

Standard Summary Project Fiche – IPA centralised programmes
(Regional / Horizontal programmes ; centralised National programmes)

1. Basic information

1.1 CRIS Number: 2007/19322

1.2 Title: Improvement of efficiency and transparency of judiciary system

1.3 ELARG Statistical code: 01.23

1.4 Location: Serbia

Implementing arrangements:

1.5 Contracting Authority – European Commission

1.6 Implementing Agency: N/A

1.7 Beneficiary (including details of project manager): Ministry of Justice

Financing:

1.8 Overall cost: €3M

1.9 EU contribution: €3M

1.10 Final date for contracting: 3 years after the signature of the Financing Agreement

1.11 Final date for execution of contracts: 5 years after the signature of the Financing Agreement

1.12 Final date for disbursements: 6 years after the signature of the Financing Agreement

2. Overall Objective and Project Purpose

2.1 Overall Objective:

To improve the efficiency and transparency of the judicial system.

2.2 Project purpose:

- 1) To shorten the length of proceedings in cases and to reduce the backlog of cases at court;
- 2) To build institutional capacity to better monitor and evaluate the functioning and efficiency of the judicial system;
- 3) To improve the transparency of court proceedings and the judicial system.

2.3 Link with AP/NPAA / EP/ SAA

The European Partnership mentions, as a main objective in both the short and medium term, the need to modernise and increase the efficiency and independence of the court system.

The **SAA (Article 80 Reinforcement of institutions and rule of law)** underlines the importance of consolidating the rule of law and the reinforcement of institutions at all levels in the areas of administration and law enforcement and the administration of justice in particular.

Establishing a well-functioning and efficient judiciary, as well as law enforcement agencies, are key elements to be supported through the SAP. To achieve this, the SAP, among other measures, promotes reforms to enhance transparency, efficiency, effectiveness and accountability in the JHA sector. These steps are critical in order to build citizens' trust in judicial and police institutions.

2.4 Link with MIPD

The Multi Annual Indicative Planning Document (MIPD) for the Republic of Serbia 2007-2009 envisages, as its main priorities and objectives in the area of the rule of law, strengthening of the wider judicial system through:

- the introduction of a Standardised System for Education and Training;
- supporting the new Juvenile Justice Law;
- independence of the Serbian Court System;
- effective case management and improvement of case proceedings; and
- the development of free legal assistance to citizens.

2.5 Link with National Development Plan (where applicable)

N/A

2.6 Link with national/ sectoral investment plans(where applicable)

N/A

3. Description of project

3.1 Background and justification:

The European Partnership calls for Serbia to promote reforms in the Justice and Home Affairs (JHA) sector; including reform of the appointment procedures for Judges and Prosecutors, ensuring budgetary sustainability of the Judicial Training Centre and to further promote the fight against organised crime and corruption.

The European Partnership calls for Serbia to adapt the National Judicial Reform Strategy and subsequent action plan, particularly in the fields of the appointment of judges and their subsequent trial period, the autonomy of prosecutors and to ensure the proper enforcement of court decisions. The positive Feasibility report for Serbia, that allows her to negotiate the Stabilisation and Association Agreement (SAA), highlights the need for sustained reform in the Justice and Home Affairs sector.

In its activities in the last several years, The Ministry of Justice, with the cooperation and support of the government and the judiciary, approached the issue of improving efficiency through comprehensive analyses of the reasons that cause delay in court procedures. Some progress has been made with regard to reducing the backlog of pending court cases, but excessive duration of court procedures continues to be a problem in Serbia.

The introduction of case management software (SENA) which automates court administration and can be used to produce an accurate statistical reports will further assist the Ministry of Justice in identifying the causes of delay in court proceedings. In March 2007, the Ministry of Justice issued a mandatory order to all courts of general jurisdiction stipulating that SENA

case management software must be used in all courts of general jurisdiction that have fulfilled the technical requirements for its implementation. These technical requirements are:

- Existence of adequate hardware resources in the court buildings. This includes servers, workstations at least in the registries and computer networks;
- SENA software installed on servers and workstations;
- Employees of the court trained to use SENA software properly.

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)

The programme will help in the improvement of court administration, specifically reducing the backlog of pending cases at court, and will enhance court efficiency through the introduction of IT in daily procedures.

New statistical data charts on the efficiency of the courts and judges. Data charts will enable more comprehensive evaluation of judicial efficiency.

The time necessary for various judicial and court procedures will be reduced significantly.

3.3 Results and measurable indicators:

- 1) Modern statistical and case management system in courts introduced using the unified system of data collection on efficiency of the courts and judges;
- 2) Changing the practice of courts to improve court efficiency and reduce backlog;
- 3) Adequate level of public access to information pertaining to judicial proceeding and statistics in judicial system achieved in line with best standards and EU practices.

3.4 Activities:

- 1) Establish a unified and integrated system of connected court IT networks for data collection on the efficiency of the courts and judges;
- 2) Propose normative, organisational changes and changes in the management of the courts and make recommendations to the judicial branch (High Court Council) that could improve the everyday practice of the judicial system and reduce number of unsolved cases;
- 3) Provide an adequate level of public access to information pertaining to judicial proceeding and statistics in judicial system by establishing a system of semi-annual and annual reporting and web portal containing the required information. The information will be provided through a connection of the portal with the case management application using the application for collection of data as intermediary. This will allow presentation of two different sets of data, one for general public and another for selected institutions, depending on the user accessing the web portal.
- 4) Analyse the situation concerning simplified procedures for minor cases and make proposals for amendments in order to reduce backlogs

The activities will be implemented through a service contract and supply contract.
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3.5 Conditionality and sequencing:

The main conditionality is for the beneficiary to commit its own resources to successful realisation of this project by securing enough adequately qualified IT staff and administrators necessary for smooth functioning and proper maintenance of the system.

The Ministry of Justice will ensure that its order that SENA case management software must be used in all courts of general jurisdiction that have fulfilled the technical requirements for its implementation is duly implemented.

The Ministry of Justice will ensure that all stakeholders and beneficiaries of the project are in favour of normative, organisational and changes in the management of the courts and recommendations to the judiciary for improving the everyday practice of the judicial system and reducing the number of unsolved cases.

3.6 Linked activities

The EU has funded a number of regional programs in the JHA sector, including the following programs: (a) Enhanced regional police cooperation in the area of combating trans-national crime, (b) supporting regional judicial cooperation, including promoting a minimum of cohesion on the Rule of Law side (c) Asylum, visa and migration and (d) a regional Integrated Border Management program.

To date the EU has funded the following programs in the Justice sector in Serbia:

- a) Support to Judicial Training Centre
- b) Twinning - Capacity building in the Ministry of Justice: A main component of this program is EU law approximation. Project is on-going
- c) Technical Assistance pertaining to economic and organised crime. Grant agreement with the Council of Europe
- d) Alternative Dispute Resolution project
- e) Development of a Legal Database containing all civil, criminal and commercial legislation as well as case law
- f) Court modernisation/IT [phase I]: Computerization of the Belgrade District Court and five municipal courts (Belgrade), including upgrading and delivery of software application for SENA, including the source code, to the MOJ and training of 900 end-users.
- g) Court modernisation/IT [phase II]: Computerization of the five biggest provincial district courts and municipal courts (Nis, Novi Sad, Kragujevac, Krusevac and Sremska Mitrovica.)
- h) Court modernisation/IT [phase III]: Computerisation of an additional seven provincial District Courts and municipal courts. Its implementation should await a final resolution of implementation of the SENA software application.
- i) Refurbishment of the biggest court room in Belgrade District Court, as well as the HVAC system in the Palace of Justice.
- j) Facilitation of assistance to the former State Union in the area of visa, asylum and migration and assistance to the State Union Court
- k) CARDS 2006 Programme will support the Commission of the High Judicial Council, Juvenile Detention Centre and support Implementation of Criminal Sanctions

DFID supported court management reforms in selected pilot courts; UNDP supported the Misdemeanour courts and support the Judicial Training Centre; Council of Europe reviewed

drafts legislation for CoE and EC standards compliance and organises training on European Convention on Human Rights and implements an EC funded Economic Crime project; World Bank have funded a draft Judicial Reform Strategy – endorsed by the MOJ; French Embassy supports the Judicial Training Centre training activities; USAID funds a Commercial Court reform program and funds ABA/CEELI programs and Centre for State Courts activities, both involved in training and legal reform issues.

3.7 Lessons learned

Previous experience with implementation of SENA software to selected courts of general jurisdiction has shown that the risk of rejection of software by the users is high. The most important factor which separates a successful implementation from the failed one was availability of sufficient number of trained technical persons that could assist the users in their everyday work for a significant period of time. Training of users and IT administrators, as well as selecting a company with adequate technical capabilities and human resources for maintenance contract are key priorities in order to achieve nationwide implementation of SENA case management software.

4. Indicative Budget (amounts in million €)

Activities	TOTAL COST	SOURCES OF FUNDING										
		EU CONTRIBUTION				NATIONAL PUBLIC CONTRIBUTION					PRIVATE	
		Total	% *	IB	INV	Total	% *	Central	Regional	IFIs	Total	% *
Activity 1	3											
contract												
1.1	1			1								
contract												
1.2	2				2							
TOTAL	3											

* expressed in % of the Total Cost

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1.1	T+1Q	T+2Q	T+8Q
Contract 1.2	T+3Q	T+5Q	T+8Q

All projects should in principle be ready for tendering in the 1ST Quarter following the signature of the FA

6. Cross cutting issues (where applicable)

Development Policy Joint Statement by the Council and the European Commission of 10 November 2000 establishes that a number of Cross-cutting Issues shall be mainstreamed into EC development co-operation and assistance.

Cross-cutting issues will be addressed in the project so as to comply with the best EU standards and practice in that area and in a way which demonstrates how they will be dealt with within the project’s framework, its activities and outputs.

Cross-cutting issues will be addressed in a proactive manner, and will present a specific component of projects (at all levels of projects' development, starting from the project identification stage). Synergies between the projects and the objectives of will be identified and developed. Also, the projects' objectives and activities need to be screened in order to ensure they won't impact negatively on gender equality, minorities' inclusion and environment.

Finally, the beneficiary will make sure its objectives, policies and interventions have a positive impact on and are in line with the main principles of gender equality, minorities' inclusion and environment.

6.1 Equal Opportunity

N/A

6.2 Environment

Environmental impact of this project will be limited, but it will contribute to raising awareness of environmental issues and subsequently better enforcement of environmental legislation.

6.3 Minorities

The establishment of adequate, fair and efficient judicial mechanisms will enhance the responsiveness of the institution towards all citizens including those belonging to national minority groups.

ANNEX I: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche	Programme name and number	
	Contracting period expires 5 years after the signature of the Financing Agreement	Disbursement period: expires 6 years after the signature of the Financing Agreement
	Total budget : €3.000.000	IPA budget: €3.000.000

Overall objective	Objectively verifiable indicators	Sources of Verification	
Improvement of efficiency and transparency of the judicial system	<ul style="list-style-type: none"> - Average duration of case proceedings - Number of cases appealed - Number of old cases 	<ul style="list-style-type: none"> -Government sources -European Commission Progress Reports -Specific surveys 	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
Reduction of number of backlogs and improvement of efficiency in judiciary	<ul style="list-style-type: none"> - decrease number of old cases - diminish the length of court procedures - new organisation of courts introduced 	<ul style="list-style-type: none"> - Publications and statistics of Ministry of Justice and other Government and non-Government sources - Project implementation and evaluation reports 	Political will and support of judiciary
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p>1) Modern statistical and case management system in courts introduced using the unified system of data collection on efficiency of the courts and judges;</p> <p>2) Changing the practice of courts to improve court efficiency and reduce backlog;</p> <p>3) Adequate level of public access to information pertaining to judicial proceeding and statistics in judicial system achieved in line with best standards and EU practices.</p>	<p>1. New statistical data charts on efficiency of the courts and judges established. Evaluation system introduced</p> <p>2. Less time needed for particular stages in court procedures and overall procedures as well, decreased number of old cases.</p> <p>3. New offices for public information introduced, info data panels introduced, web opened reports on courts performance and efficiency introduced.</p>	<ul style="list-style-type: none"> - Project progress reports - Analysis done by project 	<p>Willingness of MoJ</p> <p>Willingness of MoJ and High Court Council</p>
Activities	Means	Costs	Assumptions
<p>1) Establish a unified and integrated system of connected court IT networks for data collection on the efficiency of the courts and judges;</p> <p>2) Propose normative, organisational changes and changes in the management of the courts and make recommendations to the judicial branch (High Court Council) that could improve the every day practice of the judicial system and reduce number of unsolved cases;</p> <p>3) Provide an adequate level of public access to information pertaining to judicial proceeding and statistics in judicial system by establishing a system of semi-annual and annual reporting and web portal containing the required information. The information will be provided through a connection of the portal with the case management application using the application for collection of data as intermediary. This will allow presentation of two different sets of data, one for general public and another for selected institutions, depending on the user accessing the web portal.</p> <p>4) Analyse the situation concerning simplified procedures for minor cases and make proposals for amendments in order to reduce backlogs</p>			<p>Willingness of MoJ</p> <p>Willingness of MoJ and High Court Council</p>

ANNEX II: amounts (in €) Contracted and disbursed by quarter for the project

Contracted	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11
Contract 1.1			1.0								
Contract 1.2		2.0									
Contract 1.3											
Contract 1.4											
.....											
Cumulated		2.0	3.0								
Disbursed											
Contract 1.1			600,000	60,000	60,000	60,000	60,000	60,000	100,000		
Contract 1.2		1,200,000	600,000	200,000							
Contract 1.3											
Contract 1.4											
.....											
Cumulated		1,200,000	2,400,000	2,660,000	2,720,000	2,780,000	2,840,000	2,900,000	3,000,000		

ANNEX III

Description of Institutional Framework

The Ministry of Justice is in charge of implementation and monitoring of this project. The work, mandate and authorisations of the Ministry are regulated by the Law on Ministries (adopted on May 15, 2007 (Official Gazette of Republic of Serbia no. 48/07)) – i.e. Article 7.

The Ministry of Justice consists of the following departments:

Judiciary and Misdemeanour Sector

Normative Affairs and International Cooperation Sector

IT Sector

Finance Sector

Directorate for Execution of Legal Sanctions

Ministry Secretariat

ANNEX IV

Reference to laws, regulations and strategic documents:

Reference list of relevant laws and regulations

Key laws, regulations and strategic documents in the area of judiciary:

General:

- Constitution of the Republic of Serbia
- Law for the Implementation of the Constitution of the Republic of Serbia
- National Strategy for Serbia and Montenegro's Accession to the European Union
- Action Plan for the Implementation of the European Partnership

Judiciary:

- Civil Procedure Code (Official Gazette of Republic of Serbia 125/05)
- Criminal Procedure Code (Official Gazette of Republic of Serbia 85/05)
- Law on Civil Enforcement Procedure (Official Gazette of Republic of Serbia 125/05)
- Law on Organisation of Courts (Official Gazette of Republic of Serbia 46/06)
- Law on Public Prosecutor (Official Gazette of Republic of Serbia 106/06)
- Court Rules of Procedure (Official Gazette of Republic of Serbia 50/06)
- Mandatory Instruction on the introduction of the System for automatic case management „SENA” to court administration of general jurisdiction courts 30.03.2007.
- Criteria for Evaluation of Minimal Judges' Efficiency (Official Gazette of Republic of Serbia 80/05)

Reference to AP /NPAA / EP / SAA

The European Partnership mentions, both as one of its main short and medium term objectives, the need to modernise and increase efficiency and independence of the court system.

The **SAA (Article 80 Reinforcement of institutions and rule of law)** underlines the importance of consolidating the rule of law and the reinforcement of institutions at all levels

in the areas of administration in general and law enforcement and the administration of justice in particular.

Institutionalizing a well-functioning and efficient judiciary as well as law enforcement agencies are key elements to be supported through the SAP. To achieve this, the SAP, among other measures, promotes reforms to enhance transparency, efficiency, effectiveness and accountability in the JHA sector. These steps are critical in order to build citizens' trust in judicial and police institutions.

Reference to MIPD

Multi Annual Indicative Planning Document (MIPD) for the Republic of Serbia 2007-2009 envisages as its main priorities and objectives in the area of the rule of law strengthening of the wider judicial system through Standardised System for Education and Training, supporting the new Juvenile Justice Law, independence of the Serbian Court System, effective case management and improvement of case proceedings, development of free legal assistance to citizens.

Reference to National Development Plan

N/A

Reference to national / sectoral investment plans

N/A

ANNEX V

Details per EU funded contract (*) where applicable:

- 1) Establish the unified and integrated system of connected court IT networks for data collection on efficiency of the courts and judges;
- 2) Establish the unified and integrated system of connected prosecutorial IT networks for data collection on efficiency of public prosecutors and prosecutorial offices;
- 3) Introduce integrated IT system of connected networks of institutes for penalty system and enable reporting;
- 4) Propose normative, organisational changes and changes in the management of the courts and form the recommendations for the judicial branch that could improve the every day practice of the judicial system and reduce number of unsolved cases;
- 5) Propose normative, organisational changes and changes of the management of the prosecutorial offices and form the recommendations for the judicial branch that could improve the every day practice of the system;
- 6) Propose normative, organisational changes and changes of the management in penalty system;
- 7) Provide an adequate level of public access to information pertaining to judicial proceeding and statistics in judicial system by establishing a system of semi-annual and annual brochures and web portal containing the required information and connecting it with case management application using the application for collection of data, which will present to sets of data, for general public and selected institutions depending on the user accessing the web portal.