rulebook on internal organization and classification of jobs dated on 21st February 2017, there are 94 systematized jobs for permanently employed civil servants and employees.

In accordance with the Budget Law for 2017, Commissioner is allotted with RSD 139,820,000.00 for salaries and allowances for 71 permanently employed civil servants and employees and 3 persons appointed by the National Assembly of the Republic of Serbia. In accordance with Human resources plan dated on 15th March 2017, it is estimated that around RSD 125,000,000.00 is needed for salaries and allowances for 71 permanently employed civil servants and employees and 3 persons appointed by the National Assembly of the Republic of Serbia. **Within remaining allotted assets (approximately RSD 15,000,000.00), the admission of new staff to the Commissioner's Office is possible. The dynamics of staff recruitment would take place in the last quarter of 2017, according to the amount of available assets.** Current number of the employed staff is 71.

**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. Commissioner submitted answers on the Questionnaire on analysis of training needs and analytical support to the Ministry for European Integration that is implementing needs assessment and analytical support analysis for Serbia's EU integration process.