

Standard Summary Project Fiche – IPA centralised programmes

Project number 8: Improvement of Transparency and Efficiency (Prosecutors and Penal System)

1 BASIC INFORMATION

- 1.1 CRIS Number:** 2008/020-406
- 1.2 Title:** Improvement of Transparency and Efficiency (Prosecutors and Penal system)
- 1.3 ELARG statistical code:** 01.23
- 1.4 Location:** Republic of Serbia

Implementing arrangements:

- 1.5 Contracting Authority:** EC Delegation to the Republic of Serbia
- 1.6 Implementing Agency:** EC Delegation to the Republic of Serbia
- 1.7 Beneficiary** (including details of project manager):
Ministry of Justice, Nemanjina 22-26, Belgrade

The Project Manager is the Assistant Minister of the Ministry of Justice of the Republic of Serbia.

A Steering Committee will comprise representatives from the EC Delegation in Serbia, and representatives of Prosecutorial Offices, the Penal System (Administration for enforcement of Penal sanctions – **AEPS**), High Court Council, the State Prosecutorial Council, Courts of general jurisdiction, the Republic's Public Prosecutorial Office and other relevant departments within the Ministry of Justice. The Steering Committee will meet every six months, or as needed, and will be chaired by the Project Manager.

Financing:

- 1.8 Overall cost:** 4,500,000 EUR
- 1.9 EU contribution:** 4,500,000 EUR
- 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 by enhancing its overall technical capacity.

2.2 Project purpose:

To contribute to improvement of efficiency of the prosecutorial and the penal systems (including the AEPS) of the Republic of Serbia by introducing an efficient case management and statistical system and increasing public access to information in all judicial branches.

2.3 Link with AP/NPAA/EP/SAA

The European Partnership calls for Serbia to promote reforms in the Justice and Home Affairs (JHA) sector, including reform of the Judges' and Prosecutors' appointment procedures, strengthening the fight against organised crime and corruption and ensuring budgetary sustainability of the Judicial Training Centre.. Stated among the main priorities of the EP, in both the short- and medium-term, is the need to modernise and increase the efficiency and independence of the court system. The short-term priority "Improve the functioning of the judiciary, guarantee its independence, professionalism and efficiency" (page 7) is directly linked to the proposed project which aims to improve the efficiency of the prosecutorial and penal system. Also, specifically linked to this project is the short-term Political Criteria priority under the Judicial System heading, "Create an IT network for prosecutors at all levels" (page 8), and the medium-term Political Criteria priority under the same heading, "Introduce uniform standards in order to gather reliable data on the judiciary" (page 15).

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

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 MIPD¹

The 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 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 development of free legal assistance to citizens (page 16). Moreover, in Section 2.1, the MIPD states that progress has to be stepped up in key reform areas including the judiciary (page 13).

¹ Multi-Annual Indicative Planning Document

Among the results that are expected to be reached by 2012, as related in Section 2.2.1.2, the MIPD confirms that, "It is expected to improve independence, transparency, accountability, and efficiency of the judiciary" (page 17). The proposed project will build upon the IPA 2007 project of the same name which targeted the court system for improved efficiency through the introduction of more effective case management and statistical systems. The proposed project is a continuation of the previous one, but will instead work toward strengthening efficiency and transparency in the prosecutorial and penal systems.

2.5 Link with National Development Plan (where applicable)

n/a

2.6 Link with national / sectoral plans

The Serbian EU Integration Strategy highlights the importance of setting apart measures that should help reduce the backlog of court cases. The main measures concern changes in material and process laws regulating all sorts of court proceedings. In this regard, simplification of proceedings encompasses criminal proceedings, lawsuits, the procedure of registration in court registers, etc. Measures that should be taken to reduce the number of outstanding court cases are, for example:

- Set a general working standard for judges and prosecutors;
- Determine deadlines for the reduction of the number of delayed cases, so that within three years, the number of old cases is at the level of the average quarterly inflow of new cases;
- Introduce modern information technologies with common data bases of regulations, court practices, administration, statistics and a common software; and
- Provide network connections at the level of republican district courts, public prosecutors offices and prison institutions.

Parallel to all this, the State should provide stable and sufficient funds in order to organise institutional and continuous training of judges and prosecutors through appropriate training programmes which will enable them to maintain and improve upon their existing level of professional competence while also gaining other necessary skills on an ongoing basis. An effective justice system is based on four key principles: independence, transparency, accountability, and efficiency, which provide the framework for the design, development and organisation of all judicial institutions. The National Judicial Reform Strategy sets forth the challenges facing Serbia's judiciary within this framework and the separate Implementation Plan outlines the specific steps needed to achieve those goals. A judicial system that is fully responsive to the interests of all citizens will seek to further these key principles at every stage of the development of the judiciary and the law. This Strategy, which focuses on Serbia's court system, will apply these guiding principles to achieve: a judicial system that is *independent*; a judicial system that is *transparent*; a judicial system that is *accountable* and a judicial system that is *efficient*. Through the implementation of these principles, the Strategy will facilitate the EU association process for the Republic of Serbia by ensuring respect for the standards and norms that are set for the performance of judicial functions in relevant international documents.

The Ministry of Justice's Administration for Execution of Prison Sanctions (AEPS) has developed a Prison Reform Strategy (PRS), which sets out the primary reform priorities. The PRS is based on three key goals:

- To hold each prisoner safely and securely in humane conditions in line with international standards;

- To promote the use of non-custodial sanctions to punish and rehabilitate offenders; and
- To reduce re-offending by prisoners after release.

The PRS highlights improvements in quality, professionalism and working efficiency, upgrading of material and technical working conditions of juridical bodies and various efforts aimed at increasing transparency and combating corruption within the penal system in general. The introduction of information technology, as part of the move toward e-government, is seen as an important step that will help to increase transparency and accessibility to the justice system for all citizens. This should include the automated movement of documents and the creation of functional databases that will be universally accessible to citizens via the Internet.

3 DESCRIPTION OF PROJECT

3.1 Background and justification:

There is a compelling need for the implementation of strategic reforms at all levels of the judicial system in order to establish the rule of law and improve legal security in the Republic of Serbia.

Various assessments conducted in the previous four years have identified the following weaknesses:

- An inadequate constitutional and legal framework resulting in excessive delays in court proceedings, difficult enforcement of court judgments, lack of accountability of the judicial bodies and even corruption;
- An overly complex and extended system of courts, resulting in higher than necessary operating costs and less efficient access to justice;
- Outmoded operational practices in judicial administration, hampering effective justice administration and case processing;
- Onerous administrative burdens on judges, reducing judicial efficiency and lowering morale in the judiciary's ranks;
- Lack of continuous training for judges and other judicial officials, hindering the development of a modern and professional staff specialising in judiciary management and administration;
- Poorly equipped and maintained facilities, restricting access to justice and straining the judiciary's resources;
- An overcrowded and outdated prison facilities which does not effectively encourage rehabilitation or satisfy international standards of humane treatment; and
- Underutilisation of information technology and automated systems, resulting in the continued use of inefficient and labour-intensive administrative practices.

In order to eliminate the above weaknesses, the Government of the Republic of Serbia has undertaken to implement a reform programme that will achieve a more effective, adequate and modern judiciary which recognises the right of Serbian citizens to full access to the justice system and a fair trial within a reasonable timeframe, by an impartial tribunal. Lessons from the justice sector emphasise the continued need to upgrade and modernise public services to accommodate the changing needs of citizens, including addressing the huge backlog of cases pending before the courts.

The Ministry of Justice in its activities in the last several years with the cooperation and support of the government and the judiciary approached the issue of improving efficiency by comprehensive analyses of the reasons for delays 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.

Introduction of the case management software which automates court administration and can be used to produce accurate statistical reports will further assist the Ministry of Justice and judiciary in identifying the causes of delays in court proceedings.

The Ministry of Justice has already made great efforts to introduce court statistical and case management software in general jurisdiction courts with strong support from the EAR through the CARDS programme.

However, previous experience with the implementation of SENA software to selected courts of general jurisdiction has shown that the risk of rejection of the software by end-users is high. The most important factor which separated a successful implementation from a failed one was the availability of a 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 of the system, are key priorities that are essential to achieving nationwide implementation of the case management software.

The penal system (AEPS), which includes 34 prisons holding over 8,100 prisoners, faces many problems after years of little investment and outdated legislation. The prisoner rate per population is high in Serbia compared to other countries in the region partly because there has been minimal use of non-custodial sentences. This has led to overcrowding and increased costs. Prisoners are not held in an environment that is in line with international and human rights standards due to poor infrastructure and facilities, limited opportunities for rehabilitation programmes and insufficient staff training. Also, an overrule data base for prison system needs to be established in order to improve the functioning of the whole system.

The responsibility for the implementation of the goals and activities envisaged in the Judicial Reform Strategy and Action Plan is entrusted to the 10-member Strategy Implementation Commission. The Commission membership includes representatives of all relevant judicial institutions.

Most courts and prosecutorial offices are constrained by rules and procedures that require senior judges and prosecutors to spend large amounts of their time on administrative issues, diverting their time and expertise to non-judicial matters and directly contributing to the serious case backlogs facing the Republic's courts. Scheduling practices impede efficient case processing and inconvenience parties. Moreover, existing case management systems are based almost exclusively on time- and labour-intensive manual collection and entry practices that are inefficient, costly and diminish both transparency and the opportunity for feedback.

Through case management automation, revised scheduling procedures and new professional positions, judges and prosecutors will have greater time to focus on their adjudicatory functions. Court and prosecutorial administration tasks will be performed by an increasingly professional cadre of court administrators and new judicial staff. All courts will strengthen their administrative capacities, primarily in case processing automation. Case management and IT modernisation will lead to increased efficiency and transparency of court and prosecutors administration, particularly after the introduction of the integrated unified case management software within the courts and prosecutorial offices.

However, without IT system integration judiciary institutions would remain isolated islands and flow of data would not be achieved, particularly as concerns important statistical data and data on court proceedings. If the court networks remained separated, the purpose of introduction of the unified case management software would be defeated as statistical reports would still be generated on paper and sent to the Ministry of Justice and the High Court Council by courier.

Since most efforts and development assistance has been provided to the courts' automation in the previous period, including the IPA 2007 project which will strengthen the court IT network, **there is still a need to fulfil the process with regard to prosecutorial offices and prisons.** Only an integrated system will enable better communication and cooperation between judicial institutions and provide for more efficient court procedures.

Therefore, integration of court networks into one network and implementation of the software for data collection (APP, acronym for the term in Serbian, "Aplikacija za prikupljanje podataka") throughout the justice system of Serbia is essential. The interface between case management software and central databases in the Ministry of Justice and the State Prosecutorial Council is mandatory in order to provide the Ministry of Justice and the State Prosecutorial Council with relevant statistical data which is automatically generated on a daily, monthly, quarterly, semi-annual and annual basis. This statistical data will be used to assess the productivity of prosecutors and to set standards for election of deputy prosecutors to permanent functions. It will also provide invaluable data on the productivity of prosecutors' offices which will assist the Ministry of Justice in its efforts to rationalise the court and prosecutorial network. Last but not least, without integration of prosecutorial offices' networks into one single network, data on scheduled hearings and other relevant issues of public interest in court proceedings would not be available to the public. Using the APP software and connecting it to a web portal, this data, as well as selected statistical reports, in line with best practices established in the EU, will be made available to the general public.

The penal system also faces major new challenges in dealing with special prisoner populations such as high security prisoners accused of organised or war crimes, a rising rate of juvenile offenders and increasing healthcare problems including drug abuse. There has also been relatively modest support from international donors to these reform efforts in comparison with other justice institutions, such as the courts or the police.

AEPS has established twelve Commissions to lead reforms in priority areas, and intends to establish two more Commissions. Some progress has already been made by the Commissions to implement key reforms. The new Law on the Enforcement of Penal Sanctions has been enacted in the Parliament which provides an important framework to reform the penal system in line with international standards.

Furthermore, the IPA 2007 programme reflects the fact that there is a great need for upgrading the Justice authorities' capacities as well as its operational tools to enable the sector to carry out its work in accordance with prevailing efficiency and transparency standards in modern democratic countries. The IPA 2007 justice programme focuses on implementation of the Judicial Reform Strategy and additional assistance toward facilitating the objectives of the European Partnership agreement as well as SAA requirements.

Implementation of the IPA 2007 programme will increase the judiciary's capabilities to effectively react to problems arising from reforms in a timely manner. Following the results of the analyses the intervention shall cover normative, organisational changes and changes of the management of the courts. This in turn will form the recommendations for the judicial branch that could improve the everyday practice of the judicial system, as well as increase its transparency.

The proposed project is a continuation of the "Improvement of Efficiency and Transparency of Judiciary System" project approved as part of the IPA 2007 programming cycle. The IPA 2007 project relates to reforms in the court system while the proposed project focuses on prosecutors' offices and the penal system. Therefore, this project will contribute to the overall reform of the entire judiciary system. At the end of this project in Republic of Serbia we should have integrated IT system which would connect courts, prosecutors' offices and penal institutions. This IT system will be able to record information's related to each case which are in the procedure. This system will not be simple statistical resource, it will be case management oriented. Also, citizens will be able to found out necessary information regarding any particular case, to the certain level of availability.

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

The proposed project will help to enhance judiciary efficiency, particularly as it will build upon the integration of the court IT system that will be achieved through the IPA 2007 project. The time that is necessary for the administration of typical cases in prosecutorial offices is expected to be reduced significantly. Consequently this will enable prosecutors to devote more attention to their prosecutorial responsibilities once administrative burdens are reduced and will likely lead to the systematisation of this branch of the government.

New statistical data will chart the efficiency of the courts and judges, and this will enable more comprehensive evaluation of judicial efficiency. By interfacing the case management software and central databases, the State Prosecutorial Council will have available relevant statistical data which is regularly generated. Since this statistical data will be used to assess the productivity of prosecutors, it will eventually enable the Ministry of Justice to rationalise the court and prosecutorial network, thus further increasing the longer-term cost benefits of the interventions proposed in this project.

In combination with the outcomes from the IPA 2007 project, the proposed project will help to improve court administration and will contribute to reducing the backlog of pending cases at court. This will have an overall long-term, positive impact on public perception about the judiciary in Serbia and will increase the confidence and trust of the general public in the justice system in Serbia.

By introducing an IT system that enables greater access to information about judicial proceedings and statistics in the judicial system, public awareness of judicial practice will be raised. Importantly, because a citizen will have greater access to his or her own case history through the web-based system, the public will be encouraged to make its court and prosecutorial system more efficient. The overall improvement in transparency will in the long run enhance citizen participation in furthering good governance and the rule of law.

3.3 Results and measurable indicators

1) Efficiency of prosecutorial offices improved

Measurable indicators:

- Modern and efficient prosecutorial system established and installed in all prosecutorial offices in Serbia with developed unified statistical and case management mechanisms and operational by the end of the first year of project implementation. The system will be compatible and interfaced with already existing systems in courts and the Ministry of Justice, developed and installed through IPA 2007.
- Data on the efficiency of public prosecutors and prosecutorial offices is being generated by the integrated IT system by the end of the first year of project implementation.
- The average time needed for the administration of a typical case in prosecutorial offices reduced by 20% by project completion.

2) Efficiency of the penal system improved

- Improved efficiency and more comprehensive data collection system in penal facilities, compatible with the already developed case management system in courts (IPA 2007) is operational of the first year of project implementation.

- Data on the efficiency of the Administration for Enforcement of Penal Sanctions - AEPS is being generated by the integrated IT system by the end of the first year of project implementation.
- E-system of case management of offenders, enabling the automated movement of documents and the subsequent reduction of time needed for these processes, is operational by project completion.

3) Adequate level of public access to information pertaining to judicial proceeding and statistics in the judicial system achieved in line with EU standards and best practices

Measurable indicators:

- Statistical data on judicial proceedings and other information on the judicial system developed and made universally accessible to the public through a web portal by project completion.
- Web site hits demonstrate increasing numbers of internet users accessing this information.

3.4 Activities:

As this project is a continuation of the work started in the IPA 2007 “Improvement of Efficiency and Transparency of the Judiciary System” project, activities will be directly linked to the outputs achieved in the first project.

Activities related to Result 1:

- Upgrade the IT system developed through IPA 2007 and integrate this unified system of prosecutorial IT networks for case management and data collection on efficiency of public prosecutors and prosecutorial offices
- Training curriculum developed and training delivered to and users in prosecutorial offices
- Gather and analyse the e-generated data on the efficiency of public prosecutors and prosecutorial offices on a regular basis
- Develop mechanisms to interface and coordinate/linkage software solution with court IT software supported by IPA 2007 and new one developed for the penal system, to enable transfer of information's between judicial institutions
- Propose normative, organisational and management changes for prosecutorial offices and provide recommendations to the judicial branch for improvement of every day practice in the system

Activities related to Result 2:

- Introduce an integrated IT system of connected networks for prison facilities and enable regular reporting of relevant data to the AEPS.
- Training curriculum developed and training delivered to AEPS staff in all facilities.
- Gather and analyse the e-generated data on the efficiency of the penal system (AEPS) on a regular basis
- Develop mechanisms to interface and coordinate/linkage software solution with court IT software supported by IPA 2007 and new one developed for prosecutors
- Propose normative, organisational and management changes for the penal system.

Activities related to Result 3:

- Provide an adequate level of public access to information pertaining to prosecution proceeding and statistics by establishing a system of semi-annual and annual brochures and creating a web portal that will contain and present relevant information. The web portal will be connected to the case management system using the application for collection of data, which will present two sets of data: one for the general public and the second for selected institutions, depending on user access terms which will be defined. Beside web portal, new solutions will be communicated with stakeholders; civil society and NGOs sector through wide advocacy campaign and results will be discussed and fine tuned in accordance with their suggestions. Relevant materials will be produced and delivered within the public awareness campaign and delivered to interested stakeholders.

Contracting Arrangement:

1 technical assistance and 1 supply contract are envisaged for the implementation of this project.

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 integrated systems.

Factors that will determine that this precondition is met include the following:

- Awareness of the importance of the project raised
- Joint actions taken and decisions made by the Ministry of Justice, State Prosecutorial Council, Republic's Public Prosecutorial Office
- The Strategy Implementation Commission remain active in supporting the implementation of judicial reforms
- Necessary coordination ensured by the Strategy Implementation Commission and the project Steering Committee

As the IPA 2007 project will have been underway for about a year by the time the proposed project begins, it is expected that most of these preconditions will have been met.

3.6 Linked activities

The EU has funded a number of **regional programmes** in the JHA sector, including the following:

- Enhanced regional police cooperation in the area of combating trans-national crime,
- Support to regional judicial cooperation, including promoting a minimum of cohesion on the Rule of Law side
- Asylum, visa and migration
- A regional Integrated Border Management programme

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

- Support to the Judicial Training Centre
- Twinning - Capacity building in the Ministry of Justice: A main component of this programme is EU law approximation. The project is ongoing
- Technical Assistance pertaining to economic and organised crime. Grant agreement with the Council of Europe
- Alternative Dispute Resolution project
- Development of a Legal Database containing all civil, criminal and commercial legislation as well as case law

- Court modernisation/IT [phase 1]: Computerisation of the Belgrade District Court and five municipal courts (Belgrade), including upgrading and delivery of the software application for SENA, including the source code, to the Ministry of Justice and training of 900 end-users.
- Court modernisation/IT [phase II]: Computerisation of the five largest provincial District Courts and municipal courts (Nis, Novi Sad, Kragujevac, Krusevac and Sremska Mitrovica).
- 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.
- Refurbishment of the largest court room in Belgrade District Court, as well as the HVAC system in the Palace of Justice.
- Facilitation of assistance to the former State Union in the area of visa, asylum and migration, and assistance to the State Union Court
- The CARDS 2006 Programme will support the Commission of the High Judicial Council, the Juvenile Detention Centre and support Implementation of Criminal Sanctions

IPA 2007 will provide €3 million for the establishment of a modern statistical and case management system in courts using a unified system of data collection on efficiency of the courts and judges.

Additionally, DFID supported court management reforms in selected pilot courts; UNDP supported the Misdemeanour courts and support the Judicial Training Centre; the Council of Europe reviewed draft legislation for CoE and EC standards compliance, organises training on the European Convention on Human Rights and implements an EC funded Economic Crime project; the World Bank has funded a draft Judicial Reform Strategy – endorsed by the Ministry of Justice; the French Embassy supports the Judicial Training Centre training activities; USAID funds a Commercial Court reform programme, and funds ABA/CEELI programmes and the Centre for State Courts activities, both involved in training and legislative reform issues.

3.7 Lessons learned

Previous experience with implementation of SENA software in selected courts of general jurisdiction has shown that the risk of rejection of software by the users is high. The most important factor which separated successful implementation from a failed one was the availability of a 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 supporting the system's maintenance, are among the key priorities which will help to achieve nationwide implementation of case management software.

4 INDICATIVE BUDGET (AMOUNTS IN €)

			TOTAL EXP.RE	SOURCES OF FUNDING								
				IPA COMMUNITY CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	%(2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)
Activity 1												
contract 1.1	x		2.500.000	2.500.000	100							—
Activity 2												
contract 1.2		x	2.000.000	2.000.000	100							—
.....												
TOTAL IB			2.500.000	2.500.000	100							
TOTAL INV			2.000.000	2.000.000	100							
TOTAL PROJECT			4.500.000	4.500.000	100							

Amounts net of VAT

(1) In the Activity row use "X" to identify whether IB or INV

(2) Expressed in % of the **Total** Expenditure (column (a))

5 INDICATIVE IMPLEMENTATION SCHEDULE

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1.1 Service Contract	T + Q1	T + Q4	T + Q12
Contract 1.2 Supplies Contract	T + Q4	T + Q8	T + Q16

6 CROSS CUTTING ISSUES

6.1. Equal Opportunity

Equal opportunities for men and women will be guaranteed as an integral part of the implementation of this project. Training activities will be available equally to men and women. Gender will be mainstreamed in the proposals for normative, organisational and management changes that will be made for prosecutorial offices and the penal system.

6.2. Environment

This project is harmonised with national environmental regulations and standards. It will not have any negative impact on the environment nor jeopardise environment, health and security in the future. The project will be delivered in the most environmentally friendly way possible, including the recycling of paper and the reduction of paper-based filing through the establishment of electronic databases and the integrated IT system.

6.3. Minorities

Special effort shall be made to ensure minority groups are fully included in project initiatives and benefit from project results. 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. Good governance will be strengthened through the promotion of greater transparency within the judiciary. Public access to information on prosecution proceeding and justice system statistics will enable citizens to take on greater responsibility in monitoring the work of the judiciary. As all citizens will be able to view their case history via the Internet, marginalised groups will have an equal right to observe the results of their respective court proceedings. This will in turn enhance civic responsibility among these groups which are often socially excluded.

ANNEX I: Logical Framework Matrix

Improvement of Transparency and Efficiency (Prosecutors and Penal System)		Contracting period expires 3 years after the signature of the Financing Agreement Total budget : € 4.500.000	Disbursement period expires 6 years after the signature of the Financing Agreement IPA budget: € 4.500.000
Overall Objective	Objectively Verifiable Indicators	Sources of verification	Assumptions
To improve the efficiency and transparency of the judicial system by enhancing its overall technical capacity.	Case management and statistical data base in prosecutorial and penal institutions designed and operative A decrease in the time necessary for the administration of a typical case in prosecutorial offices	Regular reports and statistical data from prosecutorial offices and penal institutions	
Project Purpose	Objectively Verifiable Indicators	Sources of verification	Assumptions
To contribute to improvement of efficiency of the prosecutorial and penal systems of the Republic of Serbia by introducing an efficient case management and statistical system and increasing public access to information in all judicial branches.	Statistics in the penal system easy to produce, analyse and access Accessibility of information at the prosecutorial and penal systems is enhanced for all interested parties A decrease in the time necessary for the	Regular reports and statistical data from prosecutorial offices and penal institutions Reports on implementation and evaluation of data bases Opinion surveys with citizens, civil sector,	

	administration of a typical case in prosecutorial offices	other institutions	
Results	Objectively Verifiable Indicators	Sources of verification	Assumptions
1) Efficiency of prosecutorial offices improved	- Modern and efficient prosecutorial system established and installed in all prosecutorial offices in Serbia with developed unified statistical and case management mechanisms and operational by the end of the first year of project implementation. The system will be compatible and interfaced with already existing systems in courts and the Ministry of Justice, developed and installed through IPA 2007. - Data on the efficiency of public prosecutors and prosecutorial offices is being generated by the integrated IT system by the end of the first year of project implementation. - The average time needed for the administration of a typical case in prosecutorial offices reduced by 20% by project completion.	Regular reports and statistical data from prosecutorial offices and penal institutions Reports on implementation and evaluation of data bases Surveys amongst staff that uses data bases Opinion surveys with citizens, civil sector, other institutions	Case management system and statistical data base compatible with existing systems in courts and MoJ
2) Efficiency of the penal system improved	- Improved efficiency and more comprehensive data collection system in prison facilities, compatible with the already developed case management system in courts (IPA 2007) is operational of the first year of project implementation. - Data on the efficiency of public		

3) Adequate level of public access to information pertaining to judicial proceeding and statistics in the judicial system achieved in line with EU standards and best practices.	prosecutors and prosecutorial offices is being generated by the integrated IT system by the end of the first year of project implementation. ▪ E-system of case management of offenders, enabling the automated movement of documents and the subsequent reduction of time needed for these processes, is operational by project completion. ▪ Statistical data on judicial proceedings and other information on the judicial system developed and made universally accessible to the public through a web portal by project completion. ▪ Web site hits demonstrate increasing numbers of internet users accessing this information.		
Activities	Means	Costs	Assumptions
<i>Activities related to Result 1:</i> 1.1) Upgrade the IT system developed through IPA 2007 and integrate this unified system of prosecutorial IT networks for case management and data collection on efficiency of public prosecutors and prosecutorial offices 1.2) Training curriculum developed and training	Project implementation team Contracting of long and short term international and domestic experts for preparation of analyses, best practices and internal work protocols Design, organisation and delivery of training courses Organisation of workshops, conferences	Technical assistance: €2.500.000 Supplies: €2.000.000	Staff motivated for introduction of new practices Database and case management system designed in close cooperation with end users

delivered to and users in prosecutorial offices 1.3) Gather and analyse the e-generated data on the efficiency of public prosecutors and prosecutorial offices on a regular basis 1.4) Develop mechanisms to interface and coordinate/linkage software solution with court IT software supported by IPA 2007 and new one developed for the penal system, to enable transfer of information's between judicial institutions 1.5) Propose normative, organisational and management changes for prosecutorial offices and provide recommendations to the judicial branch for improvement of every day practice in the system <i>Activities related to Result 2:</i> 2.1) Introduce an integrated IT system of connected networks of penal system institutes and enable regular reporting of relevant data 2.2) Training curriculum developed and training delivered to AEPS staff in all facilities 2.3) Gather and analyse the e-generated data on the efficiency	and working group meetings Design, testing, installation and adjustment of the case management system and statistical data base and training for its usage Procurement of necessary hardware and improvement of technical conditions for its usage Design and posting of web-site with relevant information and accessible documents, laws, etc.		
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of the penal system on a regular basis 2.4) Develop mechanisms to interface and coordinate/linkage software solution with court IT software supported by IPA 2007 and new one developed for prosecutors 2.5) Propose normative, organisational and management changes for the prison system. . <i>Activities related to Result 3:</i> 3.1) Provide an adequate level of public access to information pertaining to prosecution proceeding and statistics by establishing a system of semi-annual and annual brochures and creating a web portal that will contain and present relevant information. The web portal will be connected to the case management system using the application for collection of data, which will present two sets of data: one for the general public and the second for selected institutions, depending on user access terms which will be defined. Beside web portal, new solutions will be communicated			
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with stakeholders; civil society and NGOs sector through wide advocacy campaign and results will be discussed and fine tuned in accordance with their suggestions. Relevant materials will be produced and delivered within the public awareness campaign and delivered to interested stakeholders.			
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ANNEX II: Contracted and disbursed by quarter for the project amounts (in €)

Contracted	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q10	Q12	Q16	TOTAL
Contract 1.1				2.500.000								2.500.000
Contract 1.2								2.000.000				2.000.000
Cumulated				2.500.000				2.000.000				4,500,000
Disbursed												
Contract 1.1				250.000		562.500		562.500	562.500	562.500		2.500.000
Contract 1.2								900.000		900.000	200.000	2.000.000
Cumulated				250.000		812.500		2.275.000	2.837.500	4.300.000	4,500,000	4,500,000

Annex III: Description of Institutional Framework

The Ministry of Justice is in charge of implementation and monitoring of this project. The work, mandate and authorisation 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)
- 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

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 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 / sectoral investment plans

Serbian EU Integration Strategy

National Judicial Reform Strategy

Prison Reform Strategy

ANNEX V

Details per EU funded contract:

Tasks associated with the Service Contract for Technical Assistance will include:

- Adapt and upgrade the IT system developed under the IPA 2007 project for application to public prosecutors and prosecutorial offices so as to establish a unified and integrated system of connected prosecutorial IT networks for data collection on the efficiency of public prosecutors and prosecutorial offices
- Introduce an integrated IT system of connected networks of penal system institutes and enable reporting of relevant data
- Provide training and technical support to the IT staff who will maintain and manage the IT and database systems
- Propose normative, organisational and management changes for prosecutorial offices and provide recommendations to the judicial branch for improvement of everyday practice in the system
- Propose normative, organisational and management changes for the penal system.
- Design and elaborate the web portal to provide for public access to information pertaining to judicial proceeding and statistics in the judicial system
- Design the format for semi-annual and annual brochures and initiate their production
- Develop technical specifications for the procurement of supplies

Supply Contract

Specifications for the procurement of supplies will be developed by experts working under the Service Contract for TA.