



**REPORT ON THE IMPLEMENTATION OF THE ACTION PLAN OF CHAPTER 23:
“JUSTICE AND FUNDAMENTAL RIGHTS”
FOR THE HIGH JUDICIAL COUNCIL**

1. JUDICIARY

1.1. INDEPENDENCE

1.1.1.8. Alignment of by-laws with amended judicial laws.

Timeframe/Deadline: III quarter of 2019.

First Report:

1.1.2.1. The National Assembly appoints the remaining court presidents at the proposal of the High Judicial Council.

Timeframe/Deadline: IV quarter of 2016.

Initial Report:

On National Assembly session held on November 4th, remaining court presidents were appointed in following courts - Basic court in Pančevo, Higher court in in Pančevo and Basic court in Prokuplje. High Judicial council didn't propose candidates for court presidents of Higher court in Vranje and Higher court in Prokuplje, so the process of proposing candidates for court presidents will be repeated. Also, there was no candidates for the position of the president of the Misdemeanor court in Negotin, so the process of proposing candidates for this court president will also be repeated. In the meantime, there was termination of office of the president of the Commercial court in Čačak, and there will be election for the court president.

This is regular activity of High Judicial Council, considering that termination of office for judges and court presidents is common occurrence, on grounds provided by the Law on judges. Often there is vacancy for positions of judges and court presidents, followed by the election procedure, or procedure of appointment candidates to the National Assembly, which takes some time.

First Report:

Second report:

2016/2



Commissions of High judicial council made interviews on September 14th and 15th, with candidates that applied for court presidents in following courts: Higher court in Vranje, Higher court in Pirot, Commercial court in Čačak, First basic court in Belgrade, Basic court in Valjevo, Misdemeanor court in Jagodina and Misdemeanor court in in Kruševac, after which followed procedure of appointment candidates to the National Assembly of Republic of Serbia

Third Report:

2016/3

At the session held on 25th October 2016, the High Judicial Council established the draft decision on the election of the court presidents and proposed that the National Assembly of the Republic of Serbia appoint the President of the High Court in Vranje, the President of the High Court in Pirot, the President of the Commercial Court in Cacak, the President of the First Basic Court in Belgrade, the President of the Basic court in Valjevo, the president of the Misdemeanor court in Jagodina, and the President of the Misdemeanor court in Krusevac.

Fourth Report:

2017/1

At the session held on February 28th 2017, the High Judicial Council announced the election of the President of the Commercial Appellate Court, the President of Commercial Court in Belgrade the President of the Higher Court in Prokuplje, the President of the Second Basic Court in Belgrade, the President of the Basic Court in Krusevac, the President of the Basic Court in Surdulica and President of the Misdemeanor court in Loznica.

Fifth report

2017/2

At the National Assembly session held on May 15th 2017, The President of the Higher Court in Vranje, the Basic Court in Valjevo, the Commercial Court in Cacak, the Misdemeanor Court in Jagodina and the Misdemeanor Court in Kruševac, were elected (Official Gazette of RS, No. 47/17 of May 15th 2017)

At the session held on June 20th 2017, the High Judicial Council announced the election of the Presidents of Higher Court in Pirot, First Basic Court in Belgrade, Basic Court in Sjenica,



Misdemeanor Court in Loznica, and Misdemeanor Court in Negotin. (Official Gazette of RS, No. 63/17 of 28th June 2017)

1.1.3.1. Adoption of the Rules on criteria and standards for evaluation of qualification, competence and worthiness for election of judges and court presidents, in line with current amendments to the Law on Judges. (Criteria for election to office). (Link with activity 1.3.1.4.)

Timeframe/Deadline: III quarter of 2016.

Initial Report:

Amendment to the Law on Judges (adopted on December 18th 2015) prescribes that qualification, competence and worthiness for the first time elected judge in basic or misdemeanour courts, will be verified on the test organized by the High judicial council and oblige the High Judicial Council to regulate program and method for test, which is designed to verify competence and qualification of the candidates, within 90 days from entering into force.

First Report:

2016/1

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).

Second report:



2016/2

Implementation of this activity is in progress.

Third Report:

2016/3

At the session held on 15th November 2016, the High Judicial Council adopted a Rulebook on criteria and standards for the evaluation of expertise, competence and worthiness of candidates for judges who are being elected for the first time ("Official Gazette of RS", No. 94/16) and a Rulebook on criteria and standards for evaluation of expertise, competence and worthiness for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for court presidents. ("Official Gazette of RS", No. 94/16)

Fourth Report

2017/1

The High Judicial Council at the session held on 14 February 2017 established a unified database of questions for the written test, based upon which assesses the skills and qualifications of candidates for judges who will be firstly elected to judicial office, in accordance with a Rulebook on criteria and standards for the evaluation of expertise, competence and worthiness of candidates for judges who are being elected for the first time. The unified database of questions posted on the website of the High Judicial Council www.vss.sud.rs.

Fifth report

2017/2

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

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



will organize a test for candidates for the election of judges for the Commercial and Higher court.

1.1.3.2. Adoption of the Rules on criteria, standards and procedures for evaluation of judicial assistants.

Timeframe/Deadline: IV quarter of 2015.

Initial Report:

Members of workgroup are working on final version of the Rules on criteria, standards and procedures for evaluation of judicial assistants. After final amendments, and translation into English, Rules will be delivered to Europe commission for evaluation.

Amendment to the Law on organization of courts (adopted on December 18th 2015) prescribes that criteria, standards and procedure for evaluation of judicial assistants are regulated by the act of the High Judicial Council, and article 5. Prescribes that High Judicial Council is obliged to adopt such an act within 60 days from Law entering into force.

First Report:

2016/1

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.

Second report:

2016/2

Unchanged

Third report:

2016/3

Unchanged



**Fourth Report:
2017/1**

Unchanged

Fifth report

2017/2

Unchanged

1.1.3.3. Council makes decisions on election, promotion and dismissal of holders of judicial offices, according to the new criteria from: a) Rules on criteria and standards for evaluation of qualification, competence and worthiness for election of judges and court presidents (Rules for election); b) Rules on criteria, standards and procedures for evaluation of judicial assistants) The Rulebook for evaluation of judges and court presidents (appraisal rules); as an interim approach until amending the Constitution and alignment of laws and by-laws to new Constitutional provisions. The High Judicial Council is publishing detailed information on its website and by forwarding it to all courts, takes care of the promotion of the importance of evaluation of the work of judges and its impact on career development.

Timeframe/Deadline: Commencing from I quarter of 2016.

Initial Report:

a)The HJC is obliged to fulfill this activity within 90 days from adoption of the amendments to the Law on Judges (adopted on December 18th 2015).

b)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).

c)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.

First Report:



2016/1

a) Implementation of this activity is in progress. See activity 1.1.3.1

The High Judicial Council will make decisions on the election, promotion and dismissal of holders of judicial offices, according to the new criteria as of 1 September 2016.

6) 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.

b) 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.

Second report

2016/2

a) Implementation of this activity is in progress. See activity 1.1.3.1

b) Unchanged

c) At the session held on 13th September 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 on 2014.

Third Report:

2016/3

a) The activity is realized. See 1.1.3.1.

b) Unchanged

c) Commissions for implementing the evaluation procedure and awarding performance grades



to judges, evaluated work of judges who had been elected for the first time in 2013 and the High Judicial Council appointed them to a permanent judgeship.

Fourth report:

2017/1

a) At the session held on February 28th 2017, the High Judicial Council announced the election of the President of the Commercial Appellate Court, the President of Commercial Court in Belgrade the President of the Higher Court in Prokuplje, the President of the Second Basic Court in Belgrade, the President of the Basic Court in Krusevac, the President of the Basic Court in Surdulica and President of the Misdemeanor court in Loznica.

For the first time, the election of the President shall be done in accordance with the Rulebook on criteria and standards for evaluation of expertise, competence and worthiness for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for court presidents. ("Official Gazette of RS", No. 94/16)

b) Unchanged

c) The High Judicial Council Evaluation Commission at the sessions held on the February 22th and 23th 2017 passed a decisions on the commencement of the evaluation process for six judges whose three year tenure is going to lapse in 2017

The High Judicial Council regularly updated information concerning the evaluation of judges and court presidents and published them on its website www.vss.sud.rs .

Fifth report

2017/2

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

B) Unchanged

V) The Committee of the The High Judicial Council for evaluation of the work of judges and court presidents at the sessions held on 22 and 23 February 2017 made decisions on starting the evaluation of the work of six judges elected to the office, and in 2017, the three-year mandate .



The High Judicial Council, at its session held on 10 and 24 May 2017, ruled that these judges were elected as permanent judges.

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

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

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

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

At a session held on May 10, 2017, the High Judicial Council made a Decision on the Extraordinary Evaluation of the Work of the Judges Who Filed the Application to the announcement mentioned.

The Committee of the The High Judicial Council for evaluation of the work of judges and court presidents at a session held on May 12, 2017 decided to initiate an extraordinary evaluation of the work of a total of three hundred and eighty-five judges(385) who filed an application for announcement.

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.



Timeframe/Deadline: Continuously, commencing from II quarter of 2015.

Initial Report:

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.

First Report:

Unchanged.

Second report:

2016/2

Unchanged

Third report:

2016/3

Unchanged

Fourth Report:

2017/1

Unchanged

Fifth report

2017/2

Unchanged

385

1.1.4.3. Amending the Rules of procedure of the High Judicial Council in accordance with amended Law on the High Judicial Council. (Activity 1.1.4.1.)

Timeframe/Deadline: IV quarter of 2015.



Initial Report:

High judicial council has formed workgroup for drafting Decision on amendments on Rules of procedure of High judicial council. After that process, workgroup shall send draft of the Decision to High judicial council for adoption. This amendments is going to be adopted in mid-January and will be in line with provisions of Law on High judicial council adopted on December 18th 2015.

First Report:

2016/1

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.

Second report:

2016/2

Unchanged

Third report:

2016/3

Unchanged

Fourth Report:

2017/1

Unchanged

Fifth report

2017/2

Unchanged



1.1.4.4. Complete transfer of budgetary competencies from Ministry of Justice to High Judicial Council pursuant to Article 32 Para 3 of the Law on Courts.

Timeframe/Deadline: I quarter of 2017.

First Report:

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.

Timeframe/Deadline: Continuously, commencing from I quarter of 2015.

Initial Report:

In Administrative office of High judicial council, there are 4 employees for statistical and analytical jobs, of which three in department for status issues of judges, and one in financial department. Implementation of the project IPA 2013 – strengthening the capacity of the High judicial council and State prosecutorial council, which started 01.09.2015.

First Report:

2016/1

Implementation of this activity is continuous.

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 teh 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.

Second report:

2016/2

Unchanged



Third Report:

2016/3

Within the project IPA 2013 - "Strengthening the strategic and administrative capacity of the High Judicial Council and State Prosecutorial Council" in November of 2016 nine employees from the Administrative Office of the High Judicial Council went on a five-day study visit to Greece in order to get better knowledge of the work of the judicial system of Greece.

In the period from 14 November to 16 December 2016, employees in the Administrative Office of the High Judicial Council participated / will participate in the certification courses:

- System Management continuity - course for ISO 22301
- Risk management - course for ISO 31000
- System Management of IT services - course for ISO/EIC 27001
- System to information security management - course for ISO/EIC 27001
- Project management - course for ISO 21500
- Communication and PR skills (two days training)
-

Fourth Report:

2017/1

From February 2017, employees in the Administrative Office of the High Judicial Council participate in the certification courses of IT skills.

Fifth report

2017/2

Unchanged

1.1.5.1. Amending Rules of Procedure of High Judicial Council to define clear procedure for public reacting in cases of political interference in the judiciary which includes



regular/periodic, as well as extraordinary public reacting of High Judicial Council, concerning the political interference in the judiciary and its effective implementation.

Timeframe/Deadline: III quarter of 2016.

Initial Report:

This amendments will be in line with provisions of Law on High judicial council adopted on December 18th 2015.

First Report:

Unchanged

Second Report:

2016/2

Unchanged

Third Report:

2016/3

The High Judicial Council, at the session held on 25 October 2016, adopted amendments to the Rules of Procedure of the High Judicial Council, which was published in the “Official Gazette of the RS”, no. 91/16. The above mentioned amendment stipulates the procedures of public reactions of the High Judicial Council in cases of political interference in the judiciary.

Fourth Report:

2017/1

Unchanged

Fifth report

2017/2

Activity has been fully realized.

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.

Timeframe/Deadline: III quarter of 2016.

Initial Report:

Process of consultation with GIZ aimed at expert support in drafting this brochure is ongoing. GiZ budget for 2016 is waiting for approval (mid-January). The activity is expected to be completed in next two months.

First Report:

1.1.6.5. Introduction of European standards relating to respect of judicial decisions and limits of permissible critique of judicial decisions and procedures in the context of respect of judiciary's independence in the program of the Judicial Academy and the implementation of such training program in this area.

Timeframe/Deadline; Continuously, commencing from III and IV quarter of 2016.

First Report:

.1.6.6. Organizing workshops for journalists in order to adopt European standards and national regulations concerning respect for judicial decisions and concerning respect of reporting on court proceedings.

Timeframe/Deadline: Continuously, commencing from III and IV quarter of 2016.

First Report:

1.2. IMPARTIALITY AND ACCOUNTABILITY

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 (activity 1.2.1.1, 1.3.6.6. and 1.3.8.2.).



Timeframe/Deadline: During II quarter of 2016.

First Report:

2016/1

By joint decision of the Minister of Justice, President of the Supreme Court of Cassation / High Judicial Council and Republic Public Prosecutor dated 13 April 2016 Sector Council for ICT in the judiciary in Serbia has been formed. The High Judicial Council nominated its representative.

Second Report:

2016/2

Unchanged

Third report:

2016/3

Unchanged

Fourth Report:

2017/1

Unchanged

Fifth report

2017/2

Unchanged

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. (The same activity 1.3.6.8. and 1.3.8.4.)

Timeframe/Deadline: Continuously, commencing from II quarter of 2016.

First Report:



1.2.1.6. Drawing up protocol on input and exchange of data in ICT system (and scanning of documents) with the purpose of unification of conduct in entire judicial system and training programs for staff in the judiciary with the aim of improving the quality of the existing ICT platforms. (The same activity 1.3.6.11. and 1.3.8.7.)

Timeframe/Deadline: III quarter of 2016.

First Report:

1.2.1.10. Further improvement of ICT systems through considerable investment in infrastructure, software and improvement of human resources, with the aim of establishing unique ICT system throughout the entire judicial system, and in accordance with the Guidelines that define the directions of development (conceptual model) of ICT system in the justice system of the Republic of Serbia. (Same activity under 1.3.6.15. и 1.3.8.11.)

Timeframe/Deadline: Continuously, commencing from IV quarter of 2017.

First Report:

1.2.1.11. Preparing and adoption of the Program for weighing of cases that provides gradually approach in the introduction of case weighing system as one of the criteria for its allocation.

Timeframe/Deadline: During III and IV quarter of 2016.

First Report:

Fourth Report:

2017/1

At the session held on March 14th 2017, High Judicial Council established the draft version of decision on establishment of the Working Group for drafting and adoption of the Program for weighting of cases that provides gradually approach in the introduction of case weighting system as one of the criteria for its allocation. Funding is provided from the budget of the Republic of Serbia and the IPA 2012 Efficiency of Justice.

Fifth report

2017/2

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

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

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

1.2.1.14. Adopt amendments to the Court Rules of Procedure in order to clarify rules concerning random allocation of cases (by chance), which will take into account complexity of cases as one of criteria for case allocation (in line with Program for weighing of cases that provides gradually approach in the introduction of case weighing system as one of the criteria for its allocation- Activity 1.2.1.11.).

Timeframe/Deadline: During IV quarter of 2016 and I quarter of 2017.

First Report:

1.2.1.16. Establishing preparatory departments in courts, which are in charge of, inter alia, weighing of cases.

Timeframe/Deadline: During I quarter of 2017 and II quarter of 2017.

First Report:

1.2.1.18. Preparing the program of training for work in preparatory departments for weighing of cases and carrying out training of judicial and prosecutorial assistants for work in preparatory departments for weighing of cases.

Timeframe/Deadline: During I and II quarter of 2017.

First Report:



1.2.1.19. Commencement of the implementation of provisions of Law on organization of the courts that regulates jurisdiction for the performance of duties of judiciary administration in order to transfer jurisdiction of Ministry of Justice in the field of following duties: supervision over the work of courts, supervision over the results of the work of courts, collecting of statistical data and analysis of statistical data from Ministry of Justice to High Judicial Council.

Timeframe/Deadline: Commencing from I quarter of 2017.

First Report:

1.2.1.20. Coherent implementation of amended rules on random allocation of cases in courts with regular supervision of their implementation by the High Judicial Council.

Timeframe/Deadline: Continuously, commencing from II quarter of 2017.

First Report:

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.

Timeframe/Deadline: Continuously, commencing from III quarter of 2015.

Initial Report:

The activity is being implemented successfully. Currently, there is a 3.163 judges and 749 of public prosecutors in the Register of holders of public functions. It isn't expected significant fluctuation of this number.

First Report:

2016/1

The activity is being implemented continuously.

Second Report:

2016/2

Unchanged



Third Report:

2016/3

The activity is being implemented continuously.

Fourth Report:

2017/1

The activity is being implemented continuously.

Fifth report

2017/2

The activity is being implemented continuously

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.

Timeframe/Deadline: Continuously, commencing from III quarter of 2015.

Initial Report:

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.

First Report:

2016/1

The activity is being implemented continuously.

Second Report:

2016/2

The activity is being implemented continuously.



Third Report:

2016/3

The activity is being implemented continuously.

Fourth Report:

2017/1

The activity is being implemented continuously.

Fifth report

2017/2

The activity is being implemented continuously

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.

Timeframe/Deadline: Continuously, commencing from III quarter of 2015.

Initial Report:

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, MajdaKrisikapa, 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.

First Report:

2016/1

The activity is being implemented continuously.

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.

Second Report:

2016/2

The activity is being implemented continuously

Third Report:

2016/3

The activity is being implemented continuously.

Fourth Report:

2017/1

The activity is being implemented continuously.



Fifth report

2017/2

The activity is being implemented continuously

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.

Timeframe/Deadline: IV quarter of 2015.

Initial Report:

This activity will be implemented together with activity 1.1.4.3.

First Report:

2016/1

The activity is realized.

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.

Timeframe/Deadline: IV quarter of 2015-II quarter of 2016.

Initial Report:

High judicial council formed workgroup for analysis of Code of Ethics, and drafting Rules of procedure for Ethics committee of High judicial council.



First Report:

2016/1

Unchanged

Second Report:

2016/2

Unchanged

Third report:

2016/3

Unchanged

Fourth Report:

2017/1

Unchanged

Fifth report

2017/2

The Ethics Committee of the High Judicial Council was formed on April 5, 2016, on the basis of amendments to the Rules of Procedure of the High Judicial Council, Article 17a. Drafting of the Rules of Procedure of the Ethics Committee of the High Judicial Council is in progress.

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.

Timeframe/Deadline; IV quarter of 2015.

Initial Report:



See 1.2.2.9.

First Report:

2016/1

Unchanged.

Second Report:

2016/2

Unchanged

Third report:

2016/3

Unchanged

Fourth Report:

2017/1

Unchanged

Fifth report

2017/2

Unchanged

1.2.2.12. Organizing seminars for judicial office holders on integrity rules and ethics.

Timeframe/Deadline: Continuously, commencing from I quarter of 2015.

First Report:

2016/1

The activity is being implemented continuously.

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".

Second Report:

2016/2

Unchanged

Third report:

2016/3

Unchanged

Fourth Report:

2017/1

At the session held on 18 January 2017 the Council has given approval to the Program of continuous training for judges and court staff for 2017. The said program is prescribed by a special training program „The judicial / prosecutorial ethics "with the theme: „International standards in the field of judicial / prosecutorial ethics and their application in the Republic of Serbia- overview" then „conflict of interest (incompatibility of functions reporting suspected the existence of conflicts of interest, the exemption)", then „Hypothetical questions, examples of cases scenarios" and „disciplinary proceedings in cases of violation of the code of ethics and the establishment of clear channels for consideration of the concerns regarding ethical issues. "

Fifth report

2017/2

Unchanged



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.

Timeframe/Deadline: IV quarter of 2015.

Initial Report:

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.

First Report:

2016/1

Unchanged.

Second Report:

2016/2

Unchanged

Third Report:

2016/3

In cooperation with the OSCE, the High Judicial Council has done an analysis of decisions of disciplinary bodies and the High Judicial Council in disciplinary proceedings.

The brochure is published on the website of the High Judicial Council www.sud.rs

Fourth Report:

2017/1

Unchanged

Fifth report

2017/2

Unchanged



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

Timeframe/Deadline: Continuously

Initial Report:

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.

First Report:

2016/1

The activity is being implemented continuously.

Second report:

2016/2

The activity is being implemented continuously.

Third Report:

2016/3

The activity is being implemented continuously.

Fourth Report:

2017/1

Activity is being implemented continuously

Fifth report

2017/2

The activity is being implemented continuously



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

Timeframe/Deadline: Continuously

Initial Report:

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.

First Report:

2016/1

The activity is being implemented continuously.

Second report:

2016/2

The activity is being implemented continuously.

Third Report:

2016/3

The activity is being implemented continuously.

Fourth Report:

2017/1

Activity is being implemented continuously

Fifth report

2017/2

The activity is being implemented continuously

1.2.2.20. Implementation of measures in accordance with conducted analysis.



Timeframe/Deadline: III quarter of 2016.

First Report:

1.3. PROFESSIONALISM/COMPETENCE/EFFICIENCY

1.3.1.4. Adoption of the rules for election (Rules on the Criteria and Standards for the Evaluation of the Qualification, Competence and Worthiness of Candidates for election of judges and presidents of courts), which reflects amendments of the Law on judges that the candidates who finished the Initial training at the Judicial academy are exempted from taking the specialized exam which is organized by High Judicial Council, and also, the final grade from the Initial training at the Judicial academy is equalized with the grade from that specialized exam. (Linked with activity 1.1.3.1. and 1.3.1.2.)

Timeframe/Deadline: III quarter of 2016.

Initial Report:

See activity 1.1.3.1

First Report:

2016/1

Unchanged.

Second Report:

2016/2

Unchanged

Third Report:

2016/3

Unchanged

Fourth Report:

2017/1

Unchanged

Fifth report

2017/2

Unchanged

1.3.1.5. Number of attendees of initial training is determined taking into account conclusions and recommendations from Strategy of Human Resources for Judiciary (activity 1.3.4.2.)

Timeframe/Deadline: Continuously, commencing from IV quarter of 2016.

First Report:

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;

Timeframe/Deadline:Continuously, commencing from I quarter of 2015.

First Report:

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.

Timeframe/Deadline: Continuously, commencing from I quarter of 2015.

First Report:

1.3.2.1. Defining criteria for referring judges to additional training based on the performance appraisal results, and based on the results of the evaluations from previous trainings. Referring judges to additional training according to the results of performance appraisal; implementation of training.

Timeframe/Deadline: Defining criteria: I quarter of 2017; Referring: Continuously, commencing from II quarter of 2017.

First Report:

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.)

Timeframe/Deadline: Continuously, commencing from II quarter of 2016.

First Report:

2016/1

See under activity 1.1.3.3.

Second Report:

2016/2

Unchanged

Third Report:

2016/3

Unchanged

Fourth Report:

2017/1

Unchanged



Fifth report

2017/2

Unchanged

1.3.3.2. Further improving the infrastructure judicial network, improvement of infrastructure and internal procedures, according to results of mid-term assessment from the activities 1.3.3.1, 1.3.4.1. and 1.3.5.1.

Timeframe/Deadline: Continuously, commencing from I quarter of 2017.

First Report:

1.3.4.3. Implementation of mid-term Strategy on human resources in judiciary.

Timeframe/Deadline: Continuously, commencing from I quarter of 2017- IV quarter of 2019.

First Report:

1.3.5.2. Implementation of measures aimed at balancing the number of cases per judge and public prosecutor/deputy public prosecutor according to the results of the assessment (e.g. encouraging voluntary mobility of judicial office holders with adequate compensation).

Timeframe/Deadline: Continuously, commencing from I quarter of 2017.

First Report:

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 (the same activity 1.2.1.2. and 1.3.8.3.). 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.).

Timeframe/Deadline: II quarter of 2016.

First Report:



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. (The same activity 1.2.1.3. and 1.3.8.6.)

Timeframe/Deadline: Commencing from II quarter of 2016.

First Report:

1.3.6.11. Drawing up protocol on input and exchange of data (including scanning of documents) in ICT system with the aim of unification of conduct in entire judicial system as well as training programs for employees of the judiciary with the aim of improving the quality of the existing ICT platforms. (The same activity 1.2.1.6. and 1.3.8.7.)

Timeframe/Deadline: III quarter of 2016.

First Report:

1.3.6.15. Further improvement of ICT systems through considerable investment in infrastructure, software and improvement of human resources, with the aim of establishing uniform ICT system throughout the entire judicial system, and in accordance with the Guidelines that define the directions of development (conceptual model) of ICT system in the justice system of the Republic of Serbia. (Same activity under 1.2.1.10. and 1.3.8.11.)

Timeframe/Deadline: Continuously, commencing from IV quarter of 2017.

First Report:

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.).

Timeframe/Deadline: II quarter of 2016.

First Report:



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.)

Timeframe/Deadline: Commencing from II quarter of 2016.

First Report:

1.3.8.7. Drawing up protocol on input and exchange of data (including scanning of documents) in ICT system with the aim of unification of conduct in entire judicial system and training programs for staff in the judiciary with the aim of improving the quality of the existing ICT platforms. (The same activity 1.2.1.6. and 1.3.6.11.)

Timeframe/Deadline: III quarter of 2016.

First Report:

1.3.8.11. Further improvement of ICT systems through considerable investment in infrastructure, software and improvement of human resources, with the aim of establishing unique ICT system throughout the entire judicial system, and in accordance with the Guidelines that define the directions of development (conceptual model) of ICTsystem in the justice system of the Republic of Serbia. (Same activity under 1.2.1.10. and 1.3.6.15.)

Timeframe/Deadline: Continuously, commencing from IV quarter of 2017.

First Report:

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.

Timeframe/Deadline: Continuously, commencing from II quarter of 2015.

Initial Report:

High judicial council reports quarterly to Commission for implementation of the National strategy for judicial reform 2013-2018, regarding the degree of implementation of the activities in jurisdiction of the High Judicial Council.

First Report:

Activity is being implemented continuously



Second Report:

2016/2

Activity is being implemented continuously

Third Report:

2016/3

Activity is being implemented continuously

Fourth Report:

2017/1

Activity is being implemented continuously

Fifth report

2017/2

The activity is being implemented continuously

1.4. WAR CRIMES

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).

Timeframe/Deadline;Continuously, commencing from IVquarter of 2015.

First Report:

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.)

Timeframe/Deadline: Continuously, commencing from I quarter of 2016.

First Report:

2. FIGHT AGAINST CORRUPTION

2.3. REPRESSION OF CORRUPTION

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.)

Timeframe/Deadline: IV quarter of 2015.

First Report:

3. FUNDAMENTAL RIGHTS

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

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.

Timeframe/Deadline: IV quarter of 2015 to III quarter of 2019.

First Report:

3.8. POSITION OF NATIONAL MINORITIES

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.

Timeframe/Deadline: II quarter of 2016.

Initial Report:

The State Prosecutorial Council shall submit an invitation to the High Judicial Council with initiative for establishment of the stated work group.

First Report:



2016/1

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.

Second report

2016/2

Working Group for the assessment of national minorities access to the judicial system of the Republic of Serbia has been formed on July 20th. 2016.

Third Report:

2016/3

Unchanged

Fourth Report:

2017/1

Unchanged

Fifth report

2017/2

Unchanged

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.

Timeframe/Deadline: II and III quarter of 2016.

First Report:

3.8.1.20. Organize round table for the adoption of the final recommendations for the component 3, Objective 1 IPA 2013 project "Strengthening the capacity of the High Judicial Council and the State Prosecutorial Council," which refers to the improvement of the relationship with civil society organizations and activities related to access of the national minorities to the judiciary.



Timeframe/Deadline: IV quarter of 2016.

First Report:

Second report:

2016/2

At the meeting of the Working group, held on July 20th, organizing of round table 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 has been planned for September 30th. 2016.

Third Report

2016/3

Round table on the access of national minorities to legal aid was held on 30 September 2016.

On 13 December 2016 will be held another round table with the same agenda.

Fourth Report:

2017/1

Unchanged

Fifth report

2017/2

Unchanged