



COUNCIL FOR IMPLEMENTATION OF THE ACTION PLAN FOR CHAPTER 23

FIRST REPORT ON IMPLEMENTATION OF THE ACTION PLAN FOR CHAPTER 23

(for activities planned due for II quarter of 2016)

Introductory note

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

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

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

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

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



presentation of the final Report for the representatives of state institutions, the media, civil society and international organizations on July 1st 2016. The First Report of the Council shall include the following:

1. Detailed report on implementation of the activities due for II quarter of 2016 (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
 - implementation of the activities per each institution

JUDICIARY

1.1. INDEPENDENCE

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

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

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

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

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



Activity is being implemented successfully.

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

Implementation of this activity is in progress. After the entry into force of the amendments to the Law on Judges („Official Gazette RS ", No. 106/15) High Judicial Council at its session held on 12 April 2016 brought a decision on the establishment of the Working Group for drafting the Rulebook on the criteria and standards for the assessment of qualifications, competences and worthiness for nomination of candidates for the first election to judicial office, the election of judges to other court or higher court and for the nomination of candidates for the election of court presidents and for drafting the Rulebook on the program and manner of taking the exam for the assessment of competences and qualifications for a candidate for the first election to judicial office. We are in the process of consultations with all relevant stakeholders in the implementation of these activities (Judicial Academy, judicial assistants associations).

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

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

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

High Judicial Council formed commission for evaluation of work of judges and court presidents, with task to determine period of evaluation for each court, and to monitor process of evaluation performed by the commission formed by the High judicial council, after a public invitation. Part of internet site of High judicial council is dedicated to process of evaluation of judges and court presidents, so all necessary information is available to judges and court presidents.

At the session held on 29 March 2016, the High Judicial Council passed a decision on the establishment of evaluation commissions in order to carry on the evaluation procedure for judges who had been elected to a three year tenure.

The High Judicial Council Evaluation Commission on 28 April 2016 passed a decision on the commencement of the evaluation process for judges whose three year tenure is going to elapse. The High Judicial Council is continuously publishing on its website www.vss.sud.rs information on the promotion of the importance of evaluation of the work of judges and its impact on career development.

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.

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)

In the first quarter of 2015, the working group for drafting of the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of a candidate during the procedure of proposing and electing bearers of prosecutorial position was having a series of meetings, after which draft of the Rulebook was translated, and forwarded for the second time to the European Commission, more precisely to the Directorate for Enlargement and to the Directorate for Justice, with a view to provide opinion on harmonization of the text with the EU Common jurisprudence.

After obtaining the preliminary European Commission comments to the Rulebook draft, at the session held on 14th of May 2015 the State Prosecutorial Council adopted the Rulebook on criteria



and standards for evaluation of qualification, competence and worthiness of candidates during the procedure of proposing and electing bearers of prosecutorial position.

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

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

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

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

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

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



Prosecution Office for Organized Crime and a Deputy Prosecutor at the Prosecution Office for War Crimes.

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

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

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.

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

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

After ending of the trial implementation, the State Prosecutorial Council has conducted an analysis and drafted a report on the Rulebook trial implementation, and submitted it to work group members for further analysis and possible implementation of recommendations, submitted by public prosecution offices where the Rulebook had been implemented provisionally. The Rulebook trial implementation was monitored by the OSCE Mission to Serbia representatives, monitoring through visits to public prosecution offices organizational and practical implementation of it.

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

On May 9, 2016, the Administrative Office of the State Prosecutorial Council submitted letters to public prosecution offices to submit performance evaluations and the last mark for candidates applied to the stated announcements for the election, based on the decision on evaluation and in



line with the provisions of the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates during the procedure of proposing and electing prosecutorial office holders and the Rulebook on criteria and evaluation of work of public prosecutors and deputy public prosecutors.

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

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

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

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

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 Parliament has adopted amendments to the Law on the HJC in line with the activity 1.1.4.1. on December 18th 2015.*



The Government has adopted the Bill on Amendments to the Law on the High Judicial Council at its 179th session held on 11 December 2015, at a proposal of the Ministry of Justice. The Government has, based on the 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), submitted to the National Assembly the Bill on Amendments to the Law on high Judicial Council, proposing that, under the Article 167 of the Rules of procedure of the National Assembly, the Bill is passed through urgent procedure.

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

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

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

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

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

The Law was adopted under urgent procedure for the sake of meeting the commitment given in the Action Plan for negotiation Chapter 23, which was due in the third quarter of 2015. This law came into force on the eighth day from the date of its publishing in the "Official Gazette of the Republic of Serbia".

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 National Parliament has adopted amendments to the Law on the SPC in line with the activity 1.1.4.2. on December 18th 2015.

The Government has established the Bill on Amendments to the Law on State Prosecutorial Council, at its 179th session held on 11st December 2015, at a proposal of the Ministry of Justice. The Government has, according to the 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), submitted to the National Assembly the Bill of Amendments to the Law on State Prosecutorial Council, proposing that, under Article 167 of the Rules of Procedure of the National Assembly, it is passed through urgent procedure.

The National Assembly passed the Law on Amendments to the Law on State Prosecutorial Council, which was published in the Official Gazette of RS, No. 106 on 21st December 2015.

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

- 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.

The Law was adopted under urgent procedure for the sake of meeting the commitment given in the Action Plan for negotiation Chapter 23, which was due in the third quarter of 2015.

This law came into force on the eighth day from the date of its publishing in the “Official Gazette of the Republic of Serbia”.

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.

1.1.4.5. 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. 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 its Administrative Office and see this activity as continuous one.

As to its analytical and statistical performance, the Administrative Office 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. As prescribed by Law on Organization of Courts, the HJC will take over jurisdiction of judiciary administration prescribed in Article 70 of the Law, from the Ministry of Justice, starting from 1st July 2015, 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 18th 2015.

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

During the fourth quarter of 2014, the State Prosecutorial Council participated at the process of selection of tenderers for the IPA 2013 project: “Capacity building of the High Court Council and the State Prosecutorial Council”, and upon selection of a partner from a EU member state, it commenced work on drafting a text for the Twinning contract. One of components within this project first result (building administrative capacities) is related to strengthening of internal organization of the SPC Administrative Office, including drafting of the strategic plan, capacity building plan and training needs assessment for the SPC Administrative Office employees, and within this measure, it shall be conducted needs assessment, organized workshops and round tables, drafted recommendations and delivered training for the staff. Beginning of the project implementation was during the second quarter of 2015.

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

recommendations, while during the following quarters round tables are expected to be organized and delivering of training for the staff.

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

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

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

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

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

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

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

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

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 not implemented.

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.

1.1.6.7. 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. 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.

These proceedings are conducted before misdemeanor courts. SIPRES introduction (automated case management system in misdemeanor courts, which roll-out is expected by January 2016), will enable 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.

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

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

The Negotiation group has continued consultative process even after AP's adoption using two methods: regular meetings with the National Convent for EU as well as through the public calls for commenting on draft laws, strategies and action plans connect to implementation of the AP Ch.



23. On every joint meeting with CSOs, the Negotiation group and the National Convent formulate joint conclusions on relevant points on cooperation and possibilities of its improvement. On the last meetings some of the key topics was identification of the activities that can be implemented in cooperation with CSOs; discussion on the dedicated Action plan for national minorities; discussion on the National strategy for the prosecution of war crimes as well as discussion on Negotiation Position abstract.

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

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

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

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

Activity is being implemented successfully. See 1.1.7.1.

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

Activity is being implemented successfully. See 1.1.7.1.

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. 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.

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 Sectorial Council that includes representatives of all judicial stakeholders (see 1.2.1.3.) on its session held on April 13th 2016.

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

Activity is being implemented successfully. 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 *Sectorial Council for Information and Communication Technologies* (hereinafter: Sectorial Council). The Sectorial Council has been established on April 13th 2016.



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

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

Within its scope Sectoral Council:

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

- Make recommendations for training programs for employees in the judiciary to improve the quality of work on existing ICT platforms;
- Make recommendations in terms of ensuring the sustainability of ICT systems in the justice sector.

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 almost completely implemented. 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.

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 which shall 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 almost completely implemented. 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 project team will support the courts and PPOs in data cleaning.

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. 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. Bearing in mind that this application of the misdemeanor courts was introduced in late 2015, the Supreme Court of Cassation has a reasonable expectation that all of its functions will be used in full capacity in the second half of 2016.

On the basis of these results, the Supreme Court of Cassation formed the following conclusions:

- It is necessary to introduce a continuing training for work in all existing applications, to be used in a standardized way in their full capacity, and
- It is necessary to upgrade AVP options for electronic scheduling of hearings, recording the reasons for their delay or postponement, and automatic scheduling of the next hearing in standardized intervals, or completely replace it with an application that possesses all of these options.

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“.

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 3.425 judges (out of which 2.634 are active) and 749 public prosecutors (out of which 596 active).

Within the stipulated deadline, the State Prosecutorial Council has submitted to the Anti-corruption Agency information about cessation of tenure of the elective members of the State Prosecutorial Council elected among public prosecutors and deputy public prosecutors for the former members with the expired tenure and information about entering into the position for the elective members of the State Prosecutorial Council elected among public prosecutors and deputy public prosecutors, for the new members that entered into the position.

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. 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. 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“.

Total of 4.588 Reports of judges and 1.420 Reports of public prosecutors have been processed and published to date.

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

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

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

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

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

Activity is partially implemented. The working group has been established and its work is currently ongoing.

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 almost completely implemented. The working group has been established and its work is currently ongoing. OSCE mission in Serbia currently finishing the important input for the working group- The Analysis of the disciplinary system for judicial office holders. Publishing of the Analysis is expected in two weeks. After that the working group is going to submit their final 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 partially implemented. High judicial council formed workgroup for analysis of Code of Ethics, and drafting Rules of procedure for Ethics committee of High judicial council.

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

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

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

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

Activity is fully implemented. See 1.2.2.8.

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

Activity is being implemented successfully.

During 2013 the State Prosecutorial Council and the OSCE Mission to Serbia have been organizing several round tables on the occasion of presenting draft of the Code of Ethics for public prosecutors



and deputy public prosecutors. Round tables were organized at the level of appellate public prosecution offices, where were also present representatives of professional associations.

On 2nd of October 2013, based on the Article 13 paragraph 1 point 15 of the Act on the State Prosecutorial Council and the Article 47 of the Act on public prosecution office, the State Prosecutorial Council passed the Code of Ethics for public prosecutors and deputy public prosecutors, purpose of which is to establish standards of professional ethics for bearers of prosecutorial position. Following that, the Council submitted a letter to public prosecution offices informing bearers of prosecutorial position on the stated, and each deputy public prosecutor was handed out a copy of the Code of Ethics, while members of peers were informed about basic duties, ethical principles, as well as about liability foreseen for violation of the Code of Ethics.

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

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

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

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

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

Moreover, in July shall be delivered one more two-day workshop 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).

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.).

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 almost completely implemented. In cooperation with OSCE, High judicial council is performing 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 will be available on the internet site of the High judicial council, along with decisions of the disciplinary bodies in a few weeks..

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In line with Article 14, paragraph 2 and Article 15, paragraph 2 of the Rulebook on Disciplinary Procedure and Disciplinary Responsibility of Public Prosecutors and Deputy Public Prosecutors (“Official Gazette of the Republic of Serbia”, Nos. 34/12, 109/13 и 58/14), the State Prosecutorial Council has called the public prosecution offices to submit a list of voluntarily applied candidates prosecutorial office holders and a list of candidates prosecutorial office holders proposed by colleagues from the public prosecution office within the defined timeframe, in order to make a decision on appointment of disciplinary bodies. The State Prosecutorial Council has formed at the same session a work body for performing interviews with the applied candidates, with reference to conducting the procedure of appointment of disciplinary bodies.

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

Activity is partially implemented. The working group has been established and its work is currently ongoing.

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 Law amendments in line with the AP 23 provisions has been adopted on December 18th 2015.*

The Government has, at its 171st session held on 12 November 2015, at proposal of the Ministry of Justice, established the Bill on Amendments of the Law on Judicial Academy 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 the Procedure of the National Assembly ("Official Gazette of RS", No. 20/12 - revised text), submit to the National Assembly the Bill on Amendments to the Law on the Judicial Academy for further proceedings.

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. Proponent of the Law was the Ministry of Justice.

- Committee on the Judiciary, Public Administration and Local Self-Government at its 51st sitting, held on 14th December 2015, and 55th sitting, held on 17th December 2015, considered the Bill amending and modifying the Law on Judicial Academy in general and in detail.

- 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).

-This law came into force on the eighth day from the date of its publishing in the “Official Gazette of the Republic of Serbia”.

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 Law amendments in line with the AP 23 provisions has been adopted on December 18th 2015.

The Government, has, at its 115th session held on 23 April 2015, at a proposal of Legal System and Public Administration Committee, established, in the proposed text, the Bill on Amendments to the Law on Judges and concluded to, pursuant to Article 123, item 4 of the Constitution Republic of Serbia and article 150, paragraph 1 of the Rules of Procedure the National Assembly ("Official Gazette of RS", No. 20/12 - revised text), submit to the National Assembly Bill of Amendment to the Law on Judges for further proceedings.

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.

The Government has, at its 171st session on 12 November 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 Judges and concluded that, pursuant to Article 123, item 4 of the Constitution 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 Bill on Amendments to the Law on Judges for further proceedings.

The National Assembly passed the Law on Amendments to the Law on Judges, which was published in the Official Gazette of RS, No. 106 on 21 December 2015.

Proponent of those laws 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 amending the Law on Judges in general and in detail.
 - The Law amending the Law on Judges 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 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.
- This law came into force on the eighth day from the date of its publishing in the "Official Gazette of the Republic of Serbia".

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 Law amendments in line with the AP 23 provisions has been adopted on December 18th 2015.*

The Government has determined the Bill of the Amendments to the Law on Public Prosecution at its 171st session held on 12 November 2015, at the proposal of the Legal System and Public Administration Committee, and concluded to, pursuant to the Article 123, item 4 of the Constitution of the Republic of Serbia and the 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 of the Amendments to the Law on Public Prosecution for further proceedings.

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.

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 amending the Law on Public Prosecution in general and in detail.

- The law with amendments to the Law on Public Prosecution 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 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.

This law came into force on the eighth day from the date of its publishing in the "Official Gazette of the Republic of Serbia".

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. 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 September 2016.

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. 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.

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 project the JA finalized the recruitment of the staff that will support the regional offices, communication with the High Judicial Council and the State Prosecutorial Council, enhancement of the mentor system and selection of the lecturers in line with the newly established criteria and standards for election, performance and promotion of judges and prosecutors. 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. 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. The IPA 2015 is in its initial phase of realization and it is expected that the reconstruction works will be over by the middle of 2017.

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 almost completely implemented. 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.

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

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

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

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

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

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.

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.

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. See 1.3.2.3.

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 being implemented successfully. The Strategy implementation Commission (Commission for NJRS 2013-2018) on its session held on April 2016 decided to establish special working group for drafting a medium-term situation assessment and called relevant stakeholders to determine their representatives in the working group.

All institutions has determined their representatives during June 2016. On the next session of the Strategy implementation Commission (scheduled for July 8th) the working group will be officially formed and start its work. The working group will be provided with expert support of the MDTF/RAFU consultant for the reform of judicial network Lidija Mašanović

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 being implemented successfully. See 1.3.3.1.

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 being implemented successfully. See 1.3.3.1.

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

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

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. 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 almost completely implemented. At the meeting of the Working Group for the implementation of the Unified Backlog Reduction Plan, held on 1 and 2 April 2015, it has been decided that the members of the WG and the SCC would carry out a number of analyses before amending the BLR Plan. By 15 June 2016, the Supreme Court of Cassation and the Working Group shall:

- Assess the quality of individual courts' BLR programs and adequacy of individually undertaken internal and external measures
- Assess the acting on the orders of the SCC President in connection with solving the oldest cases (first instance civil cases older than 10 years and the first-instance criminal cases older than 5 years)
- Establish statistics on resolving old cases per courts and per materiae
- Assess the workload of judges per materiae and workload of backlog cases in the courts in individual subject matters and compare them with the average number of cases that have been

resolved by the judge and on that basis to assess the adequacy of the annual work schedule of judges in courts in matters

- To assess the effects of policy measures taken
- Analyze the impact of the new network of courts in resolving old cases
- Assess the effects of incorrect "migration" of cases and the reliability of statistical data in basic and higher courts
- Analyze the impact of the suspension of work of lawyers in 2014 and 2015 on the dynamics of solving old cases
- Assess the impact of reducing the number of employees in the courts to carry out the responsibilities of the courts and the increasing number of cases due to the constant expansion of the jurisdiction of courts based on special laws
- Assess the effects of system solutions taken by the executive authorities to resolve disputes (for example, between users of military pension or employees in the Ministry of Interior ...) on the course of court proceedings (postponement of cases in anticipation of new legislation, intervention effects executive authorities on process streamlining, resolving constitutional appeals before the constitutional Court), or harmonization of court practice
- Pass a conclusion on the justification of the introduction of new standard applications to manage cases in all courts in the Republic

According to analyzes conducted, the Supreme Court of Cassation and the BLR Working Group will bring a conclusion on the scope and direction of changes of the Unified BLR Plan and the Special Program for the solution of old enforcement cases (i.e. Mini Strategy).

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 almost completely 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 almost completely implemented. See 1.2.1.5.

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.

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

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

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

Activity is not 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 cited Law provisions, at the beginning of 2016 the SCC amended its Systematization Act, by merging several positions and functions into one. Having in mind the general hiring ban in public sector, in effect as of 2014, the Supreme Court of Cassation currently has no possibility to increase the number of its staff by engaging an IT expert.

By this and further decrease of the court staff, the Supreme Court of Cassation will not be able to perform its duties in the full capacities and to timely adjudicate cases which fall under its jurisdiction according to the amendments of the legislation which broadened its competences.

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 fully implemented. 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. 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%20od%2001%20januara%202014.%20do%2009.%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

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. 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.

Therefore, further analytical and legislative work in this field will begin in the second half of 2016, once enough time passes for and objective analysis of the results of the application of the notary system. An analysis of costs and practical application of the Law on the Verification of Signatures, Manuscripts and Transcripts is planned to be finished in the III quarter of 2016.

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. 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. In October and December 2015 regular examination periods were organised. Since June 2015, one competition was conducted for the appointment of notaries and one for the appointment of assistant notaries. Currently, two new competitions are being conducted for the appointment of notaries as notaries have not yet been appointed on the territory of 18 basic courts. Since the beginning of organizing of notary exam a total of **275 candidates have passed the notary state exam while 140 notaries have been appointed.**

On May 26, 2016, there were 149 notaries discharging their duties in the territory of the Republic of Serbia. During the reporting period, the Minister made decisions on the appointment of 10 notaries and 6 notary assistants. Also, a decision was made by which an appointed notary is considered not to be appointed, in accordance with the Article No 30 of the Law on Notary System. A decision on the dismissal of one notary assistant was adopted. Decisions on entering 49 notary trainees in the Directory kept by the Chamber were made.

The notary exam in the March examination period in 2016 have passed 15 candidates; the **total number of candidates who have passed the notary exam is 319.** The written part of the May 2016 examination was organized.

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. In the reporting period, 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.

1.3.6.24. Promotion of notary system (Continuously)

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

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

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

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

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

Representatives of the MoJ and Notary Chamber attended the 28. Conference of Civil Law Notaries in Salzburg, Austria on 21-22 April 2016 (**“not@r 4.0: The Digital Agenda of the Notariat”**) and subsequently reported on the findings:

<http://www.mpravde.gov.rs/obavestenje/12641/predstavnici-ministarstva-pravde-i-javnobelesnicke-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/javnobelesnicka-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.

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

Activity is being implemented successfully. Activities are implemented in line with the Action Plan for Chapter 23. 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. 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.

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. 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.

On 20 May 2016, there are **324 registered mediators**.

In the reporting period, the Ministry of Justice has collected data on the total number of mediation carried out by mediators as well as the data of the number of conducted and successfully completed mediations in commercial courts.

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 being implemented successfully. 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. 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.

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

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

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

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

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

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

The proposer of the Law is the Ministry of Justice.

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

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

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

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

This Law enabled achieving compromise between the enforcement proceeding speed and standardization of the court practice (by means of an appeal), and the enforcement officers authority was extended (in order to retain and speed up the enforcement proceedings), the most important enforcement officer's acts were subjected to the legal remedy – appeal, to be adjudicated by the court, whereby the enforcement officers practice from the the same basic or commercial court area was aligned, the general part of the enforcement proceedings was reordered for the sake of making it easy-to-survey and systemic, clearer solutions were reached in order to avoid misunderstandings in practice.

This law shall enter into force on 1st July 2016, with the exception of the provisions of the Article 393, Paragraph 5, Article 470, Paragraph 2, Article 472, Paragraph 3, Article 473. Paragraph 2, Article 474. Paragraph 4, Article 481, Article 482. Paragraph 3, Article 483, Paragraph 2, Article 496. Paragraph 1, Article 97, Paragraph 2, Article 499, Paragraph 3 and 4, Article 501, Paragraph 4, Article 503, Paragraph 4, Article 504, Article 505, Paragraph 7, Article 509, Paragraph 4, Article 512, Paragraph 2, Article 516, Paragraph 3, Article 523, Paragraph 5, Article 524, Paragraph 6, Article 530, Article 532 , Paragraph 5, Article 540 Paragraph 3, Article 548 and

Article 549 of this law which entered into force on the eighth day from the date of its publishing in the “Official Gazette of the Republic of Serbia”.

Moreover, the **Law on Amendments to the Law on Court Taxes** (“Official Gazette of RS”, no. 106/2015) which has entered into force, predominantly, on 29 December 2015, was enacted in order to harmonise the system of collection of court taxes with the Law on Enforcement and Security. Namely, the amendments reduce the amount of court fees charged by the court in cases where enforcement is implemented by the enforcement agent and abolish the payment of court fees for the enforcement ruling of the court regarding the motion to enforce on the basis of an enforceable or authentic document. Thereby, **a significant regulatory improvement with respect to costs of these proceedings has been made**, which has put an end to the “duplication” of fees charged by the court and enforcement agent, which existed since the introduction of this new legal profession in the judicial system in 2012. Additionally, in order to gain benefits from the system of enforcement agents, the jurisdiction for enforcing of taxes has been transferred to this legal profession, while parties are exempted from payment in the cases of entrusting of certain court proceedings or actions to notaries.

1.3.7.2. Enacting of by-laws and Chamber regulations necessary for implementation of Law on Enforcement and Security, in particular for:

- **Establishing clearly defined professional standards and reporting criteria (substantive and financial), professional ethics, disciplinary proceedings, and system of monitoring and control by the Ministry of Justice and the Chamber, for a functional and transparent system of accountability of enforcement officers;**
- **Conducting initial and continuous training programs. (II quarter of 2016)**

The activity is being successfully implemented. The MoJ and Chamber of Enforcement Agents, supported by the RoLE project, have since the enacting of the LoES intensified activities on drafting of all the **by-laws and regulations necessary for the implementation of the LoES**, in particular for establishing clearly defined professional standards and reporting criteria, professional ethics, disciplinary proceedings, and an efficient system of monitoring and control of enforcement agents, for a functional and transparent system of accountability of enforcement officers, as well as for conducting initial and continuous training programs, all to be enacted until 1 July 2016.

Amendments to the **By-law on Tariff of Fees and Reimbursements for the Work of Enforcement Agents** (“Official Gazette of RS”, no. 4/2016), have already been adopted in order to address pressing issues, and have entered into force on **30 January 2016**. The enforcement agent compensation has been reduced for the lowest amounts of enforceable claims, such as claims

pertaining to utility services to individuals which are the most common, as well as for certain expenses, as the cost of copying of document - more than 50% of the amount initially determined. This Tariff shall apply until 1 July 2016, having in mind that a **new tariff**, which will be harmonized with the new Law on Enforcement and Security will be enacted by that date. The new tariff will introduce a new method of calculating fees, which will be more transparent, precise and will allow the creditor and the enforcement debtor to more easily identify the costs of enforcement proceedings.

The **Rulebook on the Disciplinary Proceedings against Enforcement Agents** was adopted ("Official Gazette of RS", No. 32 of 30 March 2016) and will take effect from 1 July 2016. On the basis of the Rulebook, the Commission of the MoJ that conducts the disciplinary proceedings against enforcement agents has five members, three of which are appointed by the Minister of Justice from among judges with experience in the enforcement field and the process of securing; two members are appointed by the Chamber of Enforcement Agents among enforcement agents.

On 24 March 2016, the Minister of Justice adopted the **Rulebook on Monitoring over the Work of Enforcement Agents** and the **Rulebook on Disciplinary Proceedings Against Enforcement Agents** ("Official Gazette of RS" No. 32/2016). These Rulebooks will come into force on 7 April 2016 and will be applicable from 1 July 2016.

The **Rulebook on the Recordkeeping of Enforcement and Security Proceedings and Financial Operations of Enforcement Agents, the Manner of Reporting, the Content of the Report on the Work of the Enforcement Agents and on Archiving** has also been adopted ("Official Gazette of RS" No. 37/2016).

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 securities, which were sent on the approval to the Ministry of Justice. With the support of the *RoLE* Project, the first draft of Chamber of Enforcement Agents **Regulation on the Supervision Procedure over the performance of enforcement agents** was made. This Regulation is to be adopted by the end of second quarter of 2016. Draft of the Regulation on supervision prescribes the establishing of a Supervision Commission, as a permanent body of the Chamber of enforcement agents for the performance of supervision, for the territory of each organizational unit of the Chamber.

When it comes to other significant by-laws, in addition to the tariff, the **Rulebook on Professional Standards of EA's** remains to be adopted in the following period. Moreover, during the reporting period, the **working group for the development of a comprehensive training program** composed of representatives of the Ministry of Justice, Chamber of Enforcement Agents, the Judicial Academy and the judiciary continued to work on the **draft regulations on continuous**

training of enforcement agents and initial training of candidates, as well as the **programs on training** and training materials. As preparation for implementation of the basic and regular professional education in accordance with the new LoES, and with the support of *RoLE* Project, a special training of trainers for performing basic and regular training of enforcement agents - enforcement agents with longer experience in work, judges from the enforcement departments, representatives of the Ministry of justice and experts from the practice was organized. At the final conference of the project on 23 May 2016 32 individuals have been certified to deliver training.

The Chamber of enforcement agents regularly informs the enforcement agents about all relevant seminars for their professional improvement.

The Judicial academy has a member in the work group for drafting by-laws relevant for education of enforcement officers. As of the first quarter of 2016 drafting of all the necessary by-laws is in the course. The Judicial Academy Program Council has been enlarged by additional members – representatives of enforcement officers. Regular and basic professional advancement of enforcement officers is being conducted continuously. The Judicial Academy has supported organization of the second Congress of enforcement officers during the I quarter of 2016, where it was discussed, among other things, amendments to the relevant laws and by-laws, which would affect competencies and more efficient operations of the enforcement in Serbia.

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. On 23 December 2015 **230 enforcement agents** work on in the territory of the Republic of Serbia. In 2015, the Ministry of Justice and Chamber of Enforcement Agents have significantly intensified monitoring of the work of enforcement agents, while the Disciplinary Commission has enacted several decisions against enforcement agents. In July and August 2015 at the request of the Ministry the enforcement agents have provided statistical reports on six-month work during the period 1.01.2015.-30.06.2015. (Note: enforcement agents have submitted at the beginning of 2015 annual reports on their work in 2014). Two decisions on the dismissal of enforcement agents were issued by the Disciplinary Commission.

Chamber of enforcement agents performs the supervision over the work of enforcement agents and acts upon complaints on their work. Besides, for performing supervision over the work of

enforcement agents 6 permanent commissions were established: 3 for the territory of Belgrade, 2 for the territory of Autonomous Province of Vojvodina and 1 for the territory of central Serbia. Also, within the service of the Chamber of enforcement agents two persons were employed on the work on supervision and acting on complaints against the enforcement agents' performance. During 2015 supervision was conducted upon 400 complaints against the enforcement agents.

Reports to the Commission for the Implementation of the National Judicial Reform Strategy for the period 2013-2018 are submitted regularly.

On 26 May 2016 **238 enforcement agents** work on the territory of the Republic of Serbia.

With the support of the project RoLE, in the period of 10-11. February 2016 **a workshop was held 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, as well as the enforcement system itself.

During the reporting period, the Ministry of Justice has continued with intensified supervision over the work of enforcement agents. 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.

In 2015 the number of active enforcement cases was 1.227.383, and in the same year a total of 398.192 enforcement cases were initiated, a total of 336.636 enforcement cases were solved, which represents 27,43% of the total number of cases in work, as 896.030 enforcement cases were not solved. The mentioned data was collected upon submission of corrected data from 230 enforcement agents. Total amount of claims in enforcement cases in 2015 118.354.591.532,82 RSD, and total amount of means collected through the enforcement was 28.127.371.403,51 RSD or 23,76%, which represents only a part of means collected in enforcement procedures in 2015, since enforcement agents enter the amount of collected means in their software applications only after the completion of the enforcement procedure, and in many cases in 2015 initiated enforcement will be completed in 2016. This information refers to the amount of payment in enforcement procedures which were completed in 2015 in relation to the claims in all active cases in 2015 and does not represent the total collected amount by years of submission of cases.

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. Chamber of Enforcement Agents has announced an open call for new positions in order to improve administrative capacity. The Ministry of Justice in collaboration with RoLE Project is planning activities for the first quarter 2016 in order to improve the work of the Department for Judicial Profession.

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-izvrsitelja-uvadena-u-srpski-pravosudni-sistem.php>; <http://www.mpravde.gov.rs/files/Izvrsitelji%20SMALL%20FINAL%20FINALALA.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.

Publishing of instructions on possibility of submission of complaint/appeal on the performance of enforcement agents on the official website of the Chamber of enforcement agents is planned. Also, an electronic table will be set on the official website of the Chamber of enforcement agents for the purpose of publishing of auctions in procedures performed by the enforcement agents.

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. See activities under 1.3.7.2. 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.¹

¹ <http://www.mpravde.gov.rs/obavestenje/12632/uputstvo-za-postupanje-po-zakonu-o-izvrsenju-i-obezbedjenju.php>



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.

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. See 1.3.6.4.

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)

<http://www.mpravde.gov.rs/files/Uputstvo%20ZIO.pdf>

<http://www.vk.sud.rs/sites/default/files/attachments/Uputstvo.pdf>



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 almost completely 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 almost completely implemented. See 1.2.1.5.

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.

1.3.9.1. 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 partially implemented. The working group has been established and its work is currently ongoing.

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 partially implemented. 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 adoption of the amended Act is expected by mid-July 2016, and its presentation to the public in September 2016.

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. 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 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. 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.

1.3.10.1. Commission for monitoring the implementation of the Criminal Procedure Code reports quarterly and annually to the Strategy Implementation Commission, whereby it provides an overview of deficiencies in the implementation of the Criminal Procedure Code and suggests potential measures to remedy identified problems, particularly given the impact of the introduction of the prosecutorial investigation on the backlog. (Continuously, commencing from I quarter of 2015)

Activity is being implemented successfully. Strategy Implementation Commission periodically holds the meetings dedicated to the implementation of the Criminal Procedure Code, where competent institutions present their reports; Republic Public Prosecutor's Office, Supreme Court of Cassation, High Judicial Council, State Prosecutorial Council. In the reports competent institutions state problems identified in the implementation of the Criminal Procedure Code. The next session on that topic is scheduled for June 2016.

1.3.10.2. Strategy Implementation Commission, on the basis of the report of the Commission for monitoring the implementation of the Criminal Procedure Code, recommends undertaking measures to competent institutions aimed at eliminating identified problems. (Continuously, commencing from II quarter of 2015)

Activity is being implemented successfully. Strategy Implementation Commission, based on the reports of competent institutions presented on the meetings of Strategy Implementation Commission, discuss on identified problems and then recommends corrective measures in order to eliminate problems identified and stated in the reports.

1.3.10.3. Competent institutions to which Strategy Implementation Commission recommended implementation of corrective measures, quarterly report to the Strategy Implementation Commission on the implementation of recommended measures. (Continuously, commencing from II quarter of 2015)



Activity is being implemented successfully. Republic Public Prosecutor's Office, Supreme Court of Cassation, High Judicial Council, State Prosecutorial Council and Ministry of Justice quarterly report to the Strategy Implementation Commission on the implementation of recommended measures for every session aimed at assessment of CPC implementation.

1.3.11.1. Conduct a mid-term review or analysis, as of 2015, of implementation of National Judicial Reform Strategy for the period 2013-2018 and updating the Action Plan for implementation of National Judicial Reform Strategy for the period 2013-2018. (IV quarter of 2015)

Activity is fully implemented. Since the EC and Government of the RS confirmed the text of the Action Plan for Ch. 23, the Ministry of Justice and Negotiation Group for Chapter 23 started its work on alignment of the Action Plan for NJRS with the Action plan with Ch. 23. The methodology that had been used means: removing activities completed from the adoption of the AP NJRS to adoption of the AP CH. 23; removing activities existed in both documents; alignment of timeframes, deadlines and sources of budgeting. This solution provides rationalization of HR and time use, avoiding gaps and overlaps in reporting and establishing simple and efficient system of reform monitoring. After public debate on AP NJRS amendments, the Implementation Commission adopted revised text and it has been sent to the Government for adoption.

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. 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 being implemented successfully.

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 April 4, 2016, the State Prosecutorial Council has announced election for two Deputy Prosecutors at the Republic Public Prosecution Office, for two Deputy Prosecutors at the Prosecution Office for Organized Crime and for a Deputy Prosecutor at the Prosecution Office for War Crimes.

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

On June 2nd 2016 it has been conducted written test of candidates. On Jun 10th 2016 SPC special working body conducted interviews with the candidates for War Crimes Prosecutor position and



submitted list of candidates that was published on the SPC web page. Interviews were monitored by representatives of OSCE, HLC, EUD, BGHLC and media.

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

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 being implemented successfully. 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.

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. (Expected during the second Q of the 2016)

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. 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.

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. 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.

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 almost completely implemented. 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.

The final text of the analysis is submitted to the Ministry of Interior and adoption of the analysis is being expected.

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. The WCPO web page is being regularly updated with decisions, news, analyses, reports, etc.

Aside from the regular maintaining of the web page of the WCPO the reconstruction of the web page is under way. This reconstruction should enable more transparent and easier access to the activities of the WCPO by the public. The support for reconstruction and maintenance the WCPO received from the UNDP office and it is expected that reconstruction of the web page will be finished in next 30 days.

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 almost completely implemented. Working group tasked with drafting the Prosecutorial strategy for prosecuting war crimes decided to use the statistics and information about individual cases that it gathered also for this report. All these information will improve the quality and transparency of the aforementioned report. Because report should cover the period from 2005 it is envisage that it will be finished within two months and the work will be done parallel with the work on the Prosecutorial strategy.

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 almost completely implemented. 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 being implemented successfully. 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 implemented as soon as the working group publish their final version of the Prosecutorial Strategy. (expected during the second Q of the 2016)

1.4.3.4. Cooperation on individual cases between the WCP and the ICTY and MICT on sharing the strategy in cases of high level officers and transferring the knowledge on judicial practice relevant for types of responsibility and crimes (command responsibility; crimes against humanity; specific direction of aiding and abetting). (Continuously, commencing from II quarter of 2015)

Activity is being implemented successfully. Cooperation is ongoing and successful.

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 almost completely 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 partially implemented. The working group has been established and its work is currently ongoing.

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 being successfully implemented. The Commission for implementation of witness protection Programme made decision to start assessment on October 12th 2015. Within a period October-December 2015 three meetings of the Commission aimed drafting the assessment has been held. Commission made decision to request opinion from WCPO on WPU's work (identified issues, recommendations and suggestions on its work).

In February 1, 2016, the Commission for implementing the Protection Program completed the independent analyses of work in Protection Unit within the Ministry of Interior. The Commission has defined all necessary measures which should be taken in the Conclusion of analyses, so that the work on the Unit could be improved, as well as on a propriety way addressed on recommendations.

In the next period in mentioned Conclusion of analyses the implementation of suggested measures will be applied and all activities suggested in Chapters 23 and 24.

1.4.4.3. Activities aimed at establishing and improvement of the service for the support and assistance to witnesses and victims national wide network, based on results of the previous analyses, and taking into account already established services for the support and assistance to victims in courts and public prosecutor's offices.

(AP Ch. 24: 6.2.11.8, 6.2.11.10. and AP Ch: 23: 3.7.1.21.) (Continuously, commencing from I quarter of 2016)

Activity is being successfully implemented. (See 3.7.1.2.) In addition to the report for 3.7.1.2. 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.

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 working group has been established and its work is currently ongoing.

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 partially implemented. Consultations between WPU, WCIS and WCPO to organize joint training is currently ongoing. The training is planned for late January 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.)

Submitted report does not contain data on implementation of the activity.

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. Consultations between WPU, WCIS and WCPO to organize joint training is currently ongoing. The training is planned for late January 2016.

Round tables and lectures on the subject of „Basic communication with media“ were not organized for the members of the Ministry of Interior (War Crime investigative Service and Witness protection Unit).

Implementation of the activity will be expanded and developed in the new Prosecutorial Strategy for prosecution of war crimes and will be fulfilled after the adoption of that Strategy.

1.4.5.2. In line with the provisions of the National Strategy (activity 1.4.1.1.) assess confidentiality rules and their respect within relevant institutions, amend them where needed and strengthen control over implementation (Continuously, commencing from I quarter of 2016)

Activity is not implemented. Implementation of the activity will be developed in the new Prosecutorial Strategy for prosecution of war crimes and will be fulfilled after the adoption of that Strategy.

FIGHT AGAINST CORRUPTION

2.1. IMPLEMENTATION OF ANTI-CORRUPTION MEASURES

2.1.1.1. Amending the Decision which established the Coordination Body for the implementation of the Action Plan for the Implementation of the National Anti-Corruption Strategy in the Republic of Serbia in the period 2013- 2018 by extending the competencies of the Coordination Body to the coordination of implementation of this Action Plan for Chapter 23, Subchapter fight against corruption. (II quarter of 2016)

Activity is partially implemented. Draft of Decision is prepared. Adoption is expected to be in II quarter of 2016, in line with AP for CH 23.

2.1.1.2. Organizing regular bi-annual meetings of the Coordination Body, presided by the Prime Minister (political level), quarterly and bilateral meetings, presided by the State Secretary of the Ministry of Justice (political and technical level, Group for coordination of the implementation of the National Anti-Corruption Strategy) in order to monitor implementation of the obligations stipulated in the Action plans. Meetings of the coordination bodies are open to the public and participation of civil society organizations. (Continuously)

Activity is being successfully implemented. Coordination body held meeting on January 25, 2016 with Minister of Justice as a chairman. Implementation of the obligations stipulated in the Action plans are monitored, and the results achieved by implementing the Action Plan for the Implementation of the National Strategy for the Fight against Corruption for the period from 2013 to 2018 were analysed. Next meeting of Coordination body is planned for July/August 2016. Also, State secretary of the Ministry of justice is holding regular bilateral meetings.

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.

2.1.2.2. Inclusion of Anti-Corruption Council in legislative procedure concerning regulations which, according to Council's assessment, bear a risk of corruption. Members of the Council are required to take active participation in the operation of working groups.(Continuously. IV quarter of 2015)

Activity is partially implemented. By now, members of Anti-Corruption Council are already involved in legislative procedure. They are members of several working groups for law drafting, such as Working group for drafting Criminal Code, Law on organization and jurisdiction of state authorities in combating corruption and organized crime.



Note that Government annual plan is public document, on which basis members of Council can make estimation of laws that bear risk of corruption, as well as to make their own timetable of activities.

However, according to the Anti-Corruption Council report, Council members were not given a chance to take active participation in the operation of other active working groups.

2.1.2.3. Amend the Decision which established the Coordination body in order to prescribe quarterly meetings between Deputy President of Coordination body and members of Anti-Corruption Council with the aim of qualitative analysis of Council reports. (II quarter of 2016)

Activity is partially implemented. Draft of Decision is prepared. Adoption is expected to be in II quarter of 2016, in line with AP for CH 23.

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.

2.1.4.1. Adoption of amendments and supplements to the Law on the National Assembly in order to introduce obligation of the Government to submit (at least once a year) report on implementation of National Assembly's conclusions which have been adopted upon taking into consideration of the reports of the Agency.

Government is required to submit the aforementioned reports within 6 months following the adoption of the aforementioned conclusions by National Assembly whereas National Assembly is required to review the Government's report at the session. (IV quarter of 2015)

Activity is being successfully implemented. This activity is already performing in practice. Every conclusion or decision issued by National Assembly prescribe obligation to the Government to act upon the conclusion/decision within deadline.

Although there is no legal obligation, the conclusions resulting from consideration of the reports submitted by independent state authorities, organizations and bodies, adopted by the National Assembly, upon the proposal of the National Assembly competent committee, oblige the Government to submit the report on implementation of the conclusions and the Government acted in accordance with these conclusions so far. At present there is no motion for these amendments in parliamentary procedure.

Bearing in mind that Law on the National Assembly primarily regulates budgetary autonomy of the National Assembly, it is questionable whether this activity should be regulated in mentioned law.

2.2. PREVENTION OF CORRUPTION

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. Amending the Rulebook on Systematization of the ACA has been envisaged after adoption of the new Law on the ACA, i.e. as of III quarter of 2016.

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.

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 was 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.

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.

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 almost completely implemented. According to deadline indicated by the Ministry of Justice, in November 2015 the ACA submitted Map for financing of this activity through TAIEX in line with the new application methodology issued by the European Commission. Given that the ACA has not received any feedback until the beginning of March as well as deadline for implementation of this activity stipulated by the Action Plan for Chapter 23, the ACA submitted its TAIEX application in a regular manner in coordination with the Ministry of Justice and Serbian European Integration Office.

Following the approval of TAIEX application, two expert missions, conducted by the Slovenian expert in the area of financing political activities, have been envisaged, with the first one currently being underway (May, 24-27). Apart from the ACA, the following institutions will also be involved in this mission: Ministry of Finance, Ministry of Justice, Misdemeanour Court, State Audit Institution, Republic Public Prosecutor's Office, Republic Electoral Commission, political parties and civil society organizations.

The second expert mission is planned to be held in June 2016 which is when the findings of an expert will be presented.

2.2.2.6. Strengthening capacities of all entities responsible for implementation of the Law on financing political activities, the Republic Electoral Commission, the training of judges of misdemeanour courts with the participation of the State Audit Institution (link with activity 2.2.1.4.) (Continuously)

Activity is being successfully implemented. 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).

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.

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.

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.

2.2.6.1. Establish an objective and precise criteria for employment and promotion in the state authorities, local government and provincial in line with the principles of transparency and competitiveness.(Commencing from IV quarter of 2015)

Activity is being successfully implemented. Expert baselines for emergency amendments to the Law on Civil Servant are done. On that basis, the draft law is submitted to the Government for consideration and decision, after which it will enter into parliamentary procedure. The Draft Law on Amendments to the Law on Civil Servants in terms of the recruitment process carry out the following changes: improvement of the system of employment in accordance with the principle of transparency and competitiveness by strengthening the competition process in a way that allows objectivity and impartiality; determination of acting status length; more precise definition of the deadline in which acting person can perform work in such status, when the work ceases according to the law; establishment of more efficient, transparent and competitive way of filling the position by conducting internal or public competition.

The 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 accordance with the current legislatives and procedures, Human Resources Management Service, after approval of the requirements for filling in executive working posts during the period October 2015 - December 2015, announced and participated in conduction of a total of 69 competitive procedures, which 63 were public, while 7 were internal. Out of 69 64 competitive procedures were completed by filling in executive working posts and 5 procedures were completed without reception of candidates.

The total number of announced and implemented competition for filling in executive working posts in 2015 was 257, out of which is advertised and conducted 179 public and 78 internal competitions were advertised and conducted.

October – December 2015	Number	
Public competitions	63	64 finalized
Internal competitions	7	5 abolished
Total	69	

From the beginning of 2016 until June 2016, HRMS has advertised 72 vacancies, out of which 66 are public competitions and 6 are internal.

January– May 2016	Number	
Public competitions	66	29 finalized
Internal competitions	6	1 abolished
Total	72	42 in procedure

For filling in executive working posts through internal competition it is not necessary to obtain the prior approval of the Government Commission, while open competitions can not be run without the prior consent of the Government Commission for additional employment.

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.

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**.

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.

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)

Submitted report of Ministry of Finance does not contain data on implementation of the activity.

2.2.6.9. Conduct training for program budgeting improvement for civil servants. (II quarter of 2016)

Activity is almost completely implemented. In cooperation with the Ministry of Finance - Sector for Budget, HRMS 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.

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.

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.

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 partially implemented. Drafting of Annual report made on the basis of periodic reports of the competent authorities on cases of acting in relation to the whistle blowers is in progress. Activity will be implemented in II quarter of 2016.

2.2.8.1. Amend and supplement the Law on Public Procurement in direction of better implementation of public procurement principles, as well as further harmonization with the EU acquis. (IV quarter of 2015.)



The activity is fully implemented. In line with the Public Procurement Development Strategy in the Republic of Serbia for the period of 2014 – 2018 (“Official Gazette of the RS”, No. 122/14) and the Action Plan for its implementation for the period of 2014 – 2015, the Law Amending and Supplementing the Public Procurement Law (“Official Gazette of the RS”, No. 68/15) was adopted on 31st July 2015, and has entered into force on August 12, 2015.

Further alignment was made with the following European Union directives:

- Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC
- Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement operating in water-management, energy, transport and postal service sectors and repealing Directive 2004/18/EC.
- Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts.

2.2.8.3. Strengthen staff and technical capacity of the Administration for Public Procurement based on conducted analysis of existing capacity especially in terms of: -organizational structure -the number and position of employees -level of training -technical capacity. (Analysis: IV quarter of 2015. Strengthening staff capacity: II quarter of 2016.)

Activity is almost completely 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.

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.

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.

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.

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.

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.

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)

Report of the Commission for protection of competition was not submitted.

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 fully 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 report that they are not responsible institution for implementation of this activity.**

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.

2.2.10.13. 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.).

2.2.10.14. Develop an action plan to meet the recommendations of the OECD report “Strengthening Integrity and Fighting Corruption in Education” from 2012. (II quarter of 2016)

Activity is almost completely implemented. The Working Group for the Implementation of Activities in the Field of Education envisaged by the Action Plan for Chapter 23 in the section referring to combating corruption has been established on the basis of Decision no. 119-01-174/16-01. The Chairman of the Working Group is Prof Dr Zoran Lužanin, State Secretary in the Ministry of Education, Science and Technological Development. The first task of the working group is to prepare an Action Plan for Combating Corruption in the Field of Education, no later than 30 June 2016.

The first analysis of the recommendations indicates that the implementation of a portion of the recommendations has commenced at a large scale. First and foremost, we emphasize the new Law on Textbooks, adopted on 30 July 2015, which was evaluated as an anti-corruption law that has given good results in the fight against corruption.

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)

The activity is almost completely implemented. The analysis is in the process of preparation and it will be finished till 30th June 2016 (II quarter of 2016), in line with deadline prescribed in AP for CH 23. In the analysis criteria relevant for standards for accreditations, reviewers, transparency in work, communication with higher education high schools and relationship between Commission for Accreditation and Quality Assurance and National Council for Higher Education were pointed out.

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.

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 almost completely 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

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 almost completely 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 they 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.

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.

2.2.10.27. Amend the Law on Police and the Regulations on job classification and internal organization of the Ministry of Interior to establish effective coordination mechanisms of the key stakeholders involved in suppression of corruption at the strategic, tactical and operational level in line with Financial Investigations Strategy for 2015 - 2016. (I quarter of 2016)

Activity is fully implemented. Law on Police was adopted on 26th January 2016. Stabilization and Association Agreement and the Interim Agreement do not contain the provision relating to normative content of this Draft. Draft law on police was envisaged by the - National Plan for the Adoption of the Acquis (2013-2016). Despite the fact that the Draft law was made without the participation of consultants, the European Commission opinion was obtained and the suggestions given were embedded into the subject text.

The new Law on Police ("Official Gazette of RS", No. 6/16) predicted that the Internal Control Sector is taking measures and actions in accordance with the law governing criminal proceedings on combating crimes of corruption and other forms of corrupt behavior and other offenses of police

officers and other employees of the Ministry, carried out on work or in connection with work. Forms and manner of performing internal control prescribed by the Minister and this act began the work, and the deadline for its adoption is one year from the date of entry into force of the Act.

The Police Act provides that, in order to prevent corruption, Internal Control Sector applied the test of integrity, conduct risk analysis of corruption and verify changes in financial status.

The Act provides that, in carrying out police duties, police reserves established and achieved standards of police action, taking into account generally accepted international standards of treatment related, inter alia, the obligation to report corruption.

The act on systematization and internal organization of the Ministry of Interior is amended in order to establish effective coordination mechanisms involved in combating corruption, in terms of the reorganization of the Department for Combating Organized Crime and formed more services.

2.2.10.28. Establish an organizational unit for fight against corruption in the Criminal Police Directorate, which shall directly cooperate with the anti-corruption units at public prosecutors' offices in line with the Financial Investigations Strategy from 2015 through 2016. Establish separate organizational units within the Criminal Police Directorate in Belgrade and Criminal Police Directorates in Novi Sad, Kragujevac, and Niš and designate contact persons in the other local police directorates. (II quarter of 2016)

Activity is not implemented. Law on organization and jurisdiction of state bodies in suppressing organized crime, terrorism and corruption, which would provide for organizing work of MoI in the fight against corruption, has not yet been adopted in order to be able to make, in accordance with the provisions of that Act, a part of the Rulebook on internal organization and systematization of jobs in the Ministry of Interior in the part concerning the respective point AP for Chapter 23. Adoption of the Law on organization and jurisdiction of state bodies in combating organized crime, terrorism and corruption is planned to be in III quarter of 2016.

2.2.11.1. Conduct joint campaigns to encourage the effective participation of citizens in the fight against corruption. (Ongoing, until IV quarter of 2017)

Activity is partially implemented. In late 2014, formed the Working Group for the preparation and implementation of activities of the Plan and program information campaign to inform the public about the mechanism of participation in the process of adoption of regulations at all levels, which is a member of the Office for cooperation with civil society.

The Anti-Corruption Agency, in cooperation with the Office for Cooperation with Civil Society of the Government of the Republic of Serbia, in late 2014, has organized a coordination meeting with representatives of civil society organizations with the aim of establishing a system of permanent coordination of civil society organizations in the fight against corruption and to increase the active participation of CSOs in fighting corruption.

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 not 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.

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 successfully 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.

2.3.1.3. 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.

All courts in Republic of Serbia, including the Supreme Court of Cassation submit the requested statistical data to Ministry of Justice.

2.3.2.1. Analysis of the organizational structure, capacity and powers of state bodies in the fight against organized crime and corruption in order to achieve efficiency and strengthen the independence of all relevant institutions (link with 2.3.2.4.). (IV quarter of 2015).

The activity is fully implemented. In order to achieve efficiency and strengthen the independence of all relevant institutions and to adopt the Law on Amendments to the Law on organization and jurisdiction of state bodies in the fight against organized crime and corruption in July 2015 the analysis of the organizational structure, capacities and competence of state authorities in fight against organized crime and corruption was conducted by the Republic Public Prosecutor's Office in cooperation with State Prosecutorial Council and Prosecutor's Office for Organized Crime. The analysis was based on the number of corruption cases and reported persons in basic and higher public prosecutor from the area of all four appellate public prosecutor's office in 2014, as well as the Prosecutor's Office for Organized Crime, work load (by cases and reported persons) of Deputy

Public Prosecutors in Higher Public Prosecution in Belgrade, Novi Sad, Kragujevac and Nis, First Basic Public Prosecutor's Office in Belgrade, Basic Public Prosecutor's Office in Novi Sad, Kragujevac and Nis, number of reported persons for corruption criminal offenses that could be transferred from competence of basic and higher public prosecutor's offices to jurisdiction of the new Department for the fight against corruption (for each Appellate Public Prosecutor's Office separately), and the number of reported persons for corruption offenses in the work of the Higher Public Prosecution in Belgrade, Novi Sad, Kragujevac and Nis, First Basic Public Prosecutor's Office in Belgrade, Basic Public Prosecutor's Office in Novi Sad, Kragujevac and Nis under the new jurisdiction, bearing in mind the offenses with corruptive elements prescribed by the Criminal Code.

Based on these parameters and statistical reports for tracking corruption criminal offenses Republic Public Prosecutor's Office provided an opinion on the need to form new departments for combating corruption with a different jurisdiction and recommendations on the necessary number of Deputy Public Prosecutors in these departments.

2.3.2.4. 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.

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.

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.

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 partially 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 because it awaits the adoption of the Law on Amendments and Supplements to the Law on Seizure and Confiscation of the Proceeds from Crime, which will regulate the procedure of the Directorate and its organization in more detailed way.

Note that the Directorate for Administration of Seized Assets agreed with the Judicial Academy staff training program, which will start immediately after the adoption of the amendments to the Law on Seizure and Confiscation of the Proceeds from Crime.

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. An initiative for the conclusion of contracts on division of assets is started. So far, Directorate for Administration of Seized Assets has not concluded any agreement on division of assets with Directorates from third countries. Note that the Directorate has prepared a proposal of such contract.

Bearing in mind that the Government is in technical mandate, a decision that would authorize the Directorate to open negotiations for the conclusion of this type of contract could not be made. The authorization is necessary because it is a two-sided binding contract, in accordance with the Vienna Convention.

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.

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 not implemented.

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 almost completely implemented. The results have been analysed by Ministry of Justice and Anti-corruption agency representatives, and the work on Action plan revision is in the phase of opinions compiling. Revised Action Plan for the Implementation of the National Strategy for the Fight against Corruption will be adopted in 2 quarter of 2016, in line with deadline prescribed in AP for CH23.

FUNDAMENTAL RIGHTS

3.1. PROHIBITION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

3.1.1.2. Introduce a system of mandatory education for new police officers and continuous education for current police officers regarding the treatment of detainees and persons remanded in custody in accordance with international standards in the field of human rights, professional ethics and acting in high risk situations. The same activity under item 3.3.1.20 (Continuously, commencing from II quarter of 2016.)

Activity is being implemented successfully Regarding the training of police officers for treating detainees, we point out:

In accordance with the Memorandum of Understanding between the Ministry of Internal Affairs of the Republic of Serbia and the OSCE Mission in Serbia from 07.09.2009. within the scope of the first priority area @Police accountability@, coordinated by the Internal Affairs Sector, complete process of making Instructions on the treatment of detainees was initiated and implements. The instructions came into force on 10.12.2012.

In order to implement the Instructions the Draft of the Training Program on the Treatment of detainees was made. Based on the \Draft of the Training Program, the Minister of the Interior adopted the Training Program on the Treatment of Detainees on 31.05.2013., registered under number 01-5715/13-2.

The training program was implemented by method of "transferring the knowledge" in the way that in 2013, 12 trainers were trained, who subsequently implemented training for 158 police officers - trainers in the field of treatment of the detainees. The trainees were police officers who perform

tasks in Duty service and police officers who, in their field of work, can perform and implement the authority toward detainees.

After that, in 2014 the above mentioned specialist training was conducted by the trainers in all police departments (on the topic "First Aid" training was organized with the support of doctors from local medical institutions), which was successfully completed by 2794 participants, 2,567 of which were males and 227 females.

Plan for implementation the training anticipated testing of the trainees before the Commission, and after the examinations the participants were awarded certificates of successful completion of training.

In addition to this specialized training, in order to establish a system of continuous training of police officers in this area, in the Annual program of professional training for police officers for 2015, the seminar "Implementation of Regulations on the treatment of detainees" was scheduled for those organizational units that expressed the need for realization of this seminar in 2015. This seminar was attended by 714 police officers. In the Annual program of professional training for police officers of the Ministry of Internal Affairs for 2016 seminar "Implementation Guidelines on the treatment of detainees" is scheduled for those organizational unit of the Ministry that expressed the need for its realization: Police; Crime Investigation Police Department; Border Police; Traffic Police; Operational Center, SAJ, PTJ, the gendarmerie; Internal Affairs Sector; International operational police cooperation.

Regarding the training of police officers dealing with the high-risk situations, we point out:

In organization of the Department of Professional Education and Training - Center for specialized training and the Police Department at the headquarters of the Police Directorate, the training for 1789 police officers that work in the intervention patrols, is planned

In 2014 and 2015, in the Training center "Kula", 859 police officers who work in intervention patrols, were trained. In 2016, 420 police officers who work in intervention patrols will be trained from 23.05./22.07.2016. in Training center "Mitrovo polje"

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 being implemented successfully.

- 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).

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 3.3.1.22. (Continuously, commencing from IV quarter of 2015.)**

Activity is being implemented successfully 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.

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 3.3.1.23. (Continuously)

Activity is being implemented successfully 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.

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 3.3.1.24. (Continuously, commencing from I quarter of 2016.)

Activity is not implemented.

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.

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.

3.1.1.10. Reconstruction of existing accommodation capacity of the current institutions in accordance with European standards and their alignment with existing standards, including the following institutions:

- **District Prison in Belgrade**

- **District Prison in Uzice**
- **Criminal Correctional Facility Valjevo**
- **Criminal Correctional Facility Zabela**
- **Criminal Correctional Facility Čuprija**
- **Criminal Correctional Facility Niš**
- **Correctional Facility for Women Pozarevac**
- **Correctional Educational Facility Krusevac**
- **Special Prison Hospital Belgrade**

The same activity under item 3.3.1.2. (By the end of 2018.)

Activity is being implemented successfully. Reconstruction of the District Prison in Belgrade takes place in stages. (In 2015, the reconstruction and equipping of the detention block 4.1. was finalized. In 2016 a tender for the selection of the best bidder for the continuation of reconstruction works on the block 4.2.) was announced.

In the district prison in Uzice in January 2016, the planned investment work has been completed – additional floor was built, so new premises for the medical examination of persons deprived of liberty and the work of employees in treatment were provided.

The reconstruction of the entire housing for persons deprived of liberty in the building Internat in the Correctional Facility for juveniles in Valjevo is completed, which is in use as of 01.12.2015.

As of December 2015, a part of the fifth residential building for the elderly and persons with disabilities in the penitentiary in Pozarevac-Zabela is operational.

Administration for Enforcement of Criminal Sanctions has conducted conversion of funds planned for the construction of accommodation in the open ward of the Penitentiary in Čuprija, given the reduced size of this category of prisoners. The planned funds are transferred to the financing of the project that includes a new facility within the penitentiary in Sremska Mitrovica for the accommodation of convicts in the closed wards of an institution, where there is the greatest overcrowding, in accordance with the recommendations of the European Committee against Torture, Inhuman or Degrading Treatment or Punishment.

In the Niš penitentiary, the renovated Pavilion C for the accommodation of prisoners is employed, and the construction of the new admissions department for prisoners, on-duty service and the visiting hall is in progress.

For a complete reconstruction of accommodation and construction of new capacities in the penitentiary for women in Pozarevac, a building permit was obtained and tender documentation for selection of the best bidder for the works is currently at the EU delegation for external control.

The Correctional Facility for juveniles in Krusevac, the renovation of the building for admissions department was completed in the first quarter of 2016.

Reconstruction of the Special Prison Hospital in Belgrade takes place in stages. (In 2015, the reconstruction and equipping of the block for expertise was finalized. In 2016 a tender was announced for the selection of the best bidder for the continuation of reconstruction works on the block for the execution of security measure of compulsory treatment of alcoholics).

3.1.1.11. Ensure more effective judicial review and supervision over the rights of convicted persons and detainees by establishing sustainable system of provision of information to convicted persons and detainees on the content of their rights and protection mechanisms in the proceedings before the enforcement judge. The same activity under item 3.3.1.8. (Continuously, commencing from I quarter of 2015)

Activity is being implemented successfully. In the part relating to the provision of effective judicial protection and supervision of the observance of the rights of prisoners and detainees Directorate for Execution of Criminal Sanctions fulfilled the intended activity. Law on Execution of Criminal Sanctions and regulations governing the placement of prisoners with the assistance of the OSCE Mission in Serbia has been printed and distributed. Also, Guide for convicts who have just began serving prison sentence, in order to more easily acquaint with their rights and obligations while serving their sentence has been printed and distributed. A Handbook for detainees and Handbook for convicts, which in the accessible way informs detained persons of their rights during the enforcement of a sentence and other measures and on the prescribed mechanisms for complaints, protests and requests for judicial protection to the judge for enforcement of criminal sanctions. In addition, forms for persons deprived of liberty for pursuing all forms of legal protection, both internally within the Institutions, and external – to the judge for enforcement of criminal sanctions have been printed and they are an integral part of the directive which was sent to all correctional facilities.

3.1.1.13. 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.

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 of vacant positions covered by this public call is underway.

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, the Protector of Citizens has issued 371 recommendations in oversight procedure to the public authorities. Out of those 371, 116 recommendations are due for compliance (the deadline was expired). Out of 116 recommendations due for compliance, the public authorities implemented 88.

In observed period, the Protector of Citizens issued 235 recommendations to the public authorities in short (expedited) oversight procedure. Respective authorities complied with all 235 recommendations, upon the information that the Protector of Citizens has initiated the investigation.

Table 1 shows compliance with the recommendations of the Protector of Citizens by the public authorities

	Recommendations issued 26 November 2015 -20 May 2016	Number of recommendations due for compliance	Number of recommendations that have been complied with	%
Cases closed with recommendations issued as the result of oversight procedure	371	116	88	75,86%
Cases closed with recommendations issued as the result of expedited oversight procedure	235	235	235	100,00%
TOTAL NUMBER OF RECOMMENDATIONS	606	351	323	92,02%

Table 1

In the reporting period the Protector of Citizens have submitted four legislative initiative to the public authorities. Out of those, two initiatives were considered, where one was accepted and one was not. The Ministry of Defense has accepted the Initiative for harmonizing the provisions of the Rulebook on Military Discipline and the Criminal Procedure Code. On the other hand, parliamentary Committee for Judiciary, State Administration and Local Self-Government did not accept the Protector of Citizens' Initiative to submit two amendments to the Bill on Public Notaries.

In reporting period, the Protector of Citizens did not submit motions to the Constitutional Court for the assessment of the constitutionality and legality.

Table 2 shows the number of issued and accepted legislative initiatives and motions to the Constitutional Court.

	The legislative initiatives issued 26 November 2015 -20. May 2016	The legislative initiatives considered for adoption and motions to the Constitutional Court	The legislative initiatives that have been adopted and motions to the Constitutional Court	%

The legislative initiatives	4	2	1	50%
Motions to the Constitutional Court	0	0	0	0
TOTAL NUMBER OF LEGISLATIVE INITIATIVES AND MOTIONS FOR THE CONSTITUTIONAL COURT	4	2	1	50%

Table 2

Table 3 shows the total number of recommendations, legislative initiatives and motions for the assessment of the constitutionality and legality

	Issued: 26 November 2014 -20 May 2016	Due for compliance/Considered for adoption	Complied with/Due for adoption	%
Total number of recommendations	606	351	323	92,02%
Total number of legislative initiatives and motions to the Constitutional Court	4	2	1	50%
TOTAL NUMBER OF RECOMMENDATIONS LEGISLATIVE INITIATIVES AND MOTIONS TO THE CONSTITUTIONAL COURT	610	353	324	91,78%

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, the Protector of Citizens in the capacity of the National Preventive Mechanism (NPM) has issued 104 recommendations to the state authority bodies. Out of those 104, 48 recommendations are due for compliance (the deadline was expired) and 56 are still pending. Out of 48 recommendations, 47 were implemented.

Table 4 shows compliance with the recommendations of the Protector of Citizens in the capacity of the NPM by the public authorities

Recommendations issued in the NPM capacity: 26 November 2015 - 20. May 2016	Recommendations issued	Number of recommendations due for compliance	Number of recommendations that have been complied with	%
NPM recommendations	104	48	47	97,92%

Table 4

3.2.1.8. Regular review of the report of the Ombudsman by the National Assembly. (Continuously commencing from II quarter of 2016.)

Activity is partially implemented. Ombudsman's regular Annual report for 2015 was submitted to the National Assembly in March of the current year. In the meantime, prior to that, the National Assembly was dissolved on 4th March 2016, due to the early parliamentary elections. The constitution of the new national assembly is underway.

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. Due to announced early elections, the Government and the National Assembly were functioning in limited capacity and were subsequently unable to consider these reports. This activity shall be implemented upon the constitution of the Assembly.

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.

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.

3.3.1.2. Reconstruction of existing accommodation capacity of the current institutions in accordance with European standards and their alignment with existing standards, including the following institutions:

- **District Prison in Belgrade**
- **District Prison in Uzice**
- **Criminal Correctional Facility Valjevo**
- **Criminal Correctional Facility Zabela**
- **Criminal Correctional Facility Čuprija**
- **Criminal Correctional Facility Niš**
- **Correctional Facility for Women Pozarevac**

- **Correctional Educational Facility Krusevac**
 - **Special Prison Hospital Belgrade**
- The same activity under item 3.1.1.10. (By the end of 2018.)**

Activity is being implemented successfully. Reconstruction of the District Prison in Belgrade takes place in stages. (In 2015, the reconstruction and equipping of the detention block 4.1. was finalized. In 2016 a tender for the selection of the best bidder for the continuation of reconstruction works on the block 4.2.) was announced.

In the district prison in Uzice in January 2016, the planned investment work has been completed – additional floor was built, so new premises for the medical examination of persons deprived of liberty and the work of employees in treatment were provided.

The reconstruction of the entire housing for persons deprived of liberty in the building Internat in the Correctional Facility for juveniles in Valjevo is completed, which is in use as of 01.12.2015.

As of December 2015, a part of the fifth residential building for the elderly and persons with disabilities in the penitentiary in Pozarevac-Zabela is operational.

Administration for Enforcement of Criminal Sanctions has conducted conversion of funds planned for the construction of accommodation in the open ward of the Penitentiary in Cuprija, given the reduced size of this category of prisoners. The planned funds are transferred to the financing of the project that includes a new facility within the penitentiary in Sremska Mitrovica for the accommodation of convicts in the closed wards of an institution, where there is the greatest overcrowding, in accordance with the recommendations of the European Committee against Torture, Inhuman or Degrading Treatment or Punishment.

In the Niš penitentiary, the renovated Pavilion C for the accommodation of prisoners is employed, and the construction of the new admissions department for prisoners, on-duty service and the visiting hall is in progress.

For a complete reconstruction of accommodation and construction of new capacities in the penitentiary for women in Pozarevac, a building permit was obtained and tender documentation for selection of the best bidder for the works is currently at the EU delegation for external control.

The Correctional Facility for juveniles in Krusevac, the renovation of the building for admissions department was completed in the first quarter of 2016.

Reconstruction of the Special Prison Hospital in Belgrade takes place in stages. (In 2015, the reconstruction and equipping of the block for expertise was finalized. In 2016 a tender was

announced for the selection of the best bidder for the continuation of reconstruction works on the block for the execution of security measure of compulsory treatment of alcoholics).

3.3.1.3. Conduct analysis on achievement and impact of the Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions for the period of 2010 - (31.12.2014) 2015.(II and III quarter of 2015)

Activity is fully implemented. An analysis of the achievement and impact of the Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions from 2010 to 2015 has been conducted. Based on the recommendations from this analysis, Administration for enforcement of criminal sanctions has begun work on preparation of a new strategy.

3.3.1.4. Develop new multiannual Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions in line with the results of the analysis.

Activity is almost completely implemented. Administration for enforcement of criminal sanctions, in cooperation with the OSCE Mission in the Serbia has drafted a new Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions for the period from 2015 to 2020, in line with results of the analysis of achievement of the previous Strategy period from 2010 to 2015. The Draft Strategy is prepared and will be submitted for adoption after the formation of new Government.

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.

Activity is almost completely implemented. The Draft Action Plan for implementation of the Strategy for Reducing Overcrowding in Institutions for Enforcement of Criminal Sanctions in the period from 2015 to 2020 is prepared and will be submitted for adoption after the formation of new Government.

3.3.1.7. Conduct training of enforcement judges in the field of:

-rights of individuals deprived of liberty

-contemporary trends in enforcement of criminal sanctions

-recognized standards in treatment and post penal support. (Continuously, commencing from IV quarter of 2014)

Activity is being implemented successfully. Training of judges for execution of criminal sanctions is continuously implemented with the support of the OSCE Mission in Serbia and the Judicial Academy (in October 2015, the training of judges in order to standardize jurisprudence took place). The preparation of a manual for enforcement judges is in progress.

As a part of the program for initial and continuous education at the Judicial Academy, the stated education is being conducted annually within the human rights module. Last training in this area was held for the advisors of the Supreme Court of Cassation at the end of May 2016, where they presented the fundamental rights of detained persons (ECHR), including minors, for about 30 participants.

3.3.1.8. Ensure more effective judicial review and supervision over the rights of individuals deprived of liberty by:

- Establishing sustainable system of provision of information to individuals deprived of liberty on the content of their rights and protection mechanisms in the proceedings before the enforcement judge.

The same activity under item 3.1.1.11. (Continuously, commencing from I quarter of 2015)

Activity is being implemented successfully. In the part relating to the provision of effective judicial protection and supervision of the observance of the rights of prisoners and detainees Directorate for Execution of Criminal Sanctions fulfilled the intended activity. Law on Execution of Criminal Sanctions and regulations governing the placement of prisoners with the assistance of the OSCE Mission in Serbia has been printed and distributed. Also, Guide for convicts who have just began serving prison sentence, in order to more easily acquaint with their rights and obligations while serving their sentence has been printed and distributed. A Handbook for detainees and Handbook for convicts, which in the accessible way informs detained persons of their rights during the enforcement of a sentence and other measures and on the prescribed mechanisms for complaints, protests and requests for judicial protection to the judge for enforcement of criminal sanctions. In addition, forms for persons deprived of liberty for pursuing all forms of legal protection, both internally within the Institutions, and external – to the judge for enforcement of criminal sanctions have been printed and they are an integral part of the directive which was sent to all correctional facilities.



3.3.1.9. Development of a plan to expand competencies of the enforcement judge. (II-III quarter of 2016.)

Activity is being implemented successfully. The establishment of a working group for drafting the plan to expand the jurisdiction of the enforcement judge in the Law on Enforcement of Criminal Sanctions is currently in progress.

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.)

The activity is partially implemented. The reorganization of existing Service for treatment and alternative sanctions has not been completed, considering that the job systematization required amendments to the set of different bylaws which required additional time. Finalization of this process is expected by the end of 2016.

3.3.1.14. Conduct training for holders of judicial functions and new commissioners for alternative sanctions.(Continuously)

Activity is being implemented successfully. Training for newly appointed commissioners for the execution of alternative sanctions and measures was carried out continuously by the end of 2015. The new cycle of activities has not yet commenced.

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.

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. Working group of the Ministry of Interior for the creation of a new act governing the treatment of the brought in and detained persons, chaired by Deputy Head of the Uniformed Police Directorate Chief Police Advisor Zoran Peković, has drafted Instructions on handling of persons who are brought in, arrested or detained, which has been submitted to the Secretariat of the Ministry for its opinion. Adoption of these instructions is expected after the adoption of the new Law on Police. 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.

3.3.1.20. Introduce a system of mandatory education for new police officers and continuous education for current police officers regarding the treatment of detainees and persons remanded in custody in accordance with international standards in the field of human rights, professional ethics and acting in high risk situations.

The same activity under item 3.1.1.2.

(Link with Chapter 24) (For introduction of mandatory education: II quarter of 2016; For continuous training of current police officers: Continuously)

Activity is being implemented successfully Regarding the training of police officers for treating detainees, we point out:

In accordance with the Memorandum of Understanding between the Ministry of Internal Affairs of the Republic of Serbia and the OSCE Mission in Serbia from 07.09.2009. within the scope of the first priority area @Police accountability@, coordinated by the Internal Affairs Sector, complete process of making Instructions on the treatment of detainees was initiated and implements. The instructions came into force on 10.12.2012.

In order to implement the Instructions the Draft of the Training Program on the Treatment of detainees was made. Based on the \Draft of the Training Program, the Minister of the Interior adopted the Training Program on the Treatment of Detainees on 31.05.2013., registered under number 01-5715/13-2.

The training program was implemented by method of "transferring the knowledge" in the way that in 2013, 12 trainers were trained, who subsequently implemented training for 158 police officers - trainers in the field of treatment of the detainees. The trainees were police officers who perform tasks in Duty service and police officers who, in their field of work, can perform and implement the authority toward detainees.

After that, in 2014 the above mentioned specialist training was conducted by the trainers in all police departments (on the topic "First Aid" training was organized with the support of doctors from local medical institutions), which was successfully completed by 2794 participants, 2,567 of which were males and 227 females.

Plan for implementation the training anticipated testing of the trainees before the Commission, and after the examinations the participants were awarded certificates of successful completion of training.

In addition to this specialized training, in order to establish a system of continuous training of police officers in this area, in the Annual program of professional training for police officers for 2015, the seminar "Implementation of Regulations on the treatment of detainees" was scheduled for those organizational units that expressed the need for realization of this seminar in 2015. This seminar was attended by 714 police officers. In the Annual program of professional training for police officers of the Ministry of Internal Affairs for 2016 seminar "Implementation Guidelines on the treatment of detainees" is scheduled for those organizational unit of the Ministry that expressed the need for its realization: Police; Crime Investigation Police Department; Border Police; Traffic Police; Operational Center, SAJ, PTJ, the gendarmerie; Internal Affairs Sector; International operational police cooperation.

Regarding the training of police officers dealing with the high-risk situations, we point out:

In organization of the Department of Professional Education and Training - Center for specialized training and the Police Department at the headquarters of the Police Directorate, the training for 1789 police officers that work in the intervention patrols, is planned

In 2014 and 2015, in the Training center "Kula", 859 police officers who work in intervention patrols, were trained. In 2016, 420 police officers who work in intervention patrols will be trained from 23.05./22.07.2016. in Training center "Mitrovo polje"

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 being implemented successfully 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.

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 being implemented successfully 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.

3.3.1.23. Intensify cooperation between the Ministry of Interior with state authorities, national mechanism for the prevention of torture and civil society organizations in the field of torture prevention through:

- **Organization of workshops and discussions on the prohibition of torture in police, unprofessional behaviour of police officers and respect for the rights of detained persons and persons remanded into custody;**
- **Establishment of a practice of the Ministry of Interior to report in writing on the measures taken in accordance with the recommendations of civil society organizations;**
- **Raising awareness on prevention of torture in the police among police officers and provision of information to the public on the rights of detainees and persons remanded into custody.**

The same activity under item 3.1.1.6. (Continuously, commencing from I quarter of 2016.)

Activity is not implemented.

3.4. FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

3.4.1.1. Conduct comparative legal expert analysis regarding the regulation of the status of churches and religious communities in order to establish specific criteria on the basis of best practices of the EU member states in the region (e.g. Romania, Croatia, Slovenia, and Hungary) and implement solutions adopted in the region. (II quarter of 2016)

Activity is fully implemented. The analytical comparative study on the churches and religious communities has been submitted.

3.4.1.3 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.

3.5. FREEDOM OF EXPRESSION AND FREEDOM AND PLURALISM OF MEDIA

3.5.1.2. Continuation of the work of the Commission for consideration of the facts obtained during the investigations conducted on the killings of journalists and provision of regular reports. (Continuously)

Activity is being implemented successfully. Commission for investigating the killings of journalists worked in its full capacity in the recent period of time. Work group for investigating the killing of journalist Milan Pantic had worked intensively, additionally strengthened with a series of new associates. This investigation is conveyed with special focus and intensity due to the fact that it is journalist from a small town inland of Serbia, who used to conduct research very thoroughly, publishing his articles even twice per day, in two different daily newspapers. Therefore, this murder is not expected to be solved given that it is the case of provincial journalist, and due to the fact that they created an illusion that this case was thoroughly worked on, given that seven commissions was established in the meantime, almost one on annual basis, work group is determined to continue resolving everything that hadn't been resolved for the last 15 years.

We consider the possibility to give this case an additional significance and responsibility by transferring it from the present Prosecution Office under the jurisdiction of the Prosecution for Organized Crime, as there are enough elements, already determined in the investigation conducted so far, for this to be implemented.

In case of Dada Vujasinovic, prosecutors and forensic experts are being invited to the National Forensic Institute (NFI) situated in Hague that had finalized superexpertise in this case, in order to be presented with the findings and working methodology. (Presentation of the superexpertise report is scheduled for June 14).

Hearings have been scheduled in the case of air raids on RTS when 16 media staffers of RTS got killed.

The Commission submitted proposal to the Prosecution, Police and BIA (Security Information Agency) on the ways how it would be possible to resolve the cases of violence towards journalists, that hadn't been prosecuted or resolved so far.

Good cooperation was offered and established, with successful outcome up till now, when it comes to the work of the Commission for investigating the killings of journalists.

3.5.1.3. Adoption of instructive guidelines by the Republic Public Prosecutor on forming the separate records of criminal offenses committed against journalists and attacks on media internet sites, and designating priority in acting upon these criminal offenses (III – IV quarter of 2015.)

Activity is fully implemented. In order to increase the efficiency of acting of public prosecutions in criminal proceedings against the perpetrators of crimes committed against journalists, on 22 December the Republic Public Prosecutor issued an Instruction which stipulates that the appellate, higher and basic public prosecutors' offices maintain separate records in respect of offenses committed against persons performing activities of public interest in the field of information, in relation to the tasks performed and attacks on the website of the media, in which cases emergency acting is prescribed.

3.5.1.4. Drafting and signing of a cooperation agreement of the Republic Public Prosecutor's Office and the Ministry of Interior, stipulating acting in the investigation of threats and violence against journalists as a priority in order to improve the efficiency of the investigation of the attacks on journalists and prosecution of the perpetrators. (I – II quarter 2016)

Activity is fully implemented. Initial meeting with the representatives of the Ministry of Interior with the aim to make the Memorandum was held on 22 October 2015. It was decided to form a working group which will draft the Memorandum. The Republic Public Prosecution invited Ministry of Interior to appoint members of the working group. The working group prepared draft Agreement on Cooperation. Draft was submitted to the Ministry of Interior for opinion. Following the harmonization of the contents of the text of the agreement, the Republic Public Prosecutor and the Minister of Interior signed the Cooperation Agreement on 11th April 2016. The agreement is in line with the act of the Cabinet of Minister of Interior 01 No 11659/15-14 since April 13th 2016, which was delivered for further implementation to all organizational units of the Criminal Police.

3.5.2.1. Implementation and efficient monitoring the implementation of the set of media laws and periodic reporting. (Continuously, commencing from I quarter of 2015)

Activity is being implemented successfully. The Ministry regularly submits quarterly reports to the National Assembly. Reports on taken activities in the field of European integration are being submitted to the European Integration Office on a monthly basis.

In order to facilitate the dissemination of information and good practices in media project co-financing in the field of public information at the local level, in the framework of the “Strengthening Media Freedom/SMF” project, the project of the Ministry of Culture and Media (MoCaM) supported by the European Union Delegation, support was provided to a one-day event “Public interest for citizens and media and the new manner of funding media contents”. Within the event the panel discussion focused on the experience during the first year of media project co-financing in accordance with the Law on public information and media, while the two seminars dealt the definition of public interest in media co-financing and programme budgeting at the local level. Co-sponsors included MoCaM, the Open Society Foundation, and the Organization for Security and Co-operation in Europe, the Standing Conference of Towns and Municipalities, the Independent Journalists’ Association of Serbia.

In order to enable full implementation of new media laws, within the reporting period the Ministry adopted the *Rulebook on co-funding the projects for realization of the public interest in the field of public information* (“Official Gazette of RS, No. 16/16”) and the *Rulebook on the method of keeping and registration in the register of foreign media and bureaus representatives* (“Official Gazette of RS, No. 21/16”). The Ministry also drafted a proposal for a Regulation on financing the Public Service Media from the budget of the Republic of Serbia in 2016, which was adopted by the Government on 14 January 2016.

Activity of the efficient monitoring the implementation of the set of media laws is presented through the following points.

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)

Submitted report does not contain data on implementation of the activity. In the field of competence of the Ministry this activity is implemented continuously.

3.5.2.6. Efficient monitoring of the functioning of Registry of the media ownership in line with the Law on Public Information, through data collection and follow up. (Continuously)

Submitted report does not contain data on implementation of the activity. In the field of competence of the Ministry this activity is implemented continuously.

3.5.2.7. Ensure efficient functioning of a comprehensive and transparent Registry of media services and Evidence of providers of on demand media services and regular update of the data, in line with Law on Electronic Media including data on ownership of the providers of media services, and data on the exercise of media pluralism. (Continuously)

Activity is being implemented successfully. The Regulatory Authority for the Electronic Media (hereinafter: Regulator) has established a Register of media services (hereinafter: Register), which contains the information required by Article 86 of the Law on Electronic Media (“Official Gazette RS” no. 83/14), along with the data on ownership structure of each media service provider. The register, which is regularly updated, can be found on the Regulator's webpage.

<http://www.rra.org.rs/uploads/useruploads/registri/01-Registar-medijskih-usluga-zemaljsko.pdf>
<http://www.rra.org.rs/uploads/useruploads/registri/02-Registar-medijskih-usluga-kabal.pdf>

The records of on-demand media service providers has not been established as, so far, the Regulatory Authority of Electronic Media has not received any request to issue an approval for providing media services on demand, and thus no such licence has been granted with reference to the Law on Electronic Media, Article 75.

3.5.2.8. Effective monitoring over the implementation of the Ethics code of Journalists of Serbia in order to promote self-regulation and respect of ethical and professional standards, strengthen professional integrity and increase visibility of the Press Council. (Continuously)

Report of the Responsible authority was not submitted.

3.5.2.9. Enhance professional conduct of journalists considering EU best practices, through training in the field of

- human rights

-media ethics

-hate speech

(Continuously, commencing from I quarter 2016)

Submitted report does not contain data on implementation of the activity. In line with the report of the Regulatory body for electronic media, the Regulator controls the operation of media service providers and ensures the consistent application of the provisions of the laws and bylaws in terms of respect for human rights and hate speech in the program content.

Note: Given that the activity involves training, it is not possible to assess the implementation status of the activity on the basis of the delivered report.

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.

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 being implemented successfully. 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.

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)

Report of the Responsible authority was not submitted

3.5.2.13. Ensure continuous ex officio monitoring over media concentration and efficiently finalize the proceedings. (Continuously)

Submitted report does not contain data on implementation of the activity. In the field of competence of the Ministry this activity is implementing continuously, pursuant to the Law on Public Information and Media, Art. 47.

Note: On the basis of the information submitted, status of implementation of activity cannot be estimated. The second competent institution, the Commission for Protection of Competition, did not submit a report on the implementation of activities under its jurisdiction.

3.5.2.14. Develop and sign the Cooperation Agreement among the Public Prosecutors' Office, Ministry of Interior and relevant associations of journalists (contact points, information exchange on events that do not constitute criminal offences, problem identification, etc.). (I- II quarter of 2016.)

Activity is being implemented successfully. The initial meeting with the representatives of the Ministry of Interior was held on 22 October 2015. The State Secretary of the Ministry of Culture and Information was also present. Necessary steps for implementation of measures were identified. Accordingly, on 12 November 2015, a meeting was held between the representatives of the Ministry of Interior, Republic Public Prosecution and the representative journalists' associations and media organizations. The Memoranda was drafted and submitted for comments.

After obtaining written comments and proposals from association of journalists, the representatives of the Republic Public Prosecutor's Office prepared a draft Agreement on cooperation and measures to raise the level of safety of journalists. This draft was presented on 29 December 2015, during the course of the second meeting of representatives of the Republic Public Prosecutor's Office, Ministry of Interior and representatives of associations of journalists, as well as the Ministry of Culture and Information. The signing of this Agreement is expected, given that the representative associations of journalists supported the adoption of the Agreement, despite minor differences in approach with respect to consideration of the possible need for the introduction of a specialized state body that would deal with the protection of journalists (ombudsman for journalists).

In addition, in order to increase the efficiency of acting of public prosecutions in criminal proceedings against the perpetrators of crimes committed against journalists, on 22 December the Republic Public Prosecutor issued an Instruction which stipulates that the appellate, higher and basic public prosecutors' offices maintain separate records in respect of offenses committed against persons performing activities of public interest in the field of information, in relation to the tasks performed and attacks on the website of the media, in which cases emergency acting is prescribed.

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 being implemented successfully A joint work group is established consisting of the State Prosecutorial Council and the Republic Public Prosecution Office with the task to prepare draft amendments to the Code of Ethics and the Rulebook on Disciplinary Proceedings and Disciplinary Liability of Public Prosecutors and Deputy Public Prosecutors in the part concerning the responsibility of bearers of prosecutorial functions for an unauthorized disclosure of information regarding current or planned criminal investigations to the media. The work on amendments progressed. Bearing in mind that on 5th April 2016 newly elected members of the State Prosecutorial Council started performing their function, there has been a change in the composition of the working group. Following review of the actions taken so far, the working group will continue to work on the amendment of these bylaws.

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".

3.5.2.21. Conduct training for public prosecutors, deputy public prosecutors, police officers and representatives of relevant associations of journalist, with regard to:

- **prevention of media leaks related to ongoing or planned criminal investigations**
- **prevention of media leaks related to respect for privacy with regard to vulnerable persons (victims, children). (Continuously, commencing from I quarter of 2016.)**

Activity is being implemented successfully. Activities are implemented in line with the Action Plan for Chapter 23. Seminars on the ethic code implementation are regularly organized within the continuous and initial education for judicial office holders (12 seminars for more than 250 participants were conducted until November 2015.).

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

Moreover, in July one more two-day workshop shall be 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.

3.5.2.22 Full depolitization of management and program boards of public service broadcasters (RTS and RTV) (Continuously)

Activity is being implemented successfully. Law on Public Media Services commends that none of the representatives that perform public or political duty cannot be a member of the Programme Council of the RTS, contrary members of the Council have to be prominent experts in the area of

media and information. Committee on culture and information of the National Assembly establishes the list of 30 candidates, and refers it to the Board of Directors of the RTS which selects 15 members of the Programme Council of the RTS from the established List.

Board of Directors of the RTS is selected by the Council of the Regulatory Agency for electronic media, which is an independent regulatory body.

Committee on culture and information of the National Assembly has been concluded competition for the election of the members of the Programme Council of the RTS, and the newly constitution of the Assembly should finalize the list of 30 persons and refer it to the Board of Directors.

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.

3.5.2.25 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)

Submitted report does not contain data on implementation of the activity. Pursuant to the Law on Public Media Services, Article 19, paragraph 1, item 15, the managing Board adopts the report on the operation of public media service and submits it further on to the National assembly, Regulator's Council and informs the public. Article 52 of the same Law implies that RTS and RTV annually submit reports on previous year activities accompanied by the independent auditor's

report to the national assembly for consideration and decision-making. This report is also submitted to Regulator's Council for informative purposes.

Note: The information submitted does not contain sufficient data to assess the status of implementation of the activity with regard to the indicator. 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>

3.5.2.28. Enable public availability regarding all activities undertaken in the digitalization process, including planned and disbursed expenses. (III quarter of 2015)

Activity is fully implemented. The process of switchover from analogue to terrestrial TV broadcasting in the RS started in October 2008 and ended up on 7th June 2015. Funds from the state budget allocated for this process are about 36 million EUR. Additional funding was provided from IPA funds and EBRD loan. Ministry of Trade, Tourism and Telecommunication has prepared the list of most important activities carried out in the process of switchover in the RS. For each activity, funds spent are listed in the table at the website of the Ministry (<http://www.digitalizacija.info/proces-digitalizacije-aktivnosti-i-troskovi>)

3.5.2.29. Examine ex officio whether there are reasons to initiate proceedings due to potential breach of regulations by the officials in management bodies of the media with state capital in relation to conflict of interest, as indicated in the Report of the Anti-corruption Agency.

Anti-corruption Agency and Anti-corruption Council hold periodical meetings and exchange relevant data in order to enhance coordination. (Continuously, until the conclusion of the examination.)

Activity is being implemented successfully. State of play, pertaining to proceedings initiated upon complaints or *ex officio* related to public officials in management bodies of the media with state capital, i.e. officials concurrently being owners of private media financed/co-financed by the public funds, has been indicated.

In addition to that, the ACA initiated proceedings based on check of data indicated in the Report on media ownership structure issued by the Anti-Corruption Council.

Upon complaints and *ex officio* the ACA initiated 30 proceedings against public officials in management bodies of the media with state capital, including officials concurrently being owners of private media or persons associated to them being owners of private media financed/co-financed by the public funds:

- 6 measures have been issued, i.e. 2 measures of recommendation for dismissal, 2 measures of public announcement of the decision on the violation of the Law (altered to warning measure by the decision of the Board of the ACA) and 2 warning measures against public officials who took part in decision-making process, thus allocating city/municipality funds to media in their ownership or in the ownership of the persons associated to them in situations standing for conflict of interest;
- 5 warning measures have been issued, i.e. 2 measures due to failure of public official to transfer managing rights in a business company, within the specified deadline, after his/her entry into office, 2 measures due to failure of public official to notify the ACA within the specified deadline on engagement in other job or activity at the moment of his/her entry into office and 1 measure due to failure of public official to notify the ACA on conflict of interest;
- 2 measures of public announcement of decision on violation of the Law on the ACA have been issued to public officials whose office was terminated, i.e. 1 measure due to failure of public official to notify the ACA on conflict of interest and 1 measure due to establishment of business cooperation with a company engaged in activity related to the office the official had held before stipulated period of two years elapsed;
- 6 proceedings, in terms of determining violation of the Law, are underway and in 5 proceedings public officials have been informed on initiation of the proceedings due to violation of the Law;
- 5 proceedings against public officials in terms of determining violation of the Law on the ACA have been finalized by issuing decision on suspension of proceedings, out of which 2 have been initiated due to suspicion on conflict of interest, 2 due to suspicion on discharging second public office or several public offices without approval of the ACA and 1 due to suspicion on failure of public official to transfer his/her managing rights in a

business company, within the specified deadline, after his/her entry into office, in accordance with the Law;

- in 1 proceeding, initiated upon complaint, it was determined that preconditions for initiating and conducting proceedings for determining violation of the Law on the ACA had not been met, of which the person filing the complaint has been notified in writing.

On the basis of data deriving from the check of allegations in the Anti-Corruption Council's Report on media ownership structure, the ACA initiated 26 proceedings as follows:

- in 10 proceedings check whether preconditions for determining violation of the Law have been met is currently underway;
- in 13 proceedings public official has been informed on initiation of the proceedings for violation of the Law on the ACA;
- in 2 proceedings it was indicated that there had been no ground for initiating and conducting proceedings in terms of violation of the Law on the ACA;
- 1 warning measure was issued, including deadline to comply with it, due to failure of public official to transfer his/her managing rights in a business company, within the specified deadline, after his/her entry into office, in accordance with the Law.

Most of the proceedings (13) have been initiated against public officials discharging other public office or several public offices without approval of the ACA (cumulation of offices), whereas 5 proceedings have been initiated against public officials who failed to request approval of the ACA for discharging other job or failed to notify the ACA on engagement in other job or activity.

Meeting with representatives of the Anti-Corruption Council was held in the reporting period (May 2016) with regards to proceedings initiated due to violation of the Law on the ACA against public officials in management bodies of the media with state capital as well as officials concurrently being owners of private media or persons associated to them being owners of private media financed/co-financed by the public funds. The next meeting is scheduled for September 2016.

3.5.2.30. Revision of financial reports of parliamentary political parties related to contracting of advertising companies co-financed from the state budget during the 2014 election campaign. Link with CH 32 (IV quarter of 2015 – I quarter of 2016.)

Activity is fully implemented. During 2015, audits of three Parliamentary political parties were conducted – Serbian Progressive Party, Socialist Party of Serbia and Democratic Party. Audit covered 2014 financial statements of the mentioned political parties that were submitted to the



Business Registers Agency, along with compliance of operations for 2014. Audit reports were published on the website of the State Audit Institution on 27th November 2015.

3.6. PRINCIPLE OF NON-DISCRIMINATION AND SOCIAL POSITION OF VULNERABLE GROUPS

3.6.1.1. Adoption and full implementation of the Action Plan for the implementation of the Strategy for prevention and protection from discrimination. (Continuously commencing from IV quarter of 2014.)

Activity is being implemented successfully. Action Plan for Implementation of the Strategy of prevention and protection against discrimination for the period 2014-2018 was adopted by the Government on 2 October 2014.

The Office for Human and Minority Rights prepared the first Report on monitoring the implementation of the Action Plan for Implementation of the Strategy of Prevention and Protection against Discrimination for the period 2014 to 2018. This Report addressed the implementation of the measures and performance of the activities in the last quarter of 2014 and the first quarter of 2015. The Report was adopted by the Council for Monitoring the Implementation of the Action Plan for the Implementation of the Strategy of Prevention and Protection against Discrimination for the period 2014 to 2018, on its constitutive meeting.

The Office for Human and Minority Rights has also prepared a draft of the second report on the implementation of the Action Plan for the Implementation of the Strategy of Prevention and Protection against Discrimination, covering the second, third and fourth quarter of 2015. The draft report will be discussed at the next meeting of the Council for Monitoring the Implementation of the Action Plan for the Implementation of the Strategy of Prevention and Protection against Discrimination.

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.

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 Arandelovac 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.

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 being successfully implemented. With the support of the OSCE Mission to Serbia we've engaged an expert for conducting analysis of the current implementation of the Law on



Prohibition of Discrimination. Analysis will be finished in due time, according to the deadline in AP23.

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 partially implemented. The Government of the Republic of Serbia adopted Draft Law on the Equality of Women and Men on its 189. Session held on February 2nd 2016 and submitted it to the National Parliament for its consideration. The Draft was the result of harmonization of opinions and suggestions obtained from ministries concerned, National Ombudsperson, Commissioner for Equality as well as the EC (December 2015) during period of several months. The Committee for Human and Minority Rights and Sexual Equality of the National Parliament organized informal consultations about the Draft in February 2016 when invited representatives of non-governmental organizations expressed their reservations and dissatisfaction with the submitted material. Consequently, the Government of the Republic of Serbia withdraw the Draft from the Parliamentary proceeding. After the formation of a new Government (after the elections held in April 24th 2016), decision will be made on further steps associated with future Law on (Gender) Equality (of Women and Men).

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 fully 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.

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 not implemented. Due to the Parliamentary Elections held in April 2016 and in abeyance of new Law on Ministries, which should regulate, inter alia, administration in charge of gender equality or equality of women and men – there has been not any strengthening of administrative capacities implemented during the reporting period.

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).

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

3.6.1.16. Conduct regular training and professional development of employees in the institution of the Commissioner for Protection of Equality in order to improve their work through knowledge building on work, practice and acting of other equality bodies, amendments to national legislation and international standards. (Continuously)



Activity is being implemented successfully. With the aim of strengthening its capacities and in order to continuously improve the quality and efficiency of its work, the Commissioner has held various professional and vocational trainings for the employees of its Professional Service, established by the LPD to support the Commissioner in fulfilling all of its obligations and duties. As the most recent examples to that point Commissioner has held workshop for team building and strengthening capacities of the employees to create strategic document for the development of the institution for the 5 year period; the round table on Depersonalized Job Application Procedures held by the Anti-Discrimination Agency (FADA) and the Institute for the Study of Labour (IZA); also the Twinning EU project „The support to improvement of human rights and zero-tolerance to discrimination“ (SR13IBJH01) which is being implemented in cooperation with the Ludwig Boltzmann Institute from Vienna and the Office for National Minorities of the Republic of Slovenia. Additionally, International Legal English Certificate course for the staff of the Commissioner is in progress. Employees of the Professional Service of the Commissioner participate in the work of different working groups, conferences and seminars organized by the European Network of equality Bodies –EQUINET, and also participate in writing of policy papers and joint reports of this network. OSCE mission to Serbia also supports institution of the Commissioner by organizing study visits, seminars, round tables, presentations for the Professional Service members as well as with supporting the work of the Coordinating Body to Combat Hate Crime to whom the Commissioner is regular member. We emphasize that we have mentioned some of the main activities that Commissioner regularly conducts with the aim of strengthening professional capacities and more quality and efficient work of its employees.

3.6.1.20. Organize workshops for journalists and programme editors aimed at preventing incitement to discrimination through media. (Continuously)

Activity is being implemented successfully. Report of the Commissioner for the protection of equality states that, according to the Action Plan, organizing workshops for journalist and editors on combating discrimination in the media were activities for 2015 within the scope of duties of the Commissioner and other responsible authorities. In that respect we inform you that the Commissioner and the Open Society Foundation have jointly organized, the conference on the occasion of the International Day of Tolerance: ‘Serbia on Path of Tolerance and Equality – Experiences of the Commissioner for Protection of Equality of the Republic of Serbia’ with the thematic part dedicated to media (Media – from discrimination to tolerance). At the same time, Commissioner and the OSCE have established the media award and have awarded authors for the best media (TV/printed/on-line) articles on the topic of tolerance.

Report of the Ministry of Culture and Media states that the Ministry has organized and held two tailor made workshops envisaged in the action plan for Chapter 23 on March 29 and 30, with the topic Discrimination - Prohibition of hate speech for representatives of relevant institutions,



regulatory body, Press Council, national councils of national minorities and professional associations.

3.6.1.21. Continue the development of a model of community policing, particularly in multi-ethnic and multicultural communities, by implementing security prevention in partnership with other state and local entities and contributing to the development of tolerance in society. (Continuously, commencing from I quarter of 2015.)

Activity is being implemented successfully. In 2015, the activities on the development of community policing have continued. The most important of them are:

- On 06 August 2015, the Government of the Republic of Serbia adopted the Action Plan for the implementation of the Community Policing Strategy for 2015 and 2016;

- 15 action plans (mini-projects) for the development of community policing have been conducted in cooperation with the OSCE Mission in Serbia, with the subject of the most current security problems in local communities;

- The project "Development of the community policing in municipalities of Zemun, Vrbas and Prijepolje", dedicated to the strengthening of the police action in the community in these municipalities, has been realized through several independent and partnership activities of the police aimed at the development of crime prevention, strengthening of partnerships with local entities primarily by the establishment and strengthening of the action of Security Councils and by improvement of communication with citizens and victims of crime;

- In November, the seminar "Discussion on Community Policing: Action Plan of Serbia in relation to the best practices of the OSCE and Japan" was held in cooperation with the OSCE Mission to Serbia and the Japan International Cooperation Agency;

- Also, in November, the Conference on the establishment and functioning of local security councils was held in cooperation with the OSCE Mission to Serbia and the Standing Conference of Towns and Municipalities;

- Instructions for the functioning of the security councils in towns and municipalities have been developed and printed. Also, the brochure containing the Community Policing Strategy and the relevant Action Plan has been printed;

- Activities have been undertaken and all electronic and printed media as well as Internet portals have been daily observed, communication with the LGBTI activists has been established and knowledge and information from other state bodies, international police organizations and foreign



police services have been collected on all data regarding security and other preparations for the organization regarding the provision of security for the public assembly in motion "Pride Parade 2015". After successful preparations, at the end of September 2015, the effective engagement of the police enabled the events "Pride Week" and the public assembly in motion "Pride Parade 2015" (which was attended by about 1,100 people) to safely take place;

- Representatives of the Ministry of Interior took part in the Third International IDAHO ministerial forum, which was dedicated to the training of the representatives of police and judicial sector called "Ending Violence and Hate Crimes", which was held from 10 May to 12 May 2015 in Budva, the Republic of Montenegro, on the occasion of the international day against homophobia and transphobia;

- The Ministry of Interior has developed the text of the Draft handbook for the work of police with the LGBT population, whose printing is planned for the beginning of 2016, which represents one of the activities of the Action Plan of the Ministry of Interior for the improvement of work and cooperation of the police and representatives and associations of sexually different persons, which was adopted in February 2014;

- In December 2015, in coordination with the Association of Citizens "Labris", five cycles of training for police officers, called "same-sex orientation and gender identity in the work of police officers," were realized for over 100 police officers, as a continuation of the same training from 2014, which 130 police officers of general jurisdiction and crime investigation police completed.

In accordance with the Action Plan for the implementation of the Community Policing Strategy a *working version of the Manual for Community Policing* was drafted in cooperation with the Police Academy.

Especially important activity in the Action Plan for the implementation of the Community Policing Strategy is to develop security partnerships at the local level, through the establishing and activities of local Security councils in cities and municipalities, which will deal with reviewing the state of the security of citizens and property and organizing and realization of preventive measures and projects. In connection with providing support to police departments and local governments in the establishment of local Security councils, activities were continued in February and March 2016, and 7 regional conferences were held in cooperation between MUP, the OSCE and the representatives of all cities and municipalities, the police and other local entities.

Police Department as part of the implementation of local action plans dedicated to the development of prevention, in 2016 in partnership with other public institutions and civil society organizations, are implementing local action plans:



- In Pozarevac "Be equal Register," which is aimed at raising awareness of Roma, Ashkali and Egyptian communities about the importance of possession of identity documents so that they can exercise their rights,
- In Vranje "Overcome yourself for a better tomorrow", in which in high schools in the city theater plays dealing with security issues are realized,
- In Nis the project "Stop - all join the sports", which is a continuation of project in 2015, and promote healthy lifestyles, develop prevention and safety culture among young people.
- In Kragujevac is planned "Children security Olympics" to be held by the end of May 2016, as a sort of final competition of the primary school team from Kragujevac, Vranje, Jagodina and Ub.

In 2016 continues the implementation of the project "Development of community policing in the municipalities of Zemun, Vrbas and Prijepolje", which is dedicated to the development of community policing, prevention and problem-oriented policing in these municipalities.

The project objectives are the development of community policing, the establishment of effective security prevention, problem-oriented approach to the protection of security, development of cooperation and partnership and the introduction of community police officers.

For the development of problem-oriented policing, preparations are being made for greater use of GIS in the Ministry of Interior of the Republic of Serbia for mapping crimes at police stations and problem analysis that will be used for the planning of prevention and cooperation with other local actors in preventing and combating crime.

3.6.1.22. Appointment of specially trained and selected police officers as contact points for the socially vulnerable groups (women - victims of domestic violence and partner relationships, LGBT persons and any other vulnerable groups, in accordance with the security needs of local communities) in order to foster cooperation and protect their safety at national and regional level and, if required, in smaller urban areas and work to improve cooperation. (Continuously, commencing from I quarter of 2015.)

Activity is being implemented successfully.

– The project "Same-sex orientation and gender identity in the work of police officers", which is being implemented during 2015 and 2016, involves as one of its activities a planned study visit of the liaison officer with the LGBT population to foreign police services (Netherlands police or the GB police), with the aim of strengthening the capacity and improvement of work and cooperation



with the representatives and associations of socially vulnerable groups. In January 2016, a meeting of appointed liaison officer to the LGBT population was held, for realization of a study trip to the Netherlands.

In February 2016, in cooperation with the NGO "Labris" in four cities (Belgrade, Novi Sad, Nis and Kragujevac) a public discussion entitled "Work and police cooperation with the LGBTI community" was held in order to present the activities of the police in improving work and cooperation with LGBT population.

In accordance with the Action Plan for the improvement of work and cooperation with representatives of the police and associations of sexually different persons, a draft Handbook for police work with the LGBT population was made, and its printing is expected in June 2016.

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.

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.

3.6.2.1. 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 not implemented. The work of the Council for the Rights of the Child has been reinstated in 2014. In April 2015, the session of the Council on the Right of the Child was held at which the conclusion was reached to send to the Government of the Republic of Serbia the initiative for the adoption of the Law on the Ombudsman for the Children that in the meantime had been drafted as a working version by the competent Ministry. Also, the Council upheld the adoption of the Law Amending the Law on Family Code pertaining to the explicit prohibition of use of physical force as a disciplinary and pedagogical tool in child rearing. Further, at the session, the Second and Third Periodical Reports on the Application of the Convention on the Right of the Child were presented and adopted, and the activities regarding the organization of the assistance and support for children living and working in the street by the Ministry of Labor, Employment, Veterans and Social Affairs were also upheld by the Council.

3.6.2.2. Organizing support services for children, adults and older people with intellectual disabilities and their families, in order to prevent institutionalization by:
-Organization of day care ; -Organization of inclusive workshops; -Inclusion of children with developmental disabilities who are at risk of separation from families in existing services in

the community; **-Organization of services for the early rehabilitation of children with disabilities and provision of support to remain in family ; -Organization of a network of clubs with inclusive content in local communities for children, adults and elderly people with intellectual disabilities and their parents; -Organization of workshops for parents focusing on responsible parenthood and participation in the rehabilitation of children with disabilities. (Continuously, commencing from III quarter of 2015.)**

Activity is being implemented successfully. On 5 November 2015, the Ministry publicly invited bidders to submit project proposals to be awarded by the funds to be used for promotion of the programmes and carrying out of the activities of public interest in connection to family protection, children and social welfare. The total value of the competition is RSD 5.000.000 that are earmarked in the budget. The procedure of final decision-making in the process of selection is on-going.

On 3 November, Ministry of Labour, Employment, Veterans and Social Affairs – Department for Family Care and Social Welfare, publicly invited project proposals about social welfare services development by local governments in 2015. The total value of the funds to be awarded under this competition is RSD **50,000,000.00** earmarked under the budget heading of the Ministry. This competition places emphasis on support for development of social work services in less developed municipalities, and thus focus is on the following:

- **day-care community based services:** day care stay, house help, drop-in shelters and other services which favour stay in family and in immediate environment for beneficiaries;
- **support services for independent living:** supported living in a separate housing unit, personal assistants, training for independent living;
- **counseling and therapy, and social and educational services,** and other types of support required for active participation in community and social inclusion

The project proposals from **42 local self-government units** have been awarded: Paraćin, Prijepolje, Brus, Priboj, Čoka, Velika Plana, Soko Banja, Ražanj, Leskovac, Plandište, Bogatić, Gadžin Han, Raška, Aleksinac, Bač, Crna Trva, Prokuplje, Kuršumljija, Negotin, Bela Palanka, Merošina, Trstenik, Srbobran, Žagubica, Žabalj, Boljevac, Žabari, Čićevac, 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.

3.6.2.3. Piloting centers for family support in order to:

-Target population of multiply deprived communities (paying particular attention to the availability for Roma families and children); -Support a parent who suffers domestic violence; -Support children at risk of dropping out of school; -Support families at risk of separation (children and parents); -Support children victims of crime; -Support children with disabilities from vulnerable families and at risk of placement in institution. (2015-2019)

Activity is being successfully implemented. Ministry of Labour, Employment, Veteran and Social Affairs in partnership with the Republic Institute for Social Protection and residential care institutions for placement of young persons (Duško Radović from Niš, Centre for Welfare of

Infants, Children and Young Persons, Belgrade, SOS Children's Village Sremska Kamenica) as well as Centre for Local Services Knjeginja Ljubica from Kragujevac) has designed and has been piloting the service 'Family Assistant', as a service of intensive support for families with children who are in risk of being removed from it. With the same partners, it has designed and has been piloting a specialized service of intensive support for families with children who have developmental disorders and has been testing a possibility for regional up-scaling of the service.

Up to December 2015, 431 families benefited from this new form of support for families in the form of family visits and parental counselling services provided to the most vulnerable, including children with disabilities. On 15 December, the training on family assistance will be delivered to 20 members of staff from social work centres. Minimum standards for the family assistant service have been in the process of finalization, as well as have been the piloted and tested services of intensive support for families. Upon completion, the minimum standards and lessons learned and experience gained from the piloting, and the test results will serve as a basis upon which a wider design of standards that intensive support for families at risk need to meet will be developed.

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. All the activities under this item have been carried out as the integral part of the UNICEF IPA 2013.

3.6.2.5. Improving foster care system by increasing the availability and quality of services for children with disabilities and their families through:

-Strengthening the capacity of regional centers for foster care (Centers for foster care and adoption) and centers for social work; -development of procedures and guidelines for foster care as shared care between foster and biological families. (2015-2017)

Activity is being successfully implemented. Two working groups have been set up by the Ministry for Labour, Employment, Veteran and Social Affairs in partnership with the Provincial Institution for Social Protection, the members of which are various practitioners to promote foster care by developing a) respite care, supposed to be accessible for children at risk of displacement from family with focus to children with developmental disorders who are at risk of institutional placement. The respite care guidelines have been developed. The piloting of the service will cover 24 families with 28 children, which have been selected and trained, pending launching of the pilot programme by the end of this year or beginning next year. The finance challenges were such as to cause the piloting exercise of this type of foster care to be delayed. Now that the challenges have been addressed, it is expected that the selected families will receive needed support from other families that have been selected and trained. After the piloting is over, it is expected that respite



care will be accepted and replicated outside the piloting regions, which will have covered about 200 families by 2017.

All the activities under this item have been carried out as an integral part of the UNICEF IPA 2013.

3.6.2.6. Improve the quality of work with inpatient service users to enable more efficient engagement in the community through:

- Provision of psychosocial support for social reintegration;**
- Organization of contacts outside of the institution and participation in local support services such as day care centres and clubs;**
- Participation in cultural and sporting events and camps. (Continuously)**

Report of the Responsible authority was not submitted.

3.6.2.7. Evaluation of existing resources in large and small residential institutions for children and drafting recommendations on the methods of their use in the process of transition from institutional to community care. (2015-2019)

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.

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).

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.

3.6.2.12. Increasing use of diversionary schemes and prioritizing restorative approach to juvenile offenders to ensure their social reintegration and reduce recidivism rates, by:

- Piloting the draft by-law governing implementation of diversionary schemes in Belgrade, Nis, Novi Sad and Kragujevac; - Defining the role of the guardianship authority as the organization responsible for the implementation of diversionary schemes; - Defining mechanisms for long-term funding of diversionary schemes; - Improving the use of alternative sanctions; - Better data collection measures implemented with introduction of any new mechanisms to monitor effectiveness over time and document impact on children. (Continuously, commencing from IV quarter of 2014.)

Activity is being successfully implemented. Application of diversion orders has been piloted in 4 cities in cooperation with the Ministry of Labour, Employment, Veterans and Social Affairs, Ministry of Justice and Republic Institute for Social Protection. It means that service providers who work with minors in conflict with law receive funds for such a work. Service providers selected for piloting include: NGOs (in Belgrade), municipalities, institutions providing social welfare services (in Kragujevac) or centers for social work (in Novi Sad and Nis). 276 juveniles have been subject of diversion order application in this pilot exercise, and alternative sanctioning has been ordered to 146 juveniles as a part of the sanction.

In compliance with developed standards and procedures for application of diversion orders, the training on significance of diversion orders has been delivered to judges and prosecutors for the territory of Belgrade, and three more are planned to be organised. Six trainings on how to prepare a finding and opinion to be communicated to court authorities and on importance of application of diversion orders have been delivered to staff of centres for social work in all big cities of Serbia.

All the activities under this item are carried out as an integral part of the UNICEF IPA 2013.

3.6.2.14. Conduct training and support continued certification of judges, prosecutors, lawyers and police officers in contact with juvenile offenders. (Continuously)

Activity is being implemented successfully. Activities are implemented in line with the Action Plan for Chapter 23. All judges and prosecutors who handle juvenile cases, are licensed, in accordance with the Law. The licenses have been granted to the targeted number of the police officers. During 2016, 5 seminars took place in two phases, with a total of certified participants: 19 judges, 7 deputy public prosecutors and 149 attorneys at law.

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 being implemented successfully. Implementation of the activity is in progress. The Republic Public Prosecution is one of the partners in realization of the project “Improving of children’s rights by strengthening the judicial system and social welfare in Serbia” which prescribes drafting Guidelines for child victims/ witnesses protection against secondary victimization.

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 in Belgrade, Kragujevac, Niš and Novi Sad units were formed to provide support for children in criminal proceedings aiming to support vulnerable groups – children and their parents in relation to criminal proceedings.

3.6.2.16. Conduct training and informative sessions for police officers, public prosecutors and deputy public prosecutors, judges and employees of Centres for Social Work, on the protection of children victims / witnesses in criminal proceedings in order to avoid secondary victimization and distribute educational materials. (IV quarter of 2015 to III quarter of 2019.)

Activity is being implemented successfully. From May to November 2015 91 information sessions on protection of a juvenile as an injured party and a witness in a criminal proceedings were organized in all high and primary courts, which was attended by the judges and judges’ assistants, staff of centers for social work and police. 573 representatives of judiciary, 247 representatives from centers for social work, 166 police members, and 29 representatives of other institutions took part in these info-sessions. Also, leaflets were distributed and posters on the given subject matter, and the Guidelines on protection of children in criminal proceedings were developed which will be distributed next year.

All the activities under this item are carried out as an integral part of the UNICEF IPA 2013

3.6.2.17. Strengthen staff capacity of the Administration for enforcement of criminal sanctions in order to improve the treatment and the rights of juveniles through continuous staff training in all the institutions housing juvenile offenders. (IV quarter of 2015)

Activity is being implemented successfully. Administration for Enforcement of Criminal Sanctions seeks to improve the treatment of minors through the use of modern methods of work and improvement of the treatment. Continuous trainings for employees in this field in the framework of strengthening the capacity to deal with juveniles are implemented by Administration for Enforcement of Criminal Sanctions, and the funds were provided by the Government of Norway. Manuals for training of teachers and penology instructors for the work with juvenile offenders have been developed.

3.6.2.19. Develop and implement specialized treatment programs and programs for release preparation of juvenile offenders. (Continuously, commencing from IV quarter of 2015.)

Activity is 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. The project includes the creation of specialized treatment programs and training of trainers. Implementation of Twinning Project for improving the work of the Centre for training and professional development of employees and the creation of new specialized treatment programs has not started due to delays in concluding the contract and shifting the team members - foreign partner to implement the project.

3.6.2.20. Improve the protection of children in civil and administrative court proceedings by establishing uniform case law in terms of children's rights to express their opinion and the right to have that opinion taken into account in the court proceedings. (I quarter of 2016 to IV quarter of 2017.)

Activity is being successfully implemented. The Supreme Court of Cassation regularly publishes, on its web-page in the "Case-law" section, all its decisions related to the application of children's rights to express their opinion.

3.6.2.21. Introduction of post-traumatic counselling and support for children victims / witnesses in criminal proceedings in the context of family support services which is provided as part of the support service for victim protection set up in four residential homes in transformation. (I quarter of 2016 to IV quarter of 2017.)

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 Policlinic 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.

3.7. PROCEDURAL SAFEGUARDS

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.

3.7.1.8. Continuously monitor the exercise of the right to a trial in reasonable time through implementation and improvement of the judicial reform. (Continuously)

Activity is being successfully implemented. Implementation of this activity is in progress. Detailed analysis of implementation will be available once sufficient time has passed from the start of implementation (1st January 2016).

3.7.1.9. Conduct an analysis of alignment of normative framework with EU Acquis and standards in the field of procedural safeguards, with particular emphasis on comparative experiences and best practices at EU level and identify the necessary changes. (II quarter of 2016)

Activity is being implemented successfully. The Working group for the 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. Analyses are in progress and recommendations for amendments will be prepared within the stipulated deadline for CPC amendments.

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 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.

3.7.1.20. Establish countrywide network of services for support to the victims, witnesses and injured parties in investigative phase and all phases of criminal proceeding, through the following steps:

1. Comprehensive analysis on:

- legal aspects (current normative framework, best comparative solutions, international standards);
- financial assessment (sustainable funding, adequacy of premises and staffing, training needs);
- access to support services (network span, distance, mobile support teams),

2. Development and implementation of a National strategy for improvement of the rights of victims, witnesses and injured parties of criminal offences and its AP specifying the content and dynamics of the activities needed for the establishment of the network, such as:

- alignment of the legal framework with EU Acquis,
- mapping available providers,
- linking available providers and establishment of coordination centers for the judiciary and police,
- training needs assessment,
- comprehensive trainings to all stakeholders focused on implementation of new legislative framework,
- develop comprehensive database to be used by police, prosecution and courts,
- establishment of monitoring mechanism in the area of rights of victims and witnesses,
- public awareness campaign,
- infrastructural improvement.

Link with activity 6.2.11.8. in Chapter 24. (For analysis: From I quarter to III quarter of 2016; For development and implementation of the strategy: Continuously, commencing from IV quarter of 2017.)

Activity is being implemented successfully. The expert hired within the MDTF-JSS submitted the Draft analysis focusing on the alignment of the Serbian legal framework with the Victims Directive, as well as best comparative practices in 5 states. Presentation was performed in April/May, including participation of relevant stakeholders (Ministry of Justice, civil society, EU Delegation to Serbia, prosecutors' office, university professors, etc). The expert had previously performed a series of interviews with key stakeholders, and organized separate meetings/presentations with different groups of stakeholders. Recommendations have been discussed during the presentation and final analysis will be submitted by the end of June. Additional information was requested from the expert in order to facilitate decision making with regard to the selected model. Moreover, the local expert is currently performing an analysis of the alignment of the Law on Juveniles and Law on Misdemeanor with the relevant acquis on victims. Application for IPA 2016 has been submitted with an aim to obtain support for the establishment of victim support services network across the state. Expert for fiscal impact analysis for the selected model will initiate the analysis for network sustainability.

3.7.1.21. Fully implement stronger procedural safeguards for the victims of war crimes. (Linked with the part on war crimes). (Determined in the part on war crimes)

Activity is being implemented successfully. The working group for amendments to the CPC is established, tasked with harmonizing the procedural safeguards framework with the acquis in the field of procedural safeguards. Work is in progress.

3.7.1.22. Sign cooperation protocols with CSOs specialized in victim support to enable stable functioning of general and specialist support services. (Continuously, commencing from I quarter of 2015)

Activity is being implemented successfully. Implementation of the action is in progress. On 20 February 2015 the Republic Public Prosecution signed a Memorandum of Understanding with the Victimology Society of Serbia within realization of the project "Establishing Victims and Witnesses Support Service in Public Prosecutions in the Republic of Serbia". Through cooperation with Victimology Society of Serbia, the Information Service for injured parties and witnesses have



the opportunity to refer these persons, if necessary, not only to the Victimology Society, but also to its partner organizations.

Concurrently, the Republic Public Prosecutors Office is open for signing similar memoranda with other relevant civil society organizations.

3.7.1.25. Conduct training of judges, public prosecutors and deputy public prosecutors focused on acting in the cases of violence against women in the family, partner relationships and gender based violence. (Continuously)

Activity is being implemented successfully. Activities are implemented in line with the Action Plan for Chapter 23. The training aimed at improvement of prosecution and protection of victims of violence against women in the family, partner relationships and gender based violence were organized for more than 120 judges. The education is being conducted continuously and also through initial education, both at theoretical seminars and at workshops.

Within the initial training during 2016, a five-day workshop for the last generation of students was organized. In the second half of the year, a workshop for the last generation will be organized. This type of training was carried out in previous years for all students of the Judicial Academy.
Continuous training -

In total, by the end of 2014, two seminars on criminal-law protection from domestic violence were held. The seminars were dedicated to judges of the criminal departments and prosecutors in cases of domestic violence, with special emphasis on the role of the new proceedings under the new CPC. In total, 4 seminars on women who killed their abusers in Belgrade, Nis, Kragujevac and Novi Sad were held. The seminars were attended by 77 participants. A total of two seminars were held on civil legal protection from domestic violence, enforcement in family legal relations in Belgrade and in Niš for judges of enforcement departments of basic courts of Belgrade and appellate court in Nis and representatives of centers for social work who handle these cases on the territory of Belgrade and Nis appellate courts.

The first such seminar was held on 2 December 2013 and a total of 4 seminars on civil legal protection from domestic violence were held - advanced level of training by the end of 2014 for judges of civil (family) departments and 4 appellate courts. Since this is considered an advanced level of training, an expert in other areas has been added to ensure proper understanding of the nature of the problem of violence against women, especially in terms of victims. Training in the field of gender-based violence involved a total of 16 sessions, a total of 297 trained judicial office

holders, including 48 trainees of initial training at the Judicial Academy, 129 judges, 41 prosecutors and 79 judicial and prosecutorial assistants.

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. This activity was envisaged to be conducted through TAIEX. The Ministry of Culture and Information is in the process of organizing TAIEX Workshop on Right to Information of People Belonging to Minorities set to be held on September 19, 2016.

Concurrently, the Regulatory Body for Electronic Media reports on the activities as follows:

The Action Plan, item 3, activities 3.8.1.3 as well as Law on Public Media Services, article 7, paragraph 1, item 5 and 6, define public interest to be achieved by public media services through their program contents. This specifically refers to the satisfaction of informative needs of all society layers without discrimination, paying pronounced attention to the socially sensitive groups such as children, the young and the old, minority groups, the disabled, socially and health-impaired persons; meeting the needs of citizens for program content that ensures the preservation and expression of cultural identity of not only Serbian people but of national minorities as well, taking into account that national minorities follow certain program segments and in their native language and script.

In achieving the public interest, public service broadcaster is obliged to respect the linguistic and speech standards, of the majority population and, proportionately, of national minorities in the area where the program is broadcast, as well as linguistic and speech standards of deaf and hard of hearing people.

Regulator generates reports on the activities of public service broadcasters on an annual basis, in which, inter alia, it identifies the duration of broadcast program in the languages of national minorities. Regulator's expert department has composed 2015 annual report for the public broadcasters "Radio Television of Serbia" (hereinafter referred to as RTS) and "Radio Television of Vojvodina (hereinafter referred to as RTV).

According to the findings of the Regulator's expert department, RTS broadcast content in the language of national minorities only on its second channel (RTS2); and, for the most part, those

were shows in Roma and Croatian language, which were produced and broadcast on the second channel of RTV, with a total annual share of 1.26% in RTS 2 broadcasted program. When it comes to the radio program, Radio Belgrade has shows in Roma language, which make 2,65% in total annual broadcasted program.

The first channel of RTV (RTV1) broadcasts predominantly in the Serbian language and is intended for the widest audience, whereas the second channel of RTV (RTV2) is reserved for programs in national minority languages. On its second channel, RTV broadcasts program content in nine languages of the minorities living on the territory of Vojvodina, but also contents in Serbian (with a share of 22,20%). According to the share of RTV2 total annual broadcasted program, the most common program is the program in Hungarian (18.53%), followed by programs in Romanian (9.03%), Roma (6.93%), Ruthenian (6.71%), Slovak (5.73%), Croatian (2.60%), Macedonia (1.08%), Ukrainian (1%), Bunjevac (0.65%).

When it comes to RTV radio program, the first program of Radio Novi Sad is broadcast in Serbian, the second one in Hungarian, whereas the third one is broadcasted in eight minority languages (Slovak, Romanian, Ruthenian, Roma, Croatian, Bunjevac, Ukrainian and Macedonian).

Pursuant to the Action Plan, item 4, activities 3.8.1.3., we are hereby informing you on the following:

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 from the date of conclusion of the equity sale contract. Continuity in the production of media content includes the obligation to maintain the share of program time in certain minority languages, or the share of informative, educational, scientific, cultural, artistic, entertainment, sports and other programs of public interest in certain minority languages, in accordance with the program schedule that was applicable for a period of twelve months before the date of this Act entry into force.

On May 27th 2015, Privatization Agency 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 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, with the aim of controlling the fulfilment of contractual obligations in the production of media content of public interest for a period of 5 years as of the day of conclusion of the contract. Article 9 of the contract on the media broadcaster sale stipulates that the obligation of providing operational continuity pertains to the buyer. The given article, inter alia, prescribes that the buyer is obliged to submit annual operational report to the Regulator within five consecutive years

starting from the date of contract signing, providing the information on the share of program time in certain minority languages, i.e. the share of informative, educational, scientific, cultural, artistic, entertainment, sports and other programs of public interest in minority languages, in the broadcasted program of media service provider for the previous year.

When participating in the public tender for issuing licenses, media service providers have submitted program elaborates that contained information on program content in the languages of national minorities. Program elaborates make an integral part of the licence for media service provision and constitute a prerequisite to which media service providers have to adhere. So far, the Regulator acted in case of the following media services whose program elaborates quoted to broadcast content in the following minority languages:

No	Media Service Provider	Media service	Minority languages
1.	«RADIO MEDVEĐA» Medveđa LLC	radio	Albanian
2.	«Radio Televisoon Caribrod ЦАРИБРОД» Dimitrovgard LLC	radio and TV	Bulgarian
3.	«KOPERNIKUS RADIO TELEVISION» LLC, Šid– radio Šid	radio	Ruthenian, Slovak
4.	«Informative Center» LLC Bačka Topola – regional radio	radio	Ruthenian, Hungarian, Slovak
5.	«RADIO TELEVISION INĐIJA» LLC Inđija	radio	Romanian, Hungarian, Ukrainian, Roma, Croatian
6.	«RADIO TELEVISION PANČEVO» LLC Pančevo	TV	Hungarian, Roma
7.	«NOVOSADSKA TV» LLC Novi Sad	TV	Hungarian, Slovak
8.	«Informative Company B C Info» LLC Bela Crkva – Radio Bela Crkva	radio	Czech, Romanian, Roma
9.	Informative company «RADIO TELEVISION STARA PAZOVA» LLC Stara Pazova	radio	Roma, Slovak

10.	«RADIO TELEVISION ŠABAC» LLC Šabac	TV	Roma
11.	«RADIO TELEVISION KRUŠEVAC» LLC Kruševac	radio and TV	Roma
12.	Informative company «RADIO BARAJEVO» LLC Barajevo	radio	Roma
13.	Public company «TELEVISION POŽEGA» Požega	TV	Roma

It is also worth mentioning that the privatization procedure in the model of capital transfer without compensation to the employees, has not ended in 16 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.

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. Regulation on the Procedure for Allocation of Financial Resources from the Budget Funds for National Minorities (Official Gazette of RS, No. 175

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.

In domain of the jurisdiction of the Ministry of Culture and Media, the implementation of this activity is continuously conducting 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. Public call for proposal for co-financing projects in the field of public information in national minority languages in 2016. has been launched and the independent expert commission is currently in the decision making process of which projects will be co-financed.

The budget of the call for proposals is 40.000.000,00 dinars.

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 is currently in the decision making process of which projects will be co-financed.

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.

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 being implemented successfully. Having in mind the importance of preventing and combating discrimination in the society, MoE has prepared and adopted the "Rulebook on Detailed Criteria on Identifying Forms of Discrimination by Employees, Children, Students or Third Parties in Educational Institutions" (*"The Official Gazette of RS"*, no 22/2016), February 2016. At the moment, Working Group is being created with a view to preparing the Instruction for Implementation of the Rulebook. The Working Group consists of experts from relevant sectors of MoE, the Office for Human and Minority Rights, the Ministry of Public Administration and Local Self-Government, and, as observers, representatives of independent institutions, Protector of Citizens (Ombudsman) and Commissioner for Protection of Equality.

In cooperation with UNICEF, a set of trainings is being prepared for employees in the education system, for implementation of the Rulebook on Detailed Criteria on Identifying Forms of Discrimination by Employees, Children, Students or Third Parties in Educational Institutions.

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)

Submitted report does not contain data on implementation of the activity.

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.

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.

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)

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.

Meetings have been scheduled and held as follows:

The National Council of the Bulgarian National Minority - on 24th May 2016.

The National Council of the Albanian National Minority - on 25th May 2016.

The National Council of the Bosniak National Minority - on 26th May 2016.

The National Council of the Croatian National Minority - on 7th June 2016.

The National Council of the Hungarian National Minority - on 7th June 2016.

The National Council of the Ruthenian National Minority - on 8th June 2016.

The National Council of the Slovakian National Minority - on 8th June 2016.

The National Council of the Romanian National Minority - on 9th June 2016.

Proposals and suggestions by participants of meetings will be analysed by the Working Group, and those considered to be an improvement of the standards for Serbian as a Second Language will be included in the final version of the document.

By the end of June 2016, the proposal will be submitted for adoption to the National Education Council.

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.

3.8.1.14. Improve awareness among the wider public and civil servants at all levels of the presence of national minorities in the country and of their rights, including right to positive measures as appropriate. (Continuously)

Activity is being implemented successfully. Implementation of the activity is underway. The Ministry of Public Administration and Local Self-government prepared a proposal of training titled “Rights of Members of National Minorities” in the field of “Protection of Human Rights and Data

Confidentiality”, the aim of which was to introduce the attendees to the rights of members of national minorities guaranteed under positive legislation. The target group includes all civil servants. The Human Resource Management Service accepted this proposal of training and included it in the Training Plan and Programme for 2016.

Concurrently, the Office for Human and Minority Rights is in the process of formulating proposals for IPA 2016, with respect to these activities, represented by the indicator reported as the number of minutes on public services dedicated to rising awareness of the national minority rights.

3.8.1.15. Conduct effective investigation and sanctioning of inter-ethnic incidents, particularly those characterized by the elements of the criminal offence of racial, national and religious hatred and intolerance. (Continuously)

Activity is being implemented successfully. Implementation of the action is in progress. Criminal offences that have elements of discrimination, instigation to violence and hate speech such as Instigating National, Racial and Religious Hatred and Intolerance (Art 317 CC) are criminal offences whose prosecution is undertaken *ex officio* which means that the public prosecutor is obliged to prosecute whenever there are grounds for suspicion that a criminal offence was committed, in accordance with the principle of legality prescribed in Art. 6 paragraph 1 of the Criminal Procedure Code. Accordingly, the public prosecutions continued to investigate and prosecute criminal offenses related to the interethnic incidents.

Additionally, the program and work plan of the Republic Public Prosecutors’ Office envisages that this office shall monitor the actions of the competent public prosecutions in cases of wider social importance or for which there is a public interest, including cases concerning the violation of human rights and all forms of discrimination. In order to implement control over acting upon these cases, the Appellate Public Prosecutions are obliged to submit quarterly reports to the Republic Public Prosecutor's Office.

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.

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.

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 partially implemented. When electing bearers of prosecutorial position, the State Prosecutorial Council takes care on national composition of the citizens, adequate representation of members of national minorities and knowledge about professional legal terminology at languages of national minorities, in official use in public prosecution offices.

A joint working group SPC/HJC has been established to draft amendments and supplements to the Rulebook, in order to ensure that in the nomination and election of public prosecutors and deputy public prosecutor, the ethnic composition of the population, adequate representation of national minorities and knowledge of professional legal terminology in the language of national minority in official use in court shall be taken into account..

A slight delay in full implementation of the activity was caused due to the establishment of the new composition of the SPC.

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 being implemented successfully. The State Prosecutorial Council submitted an invitation to the High Judicial Council with initiative for establishment of the stated work group. At the session held on 10 May 2016 the High Judicial Council appointed the members of the Working Group for the assessment of national minorities access to the judicial system of the Republic of Serbia. At the session held on May 5, 2016, the State Prosecutorial Council made a decision of appointing members to a work group with a view to establish a joint work group with the High Court Council for evaluation of access of national minorities to the judicial system, in line with the measure 8.9 of the Action Plan for exercising rights of national minorities.

Moreover, during the I quarter of 2016, the State Prosecutorial Council representatives have held consultations with representatives of the Ministry of Justice, the High Court Council and the management of the IPA 2013 project “Capacity Building of the High Court Council and the State Prosecutorial Council” with reference to implementing activities within the Action Plan for the Chapter 23 and the Action Plan for exercising rights of national minorities and agreed about the upcoming activities in the area that would be delivered within the II quarter of 2016.

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 being implemented successfully. During the I quarter of 2016, the State Prosecutorial Council representatives have held consultations with representatives of the Ministry of Justice, the High Court Council and the management of the IPA 2013 project “Capacity Building of the High Court Council and the State Prosecutorial Council” with reference to implementing activities within the Action Plan for the Chapter 23 and the Action Plan for exercising rights of national minorities. Discussions also involved specification of this activity, and the topics of the workshop have been agreed upon, including use of language of national minorities in court proceedings, interpretation and translation. Also, it was agreed to invite representatives of national councils of national minorities whose languages are in official use.

3.8.1.21. Conduct training of judges on international instruments and standards in the field of protection of national minorities from discrimination and ECHR practice. (Link with activity 1.3.1.7.) (Continuously)

Activity is being implemented successfully. Activities are implemented in line with the Action Plan for Chapter 23. In cooperation with OSCE, the training for judges on international instruments and standards in the field of protection of national minorities from discrimination and ECHR practice has been organized. In addition, the issues related to standards in the field, are the integral part of the specialized human rights training conducted, until November 2015, for more than 200 participants. In addition, in 2015 the Judicial Academy conducted a series of roundtables with judges of the appellate courts who work in the departments of case law, imbalances in decision-making in these cases have been identified and during the first quarter of 2016 at a joint session of the appellate courts a unified position on these issues was adopted, hence it is expected that there won't be uneven judicial decisions at the appellate level, which should be reflected in the first instance in these cases.

The education is being conducted continuously and also through initial education, both at theoretical seminars and at workshops. As of the first quarter 2016 ToT for the topic is in the course for eight selected judges of high courts in Serbia. Within the training of trainers, 3 training sessions were conducted, and by the end of the year two more training sessions will take place, as well as the study visit to Strasbourg.

3.8.1.22. Announcement and implementation of public calls for the cofinancing of national minority organizations in Autonomous Province of Vojvodina for the projects of a multicultural nature, with an aim to develop the spirit of tolerance and encourage the promotion of cultural diversification.

Announcement and implementation of public calls for the cofinancing of programs and projects of organizations established by national councils of national minorities and civil society organizations engaged in protection and improvement of the rights of national minorities in other areas inhabited by national minorities, by allocating funds in Budgetary Fund for the projects of a multicultural nature, with an aim to develop the spirit of tolerance and encourage the promotion of cultural diversification.

(For public calls in Autonomous Province of Vojvodina: Continuously, commencing from I quarter of 2015.; For public calls in other areas inhabited by national minorities: Continuously, commencing from I quarter of 2016)

Activity is being implemented successfully. Regulation on the Procedure for Allocation of Financial Resources from the Budget Funds for National Minorities (Official Gazette of RS, No. 22/16) was passed at the Government's session held on 3 March 2016, which ensured compliance with the requirements for the provision and operationalization of all funds allocated to the dedicated budget expenditure line of the Ministry of Public Administration and Local Self-government. Regulation sets out that the budget fund can also be financed from donations. Financial resources from the Fund are allocated through public calls for programmes and projects in the fields of culture, education, provision of information and official use of languages and scripts of national minorities.

A Draft Programme is currently being prepared pursuant to the said Regulation. It will be passed by the Minister of Public Administration and Local Self-government at the proposal of the National Minority Council and will set out the rules for the public call procedure for multi-cultural programmes and projects.

Funding of national councils of national minorities is ongoing and it is aimed at regular and development activity of the registered national councils of national minorities based in the territory of the autonomous province of Vojvodina in 2015. Eligible participants are national councils of national minorities with registered offices in the territory of the autonomous province of Vojvodina. The following funds have been provided: total of 60,000,000.00 RSD (40,000,000.00 RSD– regular activity and 20,00,000.00 RSD – development activity). The funds have been delivered to the councils.

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 work on development of recommendations for the establishment of functional councils for multi-ethnic relations is related to the adoption of the Law on Amendments to the Law on Local Self-Government, which was sent to the Government for consideration and decision, but the proposal of the said Law has not yet been determined.

3.8.1.24. Provide special funds in the budget of the Autonomous Province of Vojvodina for the financial support of the work of national councils of national minorities.

Provision of funds in the Budgetary Fund for the financing of programs and projects of national minorities organizations established by national councils of national minorities and civil society organizations engaged in protection and improvement of the rights of national minorities. (For funds allocated in the Budgetary Fund for national minorities: Continuously, upon its establishment; For APV: Continuously)

Activity is being implemented successfully. Regulation on the Procedure for Allocation of Financial Resources from the Budget Funds for National Minorities (Official Gazette of RS, No. 22/16) was passed at the Government's session held on 3 March 2016, which ensured compliance with the requirements for the provision and operationalization of all funds allocated to the dedicated budget expenditure line of the Ministry of Public Administration and Local Self-government. Regulation sets out that the budget fund can also be financed from donations. Financial resources from the Fund are allocated through public calls for programmes and projects in the fields of culture, education, provision of information and official use of languages and scripts of national minorities.

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.

3.8.1.25. Development and distribution to the local self-government units of a mandatory instruction explicitly giving following directions to the local self-government units in charge of all personal data registries (birth, marriage, death, citizenship) in connection with:

- the exercise of the rights to the entry of a name in the birth registry books in the language and script of the national minority, applicable in all registries across country.

-subsequent entry of data in the registry at the request of persons belonging to national minorities in line with the Article 26 of the Law on Birth Registries;

-duty of the body in charge of personal data registries to inform the party on the right to exercise entry of data in the registry in the language and script of the respective national minority. (Development: IV quarter of 2015; Distribution: Continuously)

Activity is being implemented successfully. The activity was implemented. The instruction was prepared and submitted to the municipal and city administrations, directing the organization of activities and working methods of the registrars and deputy registrars in connection with exercising the right of entry of a name in the registry books in the languages and scripts of national minorities.

Also, a sample of a Notice of the procedure and method of registration of personal names of persons belonging to national minorities in the registers was delivered for the purpose of placing it on the notice boards of all registry areas, i.e. towns and municipalities for which registers are kept, and the local self-government units in which the statute establishes the use of the official language of a national minority, whereby it was requested to highlight the notice in the language and script of the national minorities as well.

3.8.1.26. Regular monitoring over the work of local self-government units with regard to the exercise of the right to entry of a name in the Birth Registry in languages and script of national minorities and the imposition of corrective measures. (Continuously)

Activity is being implemented successfully. Administrative Inspectorate, as a part of regular inspections, supervises and ensures the exercise of the rights of national minorities with regard to the entry of a name in the registry books in the language and script of the national minority. During inspection, no irregularities were determined and any complaints about the work of the bodies with delegated tasks to keep the registers and resolve matters pertaining to registers in the first instance administrative procedure.

3.8.1.27. Training of registrars and deputy registrars in connection with the implementation of laws and regulations governing the manner of registration of personal names of persons belonging to national minorities in the language and script of the national minority. (IV quarter of 2015)

Activity is fully implemented. In accordance with the established training plan in 2015 in connection. With the implementation of laws and regulations governing the registration of personal names of persons belonging to national minorities in the registry books in the language and script of a national minority, trainings of registrar and deputy registrar who keep registers in all administrative bodies which are entrusted the registers were held. A total of eight training was organized (in Nis, Belgrade, Pirot, Zlatibor, Novi Sad and Subotica on one training and Belgrade two training). These trainings were attended by a total of 335 registrars and deputy registrars, thus fully implementing the training curriculum.

3.8.1.29. Organization of a round table with representatives of the national councils of national minorities, the interested professional public, as well as non-governmental organizations to discuss:

-open issues regarding implementation of Law on national councils of national minorities, and

- provide recommendations. (IV quarter of 2015)

Activity is fully implemented Activity is carried out. Ministry of State Administration and Local Self-Government organized a round table entitled "National Councils - minority self-government in the legal system of the Republic of Serbia", on 18 December 2015. At the roundtable, which was attended by representatives of national councils of national minorities, non-governmental organizations and the international community and the interested professional public, the analysis of the normative framework regulating the rights of national minorities in the Republic of Serbia

was presented, with the aim of finding the most appropriate solutions in the process of amending the Law on National Councils of National Minorities.

3.8.1.30. Establishment of a multi-sectorial working group in order to draft a new Law on National Councils of National Minorities, or adopt amendments and supplements of current law in accordance with the results of the conducted analysis, and with active participation of the national councils of national minorities. (IV quarter of 2015)

Activity is fully implemented. Activity is carried out. Minister of State Administration and Local Self-government established the Working group to draft the amendments to the Law on National Councils of National Minorities. The working group includes representatives of the relevant ministries in charge of areas in which national minorities have the right to self-government, culture, education, information and official use of language and script of the language of national minorities, representatives of national councils of national minorities and the professional community.

3.8.1.32. 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 fully implemented. Committee of the National Assembly for the Judiciary, Public Administration and Local Self-Government, at its 63rd session, held on 1st March 2016, and at the 64th session, held on 2nd March 2016, considered the Law on the employees in the autonomous provinces and the Local Self-Government units in general and in detail. Law on Employees in Autonomous Provinces and Local Self-Government Units was adopted on 3rd March 2016, and published in the "Official Gazette of the Republic of Serbia", No. 21/16. The Law will take effect on 1 December 2016, except the provisions relating to professional advancement, the provisions on the appeals committee and the provisions regulating the issues in connection with human resources, which took effect on the day following the date when the Law came into force, subject to certain additional restrictions (e.g. promotion to higher pay grades).

To ensure implementation of this Law, a Draft Regulation on the Criteria for Job Classification and the Criteria for Job Description is currently being prepared (which will in particular provide

for a duty to include knowledge of languages and scripts of national minorities as a specific requirement for employment at certain posts). Another Regulation currently in preparation is a Draft Regulation which will set out detailed rules for internal and public calls for job applications and specify the required qualifications, knowledge and skills to be evaluated in the selection procedure, the manner in which compliance with these requirements will be verified and the criteria for appointment to specific posts.

Under the Article 19 of the subject law it is provided that:

*at the moment of the candidates getting employed all the positions shall be available to them under the equal conditions,

*the selection of candidates shall be based on the professional qualification, knowledge and skills;

*in the course of employing the staff, care shall be taken about the balance in national structure, gender representation and the number of people with disabilities among the employees, which shall reflect, to the most possible extent, the structure of population.

This law shall regulate rights and duties pertaining to employment of the employees with the bodies/agencies of the autonomous provinces and local self-management units.

The provisions of this law shall be adequately applied to employees with the bodies/agencies of the urban municipalities (districts) and in services and organizations established by the competent authority of the autonomous province, local self-government unit and urban municipality (district) in line with a special act. Services and organizations will refer to professional services and special organizations established in order to render administration services.

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. The Draft Regulation, which is currently being prepared, among other things provides for a duty to include knowledge of languages and scripts of national minorities as a specific requirement for employment at certain posts, in order to ensure that national minorities are proportionately represented among civil servants and employees. This implementing regulation should be adopted at the end of the second quarter of 2016 or at the beginning of the third quarter, after the new Government of the Republic of Serbia takes office.

3.8.1.34. Announcement of a public call for the allocation of budgetary resources to the local authorities in order to:

-Educate the staff in bodies and organizations of local self-government units where minority languages and scripts of national minorities are in the official use;

-Improve the electronic administration system to work in conditions of multilingualism in areas inhabited by national minorities;

-Secure funding for preparing and setting up bilingual topographic signs and printing of bilingual or multilingual forms, official journals and other publications for public use. (Continuously)

Activity is being implemented successfully. Regulation on the Procedure for Allocation of Financial Resources from the Budget Funds for National Minorities (Official Gazette of RS, No. 22/16) was passed at the Government's session held on 3 March 2016, which ensured compliance with the requirements for provision and operationalization of all funds allocated to the dedicated budget expenditure line of the Ministry of Public Administration and Local Self-government.

The call for proposals for allocation of budget funds in 2015 to bodies and organizations in the autonomous province of Vojvodina where languages and scripts of national minorities – national communities are in the official use has been announced and published on the web-page of the Secretariat. The call for proposals was announced in the period 13/ 05/ - 15/ 06/ 2015. The value is 9,500,000.00 RSD. The eligible participants of the call are:

1. Bodies of local self-government units from the territory of the autonomous province of Vojvodina where the statute of the town or municipality has regulated the official use of languages and scripts of national minorities – national communities in the entire territory of that local self-government unit or in settlements situated in their territory;
2. Local communities in the territory of towns and municipalities from the previous line; other bodies, organizations, services
3. Institutions, budget beneficiaries, based in the territory of a local self-government or carrying out the tasks in the territory of that local self-government.

3.8.1.35. Providing support to the National Councils of National Minorities in the implementation of their jurisdiction.

-trainings of the NCNMs on mechanisms for the protection against discrimination, antidiscrimination legislation and on recognizing types of discrimination and grounds for discrimination.

-strengthening the managerial capacities and financial reporting capabilities of NCNMs. (Continuously)

Activity is being implemented successfully. Within these activities, financial support is provided through the funding of national councils of national minorities for regular work. For this purpose, 2015 national budget provided 245 million dinars. Amounts allocated to funding regular work of National Councils of National Minorities in 2016 have not been reduced, in spite of the restrictive budget, and the national budget earmarks 245,000,000 Dinars for this purpose.

Office for Human and Minority Rights in cooperation with the OSCE Mission in November 2015. organized the workshop “Training of national councils of national minorities- Financial Management“ which was aimed at strengthening the management capacity and capabilities for national council of national minorities` financial reporting

Support funding for these activities is also provided through the twinning project from IPA 2013 „Support to the advancement of human rights and zero tolerance to discrimination“. The incorrect project value and the wrong duration of project implementation are stated in the adopted Action Plan. The total value of the project, which lasts 18 months (from September 2015 to March 2017) and includes some activities other than those mentioned under activity 3.8.1.35., amounts to 1,200,000.00 EUR, not 10,476,550.00 EUR as erroneously stated, (with national contribution of 60,000 EUR provided by the Office for Human and Minority Rights, out of which 39,024 EUR were transferred to the National Fund in 2015). The adopted Action Plan also erroneously quotes the amounts planned for 2015 and the amounts planned for the forthcoming period. In 2015, 178,439.61 EUR was spent on the project. The total budget planned for 2016 is 804,483.08 EUR, while 217,077.31 EUR is planned for 2017. The project in 2016 foresees the funding to the amount of 68,785.90 EUR for providing support to National Councils of National Minorities in fulfilling their responsibilities through training and capacity building.

In January 2016, the first consultative meeting with the representatives of national councils of national minorities was held in order to make assessments of training needs of national councils in implementing antidiscrimination measures and institutions. This needs assessment will further serve for creating the reference programs for the representatives of the national councils of national minorities that will be organized during 2016.

On the basis of the need assessment for implementing this activity the training programs that will be implemented in the coming period are prepared.

3.8.1.36. Reinstate the work of the Council for national minorities, including participation of the representatives of all national minorities, aimed at effective exercise of

the rights of national minorities. (For reinstatement – II quarter of 2015; For regular meetings of the Council-Continuously).

Activity is being implemented successfully. The Council for National Minorities was constituted on 29 April 2015, which has restored the dialogue between the Government of the Republic of Serbia and the national councils of national minorities at the highest level. The Council has regular meetings. As of reinstatement, three meetings were held, focusing on important areas relevant for national minority rights. The Council also regularly received reports from the Working group for AP on the exercise of rights of national minorities. The work of the Council contributed to continuous dialogue between relevant ministries and councils of national minorities.

3.8.2.1. Adoption of a new Strategy for social inclusion of Roma in the Republic of Serbia 2016-2025 accompanied by Action Plan, with active participation of Roma representatives and dedication of financial resources for its implementation, focusing in particular on the following areas:

- **Issuing personal documents**
- **Comprehensive anti-discrimination measures**
- **Compliance with international standards on forced evictions**
- **Equal access to health care and social protection**
- **Equal access to education**
- **Equal access to labor market**
- **Improvement of housing conditions. (I quarter of 2016.)**

Activity is fully implemented. The Strategy for Social Inclusion of Roma men and women for the period 2016-2025 has been adopted by the Conclusion of the Government 05 number: 90-1370/2016-1 dated March 3, 2016 and it has been published in the Official Gazette of the RS number 26/2016.

3.8.2.2. Full implementation of Action Plan for the implementation of the new Strategy for social inclusion of Roma in the Republic of Serbia 2016-2025, containing SMART indicators. (Continuously, commencing from adoption of the Action plan.)

Activity is almost completely implemented. It is expected that the Action plan for this Strategy would be one of the first documents adopted by the new Government.

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 Ministry of Labor, Employment, Veteran and Social Affairs (MLEVSA), in cooperation with the Office for Human and Minority Rights of the Government of Serbia (OHMR) and Social Inclusion and Poverty Reduction Unit (SIPRU), has initiated wide public consultations on the Draft Strategy for Social Inclusion of Roma for the period from 2016 to 2025 that occurred in the last months of 2015. Final document is consistent with the Europe 2020 Strategy and the EU Framework for National Roma Integration Strategies for Member States. The Strategy for social inclusion of Roma was adopted by the Government of the Republic of Serbia on 3rd of March 2016. The Action Plan for the implementation of the Strategy is under development and its preparation will also be done with the participation of wide network of stakeholders. It is expected that the Action plan for this Strategy would be one of the first documents adopted by the new Government.

The Deputy Prime Minister and Minister of Construction, Transport and Infrastructure, Ms Zorana Mihajlović, was officially appointed by the Prime Minister to coordinate the efforts of public authorities, including local governments and public enterprises, geared towards improving the position of the Roma and their full inclusion in the social, economic, cultural and political life, with emphasis on areas in which they are the most vulnerable (civil registration, education, housing, health, social protection and employment). On the regional level, Memorandum of understanding between the Regional Cooperation Council and the Government of the Republic of Serbia was signed on 30 of March 2016. This MoU is signed for the purpose of establishment and functioning of the Action Team for the Roma Integration until 2020 with the Regional Office in Belgrade. Deputy Prime Minister indicated that the Government of the Republic of Serbia was committed to all aspects of the regional cooperation, and also to those concerning the improvement of the status of the Roma population. In addition to this, it was stated that joint efforts in the region should give significant results, not only because of our obligations towards EU but also because it

is crucial for our societies in this part of Europe. On the local level, in cooperation with Standing Conference of Towns and Municipalities, SIPRU will conduct consultation process during the month of May 2016, regarding the preparation of Action plan for the implementation of the Strategy in 4 regional meetings with representatives of local self-governments and Coordinators for Roma issues all around Serbia.

-The Office for Human and Minority Rights and the Social Inclusion and Poverty Reduction Unit provide support to the Deputy Prime Minister in monitoring the implementation of the Operational Conclusions, as well as in preparing annual reports on the implementation of the Roma Strategy and its Action Plan. Regarding reporting obligations, in the previous period Serbia presented its efforts during *the Meeting of the EU-Serbia Sub-Committee on Research and Innovation, Information Society and Social Policy, Belgrade from 1st to 2nd of December 2015*". One of the sessions was devoted to Roma Inclusion, as follow up and review of the June 2015 Roma inclusion seminar conclusions. On this occasion, Draft of the Strategy for Social Inclusion of Roma (2015 – 2025) has been presented. On 12th of April in Brussels, *the Meeting of the EU stabilization and association council* took place. The focus of reporting was on activities that contribute to social and economic inclusion of Roma. Serbia will also provide inputs during the *Human dimension comity meeting on the topic "Tolerance and antidiscrimination, with focus on Roma and Sinti"* in May 2016 in Vienna. The event will focus on 'Tolerance and Non-Discrimination' in connection with OSCE commitments and the implementation of the OSCE Action Plan on improving the situation of Roma and Sinti. This report provides inputs on current situation in all areas covered by the Strategy for social inclusion of Roma 2016-2025 with focus on discrimination as a cross-cutting issue. SIPRU and OHMR will continue their monitoring and reporting obligations regarding social inclusion of Roma, fulfillment of the obligations under AP for CH 23 and Operational conclusions from the Roma inclusion seminar in the future period.

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. Last 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.

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.

3.8.2.8. Undertake enhanced efforts to complete the registration of "legally invisible" persons as foreseen by the end of 2015, through continuous exercise of the right to subsequent registration of the fact of birth in the birth register, citizenship, and declaration of permanent or temporary residence while allowing for the continuation of the process until June 2017.

Concrete tools:

- full implementation of the provisions of the Law on Birth Registers,
- full implementation of the provisions of the Amendments and Supplements to the Law on Extra-Judicial Proceedings,
- full implementation of the Law on Citizenship,
- full implementation of the provisions of the Law on Residence of the citizens. (By June 2017)

Activity is being implemented successfully. Ministry of Interior of the Republic of Serbia, initiated the procedure of adoption of the Law on Residence of Citizens (Official Gazette of RS, 87/11), which was enacted and came into force on 29 November 2011 to ensure realization of the right to identity/personal documents for the Roma population. The Law contains the provisions facilitating registration of residence for the citizens of the Republic of Serbia, and therefore the Roma, who in most cases are undocumented, which is a pre-requirement for the granting of identity documents, among which, an identity card. In particular, the Law stipulates that citizens of the Republic of Serbia who are not permanent residents on any of legal grounds, may have their residence established on the basis of the decision of a competent authority, among other things, at the address of a center for social work, and/or an institution in which the applicant is placed permanently, accompanied with the citizen's registration with the institution /center for social work which contains the statement that the applicant's address will be the address of the institution or CSW concerned. On the basis of thus established place of residence, a competent authority shall issue an identity card for the period of 10 years, thus responding to the matter of the issuance of personal documents in longer term.

On the basis of the Law, the Rulebook on the residence application form with the address of an institution and/or center for social work (Official Gazette of RS 113/2012) is adopted, which entered into force on 8 December 2012, as well as the Rulebook on the procedure of registering and de-registering place of residence of the citizens, registering of temporary residence abroad and the return from abroad, dormancy of residence, application forms and record keeping (Official Gazette of RS 68/2013), which entered into force on 9 August 2013.



Under the referred Law and Rulebooks, all the citizens of the Republic of Serbia, and thus the Roma, who do not have permanent place of residence registered on any of the legal grounds, may register it on the basis of decision establishing residence at address of a center for social work in the territory of which the applicant is located, or at address of an institution in which the applicant is permanently placed, accompanied by the statement of the applicant to the institution or CSW that their address will be the address of the applicant concerned.

In cooperation with the Belgrade Administration and Secretariat for Social Protection, Ministry of Interior conducted urgent issuance of identity documents for persons resettled from the informal settlements under the Gazela Bridge and in Belvile to the newly formed settlements in the territories of municipalities of Čukarica, Surčin, Rakovica, Mladenovac, Barajevo. Thus, it enabled registration of place of residence for about 1.000 persons, who also obtained identity documents. For those who were relocated from the settlement Belvil-Trasa to Orlovsko in the territory of municipality Zvezdara, the MoI conducted the action of the urgent issuance of personal documents and thus enabled to 120 persons to register their place of residence, and obtain personal identity documents. For the citizens who lived in one section of the unhygienic settlement Belvil Trasa, from which 27 families were relocated into the settlement Jabucki Rit in the municipality Palilula, obtained over 110 personal documents and registration of place of residence.

As of the entry into force of the Rulebook on residence application form at the address of an institution or center for social work, a place of residence was established by the Ministry of Interior for more than 1620 persons, of which most live in informal settlements, after which they also obtained personal identity documents.

The Law Amending the Law on Identity Card was adopted as initiated by the MoI, which entered into force on 4 June 2011. It foresees that the identity card shall be granted to nationals who are entitled to the identity card and who do not have their place of residence registered in the territory of the Republic of Serbia, on the basis of the established residence for 2 year period before expiry. Also, the Rulebook amending the Rulebook on Identity Card (Official Gazette of RS, 85/2014) was adopted to regulate the matter in greater detail.

Please note that in the procedure of granting identity documents for this category of citizens requires that an applicant is to be entered into birth register, which is a prior condition that needs to be met as most of the Roma are not entered into birth register, which falls under the remit of the Ministry of State Administration and Local Governments.

Also, on 25 October 2012, on the basis of Article 7 of Memorandum of Understanding between Ministry of Interior of the Republic of Serbia and then Ministry of Justice and State Administration, Ombudsman, and High Commissioner UN for Refugees – Serbia representation the decision was made on the establishment of Task Force the task of which is to conduct activities

aimed at the implementation of the subject matter of the MoU – entry into birth register of the Roma national minority population remained unregistered in this official records.

The MoI has its members of the TF who actively participate in its work by exchange of information and decision-making in connection to individual cases concerning regulation of citizenship and identity documents for the Roma.

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.

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.

3.8.2.11. Fully implement the planned activities aimed at addressing the issue of Roma birth registration in accordance with the Memorandum Amending the Memorandum of Understanding signed between the Ministry of Public Administration and Local Self-government, the Ombudsman and the United Nations High Commissioner for Refugees – Office in Serbia, aimed at:

- provision of legal aid to applicants,

-promoting the operation of and adherence to regulations on birth registration by the competent authorities. (By IV quarter of 2016.)

Activity is being implemented successfully. Activities are implemented in line with the Action Plan of the Steering Committee in 2015.

The plan developed in accordance with the Agreement of Understanding was entirely implemented in 2015, as follows:

- training of judges was held in cooperation with the Judicial Academy in connection with the implementation of the Law on Amendments to the Law on Non –contentious proceedings, determining the time and place of birth, which was attended by judges who perform judicial functions in basic courts from the territory of appellate courts in Belgrade, Kragujevac, Novi Sad and Nis (total of 39 judges);

- training of registrar and deputy registrar was held, as well as employees in social welfare centers and police departments of the Ministry of Interior, who are engaged in the personal status of citizens in the area of all cities and municipalities in the Republic, in connection with the implementation of regulations on registries, citizenship , determining the time and place of birth, residence registration, personal names, family-legal protection. These trainings were attended by a total of 827 participants;

- training of Roma coordinators, health mediators, teachers' assistants, and representatives of associations whose field of action involves protection and promotion of human and minority rights was held, for the purpose of provision of information on legislation and the exercise of rights in the areas of civil status in order to identify and provide assistance to persons who cannot exercise any of those rights;

Special attention was paid to the identification of undocumented persons and the provision of free legal aid in the procedure of subsequent registration of the fact of birth in the birth register, extra-judicial proceedings of determining the time and place of birth, issuing identity cards, residence registration, determination of citizenship and other procedures in the field of civil status.

Field visits to informal settlements where persons belonging to the Roma minority live were organized (in 118 Roma settlements 2,420 persons attended visits). Based on the expressed needs of these individuals 52 requests for subsequent registration in the birth register were submitted to the competent authorities; 55 proposals for determining the time and place of birth in extra-judicial proceedings; 133 requests for determining the personal names; 28 requests for renewal of registration; 46 of birth registration in the register of births on the basis of documents of a foreign authority; 124 proceedings regarding the regulation of citizenship of the Republic of Serbia and 26 the request for renewal of registration in the records of citizens of the Republic of Serbia. During the reporting period, proceedings were initiated and 4,582 public documents (birth certificates and citizenship certificates) were issued, and compensation fees and other expenses for the issuance of 2,751 ID cards was secured. In the process of registration of residence 180 requests for permanent residence and 81 request for permanent residence at the center for social work have been submitted.

The activities planned under the Action Plan passed by the Steering Committee for 2016 (2nd quarter) have been implemented.

In accordance with the Action Plan passed by the Steering Committee for 2016, formed in accordance with the Memorandum of Understanding and the Plan on Implementation of Activities under Item 1 of the Action Plan passed by the Steering Committee for 2016:

- Training was held for registrars and deputy registrars, employees at centres for social work and police administrations of the Ministry of Internal Affairs in the territories of Pomoravski, Raski and Rasinski administrative districts on the implementation of laws and implementing regulations which govern the registration of facts and information with registers of births, marriages and deaths in administrative proceedings and non-contentious proceedings for determining the time and place of birth, nationality and registration of permanent place of residence, with emphasis on anti-discrimination and good governance. This training was attended by a total of 92 participants.

Ombudsman reports that in accordance with the Memorandum of Understanding with the UNHCR and the Ministry of Public Administration and Local Self- Government which provided for further addressing of the issue of “legally invisible persons”, a session of the Technical Group was held to plan for further trainings for registrars, employees at centers for social work, employees at the Ministry of Interior and the Roma civil society. One training was held during the reporting period and ten more will be organized by the end of the year.

Representatives of the Protector of Citizens participate in trainings as lecturers on topics concerning the sphere of competence of the Protector of Citizens, handling of complaints and good governance principles.

During the reporting period, the Protector of Citizens received no complaints concerning matters of registration with the register of births.

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.

3.8.2.16. Develop and adopt a Rulebook on Detecting Discrimination in Education focused on the prevention of discrimination and segregation of national minorities in educational system and set the framework for creating measures of desegregation in both classes and schools.

Monitoring over implementation through the development of the Protocol on Response to Discrimination. (For development and adoption of Rulebook: I quarter of 2016; For framework for creating measures of desegregation: IV quarter of 2016.)

Activity is being implemented successfully. Having in mind the importance of preventing and combating discrimination in the society, MoE has prepared and adopted the "Rulebook on Detailed Criteria on Identifying Forms of Discrimination by Employees, Children, Students or Third Parties in Educational Institutions" ("The Official Gazette of RS", no 22/2016), February 2016. At the moment, Working Group is being created with a view to preparing the Instruction for Implementation of the Rulebook. The Working Group consists of experts from relevant sectors of MoE, the Office for Human and Minority Rights, the Ministry of Public Administration and Local Self-Government, and, as observers, representatives of independent institutions, Protector of Citizens (Ombudsman) and Commissioner for Protection of Equality.

In cooperation with UNICEF, a set of trainings is being prepared for employees in the education system, for implementation of the Rulebook on Detailed Criteria on Identifying Forms of Discrimination by Employees, Children, Students or Third Parties in Educational Institutions.

3.8.2.17. Adoption of a Rulebook on the Enrolment of Roma Students in Secondary Schools through affirmative action, defining the modalities of monitoring the effects of affirmative action on Roma education. (I quarter of 2016.)

Activity is fully implemented. The Rulebook on Criteria and Procedure for Enrolment of Roma Students in Secondary Schools under more Favorable Conditions with a view to Achieving Full Equality (*"Official Gazette of the RS"*, no 12/2016) was adopted in early February 2016. At the same time, all school administrations were given instructions for acting in accordance with this Rulebook, as a model document for enrolment of students using affirmative action measures. School administrations have sent this instruction to all primary schools in the Republic of Serbia. Primary schools have respected the deadline (31st March 2016) and submitted collected data on enrolled students, for the purpose of the affirmative action measure. 1512 Roma students have been enrolled.

3.8.2.20. Further strengthen early education of children of age 3 to 5 under a support system targeting the child, rather than the institution, and developed through:

- support to early childhood development programs,**
- the introduction of integrative specialized and additional programs in preschool education,**
- enabling active inclusion of more Roma children and parents in early development programs. (Continuously, until 2017.)**

Activity is being implemented successfully. The increased enrollment of Roma children of age 3 to 5 in preschool education has to be implemented through the Project „**Improvement of preschool upbringing and education**“, which MPNTR plans to implement with support of the World Bank loan and Novak Djokovic Foundation (The Project's estimated value: 50 million euro). MPNTR has performed a wide range of activities aimed at the Project preparation – study of good international practices, analysis of current situation and development of Draft Project. Coordination extended meeting was organized where representatives of MPNTR competent groups, vocational associations, academic community, Institute for the Advancement of Education, Institute for Evaluation of Education, Red Cross, Association of the Pedagogical Assistants, SIPRU, FOS, REF and several organisations of the civil society took part. It was agreed

to perform within the Project the activities falling within the three components: 1. Extension of the scope, 2. Quality increase and 3. Increase of justice in preschool education system. Within the component Scope, the reference is made to identifying the opportunity for children, particularly those from vulnerable social groups, primarily Roma children, to attend at least four-hour free of charge preschool programme for age 3 to 5.5.

- It is planned to support within the component Justice of the Project **„Improvement of preschool upbringing and education“** the opportunity for active inclusion of a larger number of Roma children and parents into development programmes for assistance in early childhood. The focus of the component Justice is placed on comprehending the mechanism of support to families with children of age 3 from vulnerable social groups, in particular of Roma nationality, on intersectoral basis within the community. It is planned to develop a programme of support to Roma children within the community, aimed at development of family functionality, parental skills to support the child development, and healthy life. The negotiations with the World Bank, consultative meetings, and preparation of the draft project is in progress.

The start of the implementation of the IPA 14 project is also expected for early 2017, aimed at strengthening the capacities of local self-governments to increase the number of children encompassed by the preschool education system.

Based on data from the Statistical Office of the Republic of Serbia for 2015, 88 preschool institutions in RS have at least one specialized programme on offer, 27 PIs have 2-3 programmes, while only 3 PIs have more than 3 specialized programmes on offer. Only 68 PIs have at least one special programme. The number of children attending special and specialized preschool programmes implemented by PIs in 2015 was 2519 children attending PE and attending special and specialized programmes and 6918 children not attending PE, but attending special and specialized programmes (total number of children – 199790).

- Until now, except through the Project implementation, there has not been a significant increase in the number of Roma children that have been included in preschool upbringing and education based on specific and specialised programmes. The Working Group engaged in the preparation of amendments to the Rulebook on specific and specialised programmes and other forms of work and services performed by a preschool institution has been disbanded. This was done because it was established that the impediment for the organisation of specific and specialised programmes was not connected with the existing Rulebook, but with insufficiency in resources of local self-government units (premises and funds) to organize and finance PSP and also, with the regulation on prohibition of employment, thus, disabling the engagement of teachers in these groups.

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.

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.

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, 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.

3.8.2.25. Adoption of an annual plan of adult education based on experience gained through “Second Chance” IPA project that allows:

-persons who complete primary education to continue their education with the support of affirmative measures, or

-for persons older than 17 to graduate from secondary school with additional financial support. (Continuously)

Activity is being implemented successfully. In order to increase accessibility and greater coverage of adult learners, in which the majority of learners are Roma minority, the following bylaws were adopted:

The first Annual Plan of Adult Education for 2015 was adopted (“Official Gazette“, no. 2/2015 as of 09/01/2015.). The Report on the implementation of the Annual Plan of Adult Education in 2015 shows a high coverage of basic adult education (according to the model of functional basic adult education), especially among students of Roma nationality. Basic adult education was conducted in 73 primary schools on the territory of 15 school administrations, and was attended by 5.950 adults who interrupted their basic education or for whatever reason never started it, and are older than 15 years of age. Part-time (external) secondary education was conducted in 235

secondary schools on the territory of 17 school administrations, and was attended by 2.952 students, older than 17 years of age. *Retraining, additional education and specialization* was realized in 191 secondary schools on the territory of 11 school administration, with 8.399 students.

Pursuant to the Decision of the RS Government, the Annual Plan of Adult Education for 2016 was adopted (“Official Gazette of RS“, no. 5/2016 as of 05/02/2016), with the plan to conduct the basic adult education on the territory of 15 school administrations in 68 primary schools, with 6.421 students. Part-time (external) secondary education will be conducted in 209 secondary schools in 17 school administrations, with 4.628 students older than 17 years of age. According to unofficial information regarding the basic adult education, more than 60% of students are Roma, of which 40% are girls.

Due to joint activities of the Ministry of Education, Science and Technological Development and the Ministry of Justice and local self-government – the Directorate for Execution of Criminal Sanctions, future steps for systematic resolving of issues of education of protégées in the Penal and Correctional Institutions and Juvenile Detention Facilities, in which part of the members are Roma, were agreed. In 2015, the Functional Basic Adult Education Programme was implemented in Penal and Correctional Institutions in Niš, Kruševac and Valjevo. The same programme will be implemented in 2016 in the Penal and Correctional Institutions in Požarevac and Sremska Mitrovica.

Pursuant to provisions of the Rulebook on measures and procedures for enrolment of students who completed basic adult education programme to secondary school under more favourable conditions for the purpose of achieving full equality (“Official Gazette of RS“, no. 42/2016 as of 22/04/2016) and the Decision of the Minister on enrolment of students in secondary school for the school year 2016/2017, for students over 17 years of age, the number of credits achieved in the school and the final exam shall be increased by 30 percent of the number of credits they are missing up to 100 credits. If these students live in families which are users of financial social assistance, the number of credits achieved in the school and the final exam will be increased by 35 percent of the number of credits they are missing up to 100 credits. This approach allows Roma students easier enrolment to the preferred secondary school.

3.8.2.27. Opening of the Romani Language Centre at the Faculty of Philology of the University of Belgrade to train teachers and researchers in teaching and science/research work in the area of the Romani language and culture. (For opening: By IV quarter of 2015; For certification of teachers: By IV quarter of 2015.)

Activity is fully implemented. In June 2015, at the Centre for Lifelong Learning at the University of Belgrade Faculty Of Philology, a course was established for acquisition of certificate of

knowledge of the Romani language. In July, 23 teachers attended the course and acquired certificates. During September and October 2015, based on the results of surveys of students for elective "Mother tongue with elements of national culture", groups were formed and several certified teachers are engaged. The process of further engagement of teachers is ongoing.

3.8.2.30. 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. Registration of a person in the National Employment Agency and/or the way of maintaining registries and the content of data on the person are defined by the Law on Employment and Unemployment Insurance („Official Gazette of the RS“, no. 36/09, 88/10 and 38/15) and the Rulebook on more detailed content of data and the way of maintaining records in the employment area. Nationality or ethnicity is only one of personal data foreseen by Article 5 of the mentioned Rulebook. The data is registered upon person's statement, which is not binding, bearing in mind legal provisions relating to prohibition of discrimination during job searching and employment.

On December 31, 2015, according to the data from the National Employment Agency, 22.930 members of Roma national minority, out of which 10.669 women, were registered as unemployed persons.

From the education level perspective, the majority of them are persons without qualifications (I and II level of education) 20.376 persons, and/or 88,86% out of total number of registered persons, then persons with secondary schools finished – 2.435, with high (college) 83 persons, with high level of education 36 (0,16%) of Roma men/women.

From the age structure perspective, there is an important share of young Roma men/women up to the age of 30 – 7.400 persons (32,23% out of total number of unemployed members of Roma national minority).

By the National Action Plan for Employment for 2015 Roma national minority members are determined as category of unemployed persons who need support in the process of labour and social activation, integration or reintegration to the labour market. The mentioned document foresees programme and active employment policy measures implementation directed towards Roma employment promotion:

- Employers belonging to private sector shall be able to realise subsidy for employment of unemployed persons from hard-to-employ category to newly opened workplaces (one of five categories of hard-to-employ persons, this subsidy refers to, is Roma population);
- Organising motivation trainings aiming to activate Roma population, inclusion of Roma population in the programmes of additional education and training, promoting entrepreneurship and employment of Roma population (including announcement of separate public invitation).

In line with the mentioned document, and based on data from the National Employment Agency, estimations of employability were made in 2015 and employment individual plans were established with 18.479 unemployed members of Roma national minority (8.289 women), including plans revisions, upon the registration of unemployed persons in the National Employment Agency. Professional Orientation System Services covered 257 unemployed Roma (information, selection, classification) out of which 114 Roma women.

In addition, during 2015, active employment policy measures included, in total, 4.241 unemployed members of Roma national minority, out of which 1.879 Roma women.

Table 1: Preview of inclusion of Roma in AEP measures in 2015 (NEA data)

ACTIVE EMPLOYMENT POLICY MEASURE	Roma	
	Total	Women
Active job searching training AJS 1	1.843	850
Self-efficacy training AJS 2	13	6
Workshop for coping with stress due to loss of a job	1	0
Job search club	18	6
Employment fairs	942	400
Entrepreneurship development training	161	59
Internship programme	5	2
Gaining practical knowledge	1	1
Labour market training	5	0
Training upon employer's request	2	1
Functional primary education of adults	635	353
Self-employment subsidies	98	43
Subsidies to employers for opening of new workplaces	76	46

Subsidy for employment of social help beneficiaries	1	1
Public works	436	111
Wage subsidies to persons with disability without working experience	4	0
TOTAL NUMBER OF PERSONS INCLUDED	4.241	1.879

In addition, 173 unemployed Roma members (35 Roma women) are included in active employment policy measures through local employment action plans implementation.

During 2015, 1.994 persons of Roma national minority (750 women) were employed from the National Employment Agency register.

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.

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.

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.

On April 20, 2016 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 331.645.834,48 dinars were approved for implementation of 95 local action plans for employment, on the basis of which more than 5000 unemployed persons will be involved in measures. Signing of Agreement between LSU and NEA on realization of the Decision is in progress, and afterwards joint public invitations and vacancies will be announced.

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 is awarded for setting up a business, cooperative, or other form of entrepreneurship by an unemployed person or by a pool of unemployed persons, as well as for establishing a company if the founder establishes employment relationship in it, in one-off amount of 180.000 dinars, and for self-employment of persons with disabilities subsidy amounts 200.000,00 dinars per beneficiary. Public invitations for submission of requests for granting self-employment subsidy were announced on February 17, 2016 by the NEA, including separate public invitation for granting funds for self-employment of Roma men/women. Decision-making process on approval of funds is ongoing.

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 continues 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.

At the same time, on May 31, 2016 the OSCE Mission in the Republic of Serbia, in cooperation with the Ministry of Labor, Employment, Veteran and Social Affairs and Social Inclusion and Poverty Reduction Unit, will organize the “Conference on the best practices in employment of Roma men and women”.

3.8.2.36. Adoption of legislation on forced evictions, in line with relevant international standards, framing the conditions to be respected in such cases (particularly including the rules in case of necessary relocation only after their residents have been given sufficient advance notice, with full respect of their human rights), accompanied by:

-development of manual and guidelines on the competent authorities' procedures for the relocation of informal settlements, with particular emphasis on the roles and obligations of local Self-Governments,

-distribution of manual and guidelines to all relevant administrative actors.

-clear monitoring and reporting mechanism.(I quarter of 2016)

Activity is almost completely implemented. Law on housing and residence buildings maintenance is in parliamentary procedure as it was submitted in the first quarter of the current year, 25th January 2016. Considering the regulated subject matter complexity and taking into consideration the Assembly dissolution of 4th March of the current year, the Law was not placed on the Assembly session agenda. The consideration of the Law will take place following the constitution of the new Assembly.

All the above mentioned will be regulated by the Law on housing as follows:

Article 53. Eviction of the residential building and relocation

Article 54. The adequate accommodation

Eviction and relocation procedure: Article 55. Basic principles for carrying out the eviction and relocation procedure, Article 56. Decision on the necessity of eviction and the relocation plan, Article 57. Decision on eviction, Article 58. Timeframe for carrying out the decision on the

necessity of relocation, i.e. the decision on eviction, Article 59. Method of execution of the decision on relocation, Article 60. Procedure applied during eviction and relocation, Article 61. Monitoring of the eviction and relocation procedure.

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 almost completely implemented. Law on housing and residence buildings maintenance is in parliamentary procedure as it was submitted in the first quarter of the current year, 25th January 2016. Considering the regulated subject matter complexity and taking into consideration the Assembly dissolution of 4th March of the current year, the Law was not placed on the Assembly session agenda. The consideration of the Law will take place following the constitution of the new Assembly.

The following will be regulated by the Law on housing as follows:

Article 53. Eviction of the residential building and relocation

Article 54. The adequate accommodation

Eviction and relocation procedure: Article 55. Basic principles for carrying out the eviction and relocation procedure, Article 56. Decision on the necessity of eviction and the relocation plan, Article 57. Decision on eviction, Article 58. Timeframe for carrying out the decision on the necessity of relocation, i.e. the decision on eviction, Article 59. Method of execution of the decision on relocation, Article 60. Procedure applied during eviction and relocation, Article 61. Monitoring of the eviction and relocation procedure.

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.

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 (LSG) where a large number of internally displaced persons (IDPs) are living. IDPs who are Roma are eligible to apply in all programs for the improvement of living conditions of IDPs. Please see the point 3.9.1.4 due to the fact that all stated below refers to the most vulnerable IDPs, Roma included.

Remark: There is no obligation for IDPs to declare as Roma.

3.8.2.40. Establishment of a Geographic Information System for substandard (Roma) settlements with a view to efficiently and effectively take investment decisions aimed at improving the position of the Roma community. (IV quarter of 2015.)

Activity is being implemented successfully. Within the establishing of the Geographical Information System of Substandard Roma Settlements (GISRS), information between the Ministry and the Republic Geodetic Authority has been exchanged and the quality control is ongoing.

The funds that are listed under this result do not refer only to the establishment of the GISRS. Most of the funds are related to the preparation of planning documents for spatial planning regulation of settlements (13 regulatory plans have been adopted) as one of the key preconditions for regulating land property rights, legalization of housing and improving infrastructure. Furthermore, 13 technical documentation packages for improving or constructing municipal infrastructure have been prepared over the course of this project.

Within the framework of GISRS, an analysis was performed on the state of physical and social infrastructure in Roma settlements, as well as on the need for their improvement. Within this phase that preceded the drafting of plans and technical documentation, an analysis was also conducted on existing housing of Roma, while corresponding models for the improvement of housing conditions have also been proposed.

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. This activity is planned to be implemented through a project that will be funded through IPA 2013, and whose implementation has not yet begun.

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)

Report of the Responsible authority was not submitted

3.8.2.45 Organizing support assistance to children living and/or working on the street, with increased reliance on the capacities of social protection institutions providing services of temporary and permanent residence, including the services of intensified treatment of children with structural behavioral and personality problems (PIT programme). (Continuously, commencing from I quarter of 2016.)

Report of the Responsible authority was not submitted.



3.8.2.46. Identify methods to intensify the inclusion of Roma children in local social care services, improve the support programs for mothers and strengthen counselling role in working with Roma families. (Development of methods: by II quarter of 2016; Implementation: Continuously, commencing from IV quarter of 2016)

Report of the Responsible authority was not submitted.

3.8.2.47. Conduct needs assessment to improve the access to health mediators' services by the beneficiary population. (I quarter - II quarter of 2016)

Report of the Responsible authority was not submitted.

3.8.2.48. Introduce health mediators as health care assistants in the nomenclature of occupations, including:

- development of modules for formal education,
- systematization of their positions and
- inclusion in the national qualification framework. (For development of modules for formal education: II quarter of 2016; For systematization – by IV quarter of 2016; For inclusion in the national qualification framework: IV quarter of 2017.)

Activity is partially 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”.

**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.

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.

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.

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.

3.8.2.51. Improve prevention, support, protection and reintegration services for victims of human trafficking in line with new Strategy for Combating Human Trafficking.

Link with AP Chapter 24



*** More specific details shall be available in Specific AP for Strategy for social inclusion of the Roma in the Republic of Serbia 2016-2025. (Continuously, by 2017)**

Activity is being implemented successfully. With the purpose of enhancing the prevention of human trafficking in cooperation of the Center for the protection of human trafficking victims, Ministry of Education and Uinitas Fund, during May 2016 a training has been organized for 80 representatives of all school boards in the Republic of Serbia regarding the implementation of preliminary indicators of human trafficking for educational system.

Drafting of Training Program for representatives of all school boards in the Republic of Serbia is in the course; this training shall be delivered by already trained school board representatives (80) ensuring carrying out of the training in each school for students age 14 to 18 regarding the human trafficking issue and recognition of human trafficking indicators.

The preparation of an educational documentary on human trafficking that will be shown in all schools as a preventive activity is in the course.

With the aim of improving the protection of human trafficking victims, the Center for the protection of human trafficking victims has applied for the Ministry of Justice competition in May 2016 for the use of prosecution opportunity and received funding from this Ministry in the amount of 1.4 million RSD for direct support to the trafficking victims, such as the provision of humanitarian kits, purchase of medicines and medical examinations that are not on the list for budget funding, purchase of firewood and transportation tickets, etc.

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. In the first sub-project was completed delivery of 129 packages of construction materials. From the budget of the Republic of Serbia on the basis of the annual Programme of the Commissariat, 107 million RSD was earmarked for the incentive of the LSGs for the implementation of the programs intended to refugees, public call was completed and the means were earmarked for 28 LSGs for the purchase of 80 rural households. Within the third sub-

project, which is implemented on the territory of Belgrade, beneficiaries were selected for the allocation of 45 prefabricated houses.

The fifth sub-project has started with the implementation. Selection of beneficiaries is on-going for 1.262 housing units (992 which will be built in 25 municipalities, 165 in Stara Pazova and 270 in the municipality of Zemun, Belgrade). The implementation of grant schemes in the context of the fifth sub-project for the allocation of 250 building material packages has also started, for which 10 municipalities applied. For the purchase of 200 village houses 29 LSGs has applied. Selection of LSGs that will implement these two components is in process. 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. Commissariat for Refugees and Migration continues with the implementation of all components of the Regional Housing Programme.

3.9.1.2. Provide free legal aid in order to ensure full access to rights including personal documents for internally displaced persons and refugees. (Continuously, commencing from II quarter of 2016.)

Activity is being implemented successfully. This activity is implemented continuously, whereas upon the adoption of the Law on FLA, it will be organized in a different manner.

3.9.1.3. Effective implementation of the Law on Non-contentious proceedings especially in the part related to the provision of civil documentation to undocumented persons. (Continuously)

Activity is being implemented successfully. This activity is being implemented continuously before the competent courts of the Republic of Serbia.

The total number of submitted proposals for determining the time and place of birth and number of decisions rendered on the submitted proposals under Article 71a-71lj (i.e. Chapter 3a: DETERMINATION OF THE TIME AND PLACE OF BIRTH) of the Law on Amendments and Supplements to the Law on Non-Contentious Proceedings for the period from 1 October 2015 to 25 April 2016 is:

- Number of submitted proposals: 162
- Number of decisions rendered by the submitted proposals: 85.

Within eight days from the finality of the decision in the aforementioned procedure, the first instance court submits the decision to the competent registrar, in order to register the relevant facts in the Register of Births.

3.9.1.4. Improvement of the living conditions of internally displaced persons while in displacement by:

- Aid allocation to improve housing conditions;
- Provision of building materials to start construction of real estate;
- Aid allocation for the purchase of village house with garden;
- Aid allocation for obtaining and construction of prefabricated houses and other residential premises;
- Aid allocation for resolving the issue of informal collective centres. (Continuously)

Activity is being implemented successfully. The 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.

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.

3.9.1.6. Establishment of a mechanism for regular monitoring of the exercise of the rights of Roma internally displaced persons in cooperation with the health mediators, educational assistants, to assess their equal exercise of rights and potential improvements. (Continuously)

Activity is almost completely implemented. The new Roma Strategy provides the establishment of a new body, Coordination body for social inclusion of Roma, which will be responsible for this activity. Upon the constitution of the new Government, this body will be established.

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.

In the course of 2016 (June and October) two more public calls are planned for the funding of programs of interest for the population of refugees, internally displaced persons, asylum seekers

and returnees under readmission agreements. Total of about 8 million RSD is planned to be allocated.

3.10. MEASURES AGAINST RACISM AND XENOPHOBIA

3.10.1.3. Conduct joint training of the judges, prosecutors and deputy prosecutors and police officers, to advance their knowledge and skills for efficient suppression of hate crime. (Continuously, commencing from IV quarter of 2015)

Activity is being implemented successfully. Activities are implemented in line with the Action Plan for Chapter 23. The standards for efficient suppression of hate crime are integral part of the specialized criminal law training within the continuous and initial education for the judges, prosecutors and deputy prosecutors as well as within the joint training with the police officers. Judicial Academy, in cooperation with the Office for Human and Minority Rights and the OSCE, organized a total of 6 seminars on "hate crime", out of which 2-day seminars were organized in 2015 and 4 in 2016. The main objective of this training was to acquire specific knowledge related to the specifics of the concept of hate crimes, to meet with the relevant international legal provisions and practices of the European Court and UN Committee. Participants who attended these seminars were judges, prosecutors and prosecutorial assistants from the Higher and Basic courts and prosecutors' offices, as well as representatives of the Ministry of Interior, from these areas, who work on cases of hate crime. The total number of participants during 2016 is 70.

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.

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 partially implemented. 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.

3.11. PERSONAL DATA PROTECTION

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.